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LEGAL EDUCATION AND TRAINING PROJECT

Phase 1 Project Report - Phase 2 Project Proposal

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I. PHASE 2

- A. General Principles
- B. Budget Plan
- C. Country Programs

A. GENERAL PRINCIPLES

As the Legal Education and Training Project progresses into Phase 2 the guiding principle of implementation will be the concept, developed at the third Advisory Committee meeting (5/31/84), of an "integrated package of activities" for each project country. It is our intention to implement a program of interrelated activities designed to complement each other, with a potential for "institutionalization", designed to have a long-term operational purview, and which will have a significant impact on legal practices. By assisting the LET Project countries in developing their legal systems and procedural methods AMIDEAST, and therefore AID, will be making a substantial, concrete contribution to improving the national human rights environments of the project countries. During the course of Phase 1, individuals and institutions were identified whose parallel interests and committment have enabled us to determine the most advantageous strategies for program development in each country. It was determined that our approach to human rights should continue to be through a broadly conceived methodology directed at the legal systems.

As the prevailing political and cultural circumstances of each of the four project countries differ in many ways the Advisory Committee came to the conclusion that LET activities in each country should have the organizational benefit and guidance of a dedicated nucleus of committed individuals, of heterogenous composition, including members of the judiciary, the bar and the academic community, and including the AMIDEAST field office director. Numerous individuals who would be inclined to participate in such a project were consulted in each of the four countries. One distinct advantage of establishing such groups is that it

would serve to consolidate national efforts in the field of human rights and legal development, introducing principals to each other and each other's activities. This would result in a much greater likelihood of avoiding duplication of effort, parallel programs and competing activities. Perhaps most important is that the formal establishment of such a network would bring these principals out of relative isolation and enable them to more easily coordinate strategies and cooperate on programs. Additionally, this group will be engaged in the on-going process of future sub-project identification.

AMIDEAST will continue to coordinate the overall implementation plan from its headquarters in Washington, D.C. through the efforts of the LET Project Coordinator and Project Advisor, in consultation with the project Advisory Committee, the membership of which has demonstrated commitment to the project's objectives, and has participated actively in the development of the project's strategy.

The Project Coordinator will continue to serve in those capacities identified in the Operational Program Grant Proposal (OPG). He will continue to serve as the functional center of the project and provide research, communication, and administrative support to both programs and participants, providing liaison with the AMIDEAST field offices, AID, program participants and the Advisory Committee.

The Project Advisor will serve as a resource to the project, monitoring project implementation, and ensuring adherence to AMIDEAST procedures and AID guidelines.

Advisory Committee members will continue to participate in program conception, sub-project selection and evaluation. Members of the Advisory Committee have agreed to provide professional consultation to on-going program development (i.e. development of curricula, organizational development, etc.). Their cumulative professional experience will continue to be an important asset to the LET Project.

The AMIDEAST field office staff will continue to serve in those capacities identified in the Operational Program Grant Proposal. In addition they will be involved in coordinating and supervising the "integrated package of activities" envisioned for each country.

As implementation proceeds it must be borne in mind that prevailing political and cultural circumstances differ markedly from project country to project country, and that these circumstances will continue to play a decisive role in project development, as well as the pace and the nature of activities undertaken in each country. Throughout the Middle East individuals, events and the overall social environment are subject to rapid change, and, therefore, a large degree of implementational flexibility is paramount. Certain activities embarked upon may require substantial modification during implementation, or even abandonment in some cases, should they prove infeasible or unsuccessful.

Generally, the findings of the Technical Consultants in Egypt, Jordan, Morocco and Tunisia suggest that in these countries the overall atmosphere is conducive to the programs which the LET Project envisions. However, due to reasons discussed above, the rate of project implementation will vary from country to country.

Although it is possible that during the course of the LET Project's development, programs will be extended to include additional Middle Eastern countries, the Advisory Committee and AMIDEAST recommend concentrating LET efforts within the original four project countries, certainly at least during the next year. A likely component of the second year plan will be examining possibilities in additional countries, but such an extension of the project's purview should not be allowed to derogate or detract from activities planned in Egypt, Jordan, Morocco and Tunisia.

The main criteria for selecting and proposing specific LET activities in Phase 2 were;

1. Relevance to project objectives (as defined in the OPG).
2. Potential for "institutionalization".
3. Potential for long-term, wide-range impact on legal practices.
4. Manageability (from an administrative viewpoint).
5. Cost.

Relevance to Project Objectives

As is evident in the accompanying documentation (Project Development and Consultant Reports), much consideration was given to determining how to judge the relevance of a proposed activity to project objectives. The Technical Consultants adopted the conceptual framework and methodology proposed in the OPG, and further developed by the project staff and Advisory Committee, in conducting their research in the field. The options which they have identified do adhere to the project objectives and address the needs of the project countries at the same time. Although their applicability may in certain cases be indirect, that indirectness is certainly called for given the circumstances. Furthermore the conclusions of the Technical Consultants give due consideration to the fact that the issues of human rights and legal development are defined differently in the cultures of the Middle East and can only be addressed effectively through cooperation and with respect to those differences.

Potential for Institutionalization

It was unanimously observed by experts consulted that the efficacy of such a program as envisioned would be determined by the degree to which activities would transcend the consciousness of single individuals. The danger inherent in any training or development program is that the benefits of knowledge or skills, if not prudently extended to significant

numbers, will be restricted to the immediate recipients and not diffused and integrated into society in general. Therefore AMIDEAST proposes to work, when possible, in close cooperation with institutions, already identified by the Technical Consultants, which have a demonstrated commitment to legal development and human rights. Additionally the nucleus of individuals which will be established in each country will provide an institutionalizing effect, as it will not be dependent on any one individual, and will be committed to coordinating LET activities on the micro-level.

Potential for Long-term, Wide-Range Impact

Given the three-year perspective of the Legal Education and Training Project, it appears advisable to begin implementation in Phase 2 with activities which are likely to continue to be applicable in the following two years. For this reason much attention has been focussed on institutions, whose development, financial needs, and prospects extend into the indefinite future. This is an especially advantageous approach in Jordan and in Egypt where, such possibilities have been clearly identified and where the degree of official cooperation and support can be expected to be great. This approach helps to ensure that whatever benefits accrue under the auspices of the .LET Project, will be preserved and diffused beyond the immediate project purview. It also appears to be advisable that the project begin with a lesser number of activities rather than with a greater number, as a guarantee that those activities we do undertake will have more than a merely superficial impact. Finally, to maximize longevity and diffusion of activities, project implementation should proceed on the basis of a phase by

phase plan avoiding dependence on single activities or commitment to long-term support. The Advisory Committee recommends that beginning on a relatively small scale in a number of places, and judging from the results of these initial efforts the level of future support accordingly.

Manageability

In consideration of the limited staff assigned to the LET Project and the unique preparations and development specific to disparate activities, AMIDEAST proposes to concentrate initially on activities which, despite national differences, are relatively adaptable to each of the project countries. Although this will not be our exclusive concentration, developing certain programs which address needs shared by all of the project countries will contribute to cost-effectiveness and manageability. Such activities as "curriculum development", a need for which was expressed to all of the Technical Consultants, are relatively adaptable, can be customized to each of the national legal traditions with relative ease and can be easily integrated into a package of activities focussed at academic and legal training institutions.

Cost

Due to the great expense of obtaining legal consulting services on an international basis, it will be necessary to limit activities to a relatively small number of legal consultantships. When practical they will be consolidated or integrated with other related program needs. Legal fellowships for American experts abroad are even more costly, as most qualified individuals are both highly paid and over-committed.

Although a certain number of such activities will be required to implement an effective program they will be chosen with the greatest care and discrimination to insure maximal effect. It may be possible to benefit from "economies of scale" in the development of activities adaptable to all of the project countries. For example, book jobbers, larger wholesalers and publishers may be tapped as a resource in acquiring bibliographical materials, acquiring textbooks and for library and curriculum development. Such economies of scale, attention to cost-effectiveness and availing of low-cost options will prevail whenever possible.

* * *

B. BUDGET PLAN

	FY 1	FY 2	FY 3
I. AMIDEAST Administration			
A. Staff			
1. Project Coordinator (@ 50%).....	10,500	11,235	12,020
2. Field Office Staff and Project Advisor.....	6,000	6,600	7,260
3. Fringe Benefits (@ 23%).....	<u>3,795</u>	<u>4,102</u>	<u>4,434</u>
TOTAL STAFF COSTS.....	20,295	21,937	23,714
B. Other Direct Costs			
1. Other fees and services.....	100	107	115
2. Postage.....	200	214	229
3. Courier.....	300	321	344
4. Telephone.....	500	535	573
5. Telex.....	200	214	229
6. Equipment.....	1,000	0	0
7. Travel.....	300	321	344
8. Subsistence.....	180	193	206
9. Bus/Taxi.....	50	54	57
10. Books.....	100	107	115
11. Subscription.....	100	107	115
12. Registration.....	200	214	229
13. Repro. Supplies.....	500	535	572
14. Miscellaneous.....	<u>.250</u>	<u>268</u>	<u>286</u>
TOTAL OTHER DIRECT COSTS	3,980	3,190	3,414
C. Overhead (@ 64%).....	<u>12,989</u>	<u>14,039</u>	<u>15,177</u>
TOTAL ADMINISTRATIVE COSTS.....	<u>37,264</u>	<u>39,166</u>	<u>42,305</u>

-over-

	FY 1	FY 2	FY 3
II. PROGRAM COSTS (geographic)			
A. Egypt.....	64,184	58,688	54,120
B. Jordan.....	55,184	53,050	48,334
C. Tunisia.....	22,184	25,048	28,120
D. Morocco.....	<u>21,184</u>	<u>24,048</u>	<u>27,121</u>
TOTAL PROGRAM COSTS.....	162,736	160,834	157,695
III. PROGRAM COSTS - FY 1(activities)			
A. Curriculum Development			
1. Consultants.....	10,000		
2. Materials.....	14,000		
B. Research Support.....	20,052		
C. Study Visits.....	24,000		
D. In-Country Consultation.....	44,000		
E. Conference Support.....	26,684		
F. Jordanian Judicial Institute Support.....	12,000		
G. Scholarship Program at the International Institute for Human Rights (Strasbourg).....	<u>12,000</u>		
TOTAL PROGRAM COSTS.....	162,736	160,834	157,695
<u>TOTAL BUDGET.....</u>	<u>200,000</u>	<u>200,000</u>	<u>200,000</u>

C. COUNTRY PROGRAMS

Egypt

Egypt is the country where the greatest number of options are possible. By far the largest of the project countries and with a long and sophisticated legal tradition, the greatest part of the LET Project budget has been assigned to it. Its relatively active bar and progressive (if overburdened) educational system provide many opportunities to effectively utilize the resources of the project.

Activities planned in Egypt will focus on institutions showing promise of long-term activity in fields related to the LET Project's areas of interest. As described at length in the Consultant Report from Egypt, the Center for International Legal and Economic Studies is actively involved in the human rights field and in legal education. AMIDEAST will, as recommended in the Consultant Report from Egypt, support the Center's second annual conference on "Human and People's Rights" planned for spring 1985. The Center will require substantial support for international travel for participants to this conference. AMIDEAST will collaborate with the Director of the Center, providing \$26,684 for this purpose, while trying to identify individuals in the other LET Project countries who might be selected as recipients of these funds. In addition AMIDEAST proposes to provide \$5000 to support collaborative research projects at the Center involving both Egyptian and western scholars.

Two other soci were identified by the technical consultant in Egypt, for concentration of effort and LET resources. These are the National Center for Judicial Studies and Cairo University. The Director

of the Center and Professor Yehia El Gamal of the University expressed interest in moving in directions that coincide with the objectives of the LET Project. Both are considered likely candidates to take maximum advantage of study visits to the US, in order to establish links with American institutions and seek organizational planning assistance from American experts and from existing American institutions. Such a study visit as, proposed by Dr. Jeswald Salacuse in his report on Egypt, would cost approximately \$4000 each. Dr. Salacuse is already preparing a tentative itinerary for such a visit to the US.

Related to the Zagazig Center and these other institutions discussed above AMIDEAST has designated \$12,000 for supporting consultant visits to Egypt, similar to that of Professor Lew Henkin of Columbia University in January, 1984, which was received with great enthusiasm by Egyptians.

In order to insure that the community of legal professionals committed to human rights and legal development in Egypt continues to grow and to constitute a dynamic factor, it is essential to develop a cadre of individuals who have been exposed to the progressive currents in the international community. For this reason the LET Project should provide an annual sum designated for scholarships at the International Institute for Human Rights, in Strasbourg, France. The Secretary General of the Institute has expressed enthusiasm and interest in cooperating with the LET Project in this. The scholarships would be rewarded to those individuals showing the greatest commitment to and capability of institutionalizing the objectives of the LET Project. Candidates would be selected by the national advisory group (described above). Arrangements would be made to insure that recipients of the scholarships would apply the skills and knowledge acquired at the Institute within the framework of

the institution from which they were selected. Costs of tuition, subsistence, and travel amount to approximately \$1000 per individual. The efficiency of taking advantage of appropriate resources in Europe in terms of costs is obvious. An annual total of at least four candidates should be subsidized in this activity in order to cultivate a cadre of committed individuals; this activity constitutes a relatively cost-effective program and yet would have direct impact upon a considerable number of individuals.

The final component envisioned to complete the "integrated package of activities" for Egypt is curriculum development. AMIDEAST will recruit specialist consultants to assist in the development of a bibliographic package of legal material designed to specifically fill the lacunae in written legal documentation that plague institutions throughout the Middle East. For this activity \$2,500 is designated. Once the critical mass has been identified and the groundwork research completed, LET staff, in consultation with the Advisory Committee, will supplement the curricula developed and identify sources for materials acquisition. An additional \$6000 is designated for procuring three sets of the bibliographic - curriculum package developed, one each to be provided to the Center for International Legal and Economic Studies at Zagazig University, one to the National Center for Judicial Studies and one to the Law Faculty at Cairo University.

In Jordan the greatest obstacle to legal development and thus, to improved human rights practices, is the weakness of the judiciary and of the practicing bar. The LET Technical Consultant to Jordan found this to be true and concluded that it is the result of a lack of standardized, high-quality, substantive training. The "apprenticeships" preceeding an individual's admission to the practicing bar or judiciary are clearly insufficient preparation for the tasks incumbent upon a legal professional in a modern society.

In order to remedy this perceived weakness the Jordanian government is planning to establish a national judicial institute, as described at length in the Consultant Report from Jordan. The LET Project will support the development of this institution in three ways. To enable a team of four Jordanians, including a member of the bar, a government official, a member of the judiciary and a member of the academic community, to conduct the proposed study visit to the US, \$16,000 will be provided. (LET Project staff will attempt to coordinate this study visit with those of the Egyptians selected for similar visits - discussed above.) For purposes of establishing a documentation base, \$2,500 will be utilized to develop a basic "library", or bibliographic-curriculum package. As with the package discussed above for development in Egypt, this will consist of several components, among which will be;

1. Comparative Legal Systems
2. Constitutional Law
3. International Human Rights Law
4. Region-specific basic law texts
5. Civil Rights Law
6. Comparative Women's Rights
7. Islamic Law
8. Periodical subscriptions

Once the critical mass has been identified \$4,000 will be used to procure one set of materials for the Judicial Institute as a foundation for the

development of a national resource, and another set of materials for the Law Faculty at Yarmouk University.

Another \$12,000 will be provided to the judicial institute in the form of institutional planning and organizational development assistance in order to define a working strategy for implementing its overall goals and objectives. A consultant with planning and development expertise will be recruited to facilitate the drafting of a long-term strategic plan for the institute.

As the Jordanian legal community appears to genuinely desire a wider dialog with the international community, two additional activities are planned for Jordan which address this desire. Again, as with Egypt, four scholarships will be provided for the seminar program at the International Institute for Human Rights (costing a total of \$4,000), in Strasbourg, France, in order to encourage the development of a cadre of legal professionals dedicated to the principles of human rights and the rule of law.

In order to encourage collaborative efforts between American and Jordanian legal scholars \$20,684 will be provided for the purpose of facilitating such efforts (sub-divided into \$16,000 for in-country consultantships, and \$4,684 for research support).

Morocco and Tunisia

As discussed in the Consultant Report for Morocco and Tunisia, circumstances in those countries argue against planning on the ambitious scale that is possible in Jordan and Egypt. The sort of institutional support and institutional focus envisioned for Egypt and Jordan appear infeasible for Morocco and Tunisia for the moment. It is therefore advisable to concentrate on the "cadre-building" activities in those countries that have been described elsewhere. The programs for Morocco and Tunisia will start off more slowly than in the other two countries as AMIDEAST attempts to cultivate the trustful relationships required to succeed in this endeavor.

Academic institutions in both Morocco and Tunisia have expressed interest in expanding their legal horizons to reduce their current perceived attachment to the French legal (and overall cultural) perspective. As a means of cultivating this interest in alternative perspectives and encouraging interest in the American legal system particularly, \$8,000 will be provided for each country, to sponsor lecture trips by recognized American legal experts on topics relevant to the LET Project. An academic in-country consultation conceived thus, could be easily coordinated with the similar activities planned for the other project countries, taking advantage of consolidated air fares, etc.

As in Egypt and Jordan, scholarships will be awarded for participation in the programs of relevant international institutions, such as the International Law Institute (Washington), the International Institute for Human Rights (Strasbourg), and the International Development Law Institute (Rome). Scholarship recipients will be selected by the AMIDEAST field office director in consultation with the in-country

advisory group. As these institutions have various associated costs (tuition, travel, subsistence) the number of participants will be determined by the programs selected. The total sum for both countries designated for this activity is \$8,000.

Again bibliographic/curriculum packages based upon the specific needs, interests and traditions of the legal communities of Morocco and Tunisia, will be important components of the program for these countries. For each country \$2,500 will be provided for expert legal consultation on this matter, with an additional \$2,000 for procurement of the bibliographic materials previously identified.

To encourage research in human rights and legal development a total sum of \$10,368 will be provided, to be divided between Morocco and Tunisia according to the interest in each country in undertaking such research.

* * *

II. PROJECT DEVELOPMENT

- A. Background
- B. Project Coordinator Meetings
- C. Advisory Committee Meetings

A. BACKGROUND

Governments as well as populations throughout the Middle East have shown, in recent years, a growing interest in the protection of Human Rights. In a wide variety of public fora it has been declared that individual dignity is the foundation of national pride and strength. The issue of Human Rights however is often eclipsed or displaced by the urgent demands and contingencies of national security or other national priorities. In the many Middle Eastern states whose constitutions provide for the protection of Human Rights, or whose accession to international Human Rights conventions is commendable, it is often the case that practice does not meet the optimism of national ideals. The problems which persist in this field are compounded in some cases by inadequate legal training facilities or an insufficiently developed academic infrastructure, which prevent the legal profession from effectively guiding national practice in the direction and in adherence with publically acclaimed ideals.

In all countries the interface between legal practice, and hence legal education and training, and the observance of internationally accepted standards of Human Rights practice is vital. Legal education and training is a pivotal link in the chain connecting universal values to national practices, and therefore provides a medium and method of encouraging growing adherence to international standards in this field. It is a method of encouraging progress toward a universally recognized ideal without imposing inappropriate technology or alien value systems.

Middle Eastern states have shown interest and enthusiasm in developing and strengthening legal systems and practices which enhance the conditions of life for their citizens. Official representatives have expressed an eagerness to reinforce indigenous legal traditions as well as to extend

access to due process to the degree of universality. It is evident that there is an indigenous will to redress those limitations of legal education and training which prevent the practice of law from more efficaciously promoting national ideals as expressed in constitutions and in law.

It is in the context of this eagerness that the "Legal Education and Training Project" (LET) has and continues to develop. In its early stages the LET Project articulated three preliminary objectives. Our initial concern was to develop the human infrastructure necessary to proceed with the activities proposed in Operational Program Grant Proposal (OPG). This preparatory work involved substantial "networking" efforts on the part of the Project Coordinator. The selection of the LET Project Advisory Committee was based upon the need for expertise in the fields of International Human Rights, International Law and the Middle Eastern region (Advisory Committee biographical data are included as Appendix B). The Advisory Committee has provided counsel and guidance to the Project initially in identifying suitable candidates for Phase 1 activities, subsequently in developing a conceptual framework, and finally in strategies of Project implementation.

Our search for suitable Technical Consultants to conduct the proposed fact-finding missions led to the identification and agreement of three candidates whose expertise encourages our optimism for a successful program (Biographical data of the Technical Consultants is included as Appendix A). Their successful investigations in March and April, in Egypt, Jordan, Morocco and Tunisia, belie the paucity of qualified experts in these fields, as well as the logistical difficulty of coordinating the efforts, activities and schedules of established professionals. The successful implementation of Phase 1 also obscures the inherent conceptual and institutional constraints inhibiting any Human Rights program in these countries. (Summary reports of the Technical Consultants are included as Chapter III.)

The second preliminary objective was the establishment of a conceptual framework to guide the LET Project along a course that would have the maximum impact and would lead to the achievement of the overall project objectives, as described in the Operational Program Grant Proposal (those being the enhancement of the environment for protection of Human Rights and the maintenance of acceptable international standards). As the proposed medium for reaching these objectives is Legal Education and Training, the Project Coordinator consulted legal experts as well as law faculty members and Human Rights experts familiar with developments in the project countries. (Summary outlines of the most substantive of these meetings are included below.) From these meetings a strategy emerged identifying the Rule of Law, the Independence of the Judiciary, and Universal Access to Due Process as the primary conditions in the legal environment determining Human Rights practices. These constitute the critical interface between legal education and training and the widespread observance of Human Rights. A program was designed, based upon these findings and in consultation with the Advisory Committee to guide the Technical Consultants in their investigations of legal education and training needs which if met would promote progress towards the overall objectives. An informal questionnaire protocol was developed to assist the Technical Consultants in identifying feasible Phase 2 activities which would address;

1. the discrepancy between actual practice and that prescribed by encoded law
2. the impact of "states of emergency" on the practice of law and the rule of constitutional principles
3. the dissymetry between urban legal practice and rural legal practice
4. the status and development of constitutional law
5. the ability of the academic infrastructure to service the needs of the legal profession
6. the propensity of indigenous traditions and institutions to embrace and adopt accepted international standards of Human Rights practices.

To insure maximum impact and adhere to the universality of the underlying principles it was and continues to be necessary to conceive and design activities that express universal values rather than imposing obviously identifiable or perceived "western" values. Accordingly the issue of Human Rights, as approached by the LET Project, has been divested of its strictly political content and is treated as an educational issue, similar to technical education, which cannot be mistaken for an instrument for imposing foreign values. Similarly activities have been avoided which would awkwardly superimpose or juxtapose practices and institutions which do not easily fit into the fabric of Middle Eastern societies. The traditions of Islam, although different in many obvious ways from "western" traditions, provide for respect for the rights and dignity of the individual. These and related traditions, and their provisions, are the appropriate instruments for use in the LET Project.

The third preliminary objective has been to identify past or on-going programs which have adopted a similar approach to the objective of enhancing Human Rights practices in the developing world, and particularly in the Middle East. Such programs as were identified are similarly infant in their development and did not provide substantive guidance to the design of the LET Project. Human Rights activities throughout the world are divided between the promotion of Human Rights and the protection of Human Rights, although many organizations engage in both. The promotion of Human Rights frequently takes place within the context of broader political objectives and often addresses issues too large to have an impact on local practices. International organizations and conferences, while invaluable and irreplaceable instruments in the advancement of global awareness, have their greatest impact on the declaratory policies of nations rather than on their national practices. On the other hand the protection of Human Rights, from

an international viewpoint, inevitably manifests its efforts in activities which are perceived by governments as confrontational, adversary or in conflict with national security and other priorities. The idea that legal education and training can be an effective method for advancing universally accepted standards of Human Rights observance, or that Human Rights abuses are a function of educational deficiencies, appears to be relatively novel and of surprisingly narrow currency. The spectrum of possibilities is virtually unexplored and has generated unanimous enthusiasm among experts who have discussed or contributed to the LET Project.

* * * *

An underlying principle pervading all aspects and activities of the LET Project has been to achieve the optimum return on the resources available. The most cost-efficient methods have characterized the LET Project throughout its early development and will continue to govern expenditures in Phase 2. Wherever or whenever it has been possible to limit costs or to advance the project by cost-free means our strategy has been adjusted accordingly, provided of course that no discount is reflected in the results. As the Project moves into Phase 2 the same rigorous criteria of cost-effectiveness and program efficiency will be observed.

B. PROJECT COORDINATOR MEETINGS

Bruce Janigian, Attorney Advisor, USAID, 1/84 (Washington, D.C.).

The LET Project Director and Project Coordinator met with Mr. Janigian of AID to discuss the general objectives and methodology of the LET Project. Our main concern was to determine what, if any, overlaps exist between Human Rights and legal education and training. Examination of this issue would be the basis for developing a project methodology. In addition we hoped Mr. Janigian could give us background information on similar AID funded activities.

One of the fundamental overlaps between legal practice and Human Rights practice is pre-trial confinement, which should last no longer than 48 hours. Indefinite extensions of such confinement are one of the most frequent abuses of civil or Human Rights. Alternatives developed in western societies include a "bail system" and the "own recognizance" principle.

All pre-trial procedures should be part of the public record so that the government is subject to public accountability. Of course all trial proceedings should also be made part of the public record.

Initial efforts of the LET Project should be to determine whether national practice satisfies minimal international standards. This will help to identify national needs. Previous approaches should be identified. An effort should be made to determine the extent to which governments are amenable to activities in the Human Rights field. A careful analysis should be made of the relationship between civil and criminal law in the project countries, and to the extent possible Human Rights practices which intersect with civil law processes should be identified. These will be politically less sensitive.

During the course of the conversation the distinction arose between two components in the local legal communities. Mr. Janigian suggested that

efforts directed toward law students might be more rewarding in the long run. It is his opinion that programs designed for judges and lawyers would be either subject to manipulation by vested interests or threatening to them. In either case one could expect such efforts to be wasted, or worse, counter-productive.

Emphasis should be on conferences, seminars or meetings which could be attended by law students as well as legal professionals. Other in-country activities could be directed toward training para-legals or law transcribers. Bibliographies should be provided to libraries and law schools. Arabic versions of UN documents pertaining to Human Rights should be provided. In order to do this the process by which resource repositories procure materials should be identified.

As regards participant programs out of the project countries, Mr. Janigian noted that it would be necessary to determine how candidates were selected for such programs.

Mr. Janigian's concluding remarks were to recommend several resources that would be helpful to the project staff, as well as several scholars whose legal writings were prominent in the field of Human Rights law.

Nina Shea, Program Officer, International League for Human Rights, 2/16/84 (New York).

The purpose of meeting with Ms. Shea was, 1) to determine the extent of League involvement in Human Rights activities in the Arabic-speaking world; 2) to solicit the League's advice on establishing a methodological and conceptual framework for the LET Project; and 3) to discuss possible cooperative arrangements.

Ms. Shea suggested that a good strategy for Phase 1 would be to identify prominent individuals in the project countries, sympathetic to the

goals of the LET Project, who might act as "patrons" for follow-on activities. Such individuals might be found representing their governments on human rights oriented committees of the United Nations and its specialized agencies. In addition there are numerous individuals from the project countries serving in their individual capacities on various UN committees (as experts). Law schools might be another source of prominent individuals whose patronage could legitimize LET activities within the host governments.

All institutions or academic centers dealing with Human Rights issues, civil liberties or legal education should be identified in Phase 1. Also as many sympathetic individuals as possible should be contacted. Possibilities for follow-on activities should be discussed with such individuals as part of the planning for Phase 2. In this way the level of interest could be determined as well as the feasibility of various options.

Procedures for selecting participants for out-of-country follow-on activities should be identified.

Finally during Phase 1 it will be important to identify all international treaties, covenants and conventions to which project countries are signatory, as well as the provisions for Human Rights within their respective constitutions. This should be complemented by information and briefings from NGOs regarding actual practices in the project countries.

Possible Phase 2 activities might include conferences, internships and seminars, all of which the League could help to organize. Additionally it might be possible, through the League, to arrange visits to appropriate meetings of various UN bodies for LET program participants. A calendar of UN meetings should be acquired to pin-point those which would be of interest to LET participants. (Ms. Shea provided some information on scheduled meetings of specific Human Rights oriented bodies of the UN.)

The League would be interested in developing an intern program through the LET Project. One of their primary activities is monitoring UN meetings and providing consultation to experts of various committees (who have no official support staff). The League could develop a program for interns dealing with legal aspects of international organizations and their respective Human Rights activities, provided that the programs contributed to the League's work.

In the past the League has organized 2 to 4 week seminar programs, in both New York and Geneva, on international human rights practices. It would be possible to develop such a program for LET participants tailored to their specific human rights interests.

The meeting concluded with a discussion of the various human rights oriented bodies of the UN, their operating procedures, memberships and activities. Ms. Shea suggested several individuals that should be contacted, and recommended reference materials which would prove useful.

Michael Posner, Director, Lawyers Committee for International Human Rights, 2/16/84 (New York).

The main goal of the LET Project, according to Mr. Posner, should be the establishment of some manner of in-country infrastructure for improving Human Rights practices. Although recognizing the importance of individuals he emphasized the necessity of institutionalizing project activities. Exclusive focus on individuals without establishing a lasting institutional framework could result in minimized impact. Such a framework can be established by grafting specialized committees onto existing organizations such as bar associations, trade unions, religious groups and community organizations. These groups should be identified and contacted as part of Phase 1.

Phase 1 emphasis should also be placed on investigating standard local procedures for dealing with crime, the status of relevant laws and the mechanisms of due process.

Participant options outside the project countries might include participation in European programs, such as the summer seminar at the International Institute for Human Rights (in Strasbourg) or the International Commission of Jurists (in Geneva), as well as at American academic institutions. These are internationally respected organizations whose cooperation would enhance the image of the LET Project. In addition there are numerous programs in the US in which LET participants could take part. These would be more expensive for obvious reasons. Besides being less expensive, programs in Europe might have greater appeal to host governments and potential LET participants than exclusively American programs.

Possible participant activities in the US (which Mr. Posner offered to help organize) might include visits to working sessions of the ACLU or the NAACP. He also suggested that visits to trade union meetings might be instructive.

Mr. Posner provided information on future meetings of the American Bar Association, and the American Society for International Law. Such organizations as these might be interested in the LET Project and might be of interest to program participants.

Mr. Posner, who teaches a class in International Human Rights at Yale Law School, also provided a course syllabus and bibliographic references on International Law and Human Rights. We concluded by discussing the teaching of Human Rights within a Law curriculum.

Paul Martin, Executive Director, Center for the Study of Human Rights-Columbia University, 2/17/84 (New York).

Mr. Martin advised that initial Phase 1 priorities should be, 1) developing a basic reading list (for both in-house and later follow-on use); and 2) identifying similar legal education and human rights programs.

Useful areas of enquiry would be the appropriate procedures and anticipated difficulties in establishing "small-claim courts", as well as an "ombudsman" position in the project countries. It will be important to identify those structural pressure points which result in the derogation from human rights, ie states of emergency, one-party political systems, etc. These pressure points, although obvious obstacles to improving the human rights environment, are generally the most politically sensitive issues. Means must be identified of working within this sensitive political milieu towards progress in Human Rights. Resident non-nationals (ie US officials, UN officials, etc.) can help identify the most likely approaches. Political considerations may make it advantageous to de-emphasize any exclusive association with American agencies or western values.

Another Phase 1 activity should be distinguishing those groups or organizations which have a genuine human rights orientation from those which use human rights as a platform for ulterior political motives. Determining the extent to which institutionalization of a human rights program is politically feasible will suggest the best strategy. It might be possible to involve religious groups in such a project; this would have unique advantages in Islamic societies.

In discussing the background of human rights activism in the Middle East, Mr. Martin noted the tension between the western human rights value system and the principles and practices of Islam. The debate exists within

the Islamic world itself, one school of thought being reformist---the other radical. In the reformist view Islam is not inherently hostile to the western view of human rights. Rather, proponents argue, Islam is subject to different interpretations, some of which are sensitive to human rights as the west understands the notion, or which even articulate a distinctly Islamic view of human rights. Emphasizing these progressive interpretations and encouraging evolution in those directions would result in the amelioration of human rights abuses in Islamic countries. The radical school (represented by Professors Taka and Naiem of the University of Khartoum) argues that Islam, as presently constituted, is inconducive to any significant progress in human rights. They warn that attempts to reform Islamic principles are doomed to failure due to the conservative vested interests in the religious institutions. Concluding that modern Islam is fundamentally inimical to western standards of human rights practices adherents of this view advocate radical change in the basic premises of Islam itself, including a reopening of Ijtihad (juridical interpretation) which has been closed for centuries.

