



**Evaluation Report Of The Macedonia Court Modernization Project
Contract #AEP-I-00-00-00025-00 & Task Order #07**

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Executive Summary

The chief justice of Macedonia said that MCMP was Macedonia's most successful judicial reform project, a view echoed by many other interviewees. The project's success was due to the willingness of the DPK team to be helpful as possible, the quality of expertise marshaled for the project, and the relevance of the advice they provided. At the Ministry of Justice, we heard there was skepticism about MCMP when the Memorandum of Understanding was negotiated, given the differences in the American and continental systems of jurisprudence and the drive by Macedonia to harmonize its law with European law in the context of EU accession. But this skepticism dissipated when the project got underway and the Ministry saw DPK in action. DPK never insisted on offering American solutions and relied heavily on European expertise. "DPK knew who we are and where we wanted to go," said one MOJ official. Today, if anyone asked the MOJ whom they wished to cooperate with, the answer would unequivocally be USAID/DPK. Still, there are issues on MCMP which are dealt with under the following component heads.

Component 1: Legislative Reform and Drafting

The *relevance* of DPK's contributions to judicial reform in Macedonia cannot be doubted. The project has worked on and continues to collaborate on a plethora of important laws relating to judicial reform in Macedonia including:

- The Constitutional amendments.
- Costing of the National Strategy on Judicial System Reform.
- The Law on Civil Procedure.
- The Court Budget Law
- The Law on Enforcement.
- Changes and amendments to the Law on the Courts.
- Changes and amendments to the Law on Misdemeanors.

The strategic *results* of DPK's work to date are less clear in terms of judicial independence and the effect on the adjudication of cases. Yet this should not be a surprise because it is rare to see such systemic change in a project that has been underway for scarcely two and a half years.

Besides the problem with dilatory Working Groups well illustrated by the ups and downs on the drafting of the Civil Procedure Law, there are more serious issues relating to the strategic content of law reform. It *takes much more than drafting a good law to create successful law reform*. The rule of law requires good laws, demand for those laws, and institutions to bring them to life. And what makes a good law are four elements described in the report.

Component 2: Court Administration and Management:

The Pilot Courts - The project has been successful in setting up 7 Pilot Courts, adding three more early in 2005, and running things efficiently. Surveys of closed and pending criminal and civil cases have been completed and conclusions drawn. The methodology of those surveys is available to the courts and the Administrative Office for future use. An innovative, reliable public satisfaction survey ("Q-10") has been designed,

implemented, and is now being used at six month intervals by the courts themselves. Civil backlog reduction plans are in effect with the backlog of cases older than three years being substantially reduced. Case management techniques are being applied. Results are measurable. Public satisfaction with the services and atmosphere of the Pilot Courts has increased. The team found enthusiasm