Another sensitive issue is the status of women in Islamic societies. This issue touches on the basic traditions of these societies and upon their most fundamental values. It must be approached with extreme caution and sensitivity in the development of progressive programs.

Before engaging in any follow-on activities LET staff will have to examine the question of individual inviolability in Islam and the degree to which the individual is entitled to protection from the state. State commitments to binding international treaties and covenants protecting Human Rights should be identified. Project activities should focus on in-country abuses rather than abuses in other countries.

Mr. Martin provided the names of possible contacts in the project

countries as well as names of people experienced in this field in the US. He gave suggestions for reference materials as well as the syllabus and bibliographies of the Human Rights courses taught at Columbia University. In addition he provided information on the historical background of human rights activities in the Middle East and North Africa. These include numerous Arab League initiatives as well as accession to the two major international human rights covenants by all four of the LET Project countries.

Laura Reanda, Officer, United Nations-Human Rights Division, 2/17/84 (New York).

Ms. Reanda described the structure of the UN and the specific committees and mechanisms related to human rights. She provided lists of members of various human rights oriented bodies of the UN as well as numerous UN conference reports and other written materials.

She explained the legal status in international law of the various international covenants on human rights, and of the Universal Declaration of Human Rights.

Providing a calendar of all UN committee meetings scheduled for 1984, Ms. Reanda directed our attention to the Egyptian report to the UN Human Rights Committee on progress in implementing the Covenant on Civil and Political Rights, scheduled for 5 April (in accordance with Article 40 of that Covenant). She suggested that a representative of the LET Project attend that meeting. Egypt has ratified the International Covenant on Civil and Political Rights in recognition of the values which the Covenant represents.

Ms. Reanda offered to cooperate with the LET Project in two ways. First, her office can, upon request, provide UN documents in any of the

official UN languages (including Arabic) free of charge. This would benefit the libraries of law schools and other academic institutions in the project countries which suffer from the lack of these documents. Second, by informing LET Project staff of the publication of relevant documents, these could be brought to the attention of institutions, groups, individuals and organizations participating in the LET Project.

Ms. Laurie Wiseburg, Executive Director, Human Rights Internet, 2/15/84
(Washington, D.C.).

The Human Rights Internet is a clearing house for international human rights activities with an extensive network of contacts around the world. The HRI Reporter is the most useful periodical reference for advanced notice of human rights conferences, meetings, etc.

The objectives of this meeting were, 1) to solicit Ms. Wiseburg's advice on the areas meriting our most careful attention, and 2) to get background information on human rights practices and activities in the Middle East.

Several Arab organizations are involved in human rights activities. Establishing contact with them might be advantageous in that their endorsement of the LET Project would enhance project acceptability. The Union of Arab Jurists, with headquarters in Egypt, is more active than the Organization of Arab Jurists in Baghdad. Ms. Wiseburg provided several names and addresses of individuals who would be interested in the LET Project.

It would be helpful if project staff were briefed by qualified international experts such as researchers at Amnesty International and the International Commission of Jurists. These people have first-hand knowledge of the status and practice of human rights in the Middle East and North

Africa and should be able to provide constructive advice and guidance.

Ms. Wiseburg agreed that the Center for International Legal and Economic Research at Zagazig University in Egypt would be an appropriate focus of LET attention. Their first conference is to be held in April 1984 with a second planned for spring of 1985. Support for their conferences or seminar programs would help establish the Center as a locus for inter-disciplinary research in human rights related activities in the region.

Hurst Hannum, Esq. and Prof. Richard Lillich, Procedural Aspects of International Law Institute, 2/16/84 (Washington, D.C.).

Both Lillich and Hannum are actively involved in human rights activities as advocates and as authors. The PAIL Institute publishes occasional papers and books on human rights related issues and Lillich is author of several human rights law texts.

In their view lectures would be an extremely effective type of "consultant option" for the LET Project to start with. Lectures would tend to galvanize interest among a rather diverse group of sympathetic individuals and provide an occasion for such individuals to meet. One major obstacle to human rights activism in developing countries is that interested individuals are unaware of the identities or even existence of their compatriots.

It will initially be necessary to meet with the AID officer and the designated Human Rights Officer in each Embassy to get a feel for the political climate. Knowing the extent of official tolerance for different types of activities will be essential in implementing an effective program.

Lillich believes that for a program to have any lasting effect it is essential to institutionalize it, that is, to leave some organizational

groundwork upon which to build. He suggests that the surveyors explore the political feasibility of establishing such organizations, committees, associations, etc. as might have an impact upon human rights practices.

It will also be helpful to identify those constitutional guidelines designed to protect civil liberties and human rights which are systematically neglected in the project countries.

Furthermore as all the project countries have ratified certain of the international human rights agreements it would be useful to discover how these are adopted into the domestic law. In the event that the standards prescribed by these agreements are not adhered to it will be useful to identify the official agencies responsible for their implementation and/or neglect. It should be possible to manipulate vested bureaucratic interests to the benefit of human rights practices.

Another possible emphasis for project activities could be academic library support. Lillich observed that many of the law schools do not receive even the most widely read international law journals. A worthwhile project would be to determine how best to supplement the libraries of law schools, law firms, legal associations, jurists associations, etc. Foreign exchange might enable libraries to purchase foreign materials. UN and UNESCO publications can be provided upon official request and have the advantage of international legitimacy and acceptance. These materials could be brought to the attention of officials inclined to submit requests in the interests of LET Project objectives.

Other recommendations were, 1) to provide scholarship support to the International Institute for Human Rights (Strasbourg) for Middle Eastern students; 2) to arrange briefings with the International Commission of Jurists for project staff; 3) to design in-country seminars for between 10-20 interested individuals; 4) to arrange for individuals from the Project countries to attend international conferences or educational programs on human rights, or if necessary on international law.

The Asia Foundation has developed numerous programs in Asia similar to that which the LET staff envisions for the Middle East. As AMIDEAST and the Asia Foundation have cooperated in the past and continue to administer a joint program (Partners for Peace) AMIDEAST is hopeful that Asia foundation staff will provide useful advice in designing LET program activities.

Relevant Asia Foundations activities are divided into three types of programs;

1. Public information programs. These address the problem of legal illiteracy which is a major factor in "legal underdevelopment. Such programs include radio broadcasts, legal assistance clinics at law schools, publications, etc. The theoretical justification for activities in this category is that it is only through public knowledge of rights and protective statutes under the law that a grass roots movement for legal development and human rights can emerge.
2. Judicial modernization programs. These focus on developing traditional judicial institutions in such a way that they can be integrated into a modernizing governmental sector. Judicial institutions, in order to become an effective component of the official life of a state, must "be acceptable to the government sector". The objective of such activities is to increase the effectiveness of the judiciary in protecting the rights of individuals and in representing them before the state. Such activities include court-management programs, computerization assistance, and development of "bench books" for judges.

3. Court Efficiency and Responsiveness programs. These involve sensitizing the legal community, including both lawyers and judges, to the needs of the larger community. Programs in this category focus on judicial training.

In addition the Asia Foundation administers more broadly defined programs which address fundamental educational needs. One such program, "Books for Asia", receives two million books per year from American publishers' overstocks, of which 75% are brand new and 50% are distributed. Special collections can be provided within the context of this program when appropriate. It is possible that AMIDEAST could develop a book distribution program to provide legal materials to institutions participating in the LET Project. The numerous requests for such material assistance from individuals interviewed by project staff certainly justifies investigating this possibility.

Nabil Hilmy; Director, Center for International Legal and Economic Research, Zagazig University, 3/3/84 (Washington, D.C.).

Professor Hilmy met with staff at AMIDEAST headquarters in Washington as a follow-up of his meetings with Jeswald Salacuse, the LET surveyor for Egypt (Dr. Salacuse's account of these meetings are included in his report). Visiting the US as a guest of the US Dept. of State, the purpose of this follow-up meeting with Dr. Hilmy was to discuss in greater detail the possible supportive arrangements discussed intially with Dr. Salacuse.

As the Egypt report clearly confirms Zagazig University is at the forefront of international studies in Egypt. The Center, of which Dr. Hilmy

is Director, will have an institutional emphasis on human rights. The programs, as described in Appendix C of the Egypt report, already have the advantage of an institutional base and committed sponsorship within the University.

Dr. Hilmy hopes to eventually establish a regional documentation center with materials in both English and Arabic. He hopes that future publications of the Center will be available in Arabic and European languages. As related to Professor Salacuse the Center would like assistance and financial support for its annual conferences, seminar programs, library, and both its domestic and international research activities.

Specific support options discussed with Salacuse include;

1. Support for the 1985 annual conference.
2. Study grants for Zagazig fellows or students for a one year study program in the US.
3. Support for the Center's library.
4. Funding for research activities at the Center.

There is a cogent rationale for directing LET support toward those program needs of the Center which require foreign exchange. Taking this into consideration, as well as the overall LET budget, costs for likely support options can be computed from previous experience the Center has had.

The Center's budget proposal for the 1985 conference includes the international travel expenses of 40 international delegates, computed at approximately US \$1,500 per person (total projected item then being US \$60,000). AMIDEAST could sponsor 20 of the delegates at an approximate total cost of US \$30,000. As Dr. Hilmy is negotiating with other potential donors a consortium arrangement could be established for funding this conference. The projected per capita cost is probably a conservative estimate judging by current international air travel rates. Professor Salacuse's return trip fare from the US was approximately US \$1,200. Fares from Europe and other

Middle Eastern countries are expected to be considerably less.

The cost of providing a study grant for a Zagazig fellow or student to conduct a one year research program at an American University would probably be in the neighborhood of US \$20,000. This is based on the fellowships granted to individuals invited to conduct research for an academic year at the Columbia University Center for the Study of Human Rights and would be applied to travel, subsistence, tuition and incidentals.

Due to the considerable funding being provided by the Ford Foundation for library acquisitions, translations, research and publications (US \$22,000 over two years) whatever role AMIDEAST might take in this area would require careful consideration and coordination in order to avoid duplication of Ford Foundation efforts. Bibliographic research of UN publications in the field of Human Rights and the provision of relevant documents to the Center would be relatively inexpensive. LET Project staff have discussed the possibility with appropriate officers of the UN in New York and have determined that they are willing to cooperate in this endeavor. The Center had requested US \$5,000 for support in this area for calendar year 1984. It is likely that the materials program could substantially benefit from an additional \$5,000.

As with the library support program discussed above, the limit of effective support to research activities at the Center is set only by the size of the Center staff and its resources. The Ford Foundation has provided US \$10,000 for such activities in the two years, 1984-85. It is doubtful that the Center can efficiently absorb a great deal more support in this area.

The Human Rights Committee convened to receive the first report submitted by Egypt, pursuant to Article 40 of the Covenant on Political and Civil Rights, since Egypt's accession to that Covenant in April 1982.

The report of the Egyptian delegation was extremely brief. The consensus among the experts of the Committee was that it was insufficient except as a starting point for a discussion of Egypt's progress toward implementing the principles of the Covenant. The report was limited to a description of the Egyptian constitution in so far as it (with its subsequent amendments) embraces the principles and follows the guidelines of the Covenant in the field of human rights. It included no discussion of the actual official practices of the government nor did it describe any difficulties Egypt might be having in achieving progress in this area. Also excluded from the report was any reference to the ongoing State of Emergency or any explanation of the status of constitutionally guaranteed rights during a State of Emergency, during which the constitution is effectively suspended. This has been the case in much of Egypt's post-independence history.

Committee experts unanimously criticized the official report as inadequate, some noting that this was perhaps due to its being the first Egyptian presentation to the Committee. There was agreement that the Egyptian constitution as such is one of the most advanced, as regards human rights, in the developing world. But concern was expressed that the special legislation governing the State of Emergency was becoming a de facto alternative constitution.

As reflected in the questions posed by the experts the major areas of concern and ambiguity as regards the observance of internationally accepted standards of human rights practices in Egypt are;

1. The legal status of the Covenant within the framework of Egyptian constitutional law.
2. The status of constitutionally guaranteed rights during a State of Emergency.
3. The professional and general awareness of the Covenant and its contents within Egypt.
4. The extent of Exexecutive powers under the State of Emergency and in reference to Act 34 of 1972 (on national unity) and Law 95 (the Law of Shame).
5. The relation between the official state religion (Islam) and other religions.
6. The Right of Association and status of professional organizations (with particular reference to the Bar Association).
7. The status of various rights vis a vis the "spirit of national unity".
8. The tension between Islamic Law and the legal principles espoused by the Covenant and Egypt's specific obligations under the Covenant.
9. The extent to which sex or political opinion are bases for discrimination before the law.
10. The composition, independence and impartiality of state security courts.

Many experts on the Committee requested a supplementary report from the Egyptian delegation providing more information and generally complying with the format prescribed by Article 40.

Ms. Judy Barsalou, Project Officer, Ford Foundation, 4/2/84
(New York).

Tom Dichter participated in this visit at the Ford Foundation in order to provide a first hand account of the methodology of the LET Project.

The meeting began with a general discussion of the Human Rights environment in the Middle East and North Africa. Regional concern for Human Rights is suggested by the number of independent activities and indigenous initiatives throughout the region. An anthropological perspective is

important in avoiding a narrow preoccupation with the normative legal dimension of the problem. In some cases human rights abuses have little to do with the law.

In Egypt a major factor contributing to human rights problems is general "legal illiteracy". Formal legal education is in serious need of substantial reform. At the professional level there is no tradition of pro bono legal work and financial access to lawyers and therefore to the law is limited.

Ford Foundation efforts are directed toward academic activities (such as support for research), public education and legal aid programs. Preferring to award grants to indigenous organization, or those whose "on the ground" resources enable them to perform services beyond the capabilities of the Foundation itself, their activities are currently focussed on Egypt and Sudan. They are involved in few or no activities in Tunisia or Morocco.

Projects which build onto existing programs are encouraged. The Ford Foundation is interested in establishing links between the professional legal community and the university communities, in an effort to develop services contributing to public legal education and legal aid. One area of concern is the problem of engendering an attitude that the legal profession should be "service oriented".

Tom Dichter suggested several possibilities for cooperation between the Ford Foundation and AMIDEAST in the context of the LET Project. Noting that AMIDEAST field offices in Rabat and Tunis are very good he suggested that with funding from the Foundation AMIDEAST could develop an infrastructure for identifying candidates for participation in the various programs of the Zagazig Center, which the Foundation is actively supporting. AMIDEAST could also help to administer research programs in

Morocco and Tunisia where the Ford Foundation has no "on the ground" staff. Finally it might be possible to establish a distribution network using AMIDEAST facilities for documents, research and information coming from the Zagaziy Center and other such regional institutions.

Ms. Barsalou seemed genuinely interested in finding ways of cooperating with AMIDEAST and was interested in the LET Project. The meeting ended with a discussion of some possibilities for institutional cooperation.

United Nations Human Rights Committee, 4/5/84 (New York)

The Egyptian delegation responded to the questions of the Committee experts posed the preceeding Monday. The answers provided did not dispel many of the doubts of the Committee experts and a supplementary report was requested.

The entire procedure demonstrated the limitations of the Covenant apparatus for dealing with human rights practices of signatory states. The value of the mechanism is that it requires a public accounting of human rights practices in the reporting countries, brings to light practices and abuses, becomes part of the public record and thereby can be a source of pressure to implement internationally prescribed standards of human rights practice. The process also brings into the open difficulties states have in implementing the prescribed standards. Non-Governmental Organizations play an important part in the process by providing the experts with alternative sources of information on the human rights practices of reporting countries.

Ms. Nina Shea, Program Officer, International League for Human Rights,
4/5/84 (New York).

Two possible LET activities were identified and discussed during the course of this meeting. An internship with the League in New York would provide a unique insight into the mechanisms for protection of human rights within the United Nations and its specialized agencies. The League is involved in providing alternative sources of information on Human Rights practices in reporting countries to the United Nations human rights Committee. Interns could help prepare memos to the experts of the Committee supplementing the information given them by the reporting delegations. Such an internship would also provide a realistic view into the operations of an international organization.

Another participant option would be an internship directly under one of the Committee experts. They are provided with no official staff and currently rely heavily on the assistance of NGO's. This possibility requires further investigation.

Columbia has provided accomodation at low cost to participants in the programs of the International League. Such an arrangement for economical accomodations in New York could be worked either through the League or directly with Columbia University, which has an advanced human rights program and is aware of the LET Project.

Dr. Alexandre Kiss, Secretary General, International Institute for Human Rights, 4/17/84 (Strasbourg).

Dr. Kiss was enthusiastic about the possibility of working with AMIDEAST on the LET Project. His response to the conceptual framework of the Project, within the institutional constraints inhibiting Project activities, was encouraging.

Beginning with a description of the Institute and its programs the conversation eventually extended to the conceptual issues affecting the LET Project and some practical and concrete option possibilities.

The Institute is one of the most renowned and respected organizations involved in the teaching of human rights, having been founded by Nobel prize winner Rene Cassin. Its international reputation based upon its background and autonomy, coupled with the fact that it is not engaged in advocacy activities such as those pursued by Amnesty International, have enabled it to maintain good relations with most governments, including those of the Middle East.

Activities of the Institute include an annual summer seminar on human rights and the teaching of human rights, ongoing research programs, conference and colloquia organization in various countries, and an international human rights film competition (the last of which was won by a Tunisian entry).

According to Dr. Kiss human rights abuse in the four LET Project countries are the result of both legal and political factors rather than religious. Although elements of Islam work against the establishment of the western concept of human rights and official obligations to the individual, Dr. Kiss points out that such strictures are common in the scriptures of most major religions. He suggests that Islamic nations differ from western countries in that they are generally more fundamentalist in their religious orientation than are most western societies. He believes that legal education is an appropriate and potentially effective means of improving human rights practices in the Middle East.

Dr. Kiss was suprised by AMIDEAST's attitude toward the situation in Morocco. He said that he had not been aware that the issue was so sensitive there and that many participants from Morocco had attended the Institute's

human rights seminars in the past few years. The last seminar and conference President was a Moroccan, he pointed out. Dr. Kiss noted that none of the LET Project countries is known to be consistently negligent in the area of human rights. In reference to the LET report on Morocco he expressed the belief that certain programs could be carried out there and that he has numerous contacts in Morocco, particularly in Casablanca.

During the course of the meeting several possible cooperative arrangements between AMIDEAST and the Institute in the context of the LET Project were discussed;

1. AMIDEAST could establish a procedure for identifying possible participants in the Institute's summer seminar.
2. AMIDEAST could subsidize either (or both) the travel costs, accomodation costs or tuition fees of participants.
3. AMIDEAST could identify and subsidize intern candidates to assist in the activities of the Institute.
4. AMIDEAST could pay expenses of experts identified by the Institute to conduct research using the resources in Strasbourg.
5. The Institute could assist AMIDEAST in organizing either conferences or colloquia in any of the project countries.

Total expenses for the summer seminar program at the Institute, including both tuition and accomodation (excluding travel expenses) is approximately \$350.00 per participant. Given the smaller expense of travel from the Middle East to Europe as opposed the US this option has the advantage of being cost-effective. In the past there has been great interest in the Institute's programs in the Middle East. The list of applicants for this year's program documents this strong interest. According to Dr. Kiss, there have been four requests for scholarships from Morocco and one from Tunisia this year. Unfortunately the Institute's funds are not adequate to the demand and are not generally used to subsidize participants from the Middle East or North Africa.

Previous experience suggests that a research fellow at the Institute could be sponsored at the Institute for approximately \$500.00 per month. The same amount would apply to an intern.

Finally Dr. Kiss suggested that through the Institute's contacts at the Law School of the University in Casablanca, a conference or colloquium on human rights or legal education could be organized there.

Mr. Niall MacDermott, Secretary General, International Commission of Jurists; Ms. Ustina Dolgopol, Director of the Center for the Independence of Judges and Lawyers, 4/18/84 (Geneva).

After a brief discussion of the problems inherent in the LET Project Mr. MacDermott suggested that the best way to generate enthusiasm among country recipients is to present and design the project as a development program. Noting that "development" is an effective way of getting attention and support in the third world, Mr. MacDermott agreed that it was wise to begin the project with a survey of the interests and preferences of the recipient countries. In any case, he pointed out that laws, as much as economic infrastructure, are subject to development and underdevelopment, and therefore our approach is both legitimate and potentially effective. The discussion touched on the concept of "legal illiteracy" as a human rights issue. Mr. MacDermott expressed enthusiasm about an approach which began with action at the "grass roots level". In his view the urban/rural dichotomy is especially sharp in the field of law and legal practice. He noted that in all the project countries, as in the developing world generally, the vast majority of lawyers have their practices in the cities.

Legal illiteracy is widespread in the rural areas where people have little recourse to legal assistance and little knowledge of their rights before the law. He proposed that perhaps the most effective contribution which could be made by an organization like AMIDEAST would be the establishment of rural para-legal training programs. In his view trained para-legals could perform many of the routine functions which are required in the rural areas. Furthermore they could be instrumental in familiarizing individuals with their legal rights. Such para-legal training programs have been established with great success elsewhere in the developing world. A successful program would require a coordinated effort of the universities, the professional legal community and development NGO's.

Ms. Dolgopol pointed out that there are a considerable number of representatives from the Middle East, and specifically from the LET Project countries, on various human rights oriented committees of the United Nations and other international organizations. She suggested that in each of the project countries there are high ranking government officials who might be enthusiastic about such activities as the LET Project might develop. The support of such an individual within the government could result in official support and cooperation for the activities of the program, including those of the type suggested by Mr. MacDermott.

C. ADVISORY COMMITTEE MEETINGS

3/1/84

The initial meeting of the LET Advisory Committee served to place the issues of human rights and legal education in the context of the Arab world, to develop a conceptual framework and discuss possible methodological guidelines.

During the course of the meeting it became clear that any planned project activities would have to consider cultural sensitivities in the project countries even more carefully than originally thought. Sensitivity to the societal structure of rural communities as well as to Islamic traditions would have to determine the kinds of activities designed. There was general agreement that diplomacy, in the informal sense, would have to be practiced with the utmost discretion, in order to side-step possible political barriers to the project's implementation.

One area that emerged from the meeting as a likely focus of project activities is constitutional law. This concept does not carry the heavy cultural and political baggage that the concept of human rights does, while addressing many of the same phenomena. One significant question raised was how much respect exists for the law in itself, independent of the ruling personalities and traditional power structures, in the project countries. The need to secure official cooperation was discussed and it was agreed that it would be beneficial to encourage active participation on the part of the host governments. The extent to which the official sectors in the project countries would support either a human rights or a legal education

and training program would require further investigation.

It was noted that the four LET Project countries differ significantly from each other. Methods which would be effective in one country might be counter-productive in another. For example, Egyptian legal students have participated in rural paralegal programs that might be considered subversive of the indigenous societal fabric of Moroccan society. Separate strategies would have to be developed for each country.

Other methodological questions raised were;

1. Which would be the most appropriate target group (ie law students, lawyers, judges, etc.) for project activities?
2. Does there exist in any of the project countries a tradition of pro-bono legal work?
3. What is the comparative cost-effectiveness of "consultant vs. participant options"?

Specific activities discussed included;

1. Para-legal training programs.
2. Encouragement of community "ombudsman" role.
3. Small claims courts.

Additional concerns expressed were that project activities address the problem of widespread legal illiteracy. This was agreed to be a major limitation on public access to the legal system. People simply "don't know their rights." Similarly people generally are unfamiliar with the mechanisms needed to gain access to the legal system. Any assistance the LET Project could provide in rendering legal formalities more accessible to common, and particularly rural people, would be beneficial.

4/4/84

Upon receipt of the preliminary report from the LET surveys of Morocco and Tunisia the Advisory Committee met to discuss what could be learned from these.

It was agreed that the human rights practices of Morocco and Tunisia (and by inference of Egypt and Jordan) are profoundly rooted in the "political culture" of these countries. Responsiveness and reciprocity were discussed as being the most constructive attitudes on our part for engaging the host countries as "participants" in the LET Project. As the reports from Morocco and Tunisia suggest a patronizing attitude will prove counter-productive: areas must be found in which the hosts agree that assistance is required. Allowing Moroccans and Tunisians to articulate their own agendas is perhaps the best method of ensuring a constructive official contribution. This being the case the project's objectives might require broadening to the extent that they address the larger issue of "political culture". The preliminary reports confirm that the methodology for Phase I was successful and well-advised. Those interviewed were very pleased that project staff were taking host-country priorities into consideration for the LET Project.

In addition to broadening its perspective the LET Project would benefit from a "long-term" planning approach. Many of the activities which might be expected to have a lasting impact would take time in developing. A multi-year development strategy could alleviate some of the uncertainties and inhibitions in the project's design.

It might be possible to retain the "legal training" concept for those LET activities which are implemented in the US while those designed for in-country implementation should perhaps have more of an "exchange"

emphasis. One feasible strategy taking this duality into account might be to provide training opportunities in the US on an exchange basis with the goal being that trainees returning to the Middle East would contribute their expertise to the development of regionally based institutions.

5/31/84

Benefitting from the observations and analyses of the technical consultants the Advisory Committee examined a diverse set of recommended options for follow-on activities to be implemented in the LET Project's second phase. The criteria established to judge those options were;

1. Relevance to LET Project objectives.
2. Potential for lasting impact.
3. Manageability.
4. Cost.

Given the intentionally indirect medium of "legal education and training" as a means of achieving an improved human rights environment, attention was focussed on those activities which, while within the bounds of the prevailing political and cultural constraints (as discussed in the Operational Program Grant Proposal), most directly address the issues of human rights and legal development. Concern was expressed by all members of the Committee that project priorities not be subordinated to politically feasible but essentially unrelated interests within the legal or official communities of the project countries. Rather than being primarily a conduit of funds to indigenous institutions or programs it was recommended that AMIDEAST continue to shape the interests, plans and operations of the project. This tactic will prevent program funds from being channelled in such a way that their use succumbs entirely to the pressing indigenous need

for legal training and assistance as tools of international commerce.

Another concern universally expressed (and reflecting a concern of the technical consultants) is that, in the selection process, top priority be placed on the long-term potential impact of activities. The cumulative experience of the Committee suggests the frequency and danger of such projects being improvidently managed, leaving no residual instrument to perpetuate activities serving the stated goals. Dependence upon institutions organized around a single dynamic individual, for example, exposes the project to the risk of a wasted investment should that individual abandon efforts related to project goals. This however is an inevitable risk which must be calculated and accepted given the youth of many of the institutions and organizations within the region oriented towards human rights and legal development.

The Committee agreed on the need for the LET Project to establish a role not played by other organizations. For example, while "study visits" of foreign nationals to the US might be seminal in certain cases, major emphasis should not be placed on such activities. LET-sponsored "study visits" should not duplicate programs of other organizations (Ford Foundation, Fulbright, etc.). Furthermore greater impact and exposure can be achieved by sponsoring visits of US experts to the project countries.

It was agreed that the key to achieving a lasting impact is the selection of activities which have the potential for "institutionalization". The best guarantee that project goals will continue to be addressed is the establishment, in each country, of a body responsible for management of project activities, and to whom recipients of program funds will be responsible. These bodies would be responsible for on-going identification of sub-project activities in-country as well as project management. Addressing only the intellectual concerns of individuals is not sufficient

to guarantee a lasting impact. An instrument must be left in place to assure a continued commitment and progress toward an improved human rights environment.

Given the budgetary constraints governing selection of project activities the Advisory Committee recommended further that;

1. We begin by concentrating on a small number of activities in each country.
2. We focus on activities which are adaptable, inter alia, to each of the project countries or in additional countries of the region should the project expand to include more countries.
3. We not expand the project to include more countries at present.
4. We take into consideration the fact that due to the unique circumstances prevailing in each country project activities will have a different implementation velocity in each country.
5. We adopt an on-going phase by phase evaluation approach.

One pitfall to avoid is the establishment of numerous disparate, small-scale sub-projects. Such activities would be very difficult for the limited staff managing the LET Project to coordinate and administer.

The model which emerged, addressing these concerns, is an integrated package adaptable to each country, designed to address the needs of both the legal academic community and the practicing judiciary. This package would include curriculum development and bibliographical assistance as a major component. A regional research and publication support emphasis would be another component of the integrated package. The entire program in each country would be centered around a committee of heterogenous composition, including the AMIDEAST Field Office Director, and adjusted to address the specific needs and take account of the specific circumstances in each country. This would provide the institutional base for consolidating the activities and experiences of programs and participants.

III. CONSULTANT REPORTS

- A. Egypt
- B. Jordan
- C. Morocco and Tunisia

CONSULTANT REPORT - EGYPT

"Possible Programmatic Initiatives in Egypt"

Jeswald W. Salacuse
Dean and Professor of Law
School of Law
Southern Methodist University

April 1984

I. BACKGROUND

116 (e) of the Foreign Assistance Act, as amended, authorizes funds "for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights..." in countries eligible for US assistance. Under this provision, AMIDEAST has received a grant from AID "to provide advanced and specialized training to the members of the legal community in selected middle eastern countries and to enhance the capability of local institutions to further the implementation of human rights." (Operational Program Grant Proposal - OPG - 7/83).

Pursuant to the grant, I visited Egypt, March 8-16, 1984, at the request of AMIDEAST. My visit had two purposes: 1) to consult with the Center for International Legal and Economic Studies at Zagazig University with a view toward possible support by AMIDEAST of the Center's human rights activities; and 2) to identify other potential activities which AMIDEAST might undertake in Egypt in the field of human rights. Prior to the trip, I read various documents on the human rights situation and consulted with several individuals, including Professor Charles Abernathy of Georgetown University, who had recently been a Fulbright Professor at Zagazig Univeristy. In Egypt I met with approximately 25 persons, primarily in the legal profession, the judiciary, and legal education. A list of those persons and institutional affiliations is attached as Appendix A.

In undertaking this assignment, I was immediately struck by the lack of any sort of operational theory on which to predicate assistance in the field of human rights. Although the Universal Declaration of Human

Rights is well known and its stipulations are generally clear, neither the Declaration nor commentaries thereon set out theories or methodologies on how to enhance the capability of local institutions to further the implementation of those rights. Certainly, persons seeking to work in the field of human rights have none of the well developed theories and methodological tools which economists employ in fostering economic development. Moreover, whereas economic development planners in Egypt have an abundance of data about the Egyptian economy, I felt that data on the legal and human rights situation in Egypt was rudimentary at best.

To be successful, the AMIDEAST Legal Education and Training Project would have to resolve several fundamental questions. If the objective of the project is to enhance the capability of local institutions to further the implementation of human rights, which local institutions are key to the advancement of human rights in Egypt? Once such local institutions are identified, which specific aspects of their operations most directly affect human rights? Having identified such aspects, how are we to determine the types of assistance that will enable local institutions to enhance their capability to further the implementation of human rights? The draft proposal by AMIDEAST is predicated on the assumption that the goal of enhancing such capability may be attained "by providing advanced and specialized training to members of the legal community in selected middle eastern countries." One may ask to what extent and how training is relevant to the advancement of human rights. If indeed there is a nexus between such advanced training and the implementation of human rights, what types of advanced training will further this objective? Thus, in undertaking my assignment for AMIDEAST, I felt that I was entering into a relatively unknown territory. Since neither the time nor the resources were available for amassing data or for developing an overarching theory on human rights in Egypt, I felt that AMIDEAST would have to proceed on the basis of trial and error and ad hoc working assumptions.

II. THE HUMAN RIGHTS CLIMATE IN EGYPT

My previous visit to Egypt took place in September of 1981, just a few days before the assassination of President Sadat. At that time, the political situation was tense, hundreds of persons were being detained for political reasons, and those whom I met expressed great dissatisfaction with the Sadat regime. Three years later, on my most recent trip, I found the political climate much improved, and Egyptians seemed less tense. While I heard no significant outpouring of praise for the Mubarek government, neither did I encounter the kind of sharp criticism and bitterness which had been leveled at the Sadat government in 1981.

In my conversations with Egyptians, I found that the subject of human rights was not a particularly sensitive topic and was certainly not off limits as it is in certain other countries of the Middle East. Egyptian academics expressed some interest in human rights, although the degree of their interest was not highly intense, as will be discussed below.

Probably the most significant human rights development in Egypt is the re-emergence of the Egyptian judiciary as an independent force to protect individual rights. While a few persons claimed that the judiciary had never declined in this regard under either Nasser or Sadat, no one denied that the Egyptian courts and judges are now increasingly strong protectors of human rights in the country. In support of this view, numerous persons cited recent decisions of the Council of State, Egypt's highest administrative court, which had reversed government orders in favor of the rights of individuals. For example, the Council of State had overturned a government decision prohibiting the WAFD party from freely organizing and operating as a political party. During my short stay in

Egypt I found much to support the contention in a Report on Human Rights in Egypt, submitted to the US House Committee on Foreign Affairs and the US Senate Committee on Foreign Relations, that "the increasing independence of the judiciary and the substantial evidence of greater freedom accorded the media are . . . encouraging for human rights in Egypt."

Professors, lawyers, and judges did not hesitate to discuss human rights, nor did they give any indication that the protection of human rights was not an important matter. Thus, as a general proposition, I found that human rights was not an extremely sensitive matter and that with proper concern for the political and cultural situation in Egypt AMIDEAST would be able to undertake appropriate activities in this field.

III. THE CENTER FOR INTERNATIONAL LEGAL AND ECONOMIC STUDIES

The Legal Education and Training Project had identified the Center for International Legal and Economic Studies at Zagazig University as a possible recipient of support. The Executive Director of the Center is Dr. Nabil Hilmy, an energetic professor of international law on the Zagazig law faculty. Due to the fact that Dr. Hilmy was to leave on a US Embassy-sponsored trip to the US shortly after my arrival in Egypt, I had only a limited time to see him. I met with him on 9 March in Cairo and then spent the next day with him at his Center at Zagazig University.

Zagazig University, one of the new regional universities, is located in the Delta about 100 kilometers north of Cairo. The faculty of law, where the Center is physically housed, has approximately 10,000 students. Approximately 60,000 students are enrolled in the entire university. Since the town of Zagazig has few cultural attractions and few modern amenities, and since it is located only 90 minutes drive from Cairo, virtually all of its professors tend to live in Cairo and to commute to the University a few days a week to teach their classes. This situation, of course, inhibits the development of a rich and stimulating academic life on the campus, but it is fairly common at most regional universities in Egypt. While one may bemoan the situation, few realistic solutions to the problem exist at the present time. On the other hand, the Center's program of conferences and workshops might make a contribution to developing the intellectual life of the University.

Since its establishment, Zagazig University, probably more than any other university, has shown a particular interest in the field of human rights. For example, in collaboration with UNESCO in 1978, it held the first international conference for teaching human rights. Professor Abdel

Hadi, who played an instrumental role in organizing that conference, continues to teach a course on human rights at Zagazig, one of the few such courses taught at any law school in Egypt.

The Center for International Legal and Economic Studies is a new institution, having been created in 1983. It received strong support from the former rector of Zagazig University and appears to continue to be favorably viewed by the current administration. While it is physically housed in the faculty of law, it is administratively autonomous and is responsible directly to the university rector. The Center has received relatively spacious quarters in the law faculty, as well as some administrative support; however its equipment -- and especially its library -- appear insufficient to its goals.

Under Dr. Nabil Hilmy's direction, teaching and research on human rights has become a principal programmatic focus of the Center. Nabil Hilmy received his Ph.D. in International Law approximately five years ago. He is an apparently energetic person who seems keen to undertake new programs and develop new activities at the Center.

Despite his obviously strong personal characteristics, it must be noted that Hilmy, for all practical purposes, is the Center, for it has no other professional staff. While it does associate other academics on individual projects, the Center is totally dependent on its executive director. Such a situation presents obvious dangers for any grantor since the removal or resignation of Hilmy would mean that the Center would come to a standstill, if not collapse. At the same time, one must recognize that such a low level of institutionalization is very common throughout the developing world.

Despite its youth and rudimentary stage of development, the Center has received relatively substantial aid from the Ford Foundation. An

initial grant of \$25,000 in March of 1983 from the Ford Foundation enabled it to purchase books, documents and office equipment. Thereafter, the Foundation awarded Dr. Hilmy and an economist colleague, Dr. Hussein Negmed-Din, a travel and study award to visit the US in April, 1983, in order to make contact with various research institutions. And most recently, in January of 1984, the Ford Foundation made a grant to the Center of \$106,000 for a two-year program of activity. An internal Ford document describing this grant is contained in Appendix B of this report. In general, the purpose of the grant is to enable the Center to launch its research and seminar programs in the political, social and economic aspects of human rights. Grant funds are to be used for eight seminars for Egyptian academics and lawyers, for an international conference on the African Charter for Human Rights to be held in May of 1984, for research and publications, and for support for staff salaries, library acquisitions, translation of documents and the purchase of a microcomputer. Additional support for the Center took the form of a Ford Foundation-sponsored visit by Professor Louis Henkin, Director of the Center for the Study of Human Rights at Columbia University, who spent the period January 5-23, 1984 in Egypt, lecturing on international human rights at the Law Faculty of Zagazig University, as well as at other Egyptian institutions.

Although various academic institutions in Egypt are manifesting renewed interest in human rights, such interest appears to be most advanced at Zagazig University since it has a distinct Center specifically devoted to the area. While one must acknowledge that the Zagazig Center is still in its infancy and faces all of the risks confronting young institutions in developing countries, AMIDEAST assistance to the Center may be a way of *encouraging or promoting increased adherence to political

and civil rights in both Egypt and the Middle East." In determining whether it should provide such assistance, AMIDEAST must first answer a variety of questions, two of the most important of which are:

- 1) How specifically will the activities of the Zagazig Center serve to encourage or to promote increased adherence to civil and political rights either in Egypt or in the Middle East?
- 2) In view of the significant support already provided to the Center by the Ford Foundation, what role can AMIDEAST usefully play and what type of assistance might it give?

The fact that a state-supported institution, such as Zagazig University, is free to establish a center devoted to research and education on human rights is clearly a healthy sign for human rights in Egypt. Through its conferences, seminars, and publications, the Center may contribute to creating a climate in Egypt of free and open discussion on human rights, and the existence of such a climate by its very nature will serve to strengthen respect for human rights. More specifically, it may serve to encourage teaching and research on human rights at Egyptian colleges and universities. Moreover, to the extent that the Center becomes institutionalized and conducts international programs, it may be able to extend its influence to other countries in the Middle East. In view of the fact that Dr. Hilmy is an international lawyer and that the Center's program clearly views human rights within an international perspective, it may become instrumental in establishing a network throughout the Middle East of scholars who are similarly concerned.

The Center at Zagazig also proposes to conduct training programs and seminars on human rights. Thus, its recent prospectus (see Appendix C) envisions "organizing training courses for lawyers working in law in

organizations, governmental units, private and public sectors with the aim of informing them of the latest law and the ways to deal with legal problems, particularly concerning human rights." To the extent that such training courses are actually launched, the Center may serve to heighten sensitivity to and respect for individual rights among legal professionals in Egypt, and this heightened sensitivity may be one means of enhancing the capability of local institutions to further the implementation of human rights. It should be noted, however, that Dr. Hilmy's planning for this type of activity is far less advanced than is his planning for academic conferences and seminars. In sum, then, in view of the paucity of institutions concerned with human rights in Egypt and the recent resurgence of interest in the subject, the Center at Zagazig represents an institutional base - albeit one that faces considerable risks - for encouraging respect for human rights in Egypt, and perhaps other countries in the Middle East.

The existence of heavy support by the Ford Foundation raises a serious question as to the precise role that AMIDEAST might play in aiding the Center at Zagazig University. After discussions with Dr. Hilmy, I have concluded that there are several possibilities:

1. Future Conference Support. AMIDEAST might consider providing assistance to the Center with respect to the conference proposed for 1985. As indicated above, the Ford Foundation grant includes approximately \$22,000 for airfare and honoraria for foreign participants, as well as special expenses such as simultaneous translation, for the Center's first international conference planned for April 1984. These funds will cover the conference's hard currency costs; Zagazig University will provide for the local costs.

The Center plans a second conference for the spring of 1985 on the

theme of Human and People's Rights. A prospectus for that conference is included in this report as Appendix D. The 1985 conference appears to be a significant undertaking, for its projected budget is approximately \$110,860. While AMIDEAST could not, of course, cover the entire conference budget, it might be able to provide assistance with respect to the international travel for foreign participants. The advisability of providing assistance for the second conference will depend upon the Center's success in holding the first conference in April 1984. The Ford Foundation does not intend to assist the 1985 Conference, and has specifically suggested that the Center would have to look to other donors for that particular activity. There is some indication that the Canadian International Development Research Center may be a possible source. Perhaps AMIDEAST might join with IDRC as a consortium for funding the Conference.

2. Foreign Travel and Study. While the Ford Foundation grant provides for short-term travel abroad, it does not permit long-term study at foreign universities. Dr. Hilmy requested assistance to the Center in the form of a study grant for approximately one academic year at an American university (eg Harvard, Columbia) for a doctoral student to collect material, work on his thesis, attend seminars, and become familiar with other systems of law and human rights enforcement. AMIDEAST might consider the possibility, in cooperation with Dr. Hilmy, of selecting a person from the Zagazig University Law Faculty (eg a doctoral candidate who is a teaching assistant) and provide that person with a year's study grant in the US. In view of the fact that Columbia University's Center for the Study of Human Rights, directed by Professor Henkin, is developing a research program which will incorporate visiting scholars, it might be useful to consider sending an Egyptian to that program for a year. Upon

his/her return to Zagazig University, that person might contribute to developing a critical mass of faculty with interests and competence in human rights and human rights development, thereby advancing the institutionalization of Hilmy's Center. I have discussed this possibility with Professor Henkin who indicated a willingness to cooperate but stressed that the Egyptian scholar would have to meet Columbia University's criteria for acceptance. Professor Henkin felt that his Center could more easily accommodate a scholar at the post-doctoral level than at the pre-doctoral level.

3. Research Funding. The Center hopes to develop an active research program. In view of the extremely small salaries paid to university professors, the Center, like any other research institute in Egypt, will have to provide stipends in order to attract competent researchers. AMIDEAST might consider providing a limited amount of funds for this purpose.

An important indicator of the Center's future effectiveness will be the results of the Conference on the African Charter on Peoples' and Human Rights contemplated for this spring. The AMIDEAST Cairo office should therefore monitor it carefully.

IV. OTHER PROGRAM POSSIBILITIES IN EGYPT

A. The Judiciary

Most Egyptians and foreigners with whom I spoke felt that the judiciary was becoming a stronger and more independent force within government. In their view, one consequence of the reemergence of the judiciary would be a strengthening of individual rights in Egypt. They cited numerous examples to show the independence of the judiciary in the face of government action, most notably the WAFD case, mentioned above. One may validly make the assumption that a strong and effective judiciary will foster the recognition and promotion of human and individual rights. To the extent that AMIDEAST, through the Legal Education and Training Project, can strengthen and make more efficient Egypt's judiciary, such action will accord with §116 E of the Foreign Assistance Act which calls for programs and activities that will "encourage or promote adherence to civil and political rights. . ."

The Egyptian government has apparently recognized the need to provide increased training for its judges, since it established the National Center for Judicial Studies in 1981. This Center, which operates autonomously under the supervision of the Ministry of Justice, is designed to train judges at all levels. It is also to collect and publish documents, research and other materials to aid the administration of justice.

At the suggestion of Mr. James Hastings, Regional Inspector General of the United States Embassy, as well as certain Egyptian lawyers, I visited the Center, which is located in the Ministry of Justice Building at Abbasia Square. (Mr. Hastings is very interested in the Center and was kind enough to arrange an appointment. He strongly supports US assistance

to the judiciary in general and the Center in particular, for he is concerned to increase the effectiveness of the administration of justice.) The Center has been functioning for only two years. At the present time, its principal activity is a one-year training program for new appointees to the judiciary. Under the Egyptian system, judges make a career in the judiciary. They are appointed initially as junior prosecutors and then they advance to low level judgeships. Generally, they alternate between being prosecutors and being judges at increasingly higher levels throughout their careers.

The first director and founder of the Center is counselor Samir Nagy. All persons with whom I spoke acknowledged that Samir Nagy has done an excellent job in establishing and launching the Center. He appears strongly devoted to the task and has developed the first program of instruction. The Center is located in nicely furnished quarters, provided by the Ministry of Justice, with ample classroom space and a large library area, although the library collection needs substantial development. Counselor Nagy is an open person who readily discussed the Center and its future. In addition to training Egyptian judges, it has recently begun to offer programs for judges from other Arab countries. For example, it was conducting such a program for Sudanese judges at the time of my visit.

In furtherance of the goals of the Legal Education and Training Project, AMIDEAST might consider providing selected forms of assistance to the National Center for Judicial Studies. The French are already offering it aid in the form of a year's training in Bordeaux for the student who attains the highest grade in the one-year program for new judges.

As an initial form of assistance, AMIDEAST might offer a study visit to the US for Counselor Nagy so that he might make contact with and

visit various institutions for judicial training and research. During such a trip, for example, he might visit the Federal Judicial Center in Washington, D.C., the Center for State Courts in Charlottesville, the College for State Judiciary in Reno, Nevada, and the Institute for Court Management in Denver. At the same time, he also might make contact with law schools that have a special interest in judicial administration and with state court systems that offer possibilities for new ideas and further assistance.

Depending on the results of such a visit, AMIDEAST might also consider the provision of training funds for persons from the Center or students selected by it for advanced study in the US. For example, a one-year LL.M. program at an American law school with strengths in judicial administration might be a possibility.

The Center is also in need of library support, and here too, AMIDEAST might be helpful.

On the basis of the knowledge acquired and the relationships established through such activities, AMIDEAST might later seek to provide other assistance to the judicial system itself. In view of Egypt's need for more effective judicial administration, future assistance might include advisors to the court system, as well as study visits by judges and court administrators to the US. The National Center for Judicial Studies itself might be the ideal base from which to launch such future activities.

B. OTHER ACADEMIC PROGRAMS

Academic interest in human rights appears to be developing at two other universities. The first is Cairo University. There, Professor Yehia El Gamal, a former Minister of State who is a professor of constitutional law, has expressed a strong interest in human rights and

states that he also plans to establish a center for this purpose at Cairo University. He indicates that formal approval of such a center has been given by the faculty senate; however, it has not yet received the resources to begin operations. Professor El Gamal is a member of the Commission on Human Rights of the Union of Arab Lawyers and teaches a course on human rights at Cairo University. Professor Louis Henkin, during his visit to Cairo in January of 1984, delivered six lectures to the students in El Gamal's course.

As envisioned by Professor El Gamal, the proposed Center on Human Rights would not only be an institute of research but it would also play an activist role in that it would seek to defend and protect human rights in the courts. As a Professor of Constitutional Law, Professor El Gamal's orientation is less international than Dr. Hilmy's. Professor El Gamal will concentrate on the domestic protection of individual rights rather than on their international dimensions; consequently, there appears to be room within Egypt for both the Zagazig Center and the proposed Cairo Center to operate without conflict or overlap. On the other hand, it should be noted that Professor Gamal, in addition to teaching at Cairo University, maintains his own law office and an active law practice. One may therefore question whether he will have the time and energy to devote to the Cairo Center of Human Rights that Dr. Hilmy is apparently devoting to Zagazig at the present time.

In order to launch his center, Professor El Gamal would like to visit the US so as to contact similar institutions concerned with human rights, including Columbia University, Cincinnati, Georgetown, and others. Whether such a visit would ultimately lead to the establishment of the Center is a question which AMIDEAST must seriously explore. Nonetheless, because of his position as a former minister as well as his

academic stature as a professor of Constitutional Law at the country's premier law faculty, El Gamal may be an important person in launching an institution of significant scope. One strategy might be to assist him in developing young proteges who could carry on the day-to-day activities of a center of human rights at Cairo. Such an approach would suggest that AMIDEAST provide funds for foreign training to develop such persons.

Assuit University, a regional university some four hours south of Cairo, has also undertaken to establish a new program in human rights. The Director of that program, Dr. Abdel Moaze Negm, was scheduled to meet me in Cairo to discuss his activities. Unfortunately he was not able to keep the appointment. It would be worthwhile for AMIDEAST's staff in Cairo to make contact with him in order to understand the nature of Assuit's program and its future aspirations in the field of human rights.

V. CONCLUSION

On the basis of my brief visit to Cairo, I have concluded that, among available options, programs having the most direct impact on human rights in Egypt will be those which will involve the judiciary. While assistance to the Center at Zagazig University and possible assistance to the Cairo University Center would prove helpful, it seems to me that the judiciary, among the institutions I surveyed, can most directly influence the implementation of human rights of the Egyptian people. At this point, a key to working with the judiciary seems to be the National Center for Judicial Studies. In order to establish a working relationship with the Center, AMIDEAST might provide, as an initial activity, a study trip to the US for the Center's Director, Counselor Samir Nagy. Should Samir Nagy be interested in such an activity, I would be most willing to suggest an appropriate itinerary.

AMIDEAST should also continue discussions with Dr. Nabil Hilmy with a view toward developing a program similar to that outlined above. Further exploration with Dr. Yehia El Gamal might also be pursued.

In conclusion, I wish to thank the staff of AMIDEAST for organizing my trip to Egypt. In particular, I want to express my gratitude to Mr. Ronald Wolfe and to Mrs. Olfat Fanous for their many and continuing efforts on my behalf during my entire stay in Cairo.

APPENDIX A

Itinerary, 9-16 March

- Dr. Nabil Hilmy: Professor of International Law and Director, Center for International Legal and Economic Studies, Zagazig University
- Dr. Ann M. Lesch: Association Representative, The Ford Foundation, Cairo
- Dr. Abdel Hade: Professor of Law, Zagazig University
- Dr. Nour Farhat: Professor of Law, Zagazig University
- Dr. Mohamad Ashri: Judge of the Constitutional Court, Professor of Law (part-time), Zagazig University
- Mr. John Gerhart: Representative, The Ford Foundation, Cairo
- Mr. Ronald Wolfe: Representative, AMIDEAST, Cairo
- Mr. Alan Gilbert: Cultural Affairs Officer, American Embassy, Cairo
- Mr. James J. Hastings: Regional Inspector General Foreign Investigations, American Embassy, Cairo
- Dr. El Sayed Yassin: Director of Strategic Studies, El Ahram Newspaper, Cairo
- Dr. Ahmed Kosheri: Practicing Attorney, Cairo
- Dr. Ahmed Khalifa: Chairman, National Center of Social and Criminological Research, Cairo
- Mr. John Bentley: Practicing Attorney, Cairo
- Dr. Aly H. El Ghatit: Practicing Attorney, Cairo
- Mr. Nels Ackerson: Sidley, Austin & Naguib, Cairo
- Dr. Fouad Riad: Professor of Law, University of Cairo
- Mr. Richard Mark Frankel: Agency for International Development, Cairo
- Dr. Yehia El Gamal: Professor of Law, University of Cairo
- Chief Justice Said Al-Ashmawy: High Court, Cairo
- Counselor Samir Nagy: Director, National Center for Judicial Studies, Cairo
- Judge Abdel Rahim Amer: Supreme Court, Cairo
- Professor Charles E. Butterworth: Fulbright Islamic Civilization Research Fellow, Cairo
- Dr. Hatem Karanshawy: Professor, American University of Cairo

RECOMMENDATION FOR GRANT/DAP ACTION

JG
Ac
OT
BT
Sullivan

JAN 14 1984

TO: Franklin A. Thomas
VIA: Howard R. Dressner
FROM: William D. Carmichael *WDC*
DIVISION/OFFICE: Program/Developing Country Programs

January 5, 1984
Distribution Date
Request No: DCP-319

PROGRAM: Human Rights & Social Justice

RESPONSIBLE PROGRAM OFFICER: Ann M. Lesch

New Action

Supplement

NEW YORK LIAISON: Judy Barsalou/Stephen Marks

TYPE OF ACTION: Grant out of Appropriation

GRANTEE: Arab Republic of Egypt (Ministry of Foreign Affairs)
for the Center for International Legal and Economic
Studies, Zagazig University

AMOUNT: \$106,000

TERM: Two years

DESCRIPTION: Support for seminars, a conference, and the consolidation
of a human rights research center in Egypt

SOURCE OF FUNDS: Appropriation 677C, Human Rights & Social Justice,
Developing Country Programs. Balance as of
November 30, 1983: \$5,355,745.40

TAX STATUS: Agency of Foreign Central Government

TAX CLASSIFICATION: Governmental unit

ESTIMATED PAYMENT SCHEDULE: FY 1984 - \$63,500; FY 1985 - \$42,500

TO: Thomas Forman (3) Miller (2) Archives
Berresford (2) Gaberman (4) Reynolds Grants Processing Unit (2)
Carmichael (3) Geithner (4) Schoett (2) Information Resources Unit (2)
Collins (3) Harkavy Tenny Library
Dressner (5) Koprowski (2) Tolles (8) Mailroom (12 for Overseas
English Lowe Winnick, L. Representatives)
Feller (4) McDonald, B. (2) Zabriskie

Grantee: Arab Republic of Egypt (Ministry of Foreign Affairs) for the Center for International Legal and Economic Studies, Zagazig University

Amount: \$106,000

Term: Two years

PRECIS

This grant would enable the newly established Center to launch a research and seminar program in the political, social and economic aspects of human rights. Grant funds would be used for eight seminars for Egyptian academics and lawyers, for an international conference on the African Charter for Human Rights, and for research and publications. In addition, some support would be given for staff salaries, library acquisitions, translation of documents, and the purchase of a micro-computer.

Category: International Human Rights Law (122)

Geographic Area of Concern: Egypt (519)

Cost Center: Middle East & North Africa (246)

Background and Justification:

In the Middle East, conflicts stemming from ethnic and religious diversity and from political instability frequently put human rights at risk. The mix of human rights problems varies in each country in the region, but common concerns include such issues as limited access by the poor to legal services, discrimination against women in employment, and the violation of rights of ethnic and religious minorities. Interest in and concern about the protection of human rights increasingly is being expressed by journalists and scholars, and activists in bar associations, law faculties, women's and social service organizations and church groups. They are aided in their concern about the protection of human rights by the existence of a juridical basis for human rights activities in the prevailing Islamic, French, and British legal systems.

Because of the Foundation's non-governmental character and its record of development assistance, the Middle East field office has the potential to encourage activities in the human rights field. Nevertheless, given the generalized suspicion of American institutions and intentions, and political sensitivity to foreign involvement in domestic human rights issues, the field office has moved cautiously in entering this arena. In the mid-1970s, several Foundation-funded programs addressed human rights concerns, among them the customary law project in the Law Faculty at the University of Khartoum,¹ and research supported through the Institute for Women's Studies in the Arab World at Beirut University College.² Two delegated-authority grants made to the International Commission of Jurists (ICJ)³, a Geneva-based non-governmental

¹ \$100,000, two years from May 1982 (820-0728)

² \$331,000, ten years from March 1974 (740-0236)

³ \$ 25,000, two years from April 1980 (805-0682);
\$ 25,000, one year from June 1982 (825-0815)

organization that promotes the rule of law and the legal protection of human rights, addressed human rights concerns more directly. These DAGs enabled the ICJ to convene a seminar on "Human Rights in Islam" at Kuwait University in December 1980, and to assist some of its regional affiliates--in particular the Tunisian League for Human Rights and the West Bank-based Law in the Service of Man (LSM). The Foundation has recently provided a separate grant to LSM to support its research activities and to help it to establish a comprehensive computer-based legal archive.¹ This grant complements a DAG to the Middle East Council of Churches to monitor and publish booklets on the human rights situation throughout Lebanon.²

Field staff are also exploring opportunities to support human rights research and legal clinic activities in faculties in Egyptian and Sudanese universities. Although discussions about establishing a legal clinic program at the University of Alexandria are continuing and have recently been initiated with faculty at Cairo and Khartoum universities, the only grants thus far approved are those to the Law Faculties at Assiut and Zagazig Universities, two recently-established provincial universities in Egypt. A DAG to Assiut University³ enabled a professor of international law to hold essay-writing competitions on concepts of international and Islamic human rights. Some 150 undergraduate and ten graduate students submitted essays and received prizes. A larger DAG to Zagazig University⁴ is helping the Law Faculty establish a Center for International Legal and Economic Studies, with a focus on human rights.

¹ \$104,000, two years from October 1983 (830-0971)

² \$50,000, eighteen months from April 1983 (835-0701)

³ \$540, eighteen months from December 1981 (825-0526)

⁴ \$25,000, five months from May 1983 (835-0621)

Zagazig University is one of the provincial universities established in Egypt in the early 1970s. In less than a decade, the University has grown to handle 60,000 students, of whom some 9,000 are enrolled in the Law Faculty. Despite the daunting educational task facing its 25 law professors, the latter have a strong sense of professional dedication and enthusiasm. This may be attributed in part to their youthfulness: all the faculty are in their thirties or forties, and only the dean is a full professor. Reinforcing the sense of equality that exists among the teaching staff is the relative absence of bureaucratic constraints at Zagazig University, in contrast to the long-established metropolitan universities.

The idea for a human rights center was first articulated by Dr. Nabil Hilmy, a dynamic young professor of international public law. Dr. Hilmy received his doctorate from Ain Shams University in 1977, and has published in English, French and Arabic on human rights law and the law of the sea. He feels that the time is ripe for serious Egyptian analyses and critiques of human rights issues, and that the Zagazig University Law Faculty is sufficiently well-established to support and benefit from such a research program. The establishment of the Center was approved by the University Senate in March 1983, and has also received the strong support of the president and secretary-general of the University and the dean and staff of the Law Faculty. Tangible proof of the latter's interest in seeing the Center established is its provision of two rooms and furnishings for the Center in a central location in the Law Faculty building. The Foundation's initial DAG has enabled the Center to begin acquiring books and documents that will form the core of a human rights collection, to purchase typewriters and a photocopier, and to begin planning research and seminar agendas.

Other preliminary support for the Center included the Foundation-financed trip by Dr. Hilmy and an economist colleague, Dr. Hussain

Negm ed-Din, to the United States in late April 1983¹. They met with professors at the human rights centers at Columbia University and the University of Cincinnati and with interested professors at several other universities. They also met with staff from such organizations as the Lawyers Committee for International Human Rights, the International Commission of Jurists, The American Committee on Africa, Human Rights Internet, and the International Human Rights Law Group. The trip thus proved useful, enabling them to make contacts with relevant American organizations and individuals.

The proposed grant would help the Center to launch a substantial educational program over the next two years. The Center would undertake two sets of on-going activities in Arabic, one of which would be funded out of this grant. First, four academic seminars would be held each year to analyze critical human rights issues. In winter and spring 1984, the Center proposes to convene three one-day seminars on economic rights, international guarantee for human rights, and constitutional rights. At those seminars papers would be presented by several relevant Egyptian scholars, including the dean of the economics faculty at Cairo University, Dr. Rifaat Mahgoub; a senior professor of constitutional law at Cairo University and member of the executive committee of the Union of Arab Lawyers, Dr. Yehya al-Gamal; and Dr. Boutros Ghali, Minister of State for Foreign Affairs and Director of the Institute for African Studies at Cairo University. Although the University would provide transportation, seminar rooms and luncheons for the participants, approximately \$2,000 would be needed for each seminar to cover the cost of honoraria for papers, their publication, and related office expenses. Small sums would also be needed to cover honoraria to distinguis

¹ \$3,700, Individual grant, eighteen days from April 18, 1983

foreign visitors, such as Professor Louis Henkin, director of the Center for the Study of Human Rights at Columbia University, who is expected to visit Zagazig in January 1984. The second major activity that would be undertaken by the Center would be the convening of regular one-day training courses, financed by the University from its own resources, for lawyers working in governmental units and public and private sector companies on constitutional and developmental aspects of human rights law. These training sessions would give special emphasis to recent legal reforms in Egypt and to ways of dealing with related legal problems.

Grant funds would also support the hard-currency cost of the Center's first international conference, planned for April 1984. This conference would be held on the African Charter for Human Rights and would bring together prominent African, American, European and Egyptian jurists and analysts. The Center is considering inviting Leopold Senghor, former president of Senegal and a leading spokesman for African human rights issues. Some of the Americans whom Drs. Hilmy and Negm ed-Din met last spring would also be invited, as well as such Europeans as Niall MacDermott, executive director of the ICJ, and Dr. Peter Nobel of the Scandinavian Institute of African Studies. Although the University could cover the local costs of the conference, grant funds totalling approximately \$22,000 would be needed to cover airfare and honoraria for foreign invitees and special expenses such as simultaneous translation. It is anticipated that the second international conference, planned for spring 1985 on the theme of the right to development, would attract funding from a different donor. The Canadian International Development Research Centre is a possible source, and Dr. Hilmy has already initiated discussions with its staff in Cairo.

Funds would also be allocated from the grant for the purchase of a mini-computer in which Arabic and English bibliographic data would be stored, further library acquisitions, translation of key documents into Arabic, small bonuses for the University staff assisting at the Center, and research and publications. The first publication is already under consideration: a book by Dr. Negm ed-Din on economic aspects of human rights, based on materials collected during his visit to the United States. In time, the Center hopes to attract support from additional donors for its research and publications.

Finally, \$28,000 would be earmarked over the two years for international travel. A portion of this would cover the cost of one junior faculty member's attendance each summer at the International Training Center for University Human Rights Teaching in Strasbourg, France. A larger amount would enable an experienced professor to spend the entire summer vacation at the Center for the Study of Human Rights at Columbia University, preparing course materials and conducting research with the advice of its director, Professor Henkin. Smaller sums would allow faculty to attend specialized conferences on human rights issues, as those opportunities arose.

Cairo field staff anticipate recommending supplemental funding for the research and conference programs of the Center for International Legal and Economic Studies in FY1986 if the activities proposed in this grant action are effectively conducted. Such supplemental support could play a crucial role in enabling the Center to consolidate its innovative program ideas.

The responsible program officer for this grant would be Ann M. Lesch in Cairo. New York liaison services would be provided by Judy Barsalou and Stephen Marks.

Affirmative Action:

Only three of the 25 members of the Law Faculty at Zagazig University

re female. None of the administration in that Faculty or in the general University administration are women. However, a high percentage of the students are female. It is hoped that, over time, attention given to human rights issues will sensitize the University to the need and advisability of increasing the percentage of female teaching staff and administrators.

Estimated Budget:

Seminars	\$16,000
International conferences and related expenses	22,000
Library acquisitions, translations, research and publications	22,000
Staff incentives	13,000
Mini-computer	5,000
International travel	<u>28,000</u>
TOTAL	<u>\$106,000</u>

Zagazig University
Center for International Legal and Economic
Studies.

December 12, 1983

Dr. Ann M. Lesch
The Ford Foundation
Cairo - Egypt

Dear Dr. Lesch:

The Center is please to announce our plans for scientific research activities and studies on human rights, especially legal and economic aspects, during the period from January 1, 1984 to December 31, 1985. This plan is primarily budgeted as follows (in US \$):

	<u>Jan 1, 1984-</u> <u>Dec 31, 1984</u>	<u>Jan 1, 1985</u> <u>Dec 31, 1985</u>
1- Mini Computer	5,000	
2- Library acquisitions & translations	5,000	7,000
3- Bonuses & incentives for staff	6,000	7,000
4- International Conferences	22,000	
5- Seminars	8,000	8,000
6- Travel expenses	12,500	12,500
7- Research and publications	<u>5,000</u>	<u>5,000</u>
	63,500	42,500

The grant total requested is US \$106,000 (US dollars one hundred and six thousand).

We would also like to inform you of the following:

1- The international conference will be held in April 1984, its subject will be Human and Nations' Rights in the African Charter for Human Rights.

2- The seminars will each cost US \$2,000. Three one-day seminars will be held during this academic year on economic human rights, international guarantees for human rights, and constitutional rights for human beings.

3- Travel expenses' costs are US \$2,000 to attend a course on human rights in Strassbourg, France, plus US \$7,500 for two months and a half to travel to the Columbia University Center for Human Rights in the USA. The rest of the travel money will be allocated for travel participation in international scientific and training conferences and seminars.

Thank you for your cooperation with our center and for considering funding these human rights activities.

Nabil Ahmed Helmy

Center Director

Center for Legal International
and Economic Studies at Zagazig
University

1- A brief note on Zagazig University

- Zagazig is one of the regional Universities in the Arab Republic of Egypt, about hundred kilometers north of Cairo. It has two branches, one in Zagazig and the other at Benha. There are about 60,000 students in the different faculties. Benha has about 30,000.

Although the Zagazig University is not very old, it is one of the most active Egyptian universities in the field of science, theory and practice. The University wishes to develop contacts internationally as regards experience, efficiency and to raise its academic standards.

Human rights is one of the legal fields that interests the University. Its activities in this field encourage and develop studies concerned herewith. Examples include holding the first International Conference for Teaching Human Rights in collaboration with the UNESCO in 1978. Recently, the last was awarding an honorary doctorate decree to Mr. Edgar Faure, ex vice president of France for his contribution to the field of human rights.

2- Center for International legal and economic studies: Its aims, activities and concerns

The Zagazig University wishes to establish a scientific center for professionals to study economic and legal problems. The Center takes advantage of the strategic position of Egypt as an Islamic, Arab, African, Third World, Middle East and the Mediterranean sea country to treat in a scientific way these legal and economic problems. Legal and economic human rights will be a priority of the center.

The center will have several activities, the most important of which are:

1) Organizing training courses for lawyers working in law in organizations, governmental units, private and public sectors with the aim of informing them of the latest laws and the ways

to deal with legal problems, particularly concerning human rights.

2) Organizing monthly seminars for a period of one or two days to study one of those problems with the help of either Egyptian experts or those available in Egypt.

3) Holding an annual conference in which Egyptian and foreign professionals will participate to discuss legal and economic problems especially in the field of human rights.

4) Printing and publishing all the works of the center not only in Arabic but also in a foreign language, to enable the outside world to discuss the thoughts published by the center.

5) Establishing a legal and economic library to include all books, documents, periodicals, etc. that enable participants to conduct research in the center.

6) Composing a system for documenting references on a scientific computer. This would include all books, magazines and doctoral theses related to the field of human rights. The center will start with Arabic scientific references.

7) Doing research on legal and economic problems. Researchers could be either Egyptians or foreigners; researches could be either in Egypt or joint with foreign professionals.

HUMAN AND PEOPLE'S RIGHTS

In the short time since the drafting of the African Charter on Human and People's rights a good deal of international interest has been shown in the attempt to combine combine the two rights, human and peoples. The implications of this attempt for the future of rights both in Africa and the rest of the world is unknown at this time. We propose to hold a conference in Egypt during May 1985, on the human and people's rights. The Center for International Legal and Economic Studies is prepared to host the conference at Zagazig University.

The major contribution of the African charter is its forceful attempt to combine two compatible but quite different types of rights. Human rights have been clearly outlined in the Universal Declaration of Human Rights. People's rights include the right to self determination, the right to peace and the right to development, among others. Such an attempt to add these rights to a charter on human right introduces a new set of issues as to the definition of these rights in each national setting, the establishment of means of monitoring their conditions in a wide range of contexts and the establishment of tribunals to represent the "people".

In addition, there are many topics connected with human and people's rights which should be addressed. Human and People's rights would have to include issues of boundary problems, military intervention in politics, protection of civilians in armed conflict, the protection of individual rights in development efforts, human rights and basic human needs, and the impact of differing governmental structures upon human rights.. The situation of women and children and different images of development would also be discussed.

agenda about human and people's rights and establish a list of participants for the plenary session the following year . This preliminary conference will include 20 participants from different part of the world from those who are specialaiz in the subject. The gerneral conference in 1985 should include 20 participants from Africa, 10 from Europe, 10 from other parts of the world and 10 participants from Egypt. The conference would last for four days. The first day would begin with a : general assembly in the morning followed by an afternooon schedule of working groups. This working group structure would be the format for all meeting on the second and third days. Finally the last day would have a working group format in the morning and a general assembly format for the last session. The working groups would include an invited paper to begin each group session, then following the lead of the paper discussion of the topics developed in the paper would be given ample time. Each session would have 3 to 4 working groups. This means from eighteen to twenty four topics could be covered (i.e.. 3 or 4 groups meeting for 6 periods.) Participants would be chosen carefully to insure diversity of expertise and views. Members of UNESCO would be invited to the preliminary conference to help in the planning for the 1985 event. We would envision a major publication, perhaps a two volume book, to follow from the working papers.

EXPENSES

The Preliminary Conference (May 1984)

1.	Travel to and from Cairo for 15 @ \$ 1500 average	\$ 22,50
2.	Lodging and board (6days) @ \$ 100	\$ 9,00
3.	Local travel to and from Zagazg	\$ 1,00
4.	Interpretation expenses (4 days)	\$ 4,00
5.	Administrative assistant (2x3 months @ 200)	\$ 1,20
	(1x3 months @ 100)	\$,60

8. Materials and supplies	\$	1,000
9. Cairo attendees expenses (5days @ 80)	\$	2,000

TOTAL	\$	<u>41,400</u>
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41,300 -

Over head to University at 15%	\$	6,210
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6,195

GERAND TOTAL	\$	<u>47,610</u>
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47,495

The General conferance (May 1985)

1. Travel to and from Cairo for 40 @ \$ 1500 average	\$	60,000
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2. Lodging and board (6 days) @ \$.100	\$	24,000
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3. Local travel to and from Zagazig	\$	1,000
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4. Interpretation expenses (4 days)	\$	4,000
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5. Administrative assistance (2x3months @ 200)	\$	1,200
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6. Secretary(2x3 months @ 100)	\$,600
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7. Student assistants (3x3 months @100)	\$,600
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9. materials and supplies	\$	1,000
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10. Cairo attendees expenses (5 days @ 80)	\$	4,000
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TOTAL	\$	<u>96,400</u>
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Over head to University at 15%	\$	14,460
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GERAND TOTAL	\$	<u>110,860</u>
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CONSULTANT REPORT - JORDAN

"Legal Education and Training Initiatives in Jordan"

Cherif Sedky, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
Washington, D.C.

May 1984

I. PRELIMINARY STATEMENT

This report sets forth the findings and recommendations which arose out of my trip to Jordan during the period April 22 through May 4, 1984. While in Jordan, I met and had discussions with the individuals identified in Appendix A below, as well as with other individuals who attended group sessions all of whose names I was not able to obtain. As a preliminary matter, I wish to express my deep gratitude to Alain McNamara, the AMIDEAST Director for Jordan, whose extraordinarily capable assistance made my visit to Jordan both illuminating and productive.

Prior to visiting Jordan I had occasion to review materials on the structure of the Jordanian legal system which were assembled by the staff of the Library of Congress. While there, I also discussed the overall structure of Jordan's legal system with representatives of the Ministry of Justice, with Judges of the lower courts, the intermediate appellate courts, and the Court of Cassation (Supreme Court), as well as with members of the law faculty of the University of Jordan Law School. Given the human rights emphasis of the survey I was to undertake in Jordan, my own preliminary review, as well as my discussions with jurists, government officials, practicing lawyers and academicians, focussed principally on substantive criminal law and criminal procedures. Thus, I obtained basic information on the sources of Jordanian law; the structure of the courts; Jordanian administrative procedures; the special (i.e. religious) courts and the military tribunals.

II. OVERVIEW OF THE JORDANIAN LEGAL SYSTEM

Jordanian civil and criminal law derives predominantly from the European (Napoleonic) "code" system, and Jordan has picked what it has perceived to be the most modern codifications of various substantive legal standards. Thus, it has chosen from French, Swiss, German, Egyptian and Syrian legal codifications, as best suited to Jordanian needs. Except for matters reserved to the jurisdiction of the religious courts and the military tribunals, ordinary lower trial courts hear both civil and criminal cases of virtually all sorts. The religious courts have jurisdiction over matters of personal status (marriage, divorce, adoption, and inheritance) and the military tribunals have jurisdiction over crimes involving "national security" (expansively interpreted to include such otherwise "ordinary" crimes as graft and corruption involving public officials). The military tribunals apply the same legal procedures as do the civilian courts, including the right to counsel and to cross examination, and the tribunals apply normal rules of evidence. However, there is no appeal to the civilian courts (including the Supreme Court) from the judgements of the military tribunals.

Overall, I was impressed with the structure of the Jordanian legal system as it relates to the protection of human rights and the rights of the accused. Thus, Jordanian law appears to furnish adequate safeguards during the arrest process, for searches of the person and premises, and for the conduct of a criminal trial. Two areas which differ from the American legal system involve the process of arrest and indictment, as well as the right to court-appointed counsel during criminal proceedings. Unlike the American system, probable cause for arrest is determined (as it is in the French system) by the prosecution, without the intercession of

an impartial judge. However, a judge has, and exercises, the authority to dismiss indictments for lack of sufficient evidence. With respect to the right to counsel, while every accused has the right to counsel, legal assistance is not furnished free of charge for indigents except for offenses which impose life sentences. In my view, however, these differences are of the sort one would expect among different social and political structures, and cannot fairly be viewed as a weakness of the Jordanian legal structure.

III. FURTHER LEGAL EDUCATION AND TRAINING

During my discussions with the various Jordanian officials, they expressed a keen interest in the American legal system, particularly in areas where the law in Jordan is not as well developed as it is in the United States. Thus, for example, a need was repeatedly identified for greater sophistication in Jordan in the areas of commercial relationships, particularly in the area of joint venturing of governmental and private entities in economic projects within the Kingdom. The single most repeatedly identified area of need was in the public contracting sector where, apparently, government lawyers are not sufficiently versed in contract law and contract administration to feel comfortable in their negotiations with foreign enterprises. Additionally, the areas of communication law, transportation law and maritime law were identified as areas which need additional emphasis in Jordanian legal training.

The particular needs which were identified to me varied with the particular institution identifying the need. In the ensuing discussion I will group the individuals with whom I met into the following categories; (i) government officials; (ii) academics; (iii) the judiciary; and (iv) the practicing bar.

A. The Governmental Perspective. As one might expect, government officials tended to stress Jordan's need for support in institution building. Thus, these individuals were the ones most concerned with improving the legal system in substantive areas that were undeveloped in Jordanian law. It was these officials who identified the need for improved government contracting administration, and improved legal education in areas of commercial law, communications law, transportation

law and maritime law. However, government officials were also extremely enthusiastic about, and prime movers of, a proposal to establish a Judicial Institute for the training of judges and practicing lawyers. Plans for such an Institute are described in greater detail below.

B. The Academic Perspective. Professors and university administrators tended to stress the need for curriculum improvement, particularly in the areas of international business transactions and in comparative law. There are two major impediments to enhancing the law faculty curriculum in those areas. First, the paucity of persons with appropriate training who are able or willing to teach in Jordan. Secondly, the language barrier which arises from the relative inability of most Jordanian undergraduates to deal effectively in English or in French. Specifically, the Faculty of Law of the University of Jordan would like to have a United States trained lawyer to teach international law in both the undergraduate and graduate levels. Moreover, they would be very interested in having an Arabic-speaking lawyer teach domestic legal subjects in English, but having sufficient familiarity with Arabic to be able to comprehend local Jordanian law and to teach such subjects with a comparative approach.

C. The Judicial Perspective. Representatives of the judiciary tended to emphasize the need for assistance in administrative matters. Thus, there are no formal court reporters in the Jordanian Courts, although an apprentice judge takes notes during the proceedings which are, thereupon, written up for the sitting judge's deliberation. However, a complete verbatim transcript is never available although such a transcript would be extremely useful for both the trial and any subsequent appeal.

Moreover, there is no formal reporting of the decisions of any of the courts, in the sense of describing the bases for decisions at various judicial levels. Accordingly, judges, both at the trial and the appellant level, are required to re-analyze issues that may have been considered before by other judges. This results in both duplication of effort and possibility of inconsistent results. The Jordanian Bar Association does make synopses of, and publishes, "important" judicial decisions. I was advised, however, that the task of doing so is assigned to junior lawyers who may not have the experience to appreciate the significance of decisions that are rendered.

D. The Lawyer's Perspective. The practicing bar, as was the judiciary, was also interested principally in the more efficient administration of the legal system. Thus, the bar shared the concerns expressed by many of the judges as to the need for verbatim transcripts of proceedings as well as for formal published opinions, at least of the appellate courts. On a more substantive level, many practicing lawyers were concerned with the need identified by the Ministry of Justice officials for greater training in the law of contracts and contract administration. Jordanians practicing law by and large simply have no experience in large economic transactions that involve extensive documentation. Thus, they feel themselves to be at the mercy of foreign investors in Jordan who pretty much dictate the terms of the legal relationship in any important business transactions.

IV. RECOMMENDATIONS

In considering recommendations which I might make for further funding of projects in Jordan, I have had to make a judgement as to the level of beneficial impact on the Jordanian legal system per unit of funding which is made available. With that criterion in mind, I believe that there are three areas in which AMIDEAST may be of further assistance to Jordan. First, academically; second, governmentally; and third, judicially.

A. Teaching Fellowships. Given the almost universally expressed need for assistance in developing legal curricula at the various institutions that teach law or law-related subjects, AMIDEAST might consider either subsidizing the teaching by an American in Jordan, or furnishing assistance to a Jordanian who would study in the United States. In terms of immediate benefit, it would appear that a subsidy of an American-trained lawyer to teach in Jordan would have the greatest impact. Thus, one or two individuals could teach international business transactions, and/or comparative law at one of Jordan's universities. The impact of those one or two individuals over the course of a year would be far-reaching in terms of the number of individuals benefitting from the instruction. The real difficulty appears to be whether an individual can be found who meets Jordan's needs.

B. Public Contract Law and Administration. Except with respect to such "global" institutional issues as curriculum enhancement and the upgrading of the Jordanian judiciary, the Jordanian government's immediate direct need would seem to be in the areas of public contract law and

administration, as well as in training for negotiations with foreign investors. Because language might be a problem, it may not be practical to send an American expert to Jordan to teach government contracts law and administration, and how to negotiate with foreign investors. It might be more useful, therefore, to consider sponsoring an English speaking Jordanian government official for training in the United States for a year or two in these specialties so that he can further train other government officials in Jordan upon his return.

C. The Judicial Institute. In terms of overall institution building, AMIDEAST might wish to consider assisting in the establishment of a Judicial Institute which is under very active consideration by the Ministry of Justice, the academic community and the Royal Palace. The proposed Institute is intended to serve the principal function of upgrading the judiciary. A tangential function would be to furnish additional training to practicing lawyers.

The genesis of the Judicial Institute is the candidly perceived weakness in the delivery of the entire system of justice. Thus, while Jordan's constitution, its laws, and its legal procedures are progressive and are fully capable of furnishing a first-class legal system, the principal institutional problem appears to be one of personnel. This problem derives from a relatively unsophisticated judiciary and an inconsistently trained practicing bar. As matters stand now, an individual who obtains a law degree from any Arab country (where, universally, legal training is undertaken at the undergraduate level), can apply to enter the judiciary in Jordan. A prospective candidate does so by serving an apprenticeship to a sitting judge for a number of years. Surprisingly enough, an individual can become a judge in Jordan without

ever having formally studied Jordanian law. Indeed, it was reported to me that there are judges in Jordan who have had no formal legal education whatsoever, but have received quasi-legal degrees in public administration or related fields from correspondence institutions. Furthermore, the so-called "judicial apprenticeship" is, in reality, training for little more than becoming scribe and a "go for" for the sitting judge. Apparently most judicial apprentices spend virtually all of their spare time simply taking notes of the ongoing legal proceedings and running errands for the sitting judges. Thus, these apprentices do no legal research, and do not participate in the deliberation of an actual case. In short, by the time one becomes an actual sitting judge, the odds are great that he has had virtually no experience whatsoever beyond whatever undergraduate legal training he has obtained.

On the side of the practicing bar, there is also an internship requirement prior to being allowed to appear before the Jordanian courts. While, in some instances, such an internship can be an educationally rewarding experience, the individual apprenticing lawyer is at the mercy of the law office for which he works. Thus, again, there is the potential that the apprenticeship will be nothing more than cheap labor for inconsequential errand-running or rote legal work,

To correct these perceived defects in the overall effectiveness of the Jordanian legal system, the Crown Prince and the Prime Minister have reportedly been enthusiastic about establishing a Judicial Institute. As contemplated at present, the Institute would offer a four semester program which would be a prerequisite to a judicial appointment and to appearing before Jordanian courts. The first semester would be devoted to an intensive review and analysis of Jordanian substantive law. The second semester would be devoted to a review and analysis of Jordanian civil,

criminal and administrative procedures. The third semester would be devoted to mock tribunals where the students would be required to put forth and analyze mock trials where their performance and their decisions would be critiqued by an experienced faculty member. Finally, the fourth semester would be devoted to actual clinical work in the Jordanian courts either as a "practicing judge" who would sit in on trials and participate in deliberations (although without a vote), or as practicing lawyers.

On the assumption that the proposed Judicial Institute does in fact get off the ground, the opportunity to participate in the formation of such an institute would appear to be a unique opportunity for AMIDEAST and, indeed, for the United States government. Such participation could take various forms depending on the resources available. With relatively few resources, AMIDEAST could assist in the planning for the Institute. At the other extreme, it could assist with the physical plant and staffing.

V. CONCLUSION

Generally, I am intuitively opposed to supporting "fact-finding" missions, either by Jordanians to the United States or by Americans to Jordan. Quite candidly, I have seen those kinds of missions turn into nothing more than excuses for sight-seeing. In the case of the Judicial Institute, however, I do believe that with relatively few resources, AMIDEAST could sponsor a trip to the United States by a delegation of those Jordanians who are expected to be instrumental in the establishment of the Institute. The expected result would be that those individuals would have freshly in mind the benefit of their exposure to the American legal system as they embark on establishing the Institute. Thus, a delegation comprised of one or more government officials, one or more judges, one or more academicians, and one or more practicing lawyers would, in my view greatly benefit from a tour of relevant American institutions. Such a tour would include visits to law schools, courts, the Justice Department, State and Federal courts administrative offices, and the Judicial Training Center in Reno, Nevada. In that way, when those individuals congregate to consider the structure and the goals of the Institute, the Jordanians who are embarked on establishing the Institute will have in mind the manner in which the United States trains its lawyers and judges.

APPENDIX A

Itinerary, 22 April - 4 May

Abu-Bakr, Zoheir al-Kayed: faculty member, Yarmouk University

Baydoun, Elias: Assistant to the President, Yarmouk University, (hosted luncheon at University)

Dajani, Said: practicing lawyer (attended reception at Judge Khoury's home)

Dorrah, Said: Chief Prosecutor (Solicitor General), Ministry of Justice

Gharaibeh, Hesham S.: Acting Dean, Faculty of Economics and Administrative Sciences, Yarmouk University

al-Hadadi, Suleiman: practicing lawyer, member of Bar Association

Halsa, Adeb Salameh: Judge, Court of Cassation; member Society of Jurists

Hammouri, Mohammak K.: Dean, Faculty of Law, University of Jordan

Keswani, Salem Y.: Assistant to the Undersecretary, Ministry of the Interior

Khoury, Fouad: Judge; Inspector of Law Courts, Ministry of Justice
(acted as principal liaison for me with other Jordanian officials;
hosted reception at his home)

Mahafzah, Ali: Professor and Vice President, Mu'tah University

al-Omari, Talal Salem: practicing lawyer, member of Bar Association

Rashdam, Najeeb: Second President, Court of Cassation

Sabet, Moussa: President, Court of Cassation

Shamout, Rifa'at: President, Court of Appeals

al-Wazani, Rateb Ahmad; Judge and Deputy Minister of Justice

CONSULTANT REPORT - MOROCCO & TUNISIA

Sub-Project Identification in Morocco and Tunisia

Thomas W. Dichter, PH.D.

April 1984

Acknowledgements

This consultancy was challenging and often frustrating. The reasons for this will, I hope, become clear in the course of this report. Even so, I believe that extremely useful and pertinent information was gathered and thus the task set out was accomplished. This could not have happened without the efforts of AMIDEAST's field directors, Sue Buret in Morocco and Patricia Payne in Tunisia. Their unusually extensive range of contacts and understanding of both countries made the visits far more fruitful than they would otherwise have been. They were tireless in making arrangements for my interviews and continuously supportive of my efforts to accomplish the assignment. In addition I found their judgements about matters related to the ways in which this project could proceed in the two countries to be extremely sound. For these reasons when and if the project is implemented in Morocco and Tunisia, it will be in good hands.

I. Summary of Activity

Activity #3 of the Legal Education and Training Project (LET Project) calls for the consultant to survey and identify future sub-projects in Morocco and Tunisia. The project proposal anticipates that these sub-projects would largely consist of participant training or consultation options in areas of the law which would enhance Human Rights goals, as broadly defined in the Operational Program Grant Proposal (OPG).

It was expected that the consultant would assess local needs and problems in the legal field in general and with respect to Human Rights in particular, and in the course of that assessment focus on which types of legal training the project ought to emphasize. Attention was also to be paid to recommendations as to likely participants, likely facilities, and likely subjects of training, all of which were to be related to Human Rights goals and other Human Rights initiatives.

A meeting of the Advisory Committee for the project was held in Washington on 1 March, 1984. As a result of that meeting two further emphases were added to the formally assigned tasks; 1) an emphasis on looking at potential sub-projects with an eye not just to local political limitations but to cultural limitations as well, and 2) an emphasis on considering the possibility that Human Rights might need to be even more broadly defined than the term had been in the OPG, in order for the project to be successfully implemented in these two countries.

I visited Morocco from March 5-11, and Tunisia from March 11-17, 1984. I also had meetings with officials of Amnesty International in London on 19 March, 1984. A list of persons interviewed is appended to this report. In addition to interviews with Moroccans and Tunisians, interviews were conducted with US officials at AID and the American Embassies in both countries.

II. Problems Encountered

Both AMIDEAST field directors, some AID officials and some embassy officials were apprehensive about both my visit and about the LET Project itself. In Morocco the political situation could be described as, at worst, quite tense, and at best, "delicate." Clearly there was a need for caution with respect to this project. A series of riots beginning in the north of Morocco had resulted in a harsh crack-down on the dissidents. I found a striking lack of consensus as to what those riots were "really about" among those with whom I discussed the subject. Explanations varied from imputing the underlying "real" cause to the resurgence of an independence movement among separatists in the northern (Rif) mountains; to the combination of the poor state of the economy and the continued drought; to Muslim fundamentalism; or to opposition among students and other articulate groups; to high level corruption. The way in which the King and his forces put down the riots (harshly) along with the comments he made about the influence of Zionists, Khomeinists and Communists, and the direct insults and threats to the Rifian people were, taken together, somewhat uncharacteristic, and suggest both some degree of fear on the part of the regime and a concomitant desire to let it be clearly known that raw power was henceforth to be readily used and exercised.

Given the above, it is not difficult to understand why a discussion of Human Rights by that or any other term would be thought of as an unwise thing to do in Morocco at this time.

One result was that visits with certain groups were not arranged. I was advised not to openly contact the Moroccan Association for Human Rights. Nonetheless I did arrange to visit on two occasions a member of the Moroccan opposition party who felt no compunction about meeting with me privately to discuss the Human Rights situation in Morocco.

It is important to note that in no situation is the atmosphere on site as one dimensional as one is inclined to think looking at things from the outside. In Morocco (a country I have known well for 20 years) while there were palpable signs of increased tension life does go on as usual; banned newspapers were back on the stands, and some of our interviewees brought up the subject of Human Rights quite spontaneously and seemed to feel strongly that apart from directly criticizing the King, there was nothing they could not discuss. But discussing Human Rights in a closed door interview is not the same as mounting a project with Human Rights as a primary goal (implicit or explicit). In sum I contend that the walking-on-eggs quality of my visit was clearly justified.

In Tunisia the atmosphere was also tense though there was a greater degree of openness vis a vis the extent to which it was felt the subject of Human Rights could be explicitly brought up. The so-called "food riots" of January had receded in time, though their effect still lingered in the form of continued small strikes here and there and constant rumors in Tunis about top level government personnel shifts.

There seemed to me to be more consensus in Tunisia about the riots being basically an expression of frustration on the part of have-nots over the growing gap between them and the "haves" (including a clear North Tunisia vs. South Tunisia gap), along with a growing malaise about the succession of the President. As in Morocco recent political events and the tension succeeding them imposed certain constraints on my visit. An appointment made with the head of the bar association was cancelled because the person was attending the trial of a fellow lawyer who had been arrested in connection with the January riots (I did meet with someone else in the association however). Meetings with officials in the Ministry of Interior were not even considered because the Ministry was

believed to be in the midst of a major shake-up (the Minister himself having fled the country).

Overall the combination of events and tensions resulted in the necessity of conducting the survey under less than ideal conditions. It was necessary to approach some of the key issues very obliquely, if at all. In presenting myself to my interlocutors I obviously could not say that the purpose of my visit was to identify the extent to which they or their institution would be a likely locus of a training effort on our part (the US's) aimed at "furthering the implementation of Human Rights" in Morocco or Tunisia. Even without the events and the tensions around them, such a way of presenting my visit seemed, on the face of it, at the very least condescending and presumptuous.

So, with the exception of a very few interviews, where the spirit of that aim was referred to more openly, I invariably presented the visit as a fact-finding mission; to wit, a modest sum was being made available by AID through AMIDEAST for the purpose of legal education and training (the terms to be interpreted as broadly as the interlocutor would like). Our motivation was described as a desire to generally help their system become more efficient, to see greater access to the legal system on the part of the citizenry, and to generally enable an exchange of ideas between legal systems to the extent that they (Moroccans or Tunisians) may desire. Thus my purpose was to collect and report their ideas about using such a fund. I tried to make it clear that the project was in a preliminary state of being, that nothing was set in stone. I never mentioned a particular sum of money nor a set length of time for the project.

Of necessity, then, my approach was non-directive and this had some disadvantages. Some of the concerns targeted by the OPG Proposal - the relationship to other Human Rights initiatives, for example - could not be

pursued directly and there was always the task of somehow maneuvering the interviewee onto Human Rights, or at least closer to the subject.

Still, the oblique questioning technique had some important advantages. Much of the information we sought surfaced because, as any experienced interviewer knows, it is possible to shape and move a conversation in the directions an interviewer wants to pursue. And more importantly, information we did not seek - and which is undeniably awkward for project goals as currently conceived - also surfaced.

Because the interviewees were given a vague, very broad introduction to project concerns, they tended to fill in the gaps, interpreting our purposes according to many of their own most central concerns. In this way the oblique interview worked something like the "projective test" of the psychologist, and gave us a chance to learn how our target audience wanted to be treated. In the process, too, there was one particularly striking positive reaction, actually one of pleasant surprise and even delight, that in this rare instance, an American project seemed to be asking host country officials for formative ideas about the project before initiating it.

The interviews themselves did make clear that there were more problems than had been anticipated associated with a frontal attack on the Human Rights issue. For the most part US field staff underscored what the interviews with Moroccans and Tunisians suggested. The field staff was apprehensive about my visit because of the political climate.

In addition a lack of clarity about the project budget may have increased apprehension about the project. Budgetary questions were raised by several people in both countries who had read in the OPG that the money available for sub-projects in Phase II, after overhead, etc. was only about \$75,000. Such a sum, at best, translated into approximately 5 two-week in-country consultations and perhaps 7 short-term US participant trainees,

to be split among the four LET Project countries. The net result, it was noted, would be perhaps no more than one two-week in-country consultation and two participant traineeships in the US, per country. Put this way, the implied question, "What's the point?" is understandable. When combined with the feeling that there was some risk involved in mounting the project, the amount of money perceived to be available made the risk seem definitely not worth the potential gain.

Such a feeling was all the more understandable when I saw the situation from the point of view specifically of the two AMIDEAST field directors. Both directors have lived in their respective countries for about 20 years. They therefore have a complex relationship with these countries, something considerably more than that which develops in an "overseas tour". They also have a very real and proprietary stake in AMIDEAST's positive reputation and success in the area. Both these facts translate concretely into a large number of contacts. Both directors are known to and know a great many key people. These contacts, some of which are the kind of relationship which can only develop over time, are particularly important in cultures like Morocco's and Tunisia's where layers of trust are revealed slowly and cautiously. Thus in Morocco and Tunisia, Buret and Payne are AMIDEAST, rather than merely being its representatives in the field. They know their countries well and are capable, when it is necessary, of seeing things from the Moroccan or Tunisian point of view. Clearly then they had some good reasons to be wary of the project. Having said that, however, Payne's and Buret's professionalism was all the more impressive. They "bracketed" their initial doubts, and made an energetic effort to facilitate both the letter and the spirit of the LET Project to the extent circumstances permitted.

Their judgement that final arrangements for my interviews could not be completed until after they had had a chance to discuss the tasks with me in person I believe to have been entirely correct. Likewise their decision to accompany me to most of the interviews was also correct, especially given the need to arrange many interviews with busy officials on short notice. Since such arrangements were in some cases only possible because both Buret and Payne had excellent relationships with the particular officials, it was necessary for protocol reasons that I be accompanied.

III. Evaluation

The OPG Proposal clearly recognizes Human Rights as a sensitive issue in its call for a broad interpretation of the term. The deeper difficulty with the project is conceptual; the nature of the Human Rights problem in these countries. On p. 3 of the OPG Proposal the assumption is made that, "enhanced training and education of legal personnel in selected subspecialties will result (my emphasis) in more consistent implementation of the human and civil rights standards which are already reflected in the constitutions and legal codes of the target countries." As the interviews brought out, this is only partially true, for it fails to acknowledge that the problem of Human Rights is not only a legal problem but, in the deepest sense, a political one. By "deepest sense" I mean the overall nature of the "polity", people's "manners and mores", as Tocqueville called them, regarding the polity in which they live - their political culture. More consistent implementation of Human Rights standards does not depend only on enhanced legal education but on fostering changes in the overall political culture. Legal education may be one small way to do this.

A second problem, related to the first, is the implied assumption that we in the West have a corner on the standards of human and civil rights. That cultural bias comes through in the tone of the OPG Proposal at times and it is something that some interviewees seemed to be anticipating when we mentioned to them the seemingly bland term "legal education" (FR. "formation" or "education juridique"). On p.16 of the OPG Proposal it is stated,

"The precepts of Islam differ markedly from the contract theories of government and their attendant legal codes, and as a result, the principles on which its legal systems are based are not wholly consistent with those of the Western democratic model.

Nevertheless, recent years have witnessed a practical resolution of many of these problems, and many Arab leaders, with the support of responsible groups and organizations in the region, have taken positive steps specifically aimed towards strengthening human rights."

The implication here is that they have a Human Rights problem and we can solve it for them with our Western model. If we consider things from the point of view of their political culture, with their laws, their conception of harm or of "guarantees" and so forth, one could argue that they have no Human Rights problem. However cynical such an argument may be, it does raise the question of Human Rights, "in whose terms?" It seems clear that we do want to promote Human Rights in our terms and we can justifiably claim that there is nothing wrong with that since these very countries have agreed to support the Universal Declaration of Human Rights, whose vision of Human Rights we espouse. The goal is not in dispute here, but rather the way in which the problem is conceived. What is needed is to face the dual difficulty of how our agenda of wanting to improve Human Rights is going to be perceived by Morocco and Tunisia, and at the same time acknowledging that what we have to offer in this regard may not be strictly in the area of legal education or legal systems. Enhancement of Human Rights will depend on the growth of a democratic culture wherein certain key habits, opinions, beliefs, and political values begin to pervade a larger and larger number of people.

The project may be more realistic by accepting as its underlying goal the fostering of democratic culture. This extremely broad goal allows for any activity that can be seen as a possible "seed" for creating the conditions in which a democratic culture can arise. Such a project, while requiring that we accept a far longer commitment before we see "results" is more realistic in that it takes into account the complexity of the issue of Human Rights; and in allowing for an even broader interpretation of which activities may be viably construed as contributing to Human Rights it permits us to retain our cultural bias (ie our belief in the value of democracy) more openly, without embarrassment, and without

"turning off" our interlocutors.

Particularly in countries like Morocco and Tunisia which have sophisticated legal systems with dual roots in Muslim jurisprudence and the French system, and where there is growing self-consciousness about that sophistication and that duality, it is extremely dangerous on our part to suggest to them that we occupy a higher moral ground than they on Human Rights issues, and further, to believe that we have some "help" to offer them in these areas which they would want. Psychologically speaking such a tactic is bound to create anger and resentment. There was clear evidence in both countries of potential volatility around the matter of whose definition of right and wrong one should go by. (One sign of how volatile Human Rights can be when looked at cross-culturally or even within a single culture, is the disagreement among staff of Amnesty International regarding what is and what is not a violation of Human Rights in a country whose laws provide for flogging or amputation for particular crimes.)

One of the most common sentiments expressed in the interviews in Morocco and Tunisia was the strong feeling of not wanting help from us in precisely those legal areas most closely related to Human Rights as we understand them - ie women and family, civil liberties, personal status legislation. Indeed in a few instances the feeling was expressed that they would like to teach us a few things in these areas. The consensus among those who expressed sentiments of this sort was that we Americans (or foreigners in general) cannot even begin to talk to them about such matters until we engage in a profound study of Islam, Muslim jurisprudence, and Arabic culture and language. The very terms of reference, the fundamental concepts, are ones which they presume we do not understand.

Another common feeling expressed was a strong desire that this project not be a one-way street. The depth of that feeling was profound. It was strongly stated that what is wanted is an exchange of ideas, a reciprocal relationship with the potential for long endurance. Clearly underlying this feeling was a desire to be seen as colleagues, as having come of age, and a wish to become part of a larger world.

In keeping with such sentiments, it was not surprising that most of the interviewees had very clear ideas about precisely which subjects they would like to learn about from us. The message was clear; if legal education and training is what we are offering them, then they want to play a role in designing the syllabus for the "course", and what they want to learn may not be what we most want to teach. On the other hand, if dialogue and intellectual debate is what we are offering to support, then they do not need to feel so strongly about calling the shots.

In order to make better judgements about how to influence the political culture it is important to consider the potential consequences on the society of any initiatives we might consider taking in the legal arena. A brief survey of the concerns, problems and hopes of the interviewees will help shed some light on what can be done.

Both Moroccans and Tunisians expressed the strong wish to have their systems better understood by us. One overriding reason is that they want us to be better able to deal with them efficiently on matters of commerce, trade and large treaty issues. They want to avoid misunderstandings. This practical goal emerged over and over again as a primary one. Their most pressing legal problems are the ones which have to do with their economies, not with their civil liberties.

But in the area of rights they also expressed a clear desire for understanding. In Morocco and Tunisia both, laws are on the books which

protect Human Rights. It was made clear in several interviews that some guarantees of liberty and protections of the person in Islam predate anything that Western legal systems have come up with. In addition there are overlaying aspects of local customs and tradition which play a strong role in Human Rights issues, in North African terms. These are the kinds of things they would like us to understand. For example in Morocco, besides inhering in Muslim law, Human Rights are protected through a complex combination of societal forms and culture. Rights of minorities (the Jews in Moroccan history for example) have in practice depended on the protection of strong tribal leaders. That continues to the present day in the person of the King. What held society together in the best of times in Moroccan history, were not so much the Muslim laws as the patron-client relationships that were formed within groups and the alliances between strong leaders of different groups. When strong men were in short supply, society was not very well held together. This personal factor in Moroccan history has often been in tension with what we would call the "rule of law."

There is a potential "pandora's box" in this sort of tension for any legal initiative we might want to take, as was pointed out by the consulting lawyer for Amnesty International with whom I spoke. The following example should illustrate the dangers.

Some Moroccans expressed their concern about the need for a greater reliance on case law (jurisprudence) as the basis for judicial decisions as opposed to simple application of the statute. They want to allow for more discretion, more interpretation to enter the judges' decisions and lawyers' arguments. They lamented that too much of the present system relied on rote application of highly systematized codes of law - a kind of rule of law in the extreme.

The following case should illustrate this point. Person A borrowed money to buy a piece of land for 3000 dirhams. One of the stipulations of his purchase was that he could not sell the piece until he had paid back the money borrowed. Without having done so he immediately sold the piece of land to person B for 6700 dirhams. A year later person B sold the piece to person C for 48,000 dirhams! C then built a house on the property. C assumed that his purchase was legal because he had a contract drawn up by a notary to which official stamps were affixed. C established his household on the property and paid taxes on his house and land for a number of years. One day a lawyer for person A came along and brought suit against C on the grounds that since A had not had the right to sell the land to B in the first place, C had not concluded a legal purchase and was therefore not the owner. The statute was looked up and the judge applied the law, ruling in favor of A! C was asked to vacate the house and land, giving over the property to A.

The hope of those who talked of this or similar cases was for a system of judgement where there was more room for interpretation; for the complexities of the situation to be taken into account; in effect a system more like ours.

But one reason there has been such extreme systematization and application of statutes in the manner of the case of A, B and C, is because many in Morocco have wanted to remove from consideration in the law the traditional reliance on the personal element. Their instinct has been twofold; 1) to make the system more efficient, and 2) to further the rational ideal of fairness and impartial justice. To them the line between the personal element and taking all the complex elements of a particular case into account jurisprudentially, is pretty vague. There were others we met who wanted to make the system in Morocco even more

systematic, in the sense of "automatic."

The question for the project to ask is do we want to begin a legal training program where our effort becomes in effect a form of social engineering? Secondly, have we ourselves got answers to this sort of dilemma? Since it seems in fact that there is debate in the US about the role of law in society, perhaps the most responsible thing the project could do would be to promote dialogue on the implications of this kind of dilemma, sharing the problems as it were - "Here's what we have or have not learned about it."

There are political and economic concerns as well which play into legal systems considerations. In Morocco there was concern expressed about the growing number of students in legal fields who have little chance of working in their profession. While some interviewees expressed interest in learning more about the American system of teaching law, there is also some reason to be wary of the dangers in having more of an open relationship between students and faculty.

In Tunisia, a society with a long tradition of pluralism and a history of adaptation to outsiders in the absence of natural barriers to invasion, the resulting tradition of progressiveness, some feel, is now in jeopardy. It was pointed out that Tunisia is today the last civil republic in the Arab world, the obvious concern being that it too can go the way of others.

In both countries, stability is felt by many to be something quite tenuous and those involved in or concerned about Human Rights are cautious. The dangers of tinkering with the system are real. Even in Tunisia with its still present progressive tradition and functioning legal and constitutional system, the president of the Human Rights Association conveyed to us that for the moment Human Rights activities are on the

back-burner. The real key to success or even to mild progress in Human Rights cases, he indicated, had been through the intervention of key persons in the government, and this had been possible because of the nature of the personal relationships established between Association people and government people. Now some of those relationships had been severed by the events of January.

On the other side of the picture however, there are indeed some real prospects for taking some initiatives under the umbrella of this project.

The first step is to outline those areas of need in the legal arena which the interviewees brought out as ones they perceived to be of "common interest" with us.

Moroccans and Tunisians both have a general perception of our system being the most advanced in the world in terms of its emphasis on practicality. That term came out over and over again. They too expressed real interest in becoming more practical in all areas.

The US is also perceived to be highly advanced in the study of political science, in the development of commercial law, and in the development of the field of management. Within these three areas the list of specific subjects suggested by the interviewees about which they would like to establish a dialog with us is suprisingly long and certainly shows the extent to which they know what they want.

- Real estate law
- Laws governing the location of industry
- Law as applied to problems of economic development
- Law of the Sea
- Maritime law (fishing rights, etc.)
- Aviation law

- Taxation
- Fiscal management
- Environmental law
- Consumer protection law
- International commercial law
- Petroleum leasing
- Labor law
- Banking law
- Negotiation of petroleum concessions
- Negotiation and acceptances of tenders and bids
- International labor migration laws and treaties
- Leadership
- Relationship between political power and labor unions

These are the kinds of subjects that were brought up spontaneously by the majority of the interviewees. The interest in these things is very much motivated by a real need to solve problems in these areas, and a growing perception that the US would be the most fruitful interlocutor to engage with respect to these subjects. To a certain extent there was also an expression of a need in both Morocco and Tunisia to lessen the exclusivity of the relationship with France. The term "ouverture" (opening) was used often to characterize the mode they wanted to establish in relation to the US. But with this was also a very real doubt about the problem of language. There was a sense of ambivalence in that it is recognized that French is the language of the forward looking intellectuals and the language in particular in which modern technical subjects as the ones above could be conveyed to them; it is the language in which many key people in the legal fields have been trained, while at

the same time acknowledging an obligation to Arabize and to become more proficient in English (acknowledged to be the modern international language). This ambivalence was heightened by a couple of the interviewees who felt strongly that, with the demise of Beirut, Tunis may well become the intellectual center of the modern Arab world. To open to the US more while at the same time trying to enhance its legitimacy with its Arab brothers is understood to be a tricky proposition. Nonetheless the will to do this seemed to be present.

Some interviewees suggested subject areas that are closer to the Human Rights aims of the OPG Proposal. But these were somewhat general and fell into the area of public education about rights. In Morocco there was a strong plea made by a person directly concerned with women's affairs in the Ministry of Youth and Sports for project help in publicizing women's legal rights. In Tunisia it is thought that the project could play a role in creating better mechanisms for citizens to move through the bureaucratic mazes of the government, including publicizing information about how things work (eg how to apply for a passport) and creating something akin to an ombudsman function in key service ministries.

There were also some subject areas brought up which would involve the project only as a source of funds. These, however, are not just for that reason, to be dismissed, as they would address real needs in the systems of both countries. Legal aid for the poor for example seems to suffer from lack of funding. Lawyers in both countries are assigned to cases but contribute their time without compensation. This causes some morale problems and funds for supplements to these lawyers, especially the younger ones would be helpful to the system.

By far the most common money related problem brought up was the general one of documentation, under which I include information systems (computers included), publication of information, texts, reviews, conference proceedings, and translations of legal texts from English to French and from French to Arabic. Outright purchase of books for legal libraries was also brought up a number of times.

IV. OPTIONS

Follow-up activities which were suggested during the course of the interviews both in Morocco and Tunisia can roughly be distributed within three categories;

1. In-country/Training Options
2. Out-country/Participant Options
3. Service Options

In-country/Training Options include those activities in which the primary activity from the viewpoint of the project country participant takes place inside his or her country. These could be in the context of a lecture or seminar program given by selected US experts, technical consultation and assistance for indigenous projects, conference organization, etc.

Out-country/Participant Options might involve both exchange arrangement as well as straightforward enrollment of project country nationals in specified academic and other training programs in the US or another country.

Service Options are those which provide a service through the LET Project for which the existing LET Project staff is sufficient, or which involve sub-contracting to a specialized technical service organization for translation, computer assistance, etc. Bibliographic research, other library assistance, materials acquisition consultation, etc. fall into this category. Also included are those activities which involve only the provision of funds to indigenous organizations.

In-country/Training Options

1. An experimental "pilot" seminar program to be conducted in the Interior Ministry (Formation des Cadres), about legal training seminars. The purpose of this would be to sensitize people in the ministry to the possibilities inherent in legal training. Members of the Security Forces could participate in the development of courses on "legal procedure" and "law and order."
2. A one-week seminar on international law, as related to comparison of different constitutions, and practice of law in different countries.
3. A seminar on "The Major Problems of American Justice". This would address the desire of Moroccan professionals to overcome their exclusive reliance on the French for exposure to the "western world" particularly in the field of law. Such a project provides a format which would not be offensive to Moroccans in that it would not take a condescending viewpoint, and yet would provide exposure to other systems and ways of solving problems. It takes into consideration that one of the strengths of our legal system is that it has the mechanisms to resolve its own problems.
4. Assistance in computerizing the Moroccan court system in order to relieve it of the debilitating congestion which encumbers it.
5. Technical assistance to the Faculty of Law in Rabat for expanding the scope of its two-year old Comparative Law program to include such areas as commercial law, fiscal, constitutional and tax law.
6. Establishment of a unit within the Faculty of Law at Rabat which research and design means of publicizing citizens' rights. This unit could be planned in such a way that it could deal both with civil issues as well as more practical issues such as negotiating legal contracts, procuring building permits, etc., which are also problems arising from

widespread legal illiteracy.

8. The establishment of a legal education program dealing specifically with women's rights within the framework of the 357 Foyers Feminins (women's centers). These are administered by a staff of 1000 "monitrices" and are regularly attended by 35,000 Moroccan women. The program could publicize those rights provided by the 1953 statute on women's rights which is now undergoing revision. Within the context of the program could be the publication of brochures, radio programs, direct training of the "monitrices" in teaching legal rights to women, etc. The focus should be on informing the public of those rights which are protected under Moroccan and Islamic Law. Issues which would be of most interest to women are marriage, divorce, polygamy and custody of children.

Out-country/Participant Options

1. An exchange program in which Moroccan jurists would present various aspects of Moroccan/Muslim jurisprudence to American audiences while qualified American experts would conduct seminars on various "technical specialties" in which we are recognized to have the more advanced system, such as commercial law, maritime law, aviation law and administrative law. This would provide an opening for the justified expression of pride on the part of Moroccans in certain aspects of their 800 year old tradition of Muslim jurisprudence, certain areas of which, such as property law, are highly developed. A likely locus for such a program on the Moroccan side would be the Institut Nationale d'Etudes Judiciares (INEJ), which conducts a two year course for judges and has a computer center which is engaged in coding trial data from all Moroccan courts. In recognition of the sophistication of Moroccan jurisprudence it would be prudent to engage Americans of eminence, whose stature would enable them to speak authoritatively and to commit their institutions to the kinds of ideas and activities that might arise.

2. Participation of from 3-5 Moroccans in short seminars in the US on such subjects as the commercial aspects of international law, maritime law, fishing rights, women's and minor's rights, and rights of senior, handicapped and mentally ill citizens. A strategy for institutionalization should be developed for such a program so that some framework would be available to allow returnees from such training seminars to impart what they had learned to other Moroccans.

3. Establishment of some formal link between bar associations in the US and those in Morocco enabling Moroccan lawyers to learn from observation how the American system works in practice. Bar associations in the US could help to organize visits to law firms, prisons, courts, police stations, etc. Such a program would simultaneously broaden Moroccan exposure to various legal systems (besides the French) and enable Moroccans to witness the operation of the American system in its treatment, protection and defense of arrested persons. Moroccan judges might be particularly interested in seeing how our system of "alternative punishments" works as a possible means of relieving the chronic overcrowding of Moroccan prisons. This kind of activity could be at the level of individuals or small delegations of Moroccan lawyers.

4. Sponsorship of a select number of students to enroll in basic introductory courses to the American legal system at such institutions as the International Law Institute. The purpose of such an activity would be to allow students to study at a practical and professional level, such aspects of law as would better prepare them to perform as lawyers with an international perspective. It would foster a more sophisticated attitude toward comparative law and promote exposure to the American system.

Service Options

1. A translating program designed to eventually produce on an annual basis one major translation from English to Arabic and one from French to Arabic of major aspects of the law, such as commercial law, penal law, family law, etc. Also within the program parameters should be translations from Arabic into English of major Arabic texts on the law.
2. Creation of a "Journal of International Law" in both Arabic and French. This would enhance the understanding of comparative law in the Arabic reading world. A likely institution within which such a journal could be located is the Institut Nationale, d'Etudes Judiciares (INEJ).
3. Publication of Moroccan case law. For lack of funds such a resource does not currently exist in usable form. As a result case law is hardly used anymore in the modern system which relies instead on custom and statute.
4. Contribution to Law Faculty libraries of the Encyclopaedia of Comparative Law.

A primary concern of Moroccans is enhanced commercial relations between Morocco and the US. Their interest in legal education and training is in how they can contribute to better mutual understanding, how they can better prepare Moroccans to perform practically in the sophisticated fashion required in international commercial law, and how legal education and training can be used to increase American confidence in the strength of the legal traditions they have and their conduciveness to good commercial relations. There is a widespread interest in activities designed to promote understanding in such areas as treaty matters, and the way in which foreign business ventures will be protected in Morocco. Moroccans are genuinely concerned to avoid misunderstandings in the field of foreign investment. In many interviews confidence was expressed that programs designed to promote mutual intellectual understanding between the US and Morocco will result in better accords, conventions and treaties and would reduce misunderstandings.

A significant note is the great concern widely expressed for reciprocity in this project. On a number of occasions emphasis was placed on the need for the American legal community to understand the Moroccan legal system and traditions. It is essential to understand this sensitivity on the part of Moroccans; failure to recognize it will jeopardize the LET Project's potential

effectiveness.

In Morocco law is taught within a more broadly conceived faculty than in the US. Whereas law is taught in the US on a practical and professional (graduate) level, the subject, which is taught at the undergraduate level in Morocco, is taught along with economics, and political science. Two interesting and interrelated observations follow from this difference. First, Moroccans are interested in emulating the practical professionalism which characterizes legal education in the US in order to increase their effectiveness in their international operations (as well as at home). Second, they have a much broader conception of fields of enquiry and activities appropriate to the LET Project. Their interest, broadly defined, is in the American system as a whole. They are interested, and in many cases impressed with the open dialog among interested parties which precedes major changes in a law (specifically the Congressional hearing pattern in legislation). The role and power of judges in the American legal system as well distinguishes it from the Moroccan legal system.

There is a genuine desire to create bridges to our system, to gain support for Human Rights activities. Characteristic questions are, "How does the American legal system really work? How do we solve legal problems? What is the relationship between lawyers and judges?" How are civil liberties protected in the US? Moroccan law faculties have expressed interest in learning more about the "liberal state" as promulgated through economic and political structures.

An essential point to be understood is that the problems impeding improved Human Rights practices in Morocco (and perhaps in others of the project countries) are not in the legal recognition of the legitimacy of these rights, but in the implementation of the laws protecting them.

Throughout the interviews it was made clear that the most welcome contributions of the LET Project would not be those which attempted to mould traditional value systems, but rather those which assisted in managing and administering existing traditional legal systems and implementing indigenous legal values.

TUNISIA

In-country/Training Options

1. Seminars for high level individuals within the service ministries in which the issues of morale, morals and efficiency in the public sector would be examined. One purpose of such seminars would be to rally the support of such high level individuals. Responsiveness to the public and a service orientation are sadly lacking in the Tunisian public sector. Productivity and efficiency are thought of as existing only in the private sector. Improvement in this area has considerable official support. Because of the multiple demands upon the time of the types of officials in question the seminars would have to be quite brief, perhaps as brief as 3-4 mornings. One possible locus for such a seminar program might be the National School of Administration (ENA), which has a monopoly on training for the public sector in Tunisia. American management techniques might be effective in motivating students at the ENA.
2. Seminars within the law schools on such subjects as work codes, pension plans, international arbitration methods and other economic and commercial aspects of the law.
3. Establishment of an international law information "clearing house" which would serve as a resource for Tunisians and for others trying to establish legal relations within the Arab world. For example, if Tunisia were to begin negotiations with France on a labor migration issue, the clearing house would provide Tunisian negotiators with information pertaining to previous similar negotiations between Algeria and France. It would provide principals with an accurate picture of what is possible in bilateral agreements between the first and third worlds.
4. A general program of information about the American legal system and

its history, ie a seminar offering a "dynamic view of the phases of the American experience in obtaining their liberties." Within such a program the political character of Human Rights could be addressed in the context of American history while underlining the good things about our experience. Our developments in the fields of consumer protection would be particularly interesting to Tunisians according to some interviewees. This is a growing area of concern, due to the increasing number of accidents resulting from lack of regulation which has accompanied steady industrialization. Such a program could, as a by-product, disabuse Tunisians of the simplistic view of the US as imperialistic or capitalistic.

5. A conference on the subject of consumer protection law with important participants from several countries, and with project support for publication of the proceedings of the conference.

6. Establishment of some formal support framework for the work at the Faculty of Law and Political Science at the university in Tunis. Fields which could be appropriately considered there include;

- the relationship between political power and labor unions
- the influence of economic development on the position of women
- the future role of new political elites (ie what happens to those educated abroad for management roles in government when they return to Tunisia)
- other topics which come under the rubric of political science

Out-country/Participant Options

1. Sponsorship and organization of a colloquium, held in the US or elsewhere (however not in Tunisia), on the subject of, "Law, Violence and Consensus". The participants should be diverse in national background, likely participants being from Mexico, Turkey, the US and Arab countries, and limited to a manageable number such as 4 or 5. Such a forum could help in coming to terms with Human Rights in the Arab world by exploring Islam in a broader, comparative context. "The ambiguity between the individual and concepts of equality in Islam" and the general relationship of man to society in Islam would be appropriate subjects for comparative investigation and might shed light on the deeper currents in Islam which play a role in the modern state. Another possible title is "Civil Societies."

Service Options

1. Support for the Legal Rights for Women Project in disseminating legal information among women in the legal profession and in general, including further publications and translations.
2. Provide assistance for this Project's effort to obtain, systematize and analyze data concerning women in the Tunisian labor force.
3. Support research by the Project in the field of personal status law and its effects on women.
4. Assist in the organization of open fora to discuss women's issues throughout the country and among diverse audiences.

Among interviewees in Tunisia similar concerns were expressed as in Morocco. The question of Human Rights is largely seen as a political issue, as is the law in general. Again the field of law is seen in a broader context than in the US bridging over into the related fields of economics and political science. Interest in the LET Project and its objectives was governed by the general perception of US excellence in the more practical and specifically commercial fields of law. Legal training and education are given priority in as much as they will contribute to strengthening the economy, and aspects of law related to this motive were commonly suggested as the most likely points of "common interest". In some cases the view was expressed that certain aspects of international commercial law do in fact have direct impact on Human Rights practices. Among these are consumer protection, environmental law, insurance law and labor law.

In as much as the LET Project is motivated by a desire to promote the development of systems like our own, the areas we should concentrate on are those which are most amenable to US influence - namely commerce. This is the single area in which Tunisians, without qualification, admit our advantage. There is a broad awareness among educated Tunisians of the emergence of the private investment sector. With it the need for lawyers trained to handle all the complex agreements grows. Training in such issues as taxation, problems of the "free zone" for investment, and environmental law as it pertains to economic growth issues would be welcomed by Tunisians in the legal profession. Tunisians believe as we do that stability and democracy with its pluralistic institutions grow most rapidly in the context of economic health and growth.

As was the case in Morocco, there is concern for reciprocity in the

LET Project. Interviewees expressed the desire that Americans become informed of the reforms and achievements of Tunisian institutions and of general social progress in their country. It is widely felt that the industrial societies are lacking in any deep understanding of the relationship between laws and their socio-economic and cultural impacts on developing nations. For example, people in the development field frequently don't consider the extent to which legislation can govern what they plan, while people in the legal profession do not understand how the laws they write can harm or hurt development. A deeper understanding on our part of these relationships would enable us better to integrate a constructive development component into the overall legal-political framework of the LET Project.

The desire for reciprocity is also the result of the increasing sense of importance felt by many Tunisians about their country. With the demise of Lebanon, the feeling that Tunisia is the last civil republic in the Arab world, and that as such it will assume a leadership role, is strong. Tunisia is felt, at least by academics, to be ready for "new sources of stimulation and new ways of thinking." They too are ready to expand their international exposure and establish a more cosmopolitan, yet distinctly North African identity. Within the academic world there is a desire for expanded contact with the US academic world and the American intellectual scene in general.

On several occasions the inherent difficulties in our project were noted. One interviewee stated categorically that Human Rights in the Arab world is a subject that is fraught with contradiction and hypocrisy, if considered from the western point of view. "Even here, in Tunis, you can talk all you want about Human Rights for Palestinians and about Human Rights violations by the Israelis, and pass resolutions and take action.

You can talk too about women and children. But Human Rights for those who oppose the system, well that's a different story." A number of our hosts expressed extreme reservations about LET activities in certain "taboo" areas. Some suggested that such issues as family law, women's issues, personal statutes, and generally issues dealing with "traditions, customs or culture" are not areas of mutual interest and would not be fruitful areas of endeavor for the LET Project. Furthermore Human Rights as "political rights" and issues of Muslim Law would not be welcome foci for LET activities. One interviewee summed up the problem as follows;

"There are real methodological problems in discussing Human Rights in Islam since the very concepts as presently accepted come from within an occidental framework."

Human Rights more broadly conceived would be a more effective approach for the project in Tunisia. Problems more amenable to open discussion and progress include, the right of movement (including migration), the right of a person to leave a country and to enter another country, and the issue of labor migration. Literacy campaigns and more specifically legal literacy campaigns would be acceptable if de-politicized.

V. Recommendations

If AMIDEAST and AID determine that it is necessary for the LET Project to stay within the options presented in the OPG Proposal, then I would recommend that the following types of activities be undertaken (presented here in descending order of priority):

1. Short-term participant training, of the on-the-job (stage) type, in the United States, for practicing Moroccan and Tunisian lawyers. I would recommend that the vehicle for such an activity be the creation of a link between the American Bar Association or its member groups and units of the Bar associations in Morocco and Tunisia. It is hoped that through such a linkage two things would become possible: a) Private sector financial contributions to this activity; b) The arrangement of regular, but very flexible, on-the-job visits with US law firms, single lawyer offices, ACLU offices, law schools, etc.

The purpose of these on-the-job visits would be to enable Moroccan and Tunisian lawyers to experience the practice of law in the US in its many different aspects. Participants would sit in on the work of their confreres, look over their shoulders, as it were, attend meetings, follow them to court, to the law library, the police station, the clerk's office, etc.

2. Sponsorship of Moroccan and Tunisian participants at the International Development Law Institute (IDLI) in Rome, Italy, or the International Law Institute in Washington. As I have tried to emphasize the interest in practical subjects, many of which have to do with commerce and investment and related subjects, appears to be considerable in the

legal professions in Morocco and Tunisia. Since IDLI is now underway and appears to be an institution which will expand its services to include a great many areas which are of substantial interest to the interviewees, AMIDEAST should direct some effort toward participation of Moroccans and Tunisians in the work of IDLI. The advantages of proximity and language are obvious. The International Law Institute also has an excellent reputation in these fields and administers numerous programs for participants on related topics.

3. Short-term participant training, also of the on-the-job type, for judges, prosecutors, magistrates and others in the legal professions of Morocco and Tunisia, similar in character to what is recommended in #1 above. The reason for the lower priority of this category of professionals is the fact that they are fewer in number, arrangements for their visits may be more difficult, and most importantly, the belief that long range change is more likely to arise from within the broader community of practicing lawyers.

4. Support for a documentation service which might include training of a specialized category of legal translator. Such a service would include book purchases, regular support for a journal of comparative law, and translations. In Morocco such a service might be linked with the National School of Judicial Studies (INEJ) and in Tunisia, with the Faculty of Law.

5. Technical assistance to the Ministries of Justice in both countries in the form of information systems training and possibly software.

It should be clear from the way in which these five possible activities have been presented, that my emphasis is basically on responding to the needs and interests expressed by the interviewees - in essence giving them what they want without second-guessing them. These are sophisticated professionals who know what they want, and why they want it. The project must take this essential point into account and respond accordingly.

I have emphasized neither "training" in the formal sense, nor concentration on Human Rights subspecialties as they are listed in the OPG Proposal. Based on the interviews, it would seem that of the Human Rights subspecialties listed on p. 4 of the OPG Proposal, only "legal and administrative procedures" and "legal training methods" would be non-controversial specialties to pursue.

Only to the extent that Human Rights subspecialties blend in with a general exposure to the American system, can these subspecialties be considered "trainable". In fact such an overall and general exposure to the American system (with a focus on "how it really works") is the very thing that Moroccans and Tunisians want, including those directly involved in Human Rights. Giving them the opportunity to do what they say they want to do in this regard would further fulfill what I see as the underlying broader goal of the LET Project - fostering the growth of Democracy.

Furthermore, even if we could openly provide legal education and training in these Human Rights subspecialties the expected outcomes (listed on P.14 of the OPG Proposal) would need to be altered. It is simply unrealistic to expect that legal education and training will have a significant impact on the implementation of the international Human Rights

covenants to which each country subscribes. This is a central point. Not only is "the establishment" in both countries not particularly interested in US technical assistance in the Human Rights arena, but the Human Rights organizations themselves do not seem that interested in such assistance as the project in its current form would like to offer. They naturally want to see their capabilities in this area enhanced. But they understand that real enhancement of those capabilities will occur when the political culture changes.

This is why the first recommendation is made as it is. It provides for a general exposure to our system by lawyers. It doesn't purport to teach them, nor to train them, but rather to invite them and let them ask their questions. It suggests that through the LET Project we provide them with an opportunity to pose the questions of greatest interest to them and meet with people willing to discuss those questions.

A practical alternative or adjunct to this recommendation is of course continuance of the Fulbright system of visiting professors. Such visits to Moroccan and Tunisian institutions would of course be extremely welcome in the legal field. But here too I would recommend that the emphasis be on general familiarization with the American system as a whole.

If it were possible to radically alter the terms of the LET Project I would have AMIDEAST administer the project in such a way that it could be part of the "seeding" of a new center or institute (or perhaps even something like an "American University of Tunis" or "of North Africa").

The most likely general rubric under which to put such an effort is the political science field. This is an area where the US is already seen to be advanced. It connects very integrally with the law in both Moroccan and Tunisian educational systems. (As has been noted the Faculty of Law

is often identical to the Faculty of Political Science.) It is a logical kernel for the beginning of a larger institution if the time comes to begin such an effort. There are already nationals of Morocco and Tunisia who are in place and prepared to participate in such an effort, and who would be ideal catalysts for a project aimed in this direction. And finally the establishment of an "international" or "comparative" political science center with links to sister institutions in the US and perhaps in Europe would be relatively non-controversial.

A subsidiary or alternative recommendation would be the establishment of a legal rights communication component either within the Faculty of Law in either country or as part of a larger political science center. The existing Tunisian Rights for Women Project provides some legitimacy for such an effort and some of the key personnel actively involved in that project at present could form the basis of a larger effort, not only to continue such work, but to conduct research leading towards innovation in the field of "rights communication".

The current situation in the Arab world suggests that those who feel Tunis is becoming, or has the potential to become a major intellectual center in the Arab world should be taken seriously. Therefore, if funding necessities made it impossible to do effective work by dividing the project fund, Tunis ought to be considered as the locus of the project, especially if there is receptivity to the seeding of some kind of permanent institution.

I would also take seriously some version of the "trickle down" theory in considering this project. "Trickle down" is now out of favor in most development projects aimed at the community level, largely because it is seen as too slow and there is good reason to think far less than what is expected will eventually "trickle down" to the poor. But the LET Project

is not a project aimed at economic development goals per se. It is a project that engages the political culture of the project countries and deals with the development of values. To have an effect will take much time; results will not be easily measurable (as the OPG Proposal correctly points out), and the possibilities of some seemingly unlikely activities positively influencing Human Rights practices at a much later time are quite good.

In conclusion something useful and effective in Legal Education and Training can be accomplished, if key concepts are modified. The apprehension of the American field staff about the project is justified and should be respected. The quickness with which Moroccans and Tunisians in the legal professions sense any condescending or patronizing attitudes, should determine our guidelines for behavior. Likewise their desire for reciprocity, their deep wish to be understood by us, their deep pride in their system of law and their right to define Human Rights in their own way must be subjects for serious consideration in designing the second phase of the LET Project.

Finally the project should make more explicit that what is wanted is to promote democratic tendencies; that is the deeper goal under which Human Rights is implicitly subsumed. This takes time and requires planting small seeds of many kinds. In this case it also requires a willingness to engage in lasting dialogues with Moroccans and Tunisians on law-related subjects of their choosing.

APPENDIX A

Itinerary, 5-19 March

MOROCCO

Mr. Richard Jackson: Political Officer, American Embassy, Rabat

Mr. Michael Parmley: Political Officer, American Embassy, Rabat

Mr. Stacy Rhodes: Program Officer, AID, Rabat

Mr. John Giustic: Asst. Program Officer, AID, Rabat

Ms. Anne Williams: Lawyer, AID, Rabat

Mr. George Scharfenberger: Director, Peace Corps, Rabat

Dr. Mohammed Chtatou: Consultant, AMIDEAST, Rabat

Dr. Mohammed Guessous: Professor of Sociology, University of Mohammed V,
Rabat

Mr. Mohammed Birouk: Director, Formation des Cadres, Ministry of the
Interior, Rabat

Mr. Driss Dehak: Director, Institut Nationale d'Etudes Judiciaires, Rabat

Professor Mhamed Antari: Director of Training, Ecole Nationale
d'Administration, Rabat

Mr. Kerdoudi: Secretary General-Training, Ministry of Education, Rabat

Mr. Laoufir: Secretary General, Ministry of Justice, Rabat

Maitre Ahmed Chaoui: Lawyer, President of the Association des Barreaux du
Maroc

Mr. Abdessadek Rabiah: Director of Legislative Affairs - Secretariat
General of the Government of Morocco

Dr. Mohamed Nacer Benjouloun-Touim: Professor, Faculty of Law, University
of Mohammed V, Rabat

Professor Abdelaziz Benjelloun: Dean, Faculty of Law, University of
Mohammed V, Rabat

Mme. Mansouri: Librarian, Faculty of Law, University of Mohammed V, Rabat

Maitre Mohamed Siddiqi: Lawyer, Ex-president of the Bar of Rabat

Dr. Jallal Amal: Dean, Faculty of Law, University Mohammed Ben Abdallah,
Fez

Mme. Khadija Raki: Director, Division of Social Promotion, Ministry of
Youth & Sports, Rabat

Dr. Alami: Director, Institute of Journalism and Professor of Law,
University of Mohammed V, Rabat

Tunisia

Ms. Jean Bradford: US Consul

Mr. Mohammed Abassi: Assistant Program Officer, AID

Ms. Greta Cherchad: Training Officer, AID

Mr. Frank Kerber: Program Officer, AID

Mr. Robert Miller: Public Affairs Officer, US Embassy

Mr. Theodore Parnall: Private Sector Advisor, AID

Mr. Lawrence Pope: Political Officer, US Embassy

Mr. Gerald Wein: Deputy Director, AID

Mr. John Simmons: Peace Corps Director

Maitre Abdelhafidh Ellouze: Lawyer in private practice

Maitre Samir El Annabi: Lawyer in private practice

Maitre Said Bouguiba: Lawyer in private practice

Maitre Ghazouani Nouredine: lawyer, Director of Student Conferences,
Tunis Bar Association

Mr. Moncef Ben Slama: Dean, Faculty of Law and Political and Economic
Sciences

Mr. Farouk Nechri: Vice Dean, Faculty of Law and Political and
Economic Sciences

Mr. Mohammed Charfi: Professor, Faculty of Law, Lawyer and Vice President
of Tunisian Human Rights Organization

Dr. Saadoun Zmerli: President, Tunisian Human Rights Organization

Dr. Ali Slim: Director General, Ecole Nationale d'Administration

Ms. Saida Agrebi: Director, Bureau of Arab Working Women, Arab Labor
Organization, Arab League

Dr. Mohammed Maamouri: Director, Bourguiba Institute of Foreign Languages

Dr. Abdelkader Zghao: Professor of Sociology, C.E.R.E.S.

Dr. Abdeljelil Temimi: Professor, Faculty of Letters and Director,
Institute Supérieur de Documentation

Mr. Habib Slim: Director, Department of Political Science, Faculty of
Law

Mr. Sadok Bel Aid: Professor, Faculty of Law and Political and Economic
Science

Dr. Riad Tubbarah: Director and Resident Representative, United Nations
Development Programme

London

Dr. Kevin Dwyer: Chief, Middle East Research Division, Amnesty
International

Mr. Brian Wrobel: Consulting Lawyer, Middle East Section, Amnesty
International

IV. APPENDICES

- A. Consultant CVs
- B. Advisory Committee Bio-data
- C. Consultant Itineraries
- D. Reference Materials

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(914) 962 7288

EDUCATION

Ph.D., Anthropology, University of Chicago, 1976
M.A., Anthropology, University of Chicago, 1969
B.A., History, Columbia College, 1964

EXPERIENCE

Human Services and International Development

U.S. Peace Corps, Sana'a, Yemen Arab Republic (1980-1982)

- . Country Director - Directed a program of 60 Peace Corps Volunteers and 15 staff members. Initiated new training programs and new development projects in water resources, primary health care and TEFL. Initiated Peace Corps cooperation with local USAID projects. Improved working relationship between Peace Corps and Yemen Government ministries. Received Outstanding Performance Award from Peace Corps Director, Washington.

New Transcentury Foundation, Washington, D.C. (1980)

- . Program Planner and Evaluator - Consultant to USAID funded income generation project for Moroccan women.

World Bank, Washington, D.C. (1974)

- . Field Ethnographer - Developed ethnographic segment of a study of the relationship between education and jobs among Tunisian factory workers.

New Jersey Education Consortium, Princeton, N.J. (1972-1974)

- . Director of Evaluation and Development - Helped design and evaluate non-formal education programs in cooperation with the State of New Jersey.

McBer & Co., Boston, Massachusetts (1971-1972)

- . Program Evaluator - Evaluated effectiveness of federally funded college level overseas study programs.

Sefrou, Morocco (1969-1971)

- . Field Ethnographer - Doctoral dissertation fieldwork on relationship between modern education and cultural change.

U.S. Peace Corps, Washington, D.C. (1968)

- . Training Designer- Contracted to design and write complete training program and manual for North Africa bound Peace Corps Volunteers.

U.S. Peace Corps, Morocco (1964-1966)

- . Peace Corps Volunteer - English teacher

Policy Research and Applied Social Research

Hudson Institute, Croton-on-Hudson, New York (1977-1980)

- . Policy Researcher - In charge of study of contemporary Socio-cultural change in the United States and its effects on economic growth through the year 2000. Supervised directly by Herman Kahn.

Institute for Motivational Research, Croton-on-Hudson, New York
Free lance - (1968-1979)

- . Study Director - Directed market research studies for Lufthansa Airlines and The King-Size Co. (1968 and 1976).

Directed applied social research study for Ministry of Immigrant Absorption of Israel on cultural adjustment of American emigrés. (1971)

Directed applied social research study for Public Service Alliance of Canada on labor union relations with the Canadian Public. (1979)

Teaching

Tufts University, Medford, Massachusetts (1977)

- . Instructor in Applied Anthropology and Comparative Education
University of Massachusetts, Boston (1975 and 1977)
- . Instructor in Anthropology

Clark University, Worcester, Massachusetts (1972)

- . Lecturer in Educational Anthropology

Business

- . Owned and operated successful cabinetmaking business in Cambridge, Massachusetts. (1974-1977)

Other

- . Ford Foundation grant to fund research for a book on career change among 25 woodworkers in Massachusetts.

Languages

- . French (fluent)
- . German (working knowledge)
- . Arabic (North African and Southern Arabian spoken dialects)

Personal

Married, I have four children.

JESWALD W. SALACUSE

School of Law
Southern Methodist University
Dallas, Texas 75275
Tel: 214-692-2618

3312 Purdue Street
Dallas, Texas 75275
Tel: 214-739-4465

EDUCATION

J.D., Harvard University, 1963 *
A.B., Hamilton College, 1960
Diplome d'Etudes Francaises, University of Paris, 1959
Member of the New York and Texas Bars

PROFESSIONAL
EXPERIENCE

DEAN
SCHOOL OF LAW
SOUTHERN METHODIST UNIVERSITY
Dallas, Texas
(since August 1980)

PROFESSOR OF LAW
SOUTHERN METHODIST UNIVERSITY

Teaching courses in Business Associations, International
Business Transactions, International Economic Develop-
ment Law, and Public International Law
(August 1978 to present)

VISITING SCHOLAR
HARVARD LAW SCHOOL
CAMBRIDGE, MASSACHUSETTS

Completed a Ford Foundation-sponsored study on the
institutional and legal mechanisms for channeling Arab
petrodollars to the Third World. Also conducted a non-
credit seminar on Islamic law for graduate students.
(August 1977 to July 1978)

REPRESENTATIVE IN THE SUDAN
REGIONAL SPECIALIST IN LAW AND DEVELOPMENT
THE FORD FOUNDATION

VISITING PROFESSOR OF LAW
UNIVERSITY OF KHARTOUM
KHARTOUM, SUDAN

Established and supervised the Ford Foundation office in
the Sudan; developed and managed its programs of assist-
ance. Remained responsible for Foundation projects in
law throughout the Middle East; continued to advise the
Egyptian and Sudanese governments on investment law and
multinational contracts; taught constitutional and
comparative law.
(September 1974 to July 1977)

REGIONAL SPECIALIST IN LAW AND DEVELOPMENT
THE FORD FOUNDATION
BEIRUT, LEBANON

Foundation advisor with responsibilities in Egypt, Lebanon, Saudi Arabia, Sudan, and Jordan; projects included an evaluation of land reform in Egypt, assistance in the preparation of Egypt's new investment law and the legal aspects of its "open-door" policy; a study of land tenure in the Sudan, research on municipality law in Lebanon, and a training program for government legal advisors in Saudi Arabia. Was also Visiting Professor at the Lebanese University Faculty of Law.

(February 1971 to September 1974)

DIRECTOR
CENTER OF RESEARCH AND DOCUMENTATION

PROFESSOR OF LAW
ECOLE NATIONALE D'ADMINISTRATION
KINSHASA, ZAIRE
(Employed by the International Legal Center, New York)

Established and ran an institute devoted to research on law, public administration, economics, and finance. Also taught law in French at this degree-granting institution which trained judges and civil servants.
(November 1968 to February 1971)

ASSOCIATE DIRECTOR
AFRICAN LAW CENTER
COLUMBIA UNIVERSITY
NEW YORK, NEW YORK

Responsible for the research, publications, and general operation of this research institute of Columbia Law School. Edited African Law Digest, the Center's quarterly publication, engaged in extensive research on the legal systems of French-speaking Africa, and helped to found the journal, African Law Studies.
(January 1967 to November 1968)

ASSOCIATE ATTORNEY
CONBOY, HEWITT, O'BRIEN & BOARDMAN
NEW YORK, NEW YORK

Handled general corporate matters principally for client companies listed on the New York Stock Exchange.
(August 1965 to January 1967)

LECTURER-IN-LAW
AHMADU BELLO UNIVERSITY
ZARIA, NIGERIA

Assisted in the development of a new law faculty; taught courses on family law and succession, evidence, and the Nigerian legal system; trained customary court judges for the Ministry of Justice and did extensive field research on Nigerian customary law.
(September 1963 to July 1965)

Licensed to practice law in New York and Texas.

PUBLICATIONS

Books and Monographs

INTERNATIONAL BUSINESS PLANNING: LAW AND TAXATION (1982),
Matthew Bender & Co., New York, 3 volumes of a projected
six-volume treatise (with W. P. Streng)

AN INTRODUCTION TO LAW IN FRENCH-SPEAKING AFRICA
(Charlottesville, Virginia: Michie Company and University of
Virginia)

Volume I: AFRICA SOUTH OF THE SAHARA (1969) 616 pages. An
examination of the legal systems of the 18 French-
speaking African states south of the Sahara.

Reviewed in - 58 Georgetown Law Journal 438-441 (1969)
- 19 American Journal of Comparative Law
595 (1971)
- 15 Journal of African Law 110-112 (1971)
- 19 International and Comparative Law
Quarterly 356-357 (1970)
- 13 Virginia Journal of International Law
619, 622 (1973)

Volume II: NORTH AFRICA (1975) 542 pages. An examination of
the legal systems of Algeria, Morocco, and Tunisia.

Reviewed in - 32 The Middle East Journal 216-18 (1978)
- 20 Journal of African Law 151-52 (1976)

NIGERIAN FAMILY LAW (with A. B. Kasumu) (London: Butterworths,
1966) 303 pages
Basic text on the subject now being used by Nigerian law
schools, bar and judiciary.

155

Reviewed in - 11 Journal of African Law 64 (1967)
- 16 International and Comparative Law
Quarterly 856 (1967)

A SELECTIVE SURVEY OF NIGERIAN FAMILY LAW (Zaria: Institute of Administration/USAID, 1965) 113 pages. An examination of the customary law of six Nigerian tribes.

II. ARTICLES

"Arab Capital and Trilateral Ventures in the Middle East: Is Three a Crowd?" Rich and poor States in the Middle East (Kerr and Yassine, eds.) 129-163 (1982)

"Arab Investments and Trilateral Ventures in the Third World," 6 The International Essays for Business Decision Makers 265-273 (1982)

"Arab Capital and Middle Eastern Development Finance: The Emerging Institutional Framework," 14 Journal of World Trade Law (No. 4) (1980)

"The Little Prince and the Businessman: Conflicts and Tensions in Public International Air Law," 45 Journal of Air Law and Commerce 807-844 (1980)

"Back to Contract: Implications of Peace and Openness for Egypt's Legal System," 28 The American Journal of Comparative Law 315-333 (1980)

"Foreign Investment in Egypt: The Legal Problems and Legislative Adjustments of the First Three Years," (with T. Parnall), 12 The International Lawyer, 759-777 (1978)

"The Arab Authority for Agricultural Investment and Development: A New Model for Capital Transfer in the Middle East," 12 Journal of World Trade Law, 56-66 (1978)

"The Emerging Legal Framework for Inter-Arab Investments and the Promotion of Trilateral Cooperation: A Means for the Minimization of Risk," 2 Trilateral Cooperation, Paris: OECD (1978)

"Egypt's New Law on Foreign Investment: The Framework for Economic Openness," 9 The International Lawyer, 647-60 (Fall, 1975)

"Teaching Public Administration in Congo-Kinshasa," Education and Research in Public Administration in Africa (Adedeji and Baker, eds.) London: Hutchinson, 182-194 (1974)

"Birth, Death, and the Marriage Act: Some Problems in Conflicts of Law," 1 Nigerian Law Journal (1964), reprinted in Integration of Customary and Modern Legal Systems in Africa 438-457 (1971)

"La Modernisation de Droit en Afrique Francophone: Fantaisie ou Revolution?" Revue Congolaise d'Administration No. 4, 13-20 (1969)

"Modernization of Law in French-Speaking Africa: Fantasy or Revolution?" African Law Studies 62-75 (1969)

"Discovering African Law," Africa Report 60-61 (May, 1969)

"Background to Law in French-Speaking Africa," African Law Studies 1-42 (1969)

"Developments in African Law," Africa Report 39-45 (March, 1968), reprinted in Topic (1969)

II. Publications Edited

Special Editor for Francophone Africa, Constitutions of the Countries of the world (Blaustein & Flanz, eds.) Oceana, 1971-74

Editor, African Law Digest, Volumes 2 (1967) and 3 (1968)

III. Book Reviews

Review of The Nigerian Law of Evidence, 1 Nigerian Law Journal 335-337 (1965)

Review of Readings in African Law, Volumes I and II, 10 Journal of Modern African Studies 152-154 (1972)

Review of two volumes on the Middle East, 397 The Annals 148 (September, 1971)

IV. Teaching Materials

Legal Problems of International Business (2 volumes, Southern Methodist University, 1979, revised 1980, 1981)

International Economic Development Law (2 volumes prepared for use at Southern Methodist University, 1978)

Materials in Constitutional and Administrative Law (Faculty of Law, University of Khartoum, 1975-77)

Materials in Nigerian Family Law (Ahmadu Bello University, Nigeria, 1965)

VI. Reports

Arab Capital in the Development of Egypt and the Sudan: The Emerging Framework, a report to the Ford Foundation, June, 1978

Research on Law and Development in French-Speaking Africa, a report to the International Legal Center, 1973

SELECTED SPECIAL ASSIGNMENTS

- Consultant: The Ford Foundation: Evaluation of Egyptian Investment Planning Project, Cairo, October, 1981
- Consultant: The Ford Foundation: Conference on Company Law Reform in Egypt, Cairo, March 21-29, 1980
- Consultant: U.S. State Department: Conference on Arab-African Relations, May 3, 1980
- Lecturer: Universidad Panamericana, Mexico City: Course on International Economic Law, June 1-10, 1981
- Lecturer: University of Houston: "Law and Business in the Muslim World," May 1-2, 1981
- Speaker: Joint Breakfast Meeting of the International Law Section of the ABA and the American Foreign Law Association, August 15, 1979: "Law and Economic Liberalism in Egypt."
- Speaker: Dallas Chapter, American Jewish Committee, August 16, 1979: "Islamic Geopolitics."
- Lecturer: Harvard Law School Program on Foreign Investment in Egypt, Cambridge, Massachusetts, Summers of 1977, 1978, and 1979.
- Consultant: The Ford Foundation: Member of three-person mission to Egypt, May 11-12, 1979, to evaluate investment planning program.
- Consultant: United States Agency for International Development, Washington, D.C. (study of problems of law and development in the Middle East) May, 1978 May, 1980.
- Lecturer: Middle East Studies Center, University of California at Los Angeles, March 12, 1979: "Trilateral Investments in the Middle East: Is Three a Crowd?"

- Lecturer:** Advanced Program in International Oil and Gas Management, sponsored by the Southwestern Legal Foundation and the University of Texas at Dallas, April 23, 1979: "Survey of American Business Organizations."
- Lecturer:** Program on Investment Negotiation, Georgetown University Law Center, Washington, D.C., June, 1978, July, 1980, July 1981, and July, 1982.
- Consultant:** Conference on Legal Aspects of Foreign Investment in Egypt, Cairo, March, 1978.
- Consultant:** Conference on USAID in Egypt, University of Pennsylvania, Philadelphia (sponsored by USAID and University of Pennsylvania), paper presented January, 1978.
- Consultant:** Workshop on the Legal and Economic Aspects of Foreign Investment in Egypt, Alexandria (sponsored by the Egyptian Ministry of Economy and Economic Cooperation and the Ford Foundation) October, 1975.
- Consultant to CAFRAD** (Centre Africain de Formation et de Recherche Administratives pour le Developpement) on the teaching of comparative administration, Tangier, Morocco. (Week-long series of lectures to teachers of public administration in Africa; supported by UNESCO) 1970.
- Founder and Director, Program to Prepare Teaching Materials for use in African Law Faculties, Columbia Law School, New York** (with support of the International Legal Center) summers of 1968 and 1970.

SELECTED CONFERENCES

- Chairperson:** Conference on Property Law and Property Rights in the Middle East, Bellagio, Italy, November 29-December 1, 1980, sponsored by SSRC.
- Keynote Speaker:** OECD Conference on Trilateral Cooperation with Arab Involvement, Paris, January 26-28, 1977
- Participant:** (paper presented), Colloquium on Law and Social Change in Egypt, Aswan, December 18-20, 1976.
- Participant:** Conference on Public Enterprises and Development in the Arab Countries, Kuwait, March, 1976.

- Participant: (paper presented), Social Change and Social Control Through Law, Aswan, December 19-23, 1975.
- Participant: Conference on Administrative Law and Development in the Arab World, Beirut, May 1975.
- Participant: (paper presented), Conference on Trends in University Teaching and Research in Public Administration, Ibadan, Nigeria, 1970.
- Participant: InterAfrican Legal Research Conference, Accra, Ghana, 1969.
- Participant: (paper presented), African Studies Association Annual Meeting, Los Angeles, 1968.
- Participant: (paper presented), Conference on the Integration of Customary and Modern Legal Systems, Ife, Nigeria, 1964.

SELECTED COMMITTEES AND MEMBERSHIPS

- Board Member: Council for International Exchange of Scholars, Washington, D.C., (1982-).
- Trustee: Dallas Bar Foundation (1983-).
- Fellow: American Bar Foundation (1983-).
- Chairman: Subcommittee on Law and Social Structure in the Near and Middle East, Joint Committee of the Social Science Research Council and the American Council of Learned Societies, New York (1978-).
- Member: Research Advisory Committee on Law and Development, International Legal Center, New York, 1972-73.
- Member: Panel on Legal Training in Developing Countries, American Society of International Law, Washington, D.C., 1967-68.

SELECTED CIVIC ACTIVITIES

- Chairman: (1975-76) and Member (1974-77), Khartoum American School Board, Khartoum, Sudan.
- Director: Board of Directors, National Council of Christians and Jews (1982 -)

LANGUAGES

French: Fluent reading, writing and speaking knowledge.

Arabic: Reading knowledge.

Italian: Reading knowledge.

(11/83)

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Personal Data:

Date of Birth: December 10, 1943 (Alexandria, Egypt)
Residence: 3020 Dent Place, N.W.
Washington, D.C. 20007
(202) 338-6831

Office: 1900 M Street, N.W.
Washington, D.C. 20036
(202) 452-7000

Education:

Undergraduate: Stanford University, A.B. 1966
Major: Economics
Minor: Statistics and Political Science

Legal: Georgetown University, J.D. 1969
Honors: Editor, Georgetown Law Journal (1969)

Experience:

1972, 1974-present: Associate and (since 1976) director (partner) Kirkpatrick, Lockhart, Hill, Christopher & Phillips. During this period I have been principally engaged in complex civil litigation primarily in the areas of securities fraud and general commercial litigation representing both plaintiffs and defendants. I have also represented companies who were the subject of regulatory investigations and have continued to perform general corporate work, both domestic and international, on a limited basis.

1973: Associate General Counsel, MCI Communications Corporation. For this year I served as the second-ranking legal officer of this publicly held company. Most of my responsibilities were in negotiating construction contracts for microwave transmission systems; negotiating with AT&T for so-called "interconnection" services; consulting in litigation involving rights and obligations of common carriers by wire; and effecting a large-scale corporate reorganization of MCI.

1969-1971: Associate, Surrey, Karaski, Greene & Hill (now, Surrey & Morse). During these two years I was engaged principally in international financial transactions and general corporate work.

Pro Bono: I have served as a volunteer attorney on several projects for the American Civil Liberties Union which involved First Amendment Freedom of Speech issues and the rights of aliens. I have also represented indigents in criminal appellate proceedings. I act as legal counsel and a member of the Board of Directors of the Arab American Cultural Foundation.

References:

Available on request.

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APPENDIX B; ADVISORY COMMITTEE AFFILIATIONS

Professor Charles Abernathy: Professor of Law, School of Law, Georgetown University

Professor Mary Gray: Professor of Mathematics and Computer Sciences, American University

Hurst Hannum, Esq.: Executive Director of "Procedural Aspects of International Law Institute; Member of Board of Directors, Amnesty International - USA and the International Human Rights Law Group

Dr. Zuhair Jwaideh: Director of African and Middle Eastern Law Division, Law Library of the Library of Congress

Professor William Mallison: Professor of Law, National Law Center, George Washington University

Dean Jeswald Salacuse: Professor and Dean, School of Law, Southern Methodist University

Professor Abdul Asis Said: Professor, School of International Service, American University

Professor Don Wallace: Professor of Law, School of Law, Georgetown University; Director, International Law Center; partner, Wald, Harkrader & Ross

Ambassador Marshall Wiley: partner, Sidley & Austin

APPENDIX C: Itineraries

Jeswald W. Salacuse (Egypt)

Dr. Nabil Hilmy: Professor of International Law, Center for International Legal and Economic Studies, Zagazig University

Dr. Ann M. Lesch: Association Representative, The Ford Foundation, Cairo

Dr. Abdel Hade: Professor of Law, Zagazig University

Dr. Nour Farhat: Professor of Law, Zagazig University

Dr. Mohamad Ashre: Judge of the Constitutional Court, Professor of Law, Zagazig University

Mr. John Gerhart: Representative, The Ford Foundation, Cairo

Mr. Ronald Wolfe: Representative, AMIDEAST, Cairo

Mr. Alan Gilbert: Cultural Affairs Officer, American Embassy, Cairo

Mr. James J. Hastings: Regional Inspector General Foreign Investigations, American Embassy, Cairo

Dr. El Sayed Yassin: Director of Strategic Studies, El Ahram Newspaper, Cairo

Dr. Ahmed Kosheri: practicing attorney, Cairo

Dr. Ahmed Khalifa: Chairman, National Center of Social and Criminological Research, Cairo

Mr. John Bentley: practicing attorney, Cairo

Dr. Aly H. El Ghatit: practicing attorney, Cairo

Mr. Nels Ackerson: Sidley, Austin & Naguib, Cairo

Dr. Fouad Riad: Professor of Law, University of Cairo

Mr. Richard Mark Frankel: Agency for International Development, Cairo

Dr. Yehia El Gamal: Professor of Law, University of Cairo

Chief Justice Said Al-Ashmawy: High Court, Cairo

Counselor Samir Nagy: Director, National Center for Judicial Studies, Cairo

Judge Abdel Rahim Amer: Supreme Court, Cairo

Jeswald W. Salacuse (cont.)

Professor Charles E. Butterworth: Fulbright Islamic Civilization Research Fellow, Cairo

Dr. Hatem Karanshawy: Professor, American University of Cairo

Cherif Sedky (Jordan)

Zoheir al-Kayed Abu-Bakr: Faculty member, Yarmouk University

Elias Baydoun: Assistant to the President, Yarmouk University

Said Dajani: practicing lawyer, Amman

Said Dorrah: Chief Prosecutor (Solicitor General), Ministry of Justice

Hesham S. Gharaibeh: Acting Dean, Faculty of Economics and Administrative Sciences, Yarmouk University

Suleiman Al-Hadadi: practicing lawyer, member of Bar Association, Amman

Adeeb Salameh Halsa: Judge, Court of Cassation; Member of Society of Jurists

Mohammad K. Hammouri: Dean, Faculty of Law, University of Jordan

Salem Y. Keswani: Assitant to the Undersecretary, Ministry of the Interior

Fouad Khoury: Inspector of Law Courts, Ministry of Justice

Ali Mahafzah: Professor and Vice President, Mu'tah University

Talal Salem Al-Omari: practicing lawyer, member of Bar Association, Amman

Najeeb Rashdam: Second President, Court of Cassation

Moussa Sabet: President, Court of Cassation

Rifa'at Shamout: President, Court of Appeals

Rateb Ahmad Al-Wazani: Judge and Deputy Minister of Justice

Thomas W. Dichter (Morocco)

Mr. Richard Jackson: Political Officer, American Embassy, Rabat

Mr. Michael Parmley: Political Officer, American Embassy, Rabat

Mr. Stacy Rhodes: Program Officer, AID, Rabat

Ms. Anne Williams: Lawyer, AID, Rabat

Thomas W. Dichter (cont.)

Mr. George Scharfenberger: Director, Peace Corps, Rabat

Dr. Mohammed Chtatou: Consultant, AMIDEAST, Rabat

Dr. Mohammad Guessous: Professor of Sociology, University of Mohammed V,
Rabat

Mr. Mohammad Birouk: Director, Formation des Cadres, Ministry of the
Interior, Rabat

Mr. Driss Dehak: Director, Institut Nationale d'Etudes Judiciares, Rabat

Professor Mhamed Antari: Director of Training, Ecole Nationale
d'Administration, Rabat

Mr. Kerdoudi: Secretary General - Training, Ministry of Education, Rabat

Mr. Laoufir: Secretary General, Ministry of Justice, Rabat

Maitre Ahmed Chaoui: practicing lawyer, President of the Association des
Barreaux du Maroc

Mr. Abdessadek Rabian: Director of Legislative Affairs - Secretariat
General of the government of Morocco

Dr. Mohamed Nacer Benjoulloun-Touim: Professor, Faculty of Law, University
of Mohammed V, Rabat

Professor Abdelaziz Benjelloun: Dean, Faculty of Law, University of
Mohammed V, Rabat

Mme. Mansouri: Librarian, Faculty of Law, University of Mohammed V, Rabat

Maitre Mohamed Siddiqi: practicing lawyer, Ex-President of the Bar of
Rabat

Dr. Jallal Amal: Dean, Faculty of Law, University Mohammed Ben Abdallah,
Fez

Mme. Khadija Raki: Director, Division of Social Promotion, Ministry of
Youth and Sports, Rabat

Dr. Alami: Director, Institute of Journalism and Professor of Law,
University of Mohammed V, Rabat

Thomas W. Dichter (Tunisia)

Ms. Jean Bradford: US Consel, Tunis

Ms. Greta Cherchad: Training Officer, AID, Tunis

Mr. Frank Kerber: Program Officer, AID, Tunis

Mr. Robert Miller: Public Affairs Officer, US Embassy, Tunis

Mr. Theodore Parnall: Private Sector Advisor, US Embassy, Tunis

Mr. Lawrence Pope: Political Officer, US Embassy, Tunis

Mr. Gerald Wein: Deputy Director, AID, Tunis

MR. John Simmons: Director, Peace Corps, Tunis

Maitre Abdelhafidh Ellouze: practicing lawyer, Tunis

Maitre Samir El Annabi, practicing lawyer, Tunis

Maitre Said Bouguiba: practicing lawyer, Tunis

Maitre Ghazouani Noureddine: practicing lawyer, Director of Student
Conferences, Tunis Bar Association

Mr. Moncef Ben Slama: Dean, Faculty of Law and Political and Economic
Sciences, Tunis

Mr. Farouk Nechre: Vice-Dean, Faculty of Law and Political and Economic
Sciences, Tunis

Mr. Mohammed Charfi: Professor, Faculty of Law, Lawyer and Vice President
of Tunisian Human Rights Organization

Dr. Saadoun Zmerli: President, Tunisian Human Rights Organization

Dr. Ali Slim: Director General, Ecole Nationale d'Administration, Tunis

Ms. Saida Agrebi: Director, Bureau of Arab Working Women , Arab Labor
Organization, Arab League, Tunis

Dr. Mohammed Maamouri: Director, Bourguiba Institute of Foreign Languages,
Tunis

Dr. Abdelkader Zghao: Professor of Sociology, C.E.R.E.S.

Dr. Abdeljelil Temimi: Professor, Faculty of Letters, and Director,
Institute Superieur de Documentation

Mr. Habib Slim: Director, Department of Political Science, Faculty of Law,
Tunis

Thomas W. Dichter (cont.)

Mr. Sadok Bel Aid: Professor, Faculty of Law and Political and Economic
Science, Tunis

Dr. Riad Tubbarah: Director and Resident Representative, United Nations
Development Programme, Tunis

Dr. Kevin Dwyer: Chief, Middle East Research Division, Amnesty
International, London

Mr. Brian Wrobel: Legal Consultant, Middle East Section, Amnesty
International, London

APPENDIX D: REFERENCE MATERIALS

1. Human Rights in Islam, International Commission of Jurists, conference report (conference in Kuwait, 1981).
2. States of Emergency; Their Impact on Human Rights, International Commission of Jurists.
3. "Report of Observer Mission to Trial in Rabat", International Commission of Jurists.
4. "CIJL Bulletin", nos. 11,18, International Commission of Jurists.
5. "ICJ Newsletter", nos. 16-18, International Commission of Jurists.
6. Human Rights; A Compilation of International Instruments, UN.
7. United Nations Actions in the Field of Human Rights, UN.
8. "Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant; Addendum: Egypt", Human Rights Committee.
9. "Resolutions and Decisions Adopted by the General Assembly During the First Part of its 38th Session; 9/20-12/20, '83", UN.
10. Report on "Seminar on Recourse Procedures Available to Victims Racial Discrimination and Activities to be Undertaken at the Regional Level", UN (1979).
11. Report on "Round Table of University Professors and Directors of Race Relations Institutions on the Teaching of Problems of Racial Discrimination", UN.
12. Report on "Seminar on Recourse Procedures and Other Forms of Protection Available to Victims of Racial Discrimination and Activities to be Undertaken at the National and Regional Level" UN (1981).
13. Report on "Exploitation of Child Labor", UN (1982).
14. Report on "Seminar on the Establishment of Regional Commissions on Human Rights with Special Reference to Africa", UN (1979).
15. "Course Materials", syllabus from course on International Human Rights, Michael Posner, Yale University.
16. Human Rights Teaching, UNESCO (1981).
17. General Assembly Calendar of Conferences and Meetings of the UN, 1984-1985.
18. Report on "Seminar on National and Local Institutions for the Promotion and Protection of Human Rights", UN (1978).
19. "Status Report on International Covenants on Human Rights", UN (1983).
20. "Report of the Subcommission on Prevention of Discrimination and Protection of Minorities on its 36th Session: 8/15-9/9 '83", UN.
21. "Memorandum on Non-Governmental Organizations Active in International Civil Liberties", International League for Human Rights.
22. "International Human Rights; Politics and Law: A Syllabus", Center for the Study of Human Rights, Columbia University.
23. "International Human Rights Research: Needs and Priorities", Center for the Study of Human Rights, Columbia University.
24. "Commission on Human Rights Report on States of Siege or Emergency", ECOSOC (1982).
25. "Study on the Independence and Impartiality of the Judiciary, Jurors, and Assessors, and the Independence of Lawyers", ECOSOC, (1981).

26. The International Dimension of Human Rights, Karel Vasek,
Greenwood Press, UNESCO, 1982.
27. Guide to International Human Rights Practice, Hurst Hannum, Ed.,
University of Pennsylvania Press, 1984.
28. Minority Rights: A Comparative Analysis, Jay Sigler,
Greenwood Press, 1983.
29. Legal Systems of Africa: North Africa, Jeswald W. Salacuse,
Michie Co., 1975.
30. Country Reports on Human Rights for 1983, US Department of State, 1984.

LOGICAL FRAMEWORK MATRIX - LEGAL EDUCATION AND TRAINING PROJECT

AMIDEAST: Prepared by Michael Miklaucic
12 July 1984

Prepared AMIDEAST/AID/w
July 25, 1984

DESCRIPTIVE SUMMARY

Objective: To further the observance of human rights practices in the Near East. To foster concern for human rights in the regular operation of the legal system and government procedures in general.

Purpose: To enhance the quality of legal education and training in the Near East. To establish regional networks with potential for eventual regional initiatives. To strengthen the institutional framework of programs which contribute to awareness and protection of human rights. To increase commitment of both the legal and educational community to improved human rights practices.

VERIFIABLE INDICATORS

Enlarged institutional framework for identifying national legal needs and possible actions in the area of law and human rights; increased institutional capability to meet these needs; increased adherence to international human rights conventions; open and wide expression of concern for these issues in government and society.

New curricula available in-country and in-region; advanced training received in and out of region by selected legal and educational professionals; establishment of research programs in national, regional and international human rights issues; increased discussion of these issues.

MEANS OF VERIFICATION

Reports of participant institutions both in-country and international as appropriate; reports of international agencies; documentation of new administrative/judicial procedure; observation of daily practices; records of public debate on issues (ie newspapers, journals, etc.).

Institutional reports; project reports and evaluations; documentation from participating international institutions; course descriptions of relevant new offerings; academic and professional publications.

ASSUMPTIONS

Political stability; official cooperation relevant legal education and training positive and tangible, albeit indirect influence on national human rights practice increased professional interest will down to the popular level through the practice of law and education, and through professional interest and commitment eventually translate into acceptance human rights practices in the standard legal practice and institutional performance

Incentives for change exist; continued official interest and policy commitment intra-regional differences can be overcome and political conditions permit the initiation of regional activities; participating institutions will remain solvent; procured material resources utilized and maintained.

FIVE SUMMARY

VERIFIABLE INDICATORS

Outputs:
Jordan;
Participation in planning process for judicial institute.
Improved access to international human rights and international law reference sources for Jordanian institutions.
Advanced research into regional human rights initiatives, national methods of situating human rights progress, and international human rights instruments.
Increased exposure of Jordanian legal and educational professionals to regional and international human rights perspectives.
Identification of specific activities to be implemented in project year 2.

Inputs:
Jordan;
1. Study visit to appropriate US institutions for four strategically-positioned individuals for consultation related to establishment of Judicial Institute.
2. Development of strategic plan for Judicial Institute.
3. Incorporation of human rights/legal education reference resource base in at least two Jordanian educational or professional training institutions.
4. Completion of four research projects related to international human rights, regional human rights activities and national methods for evaluating human rights progress.
5. Participation of at least four Jordanian professionals in international human rights or law study programs.
6. Participation of from 2-5 Jordanians at Zagazig University Conference.
7. Proposal submission for no less than 5 project year 2 activities, acceptable to AID and feasible within given budget.
8. LET Advisory Committee meetings.

Inputs:
Jordan;
1. Seed money for establishment of Judicial Institute.
2. Funding for development of human rights and legal education reference resource base.
3. Procurement of reference resources for Jordanian institutions.
4. US training of appropriate participants in relevant fields.
5. Funding for international conference attendance and study programs for qualified Jordanian participants.
6. Funding to support lecture/seminar programs at Jordanian institutions by US experts.
7. Funding for research programs at appropriate Jordanian institutions on human rights-related issues.
8. AMIDEAST identification, selection, placement, and sponsorship of program participants.
9. AMIDEAST identification and selection of technical experts.
10. AMIDEAST identification of appropriate institutions for program participation.
11. LET project staff and Advisory Committee consideration of recommended second year activity suggestions generated by AMIDEAST field offices.

MEANS OF VERIFICATION

Outputs:
1. Submission of strategic plan.
2. Site visits and statements of receipts to confirm incorporation of resources and reference materials.
3. Research reports and publications.
4. Reports from participating international institutions.
5. Reports documenting training taken by program participants.
6. Summary reports from Zagazig University Conference.
7. Submission of periodic reports and updates to AID in addition to detailed proposal of activities recommended in project year 2 three months prior to commencement of project year 2.

Inputs:
Signed agreement.
Project budget reports.
Financial documentation.
Consultant reports.
Training institution documentation.
Minutes of LET Advisory Committee meetings.

ASSUMPTIONS

Outputs:
Official cooperation allows for implementation of activities; participating institutions wish to cooperate with L project; participating institutions and individuals adopt balanced view of the issues; increased exposure to international and regional human rights activities and participants will encourage regional national human rights initiatives; research subjects as the Egyptian Constitution, international human rights instruments, national methods of evaluating human rights progress will lead to greater professional interest in improved human rights practices; number of research dependent upon magnitude of individual research programs (typical research project can be supported with budget of \$1000); number of feasible activities identified in project year 2 dependent on size and individual activities.

Inputs:
Sub-projects are funded on a timely sufficient pool of qualified participants exists; program participants utilize training and educational opportunities in professional capacity.

ACTIVE SUMMARY

Outputs:

Morocco and Tunisia;
Increased exposure of Moroccan and Tunisian legal and educational professionals to different perspectives on international law and human rights related issues.
Improved access to international human rights reference resources.
Advanced research into common human rights issues and national methods of human rights evaluation.
Identification of specific activities to be implemented in project year 2.

Inputs:

Morocco and Tunisia;
Funding for development of human rights legal education reference resource base.
Procurement of reference resources for Moroccan and Tunisian institutions.
Organization and sponsorship of lecture/seminar consultantships in Morocco and Tunisia by recognized international experts, on subjects related to the rule of law.
Sponsorship of Moroccan and Tunisian participants in international conferences and study programs related to human rights issues.
Financial support of research on common national and national legal needs in the field of civil rights and popular legal education.
AMIDEAST identification, selection, recruitment, and sponsorship of program participants.
AMIDEAST identification and selection of technical experts.
AMIDEAST identification of appropriate institutions for program participation.
LET project staff and Advisory Committee consideration of recommended second year activity suggestions generated by AMIDEAST field offices.

VERIFIABLE INDICATORS

Outputs:

Morocco and Tunisia;
1. Participation of 2-5 Moroccans and Tunisians at Zagazig University Conference.
2. Participation of at least four Moroccans and four Tunisians in international law or human rights programs.
3. Incorporation of human rights/legal education reference resource base into at least two institutions in each country.
4. Completion of four research projects related to regional and international law, legal literacy and human rights (each country).
5. Proposal submission for four identified activities in both Morocco and Tunisia to be implemented in project year 2.

Inputs:

Morocco and Tunisia;
1. Expert consultant assistance and materials procurement for human rights/legal education reference resource base (\$4,500 for each country).
2. Sponsorship of in-country teaching/training programs by recognized US experts (\$8,000 for each country).
3. Tuition and related expenses of Moroccan (4) and Tunisian (4) participants in international human rights and international law programs (\$8,000).
4. Funding for research projects at Moroccan and Tunisian institutions dealing with national, regional and international human rights-related issues (approximately \$5,000 per country).
5. LET Advisory Committee meetings.

MEANS OF VERIFICATION

Outputs:

1. Summary reports from Zagazig University Conference.
2. Reports from participating international institutions.
3. Reports documenting training taken by program participants.
4. Site visits and statements of receipts to confirm incorporation of resources and reference materials.
5. Research reports and publications.
6. Submission of periodic reports and updates to AID in addition to detailed proposal of activities recommended in project year 2 three months prior to commencement of project year 2.

Inputs:

Signed agreement.
Project budget reports.
Financial documentation.
Consultant reports.
Training institution documentation.
Minutes of LET Advisory Committee Meetings.

ASSUMPTIONS

Outputs:

Official cooperation allows for implementation of activities; participating institutions wish to cooperate with LET project; participating institutions and individuals adopt balanced view of the issues; increased exposure to international and regional human rights activities and participants will encourage regional and national human rights initiatives; research of such subjects as the Egyptian Constitution, international human rights instruments, national methods of evaluating human rights progress will lead to greater professional interest in improved human rights practices; number of research projects dependent upon magnitude of individual research programs (typical research project can be supported with budget of \$1000-1500); number of feasible activities identified project year 2 dependent on size and cost of individual activities.

Inputs:

Sub-projects are funded on a timely basis; sufficient pool of qualified participating consultants exists; program participants utilize training and educational opportunities in professional capacities.

NARRATIVE SUMMARY

Outputs:

Egypt:

1. 1985 Conference at Zagazig University with participants investigating common problems, concerns, and possible solutions to problems of the region in human rights agendas in their respective countries, within the context of a balanced dialog.
2. Improved access to international human rights reference resources for Egyptian institutions.
3. Advanced research into human rights concerns, practices and solutions, national methods of evaluating human rights progress, and international human rights instruments.
4. Increased exposure of Egyptian legal and educational professionals to international human rights perspectives.
5. Identification of specific activities to be implemented in project year 2.

Inputs:

Egypt:

1. Funding for 1985 Conference at Zagazig University to develop balanced agenda and to support participation of regional candidates.
2. Funding for development of human rights and legal education reference collection.
3. Procurement of reference resources for Egyptian institutions.
4. US training of appropriate participants in relevant fields.
5. Funding for international study programs for qualified Egyptian candidates.
6. Funding to support lecture/seminar programs at Egyptian institutions by international legal experts.
7. Support for collaborative advanced research projects on regional human rights issues, international human rights instruments, and comparative and constitutional law.
8. AMIDEAST identification, selection, placement, and sponsorship of program participants.
9. AMIDEAST identification and selection of technical experts.
10. AMIDEAST identification of appropriate institutions for program participation.
11. LET project staff and Advisory Committee consideration of recommended second year activity suggestions generated by AMIDEAST field offices.

MEANS OF VERIFICATION

Outputs:

1. Summary reports from Zagazig University Conference.
2. Site visits and statements of receipts to confirm incorporation of resources and reference materials.
3. Research reports and publications.
4. Reports from participating international institutions.
5. Reports documenting training taken by program participants.
6. Submission of periodic reports and updates to AID in addition to detailed proposal of activities recommended in project year 2 three months prior to commencement of project year 2.

Inputs:

1. Signed agreement.
2. Project budget reports.
3. Financial documentation.
4. Consultant reports.
5. Training institution documentation.
6. Minutes of LET Advisory Committee meetings.

ASSUMPTIONS

Outputs:

Official cooperation allows for implementation of activities; participating institutions wish to cooperate with project; participating institutions individuals adopt balanced view of issues; increased exposure to international human rights activities; participants will encourage regional national human rights initiatives; of such subjects as the Egyptian Constitution, international human rights instruments, national methods of human rights progress will lead to professional interest in improved human rights practices; number of research programs dependent upon magnitude of individual research programs (LYPICE); research can be supported with budget of \$100,000 project year 2 dependent on size and individual activities.

Inputs:

Sub-projects are funded on a timely sufficient pool of qualified participants exists; program participants utilize training and educational opportunities in professional capaci

Operational Program Grant Proposal

HUMAN RIGHTS EDUCATION AND TRAINING PROJECT

Morocco, Tunisia, Jordan, Egypt,
the West Bank, and the United States

Submitted by: America-Mideast Education and Training Services, Inc.
(AMIDEAST)
1717 Massachusetts Avenue, NW
Suite 100
Washington, D.C. 20036

Contact: James McCloud, Vice President, Information and Development
Services, AMIDEAST

Total Request: \$ 150,000

Submitted May 18, 1983



EDUCATION AND TRAINING FOR MIDDLE EAST DEVELOPMENT

August 5, 1983

Mr. Bernard Salvo
USAID
NE/TECH/SARD
Room 6678
Department of State
Washington, D.C. 20523

Dear Mr. Salvo,

To confirm the numbers I gave you over the phone, I am sending you a clean copy of the revised revised budget!

This budget covers Phase I Activities of the proposal. The implementation plan for these activities is described on pages 5 - 11 of the proposal and again in Section D of the proposal. Phase I includes the activities on the Project Schedule (p. 28) through the Advisory Committee meeting and the selection of Phase II sub-projects. These activities will take place during the first three months of project implementation. In other words, the Implementation Plan for the entire project has always been stated in terms of Phase I and Phase II Activities. Therefore, the plan in the proposal can still stand as the implementation plan for the activities described in this budget.

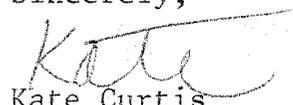
As I mentioned before, there will be no one in the office next week who is familiar with this proposal. Lili Hishmeh should be back in the office the week of August 15. I will be back August 22. We should be able to get you the reworded proposal during that week. If you need it sooner, the only thing I can suggest is to change the title page to "Legal Education and Training Project" and leave the body of the proposal as is.

Best wishes in the meantime.

EGYPT
JORDAN
LEBANON
MOROCCO
SYRIA
TUNISIA
WEST BANK/GAZA
YEMEN

Headquarters
WASHINGTON, D.C.

Sincerely,


Kate Curtis

LEGAL EDUCATION AND TRAINING PROJECT

Phase I Budget (3 months)

A. Staff Costs

Coordinator @ \$73/day - 6 days/mo x 3 mos \$ 1314

Asst. Coordinator @ \$50/day - 6 days/mo x 3 mos 900

Field Office Directors:

Rabat - \$102/day x 10 days 1020

Tunis - \$110/day x 10 days 1100

Cairo - \$144/day x 5 days 720

Amman - \$104/day x 5 days 520

(5574)

Benefits @ 20% Salaries 1115

(6689)

Overhead @ 62% Salaries and Benefits 4147

TOTAL STAFF COSTS 10836

B. Other Direct Costs

Consultants (@ \$250/day):

Technical Consultant - Egypt 5500

(15 days in country, 7 days preparation and report)

Technical Consultant - Jordan 5750

(15 days in-country, 8 days preparation and report)

Technical Consultant - Morocco, Tunisia 7000

(20 days in-country, 8 days preparation and report)

Advisory Committee (5 members x 2 days @ \$50/day) 500

(18750)

Travel, international 6000

Travel, U.S. (Advisory Committee) 3000

Travel, local 1000

Per diem 9764

Other Direct Costs (cont.)

Telex	200
Courier	150
Xeroxing	200
Miscellaneous	<u>100</u>
TOTAL OTHER DIRECT COSTS	39164
TOTAL STAFF COSTS (from previous page)	<u>10836</u>
	50000
<u>TOTAL COST for PHASE I</u>	<u>=====</u>
	<u>=====</u>



AMIDEAST

EDUCATION AND TRAINING FOR MIDDLE EAST DEVELOPMENT

May 18, 1983

Mr. Jerry Miller
Rm 6678
NE/TECH/SARD
USAID
Department of State
Washington, D.C. 20523

Dear Mr. Miller

Enclosed please find AMIDEAST's Operational Program Grant Proposal, "Human Rights Education and Training Project". I have sent one bound copy and one unbound copy so that you can reproduce whatever you need.

Please don't hesitate to call us if you have any questions.

Sincerely,

Kate Curtis
Kate Curtis

EGYPT
JORDAN
LEBANON
MOROCCO
SYRIA
TUNISIA
WEST BANK/GAZA
YEMEN

Headquarters
WASHINGTON, D.C.

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Operational Program Grant Proposal

HUMAN RIGHTS EDUCATION AND TRAINING PROJECT

Morocco, Tunisia, Jordan, Egypt,
the West Bank, and the United States

Submitted by: America-Mideast Education and Training Services, Inc.
(AMIDEAST)
1717 Massachusetts Avenue, NW
Suite 100
Washington, D.C. 20036

Contact: James McCloud, Vice President, Information and Development
Services, AMIDEAST

Total Request: \$ 150,000

Submitted May 18, 1983

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INTRODUCTION

America-Mideast Educational and Training Services, Inc. (AMIDEAST) is pleased to submit this proposal for a Human Rights Education and Training Project to the Near East Bureau of the Agency for International Development (AID). Section 116(e) of the Foreign Assistance Act, as amended, provides for the support of "... programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights ...". Consistent with this legislation, AMIDEAST is proposing to provide advanced and specialized training to members of the legal community in selected Middle Eastern countries and to enhance the capability of local institutions to further the implementation of human rights at home.

AMIDEAST has been providing education and training opportunities to Arab students in many fields since 1951, both in the U.S. and at in-region institutions. It also has a long history of institutional development assistance throughout the region and has earned the respect and trust of national governments because of its familiarity with regional traditions and the sensitivity with which it responds to local interests, concerns, and priorities. Its experienced staff is skilled in the development of specially-tailored programs as well as in the identification of established degree and non-degree curricula and can rapidly identify qualified U.S. professionals with the special expertise which host organizations may request. By virtue of its network of field offices in 8 countries, it has developed successful long-term working relationships with Ministries, universities and other organizations which nominate candidates for training

programs and request technical assistance. In addition, it is well-known for its ability to design and support education and training opportunities which respond to the realities of the professional environment to which the participant returns, and to provide consultant assistance towards the achievement of host country goals. These latter considerations are especially important in the field of human rights, which represents a critical interface -- unique to each country -- between civil, religious, cultural, political and economic subsystems.

AMIDEAST has already identified significant human rights education and training sub-projects in the region which it can undertake immediately and is confident that it can rapidly identify additional activities which qualify for Section 116(e) support. These initiatives will substantially strengthen fundamental parts of the legal systems in the target countries and will therefore have a widespread positive impact throughout the region. Moreover, they will be undertaken with the special cultural sensitivity and in-depth understanding which implementation of a project like this one requires.

SECTION A. PROJECT PURPOSE AND DESCRIPTION

1. Project Purpose

The purpose of this project is to assist public indigenous Middle Eastern institutions and organizations concerned with furthering the implementation of international human rights standards within the context of their national legal and cultural systems. Activities will focus on strengthening the legal system by providing wider education and training opportunities to legal and related professionals, including lawyers, magistrates, judges, prosecutors, administrators, and law professors. They will fall into three categories:

- Provision of institutional planning and other technical assistance to enhance the capability of local education and training facilities dealing with human rights
- Arrangement of short-term special training for legal and related professionals at relevant U.S. and in-region institutions
- Identification, recruitment, and fielding of U.S. experts to conduct seminars and provide consultative assistance in response to requests from public organizations involved in human rights

Activities among the three categories will be carefully coordinated within each target country so as to maximize the impact of project services on the overall judicial, administrative and legal infrastructure.

This project interprets "human rights" in a very broad sense. It is based on the assumption that enhanced training and education of legal personnel in selected subspecialties will result in more consistent implementation of the human and civil rights standards which are already reflected in the constitutions and legal codes of the target countries. These subspecialties may include, but will not be limited to, the

following: constitutional law, due process, the rule of law, civil and political rights, legal and administrative procedure, safeguards for the maintenance of an independent judiciary, and legal training methods. As indicated in Subsection A.2 below, the specific content of each sub-project or activity will be jointly determined by the recipient organization and AMIDEAST, within the Section 116(e) guidelines, and approved by AID.

The activities proposed herein are directed towards the official bodies responsible for the administration of justice and to related organizations which operate with official sanction in the target areas. Thus, despite the somewhat controversial nature of its focus, this project has a high potential for success. It will result in institutionalized changes which positively affect the entire population and in enhanced local capability in Ministries and the legal educational system to realize the goals and objectives of human rights.

2. Project description

This project will be implemented in two phases. Phase I will involve the conduct of two activities or sub-projects already identified by AMIDEAST as well as the identification of additional sub-projects in five geographical areas which qualify for later support. The five areas are Egypt, Jordan, Tunisia, Morocco, and the West Bank. Phase II will consist of implementing these additional sub-projects and will also have an ongoing sub-project identification component. Phase I, scheduled for approximately August through October 1983, is outlined in detail below. The subsequent discussion of Phase II (November 1983-September 1984) is suggestive of the kinds of activities which might emerge out of the Phase I identification efforts.

Phase I

AMIDEAST proposes three activities for Phase I:

- Provision of an expert legal consultant to Jordan for lectures and technical assistance
- Provision of an institutional planning consultant to the Center for International Legal and Economic Studies, Zagazig University, Egypt, for planning and program development assistance
- Future sub-project identification in Morocco, Tunisia, Jordan, Egypt and the West Bank

Each activity is described further below.

In addition, AMIDEAST proposes to form a Project Advisory Committee composed of U.S. experts on the Middle East, human rights, and legal education and training to provide guidance and input to sub-project design and implementation. AID representatives will also be invited to serve on this Committee. The Committee will meet first shortly after grant award to suggest in-country resources for Activity #3, to help project staff and consultants establish criteria for evaluating potential sub-projects, to identify exemplary U.S. training institutions and to help formulate creative work/study program ideas for Phase II participants. Following the close of Activity #3 described below, the Committee will meet again to review and comment on the proposed sub-projects. During Phase II, the Committee will serve on an ad hoc basis as a resource for project design and review.

Activity #1 -- Expert legal consultancy to Jordan

Based on a request by AID/Jordan which resulted from discussions with the Undersecretary of the Ministry of Justice (MOJ) and the Dean of the Faculty of Law at the University of Jordan (UOJ), AMIDEAST proposes to send an Arabic-speaking U.S. attorney to Jordan for two weeks to lecture on the

American legal system and legal institutions. Principal topics are to include the rule of law, due process, administrative procedure, and the importance of an independent judiciary. As evidence of the Government's support for this sub-project, the Ministry and the University will publicize and make arrangements for the visit. Suggested audiences are MOJ staff, the Jordanian Federation of Jurists, UOJ Law School faculty and students, and the general public.

During this visit, the consultant will also have discussions with individuals connected with MOJ, the courts, the bar association, the University, and other relevant organizations in order to familiarize himself with the existing local needs and capabilities in the human rights area. These discussions will result in plans for Phase II activities to provide ongoing assistance towards improving legal education and the administration of justice (see Activity #3 below).

Activity #2 -- Institutional planning consultancy to University of Zagazig

A Center for International Legal and Economic Studies is being established at Zagazig University in Egypt to study the legal and economic problems of the Third World, with a focus on human rights. It will be primarily an advanced training facility with a strong research component. It will promote scholarly studies of regional legal and administrative practices as well as dialogue between professionals throughout the region. Its objectives are to provide lawyers and related professionals with up-to-date knowledge and technology in the field of human rights and to stimulate additional human rights activity through information dissemination.

The Center plans four major program activities: (1) 2-week continuing education seminars for practicing attorneys; (2) monthly seminars led by an Egyptian expert in a human rights sub-specialty; (3) an annual international conference to put Center activities into an international framework; and (4) establishment of a bibliographic computer data base of Arabic-language materials on human rights. The Center will also publish all of its proceedings in English and Arabic for wide dissemination. The intent is to establish working linkages with other institutions throughout the region, especially Ministries, universities, and law schools, and to have scholars from other countries participate actively in Center projects.

At the present time, Center personnel have developed a solid conceptual framework in which the institution will operate and have formulated meaningful goals and objectives. In addition, the University has committed space, computer facilities, and other capital resources. In a meeting with Center leaders and representatives of AID, the State Department, and AMIDEAST, it became clear that the Center would benefit greatly from institutional planning and organizational development assistance in order to define a working strategy for implementing its overall goals and objectives. Therefore, AMIDEAST proposes to send a consultant with planning and development expertise to the Center for two weeks to facilitate the drafting of a strategic plan. The consultant will also assess the potential for sub-projects at the Center and elsewhere in Egypt (see Activity #3 below).

Activity #3 -- Future sub-project identification

For reasons suggested in Section B below, AMIDEAST has selected Morocco, Tunisia, Egypt, Jordan and the West Bank as principal targets for Phase II sub-projects. AMIDEAST will send a U.S. scholar with extensive Middle East experience to Morocco, Tunisia and the West Bank for two weeks each to consult with representatives of various institutions (see list of resources later in this subsection) in order to identify direct service activities for Phase II. These discussions will result in a detailed set of sub-project options which will then be jointly reviewed and evaluated by AMIDEAST and AID.

This activity will be carried out in Jordan and Egypt by the consultants mentioned in Activities #1 and #2 respectively, with each individual spending an additional 5 days in-country. This approach is obviously justified by its cost-effectiveness. Equally important, however, is the fact that knowledge about future potential sub-projects can be easily and rapidly gained by individuals already working within the system, and it is highly likely that the host counterparts will facilitate access by the consultants to other individuals and groups actively working within the human rights field. The consultants will develop a set of sub-project options similar to those mentioned above.

The sub-project options resulting from these discussions in the five target areas will spell out specific sub-project goals and the relationship of the sub-project to the country's overall human rights program. It will also be sufficiently specific for immediate implementation. As an example, a participant training sub-project option might contain the following:

- goals and objectives
- relationship to other human rights initiatives
- rationale (specific needs to which sub-project responds)
- identification of participants
- local sponsor
- type of training (e.g., existing course, specially-tailored course, internship, work-study, etc.)
- likely training facility(ies)
- schedule
- pre-departure activities (e.g., preparation, orientation)
- criteria for evaluation by participants, sponsor, and AMIDEAST
- relevant follow-up activities
- cost

A consultation option might be as follows:

- goals and objectives
- relationship to other human rights initiatives
- rationale (specific needs to which sub-project responds)
- required consultant qualifications and background
- type of activity (e.g., lectures, curriculum design, planning, institutional development, etc.)
- in-country contact points
- preparation activities
- schedule
- criteria for evaluation by host, consultant, and AMIDEAST
- cost

In addition to a description of the potential Phase II activities, AMIDEAST will provide a summary report for each country of knowledge gained through the in-country discussions. This report will summarize the current status of human rights activity, system-wide needs, and preferences of government officials for project assistance.

With regard to the local resources to be consulted in this activity, AMIDEAST recognizes that human rights activism is a relatively new phenomenon in the region. Nevertheless, the number of concerned groups and institutions is growing, as are the education and training activities generated by the heightened interest. With its field offices throughout the Middle East, the organization is aware of these developments and can gain ready access to the appropriate individuals. The field offices will be used to arrange appointments and to supplement the list of contacts resulting from the initial Advisory Committee meeting described above.

Target organizations in all five geographical areas will include the following:

- Ministry of Justice
- Ministry of the Interior
- university law school(s)
- religious courts
- bar associations
- humanitarian groups
- professional associations (e.g., press)

On an individual area basis, a preliminary listing of additional resources is as follows (see Section B for some descriptive activities):

Tunisia -- Tunisian League for Human Rights
National League of Tunisian Women
Union of Arab Lawyers

Morocco -- Moroccan Association for Human Rights

Egypt -- Society of Human Rights' Supporters
Association of Professors of Public Law and
Political Sciences
Council of State
The Judges Club
Egyptian Association of University Women

West Bank -- Law in the Service of Man

Jordan -- The International League for the Rights of Man
in the Hashemite Kingdom of Jordan

Phase II

Phase II will involve the implementation of sub-projects resulting from Activity #3, as well as ongoing project identification which may extend to other countries also. This ongoing activity will be conducted by experts working in-country on Phase II sub-projects and by the field offices. It may also involve the fielding of an expert consultant for specifically exploratory purposes. Among the types of Phase II activities contemplated are the following:

- short-term participant training in human rights subspecialties (academic and/or on-the-job) in the U.S. for judges, magistrates, practicing attorneys, public prosecutors, and legal administrators
- similar training at in-region institutions, such as the Center at Zagazig
- curriculum development and/or planning with in-region law schools and other educational facilities
- technical assistance to Ministries of Justice
- lectures by U.S. experts on various human rights topics before selected audiences

AMIDEAST headquarters will have the following responsibilities:

- project management
- recruitment and administrative support of U.S. consultants
- placement of participants in established training programs
- design of specially-tailored, multi-institutional, internship, and/or work-study programs
- arrival orientation of participants
- counseling and financial support of participants
- payment of fees to institutions
- end-of-program wrap-up sessions with participants
- reporting to AID and to host governments

The field offices will be responsible for:

- in-country support of U.S. consultants
- pre-departure orientation and support to participants
- liaison with Ministries, universities and other recipient organizations regarding project activities
- on-going sub-project identification

Based on prior experience, AMIDEAST believes that the needs of some participants can be met by existing programs, while others will require specialized program development. Wherever possible, AMIDEAST proposes to take advantage of the excellent resources available at U.S. institutions with well-developed human-rights-related curricula. The following are among the most prominent:

University of Cincinnati School of Law (Cincinnati, Ohio)

Urban Morgan Institute -- Conducts seminars and conferences on human rights issues and is developing a major research library on human rights law. Institute fellows focus on human rights law and institutions with particular emphasis upon procedures for implementation of human rights.

Columbia University School of Law (New York, New York)

Offers Graduate Studies in Human Rights Law. Annually convenes a seminar in Human Rights Law.

Georgetown University School of Law (Washington, D.C.)

Harrison Institute for Public Law -- Established to strengthen foundation of participatory democracy at local level with emphasis on clinical practice, legal services, and policy research.

International Law Institute Orientation on U.S. Legal Systems -- Annual 3 week seminar designed for lawyers trained outside the U.S.

Institute for Public Representation -- Emphasis on public interest law.

Howard University School of Law (Washington, D.C.)

Master of Comparative Jurisprudence Program -- Designed for foreign lawyers with emphasis on needs of developing countries and advocacy in the judicial aspects of human rights.

Southern Methodist University School of Law (Dallas, Texas)

Offers one-year specialized training for foreign lawyers in international law, comparative law and basic principles of Anglo-American law.

George Washington University (Washington, D.C.)

Has strong graduate program in International and Comparative Law.

Harvard University Law School (Cambridge, Massachusetts)

Offers special one-year program in the fundamentals of law for Third World lawyers.

3. Conditions expected at end of project

By the end of the project, a significant number of legal professionals will have received advanced training in human rights subspecialties through programs at foreign institutions and/or via in-country lectures by and consultation with U.S. experts. In addition, local institutions focused on human rights will have received technical assistance to strengthen their programs and expand their capabilities. The effect will be that each target country will be better able to implement the international human rights covenants to which it subscribes. Because a nation's legal and administrative infrastructure affects all of its citizens, this project will have a widespread impact, well beyond its immediate beneficiaries. This impact, of course, is extremely difficult to measure in concrete terms, especially in the short-term (see project evaluation discussion in Subsection D.2). However, the relative lack of susceptibility of this kind of project to formal or statistical impact evaluation should not overshadow its potential influence.

SECTION B. PROJECT BACKGROUND

1. Regional perspective

The Universal Declaration of Human Rights was the first international commitment to individual civil, political, social and economic rights. It received unanimous approval by the U.N. General Assembly in 1948. Since that time it has been strengthened by two additional covenants and an optional protocol developed in 1966 and ratified by member countries in subsequent years, and by other policies espoused by various U.N. organizations on numerous aspects of the human rights question. Most of the Arab countries are parties to these agreements, and their constitutions by and large reflect adherence to the U.N.'s international human rights standards.

There is little dispute, however, that significant gaps remain between the incorporation of these standards in documents and their actual implementation through legal, administrative, and political organizations and procedures. The pace at which the standards have become a reality has been somewhat slow and uneven in the Middle East, with most of the concerted activity taking place in the last 8 years or so.

Like other parts of the developing world, these countries inherited, from one or more colonial powers, legal systems which were fragmented, inconsistent with local customs, and/or inappropriate to self-rule. Thus, upon independence, the first objective was to develop a system which would meet the needs of the state and permit the orderly functioning of government. Given the urgency of this priority, far greater energy was devoted to developing a regulatory framework supportive of the state than to ensuring that individual rights were protected.

The Middle East also has a number of unique problems. For example, frequent periods of war have created tension between the need for state security and the protection of individual rights. Oft-changing international boundaries have resulted in a large numbers of displaced persons with claims against many governments as well as cases before international courts. The region has also seen a remarkably uneven rate of economic development which has not always been in step with social and educational changes. Finally, and most importantly, the Arab countries have a tradition of parallel religious and civil legal systems which are often at odds with each other. The precepts of Islam differ markedly from the contract theories of government which underlie most Western civilizations and their attendant legal codes, and as a result, the principles on which its legal system are based are not wholly consistent with those of the Western democratic model.

Nevertheless, recent years have witnessed a practical resolution of many of these problems, and many Arab leaders, with the support of responsible groups and organizations in the region, have taken positive steps specifically aimed towards strengthening human rights. Even the Ministry of Justice in Saudi Arabia, for example, which is perhaps the most conservative country in the region and which has no constitution other than the Koran as codified by the Sharia, supported conferences in Riyadh and Europe on "Moslem Doctrine and Human Rights in Islam," attended by Saudi canonists and European jurists and intellectuals.

As the human rights movement matures in the Middle East, it is important to remember that it is doing so within the region's own cultural context. That is, while countries may embrace modern industrial technology in toto, they will not adopt wholly alien social or legal systems which are inconsistent with their overall ethics, cultural orientation, and national character. As illustrated below, many countries are openly demonstrating human rights initiatives from within, and the groups and organizations active in these efforts are approaching the issue with a full appreciation for the traditions of their national environment. In this project, AMIDEAST intends to build on these initiatives which are already underway with governmental support and consent in order to help stimulate additional momentum and changes. Providing key legal professionals with additional education and training in the target subspecialties holds high promise in the human rights arena because it exposes participants to new ideas and systems and then relies on their own ability to apply their new expertise in the milieu they understand so well. The same may be said for the selective application of expert consultants to assist in the development and implementation of projects initiated and supported by host governments.

2. Examples of regional human rights activities

Adherence to international human rights conventions is the responsibility of governments themselves, and much of the human rights activity in the region is appropriately generated by government organizations. The UOJ/MOJ request to AID for a legal consultant is one example of this kind of involvement, and the University's substantive support of the Center at Zagazig is another. As illustrated above in

Section A, the primary resources for AMIDEAST in identifying sub-projects include Ministries, universities, and associations of legal professionals, and it is anticipated that project resources will be directed primarily towards members of these types of organizations. In addition, as a measure of the growing prominence of human rights issues in the region, there are a number of independent groups which operate openly and with few restrictions and which specifically focus on human rights. These groups, too, will serve as resources in Activity #3 and may also become involved in some of the Phase II activities. Examples are as follows.

The Union of Arab Lawyers, established in 1944, is a federation of the Bars of Arab countries. Since 1968, it has focused heavily on human rights, and it earned consultative status with ECOSOC and UNESCO in 1971 and 1973 respectively. Among its activities are the translation and dissemination of international standards documents and public campaigns for the ratification of international conventions. At a seminar in Baghdad in 1979 on human rights in Arab countries, Union representatives contributed to a draft "Arab Convention on Human Rights." The union also jointly organized a seminar on human rights in Islam with the University of Kuwait in December 1980. This seminar brought together Islamic legal authorities from many countries to study the question of human rights in light of the Sharia and resulted in a draft Islamic Charter of Human Rights which affirms the international conventions. The Union is now headquartered in Tunis and is actively involved in promoting human rights throughout the Arab world.

The Tunisian League for Human Rights received government permission to organize in 1977 and was affiliated two years later to the International Federation for Human Rights. It is a membership organization which makes

inquiries, interventions and observations, and it publishes studies on various aspects of the human rights question. While addressing itself primarily to Tunisia, it is also concerned with Palestinian human rights in the occupied territories. Each year it focuses on one human rights issue. Annual topics to date have included detention and conditions in prison, amnesty, Palestinian human rights, and the right of association. In 1978, it began to explore allegations of torture within Tunisian prisons, and as a result of this publicity, the President ordered the Ministry of the Interior to conduct a parallel investigation.

Law in the Service of Man was established by several leading West Bank Palestinian lawyers in 1979 and is affiliated with the International Commission of Jurists (ICJ). Its objective is to see that the rule of law prevails in the West Bank, and it engages primarily in legal research and scholarly analysis. In 1980, it published The West Bank and the Rule of Law which criticized the legal system on the West Bank under Israeli military occupation. It is developing a public law library to increase the availability of legal materials and references in the area and is also planning further research studies designed to stimulate changes in legal and administrative practices which will lead to enhanced human rights for Arabs in the occupied territories. Because of its ties to the prestigious ICJ, the stature of its leaders, and its focus on substantive legal argument rather than political confrontation, this organization is relatively unrestricted by the military government and remains a major factor in striving toward human rights for West Bank residents.

The Egyptian Bar Association has been very active in the last 10 years in filing cases before the Supreme Constitutional Court to test the constitutionality of various decrees affecting human rights of expression, association and the like. While the group has often been in open conflict with the government, it functions relatively freely in the legal arena and continues to initiate legal challenges to governmental regulations and practices in the courts. It also has an outspoken interest in the maintenance of an independent judiciary.

The Moroccan Association for Human Rights, founded in 1979, has a multi-disciplinary membership and is devoted to ensuring that the international human rights conventions are upheld both at home and throughout the region. Its primary vehicle is public information dissemination, and it frequently issues statements about both adherence and restrictions in the human rights field in Morocco and abroad.

3. Prior related experience

AMIDEAST has a history of over 30 years of specialization in the Middle East. It is a recognized leader in the placement and support of Middle Eastern students in U.S. and third-country training programs and has earned a reputation for excellence among participating institutions and governments. It has also gained the respect of host country sponsors and AID missions for its understanding of local development priorities and their origins and its ability to design and administer training and assistance programs which are directly relevant and practical within the local setting.

In addition to its headquarters staff of over 90, AMIDEAST has 10 field offices in 8 countries which maintain liaison with local officials and engage in the ongoing dialogue on which effective foreign assistance must be based. The field offices also facilitate the preparation of participants for study abroad and provide support services to U.S. consultants on in-country assignments.

AMIDEAST has been responsible for the design and administration of thousands of academic and non-degree training programs, many of which have been in law and other fields closely related to human rights. In the early 1970s, AMIDEAST administered a Ford Foundation-funded grant for training of law faculty at the Lebanese University. Most recently AMIDEAST is supporting the Master's program of an Egyptian Peace Fellow in comparative law and has placed a group of Egyptian prosecutors in a short-term course at George Mason University in computerization of court records. Another Peace Fellow is studying international and comparative law at New York University.

AMIDEAST has also been extensively involved in faculty development programs throughout the region. This experience is particularly relevant to this project, since it is likely that a significant portion of project resources will be devoted to enhancing the in-country training capability in the field of human rights. Among the institutions assisted by AMIDEAST are Mu'tah University, Bir Zeit University, An Najah University, Bethlehem University, Sana'a University, the Lebanese University, the University of Jordan, the Arab College of Medical Sciences, and the University of Libya.

Another resource to this project is the International Development Law Institute in Rome administered by AMIDEAST under AID sponsorship. This institute is devoted to training and technical assistance in the field of development law, which is related to human rights through its focus on law reform and modernization. It engages in professional dialogue with experts in Islamic law from throughout the world, and it has linkages with many of the human rights groups operating in Europe. It can facilitate the involvement of those groups in special training and assistance programs sponsored by this project and help in identifying international experts for in-country consultation.

With regard to in-country training, technical assistance and institutional development, AMIDEAST has an impressive record in the area of manpower planning and development. It has recruited high-level experts for both short- and long-term assignments in Morocco, Egypt, Kuwait, the West Bank/Gaza, Jordan, Syria, Libya and Iran for government-sponsored projects. Successful performance in these projects has resulted in excellent relationships with Ministries, universities and other training institutions and in a ready willingness of host country officials to take advantage of the skills and abilities of AMIDEAST consultants.

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SECTION C. PROJECT ANALYSIS

1. Economic effects

Because this project addresses the enhancement of human rights, it is difficult to attribute a dollar value to its products and outcomes. Nevertheless, since AMIDEAST proposes to focus its activities on individuals and organizations working within the system towards human rights goals for all, it is logical to assume that the system will improve and that the entire citizenry will therefore derive benefits from project inputs, at a negligible per capita cost. In addition, since individual economic rights are considered human rights in the international definition, the enhancement of human rights will have a positive economic effect.

2. Technology to be used

This project will not introduce any new technology. As stated in Section B above, it will expose participants to alternative schools of thought and legal/administrative methodologies which are applicable to the host country environment.

3. Pertinent sociocultural factors

Section B above suggests some of the sociocultural issues associated with legal modernization and reform within the context of Islam. In the five target areas, efforts are underway to resolve much of the apparent conflict between the religious doctrine and the international human rights conventions, particularly with regard to the role and rights of women and minorities. In Morocco, for example, women are participating in non-

traditional segments of the labor force and divorce laws have been modified. This project is designed to make the international standards a reality in the target areas. Since these standards are to apply without discrimination to any subpopulation, this project can be expected to contribute positively to the changes in sociocultural traditions and values which are already taking place.

4. Project's general relationship to Guidelines Governing Funding for Private and Voluntary Organizations in Connection with Development Assistance under the Foreign Assistance Act

This project is thoroughly consistent with these guidelines. Since it deals with administration of human rights by the legal infrastructure, it reaches all citizens, regardless of their economic status. It is also complementary to existing programs in-country, as illustrated in Sections A and B, and serves to strengthen their position and their capability to initiate change. Unlike a maternal and child health program, this is not the type of project which will spread in a direct sense to very large numbers of people. To the contrary, its target group is the relatively small cadre of legal professionals who provide training and professional leadership in the human rights field. By enhancing the resources of local organizations and exposing selected participants to new in-country and foreign training, the project's relatively small investment will reach a considerable portion of the target group, either directly or indirectly. Recipients of services can then apply their new expertise on the job -- in the classroom or the courtroom -- with little need for substantial additional domestic resources.

5. Potential for institutionalization

This project is somewhat different from, for example, a large-scale job training project which is institutionalized when local staff are trained to replace expatriate teachers in new schools run and supported by a Ministry of Labor. In that case, the activity itself is literally institutionalized and fully dependent on domestic resources. In the case of this project, the intent is not to leave an identical assistance project in place. Rather, it is to make the objective - more rigorous adherence to human rights conventions -- become an institutional one on the part of responsible host country organizations and to supply key professionals with the enhanced expertise to achieve the objective. In that sense, its potential for continuation is high. Additionally, the assistance provided to training and research facilities will result in local resources, domestically operated and supported, with an improved capability to assist in meeting the objective.

SECTION D. PROJECT DESIGN AND IMPLEMENTATION

1. Implementation plan

AMIDEAST will assign a Project Coordinator and Assistant Coordinator on its headquarters office staff, both on a part-time basis, to handle the central project management and support tasks. These tasks include:

- coordination of all project activities
- liaison with AID
- liaison with the field offices
- technical consultant recruitment, orientation, administrative backstopping, and debriefing
- participant orientation and debriefing
- participant placement
- participant counseling and monitoring
- reporting (at end of Phase I and approximately every 3 months during Phase II)
- performance monitoring
- evaluation monitoring
- budget monitoring

Field Office Directors in the applicable areas will provide in-country support as follows:

- scheduling of appointments for technical consultants
- pre-departure orientation for participants
- debriefing of returned participants
- liaison with relevant in-country organizations
- ongoing sub-project identification

AMIDEAST will employ technical experts on a consultant basis to implement in-country technical assistance projects. In addition to the in-country assignment, each consultant will participate in sub-project planning and will prepare a written report following completion of the activity. This report will contain at least the following:

- summary of activity
- problems encountered, if any
- recipients' evaluation
- consultant's evaluation
- recommendations for follow-up activity, if any

Resumes for technical experts to be used during Phase I are attached in Appendix A.

The Project Advisory Committee, composed of U.S. experts on the Middle East, human rights, and legal training, will provide input to project planning, sub-project selection, and evaluation. It will meet with staff and consultants at the beginning and end of Phase I and as needed during Phase II.

Financial Management

AMIDEAST has a sophisticated computerized financial management system which tracks project expenditures and prepares regular reports both for internal use and for submission to AID and other contracting agencies. The system also controls the disbursement of participant support costs, including tuition, books, and monthly maintenance, in compliance with Handbook 10 regulations. AMIDEAST has successfully managed many contracts and grants, large and small, and its financial procedures have fully satisfied numerous AID audits.

Schedule

As indicated earlier, Phase I sub-projects are fully designed and can thus be scheduled in detail. Since the exact nature of Phase II depends on the completion of Phase I activities, a precise schedule cannot be provided at this time. The schedule illustrated in Figure A on page 29 assumes a project start-up date of August 1, 1983.

Waivers

This project requires no special waivers.

2. Measurement and evaluation of project accomplishment

The difficulties in evaluating the "development changes" associated with a project of this size and duration and on the topic of human rights have already been suggested earlier. Measurable changes in the larger order -- enhanced freedom of expression for alternative political groups and full and consistent equality for women and minorities, for example -- are likely to be gradual and long-term, and they will probably result from a broad group of initiatives of which this project is a part. Even if the project were of 10 years' duration, and even if there were unlimited evaluation funding available, it would be difficult to attribute such large-scale, fundamental, and long-run effects to a single stimulus. Also, there may be factors well beyond the project's control which inhibit its impact.

Figure A. PROJECT SCHEDULE
(Starting date: August 1, 1983)

Task	1	2	3	4	5	6	7	8	9	10	11	12	13
Project planning	x---x												
Advisory Committee meeting	x												
In-country appointments arranged by Field Offices	x-x												
Consultant preparation & orientation	x												
Activity # 1 in-country (3 wks)		x--x											
Activity # 2 in-country (3 wks)		x--x											
Activity # 3 in-country (6 wks)		x-----x											
Consultant reports completed			x										
Advisory Committee meeting				x									
Phase II sub-projects selected				x									
Phase II activities													
Evaluation plan designed					x								
Evaluation					x								
Project reports										x			

Therefore, AMIDEAST proposes a combination of operational and modified summative evaluation techniques which focus on two sets of questions. The first set relates to whether or not the project is successfully implemented. The second deals with the assessment of project activities by direct recipients. The way these techniques will be used is discussed below.

Operational evaluation

Internal operational evaluation is an important management and monitoring technique which AMIDEAST routinely applies to each of its projects. Primarily a performance assessment tool, it evaluates the effectiveness or efficiency of administrative functions. It does not deal with long-range qualitative issues, such as the enhanced ability of a participant to influence the enhancement of human rights after completion of a foreign training experience, but it does establish performance standards which normally impact on qualitative goals. For example, selection of the right expert consultant or training program is an administrative function, but its outcome affects the achievement of qualitative project goals.

In essence the operational evaluation relies on basic data which is normally collected in the course of project implementation, such as cost, staff allocation, staff performance, timeliness of task completion, and number of sub-projects identified and implemented. What the evaluation does is structure the collection and analysis of this data in such a way as to maximize its value, regularize the monitoring process, and provide project management with frequent progress assessment in a clear and useful format.

In this project, AMIDEAST will establish project objectives (such as the successful identification of three sub-projects per target country), establish a time frame for completion, project the cost, determine the level and type of staffing necessary, and define other operational functions required for task performance. The project's operational effectiveness and efficiency will then be determined by comparing actual completion dates, costs, etc. with those that were projected.

Modified summative evaluation

This assessment is more qualitative in nature and is concerned with the benefits of project services rather than the manner in which they are delivered. Given the project's duration and resources, the evaluation will focus on the benefits perceived by recipients. In the case of foreign training programs, data will be collected from participants and their sponsors. In the case of assistance to in-country organizations, data will be collected from key individuals who have direct contact with the expert consultants and participate in the in-country activities. The evaluation will also consider the number of sub-projects identified as an indication of the interest of target countries in human rights activities.

AMIDEAST is currently conducting a long-term evaluation in Egypt of the AID Participant Training Program and the Post Peace Assistance Fellowship Program and, with formal instrumentation, is collecting follow-up data from 3,000-4,000 participant trainees who have been back at home and on the job from 1 to 7 years. These participants have had considerable time to reflect on the style and content of their foreign training and to

gain experience in implementing the new knowledge and skills within their home country setting. AMIDEAST could make this instrumentation available to this project at a later time but does not feel that it can be used meaningfully with newly returned trainees.

In its place, AMIDEAST will develop, with the assistance of an expert evaluator, a set of topical outline questionnaires to be answered orally or in writing by participant trainees and by recipients of in-country services. Among the items that will be addressed are the following:

- expectations and the degree to which they were met
- qualitative assessment of the training or service (e.g., relevance to the local situation, stimulation of new thoughts and ideas, etc.)
- concrete products, if any, and their potential use (e.g., institutional plans, curriculum changes/additions, new institutions established, etc.)
- proposed use of new skills, knowledge or assistance in working towards human rights objectives
- perceived potential for sharing with colleagues
- suggestions for changes
- suggestions for follow-up

This data will be collected by project personnel and aggregated and submitted to AID in periodic project reports. These reports may be used later in formal long-term evaluations if desired.

SECTION E. FINANCIAL PLAN

A. Staff Costs

Coordinator @ \$73/day - 6 days/mo x 3 mos (Phase I)	\$ 1314
- 4 days/mo x 11 mos (Phase II)	3212

Asst. Coordinator @ \$50/day - 6 days/mo x 3 mos (Phase I)	900
- 4 days/mo x 11 mos (Phase II)	2200

Field Office Directors: ¹

Rabat - \$102/day x 10 days (Phase I)	1020
" " " (Phase II)	1020
Tunis - \$110/day x 10 days (Phase I)	1100
" " " (Phase II)	1100
Cairo - \$144/day x 5 days (Phase I)	720
" x 10 days (Phase II)	1440
West Bank - \$170/day x 10 days (Phase I)	1700
" " (Phase II)	1700
Amman - \$104/day x 5 days (Phase I)	520
" " 10 days (Phase II)	1040
	<hr/> 18986

Benefits @ 20% Salaries	3797
	<hr/> 22783

Overhead @ 62% Salaries and Benefits	14125
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TOTAL STAFF COSTS	36908
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B. Other Direct Costs

Consultants (@ \$250/day):

Technical Consultant - Egypt (Phase I)	5500
15 days in-country	
7 days preparation and report	
Technical Consultant - Jordan (Phase I)	5750
15 days in-country	
8 days preparation and report	
Technical Consultant - Morocco, Tunisia, West Bank (Phase I)	9250
30 days in-country	
7 days preparation and report	
Evaluator - 10 days (Phase II)	2500
Advisory Committee (5 x 2 days @ \$50/day)	500
	<hr/> 23500

Travel - international (Phase I)	6000
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Travel - U.S. (Advisory Committee) (Phase I)	3000
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Travel - local international (Phase I)	1000
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Per diem (Phase I)	10150
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Other Direct Costs (cont.)

Telex (Phases I and II)	1000
Courier (Phases I and II)	500
Xeroxing (Phases I and II)	500
Miscellaneous (Phases I and II)	400
Phase II activity costs ²	<u>67042</u>
TOTAL OTHER DIRECT COSTS	113092
TOTAL STAFF COSTS (from previous page)	<u>36908</u>
TOTAL PROJECT COST	<u><u>150000</u></u>

¹ Field Office costs for Phase II are estimates. Exact figures will depend on the volume of activity in each country.

² These costs represent an aggregate of actual Phase II activities which are not yet defined. For example, they might include participant training program tuition, monthly maintenance, travel, books, etc., or consultant fees, travel and per diem for in-country lectures or technical assistance to institutions. However, short-term U.S. training programs generally average \$5000 per participant. Master's degree programs generally average \$20000 per participant. The cost of a 2-week in-country consultation (exclusive of administration costs which are already included in Section A of the budget) is about \$7800.

PHASE I COSTS BY ACTIVITY *

Activity # 1 - Consultancy to University of Jordan/Ministry of Justice	\$ 11083
Activity # 2 - Consultancy to Center for International Legal and Economic Studies, Zagazig, Egypt	11566
Activity # 3 - Sub-project identification in Morocco, Tunisia, West Bank, Jordan, and Egypt	33593

* These figures include U.S. and Field Office administrative costs and "other direct costs" for the period August 1 - October 30, 1983.

SECTION F. CONDITIONS

1. Requirements for other supportive resources

This project requires no other resources.

2. Host country approval

The two direct assistance activities (#1 and #2) have already been requested by host country representatives. In Jordan, the contact points are the Undersecretary of the Ministry of Justice and the Dean of the Faculty of Law at the University of Jordan. In Egypt, the contact point is Dr. Nabil A. Hilmy, Center for International Legal and Economic Studies, Zagazig University, Zagazig, Egypt. There are no specific contact points at this time for Activity #3. However, AMIDEAST foresees no difficulty in entering into discussions with representatives of the organizations listed in Subsection A.2.

G. STATUTORY CONSIDERATIONS

There are no applicable statutory requirements which merit specific discussion with regard to this project.

SECTION H. LOGICAL FRAMEWORK

NARRATIVE SUMMARY	VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<p><u>Goal:</u> To further observance of Human Rights in the Middle East</p>	<p>Increased implementation of international Human Rights conventions.</p>	<p>Reports of international agencies; Reports of new administrative judicial procedure.</p>	<p>Peace; Government stability.</p>
<p><u>Purpose:</u> To strengthen institutional framework of programs which protect Human Rights.</p>	<p>New curricula available in-region and in-country; Advanced training received in and out of region by selected legal professionals.</p>	<p>Institutional publications; Project reports; Project evaluations.</p>	<p>Government stability; Continuing government interest in policy commitment; Incentives for change exist.</p>
<p><u>Outputs:</u> 1. Legal and related professionals trained at relevant U.S. and in-region institutions; 2. Capability of in-region training facilities enhanced. 3. Heightened interest in Human Rights by host governments.</p>	<p>1. No fewer than 10 participants receive foreign training; 2. Consultant services delivered to no less than 1,000 recipients in-country; 3. At least one institution per country develops strong Human Rights curricula; 4. At least 5 additional sub-projects requested by host governments.</p>	<p>Project reports; Project evaluations; Sub-project proposals/requests; Institutional publications.</p>	<p>Continuing government interest and policy commitment.</p>
<p><u>Inputs:</u> Participant training; Technical assistance</p>	<p>1. Technical assistance/lectures @ \$10,000/consultation; 2. Short-term U.S. training @ \$5000/participant (approx) 3. Long-term U.S. training @ \$20,000/participant (approx) 4. Short-term in-region training @ \$2500/particip.</p>	<p>Signed grant; Project reports * See Budget</p>	<p>Sub-projects are funded on a timely basis; Sufficient pool of qualified participants and consultant exists.</p>

APPENDIX A. CONSULTANT RESUMES

CURRICULUM VITAE

of

M. CHERIF BASSIOUNI

MARCH 1983

EDUCATION and ACADEMIC DEGREES:

Undergraduate:

Baccalaureat Arts - College of the Holy Family
Cairo, Egypt, 1955

Legal Education Outside of the United States:

Dijon University, Faculty of Law, 1955 - 1957
(Second prize in competition "French Civil Law
and Judicial Institutions," Dijon University, 1956)

The University of Geneva, Faculty of Law, 1957

The University of Cairo, Faculty of Law, 1958 - 1961

Legal Education in the United States:

J. D. Indiana University, School of Law, 1964

LL. M. The John Marshall Lawyers Institute, 1966
(International and Maritime Law)

S.J.D. George Washington University, 1973
(International Criminal Law)

Honorary Degree:

LL.D. The University of Turin, Italy, 1981
(Dottore in Giurisprudenza, Honoris Causa)

PERSONAL DATA :

Born in Cairo, Egypt, 1937, United States citizen, residing at 1130 North Lake Shore Drive, Chicago, Illinois 60611. Married to Rossana (Cesari) Bassiouni. Son of a career diplomat, (retired Ambassador); grandson of former President of the Senate. Widely travelled.

LANGUAGES :

English, French, Arabic and Italian -- Fluent.
German and Spanish -- Conversational.

TEACHING EXPERIENCE :

Teaching law at DePaul University, College of Law since September, 1964 including several summer sessions.
The University of Freiburg, Germany, Summer 1970.
New York University School of Law, Summer, 1971.

Subjects Taught:

Criminal Law	International Criminal Law
Criminal Procedure	International Protection
Public International Law	of Human Rights
Conflict of Laws	

Also taught for ten summer sessions in the Law in American Society program for High School teachers (Criminal Law, Criminal Procedure, Juvenile Delinquency).

UNIVERSITY ACTIVITIES :

University Marshall (1980 to date).

Chairman, Law School Curriculum Committee (1969-1972); member (1972-1978); Chairman (1978-1979); Member (1979 to date).

Chairman, Law School Committee on Tenure and Promotion (1970-1972). member to date.

Chairman, Committee on Academic Integrity (1975-1979).

Chairman, Moot Court Committee (1964 to 1968 and 1975 to 1976).

Chairman, Continuing Legal Education Committee (1965-1968).

Chairman, Special Events Committee (1972-1975).

Chairman, Committee on Graduate Studies (1978 to date).

Member, University Curriculum Revision Committee (1967).

Member, New Dean Selection Committee (1968 and 1970).

ACADEMIC POSITIONS:

Professor of Law

DePaul University, College of Law
Member of the Faculty of the College of Law (1964 to date).

Guest Scholar

Woodrow Wilson International Center for Scholars
Washington, D.C. (December 1971 - February 1972).

Visiting Professor of Law

New York University, School of Law (Summer 1971).

Fulbright-Hays Visiting Professor of International Criminal Law
The University of Freiburg, Germany (Spring 1970).

Dean

International Institute of Advanced Studies in Criminal
Sciences, Siracusa, Italy (since 1976).*

* The position is one of nonresident Dean. The Institute conducts every year several specialized postgraduate international seminars and conferences and publishes its proceedings.

PROFESSIONAL EXPERIENCE

1. My position in Egypt and my work in the U. S. prior to admission to the Bar involved essentially international business and trade.
2. Since admission to the Illinois and District of Columbia Bars in 1967 have engaged (partially) in the general practice of Law with emphasis in international business and trade related matters.
3. Specific international professional experience included: drafting of contracts, licensing agreements; establishing foreign businesses in the U.S.; establishing U.S. business and trade relations in foreign countries; related corporate work; negotiations; consultations on U.S. and foreign legal aspects related to international investments and trade; expert advice on foreign law in U.S. litigation; expert advice on U.S. law in foreign litigation.

Countries in which legal services have been rendered: Italy, Egypt, Saudi-Arabia, Switzerland, Turkey, Kuwait, Brazil, France.
4. Specific domestic professional experience included: trial practice, Appellate and Supreme Court Practice (arguments and briefs); Real estate; criminal; contract drafting; corporate matters and financial investments.
5. General Counsel for Fiat Allis North America, Inc., and Member of the Board of Directors since 1981. Involved in a variety of corporate and international legal matters.
6. Member of the Board of Directors of United of America Bank, Chicago, Illinois, since 1981.

BUSINESS EXPERIENCE

M. L. FRANCO & CO. , S. PINTO & CO. SUCCRS.

Executive Assistant to the Managing Partner from March 1958 to June 1959 and then General Manager from June 1959 to December 1960. General importing and distribution.

UNITED ARAB COMPANY FOR COMMERCE AND INDUSTRY

Administrative Director (equivalent to Vice-President) for Administration which included legal affairs and international transactions. From December 1960 to December 1961.

PINTO COTTON COMPANY

From June 1959 to December 1960 concurrent with Franco-Pinto post. Managing Director and Chairman of the Board of the Pinto Cotton Company (one of the country's largest cotton exporters. Parent Company of the Franco-Pinto Company and held several subsidiaries in textiles, real estate and warehousing).

ROBOT SALESMAN, INC.

Indianapolis, Indiana (manufacturer of Advertising Signs), Vice-President 1961-1963.

TYLER INTERNATIONAL ENTERPRISES, INC.

Chicago (international financing, working mainly in joint projects with Walter Heller Company of Chicago), Vice-President 1963-1964.

SPECIAL PROJECTS :

1. Organized and chaired at DePaul University a number of conferences and seminars, many of which resulted in specialized publications.
2. As Dean of the Internationale Institute in Siracusa have organized, and frequently chaired since 1973, 47 seminars and conferences with over 2200 participants from 79 countries and from 149 universities. The activity involves both academic and administrative planning and execution.
3. Organized and chaired conferences and seminars sponsored by scholarly and professional organizations such as:
The International Association of Penal Law, The Chicago Council on Foreign Relations, The World Peace Through Law Center, The Illinois State Bar Association, The Illinois Institute of Continuing Legal Education, and others. But also as President of the MidAmerica Arab Chamber of Commerce have organized or planned an average of 8 - 10 professional speaking programs and seminars per year since 1973 on topics of Arab-American economics, trade and political relations, and cultural aspects of the Arab World and Islam.
4. Consultant to the United Nations:
 - a. To the 1975, Vth. U.N. Congress on Crime Prevention and the Treatment of Offenders. Prepared a report for the Secretariat on "International Terrorism".
Elected Honorary Vice-President of the Congress.
 - b.. To the Crime Prevention Branch, (1976), and prepared a report on "Implementation of the United Nations Standard Minimum Rules for the Treatment of Offenders."
 - c. To the 1980, VI th.U.N. Congress on Crime Prevention and the Treatment of Offenders. Prepared a report on "International Cooperation in Penal Matters."
 - d. To the Commission on Human Rights, *Ad Hoc* Working Group of Experts on Southern Africa in 1980-81 and prepared two reports on the "Creation of an International Criminal Court."
5. Consultant to several U. S. Government projects:
 - a. Directed a project on "International Control of Drugs," 1972-73 funded by the Department of Justice Bureau of Narcotics and Dangerous Drugs.
 - b. Consultant, National Task Force on Private Security, Department of Justice, 1976.

- c. Participated as a consultant in a project "Legal Aspects of Terrorism" funded by the Department of State and L.E.A.A., the American Society of International Law, 1976-77.
- d. Directed a project on "Terrorism Law Enforcement and the Mass Media," funded by L.E.A.A., 1979-80.
- e. Consultant to the Department of State on "Islamic Law Aspects Relating to the Iranian Hostage-Taking of U.S. Diplomats 1979-80."

SERVICE TO THE COMMUNITY :

Consultant, Chicago Board of Education Project of Law in American Society (1965-1967).

Chairman of the Advisory Board on Law Focused Education of the Chicago Board of Education (1972-1974).

Consultant and Faculty Member of Law in American Society Foundation (1967 to date). The number of teachers trained since 1967 in materials relating to criminal law and juvenile delinquency exceeds 1, 000. See also, *Monographs*, p.4. Also lectured in several institutes on Law Focused Education, Huntsville, Ala. ; Champaign, Ill. ; Dallas, Tex. ; Buffalo, N.Y.

Consultant, University of Chicago, Graduate School of Education, Schwartz Citizenship Project (1969 to 1970).

Member, Governor's Conference on Youth and Delinquency (1969).

Lecturer to the Chicago Police Department Graduate Management Program (1972-1973).

Chairman, Organizing Committee of National Task Force on Law Focused Education (1976).

Consultant, National Task Force on Private Security (1976).

Member, Illinois State Commission on Law and Justice Education (1976-1978).

PUBLICATION LIST AVAILABLE ON REQUEST

DR. JOHN DAMIS
Professor of Political Science
Portland State University

ional
nce 1981-present: PROFESSOR of Political Science, Portland State
University, Portland, Oregon.

Summer 1982: DIRECTOR and TEACHING FACULTY MEMBER, American
Association of State Colleges and Universities-National Endowment
for the Humanities Institute on "Islam, the Middle East and World
Politics."

Fall 1981: PROGRAM COORDINATOR and TEACHING FACULTY MEMBER, London
Program, Northwest Interinstitutional Council on Study Abroad.

Summer 1981 and Winter 1982: CONSULTANT on risk analysis for North
Africa, Egypt, and Jordan, SRI International, Menlo Park, California.

1975-1981: ASSOCIATE PROFESSOR of Political Science, Portland State
University.

Summer 1980: VISITING SCHOLAR, Hoover Institution on War, Revolution
and Peace, Stanford, California.

1977-1982: CONSULTANT on North African affairs, Department of
State, Washington, D.C.

Spring 1978: VISITING ASSOCIATE PROFESSOR of Political Science,
University of Washington, Seattle, Washington.

1975-1977: FOREIGN AFFAIRS ANALYST for North Africa, Office of Research
and Analysis for Near East and South Asia, Department of State,
Washington, D.C. (On leave of absence from Portland State University.)

1971-1975: ASSISTANT PROFESSOR of Political Science, Portland State
University.

1972-1973: MODERATOR for public affairs television series, sponsored
by the World Affairs Council of Oregon.

Summer 1970: INSTRUCTOR for a course on "The Modern Middle East" at
the University of New Hampshire, Merrimack Valley Branch, Manchester,
New Hampshire.

Summer 1967: INSTRUCTOR in cross-cultural studies, Peace Corps training
program for Tunisia, Brown University, Providence, Rhode Island.

Personal Born 1940 in Portland, Oregon. Married; no children.

Formal Education HARVARD COLLEGE, Cambridge, Massachusetts: A.B. in history, magna cum laude, 1962.
HARVARD UNIVERSITY: A.M. in Regional Studies - Middle East, 1964.
THE FLETCHER SCHOOL OF LAW AND DIPLOMACY, Medford, Massachusetts: A.M. and M.A.L.D., 1966, and Ph.D., 1970, in international relations. Doctoral dissertation: "The Free-School Movement in Morocco, 1919-1970."

Field Experience Seven trips to North Africa and/or the Middle East since 1963 totalling three years. Other professionally related visits to Western Europe, Soviet Central Asia, Afghanistan, India, and South Korea.

Scholarships, Fellowships and grants 1958-1962: Harvard College National Scholarships.
Summer 1962 and 1963-1966: National Defense Foreign Language Fellowships
1967-1968: NDEA-related Fulbright-Hays Fellowship for Morocco.
Summer 1980 and Winter 1981: Hoover Institution Publications Committee grants.

Foreign Languages Arabic: adequate reading and fair speaking ability.
French: good reading and speaking ability.

Courses taught at Portland State University Middle East and North Africa: Governments and Politics of the Middle East; International Relations of the Middle East; Arab-Israeli Conflict; Seminar on Modern North Africa--Politics/History; History of North Africa, 1830-19; History of North Africa, 1945-present.
International Relations: International Politics; World Politics; Problems in Contemporary World Politics; American Foreign Policy.

Available on request References, list of book reviews and newspaper articles, and list of papers presented at professional conferences and lectures given at other universities, the Foreign Service Institute, and to non-university groups

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RESUME

EDUCATION

Radcliffe College, Harvard University
Massachusetts Institute of Technology
Dolmetscher- und Sprachen Institute, Munich

B.A. cum laude (English) 1965
spec. stud. (biochemistry) 1966
cert. (French, German) 1967

PROFESSIONAL EXPERIENCE

Ms. Epstein has been an independent consultant since 1972 specializing in:

- institutional planning
- organization development
- program design
- training and curriculum design
- evaluation
- management
- strategic planning

Working both in the U.S. and abroad, she has provided a wide variety of services to profit and non-profit organizations in both public and private sectors. Among her recent clients are the following:

- Agency for International Development
- America-Mideast Educational and Training Services, Inc.
- The Middle East Institute
- The African-American Institute
- Partners for International Education and Training
- Westinghouse Electric Corporation
- Associate Research and Control, Inc.
- U.S. Navy
- Amtrak

She has successfully completed overseas assignments in the Yemen Arab Republic, Iran, Great Britain, Italy, Spain, Japan, Botswana, Ethiopia, Malawi, Ghana, Senegal, Kenya and Brazil.

Prior to becoming a consultant, Ms. Epstein was an administrator at Harvard University and held a Corporation appointment. She also directed an experimental Peace Corps training program in which several Boston area universities participated.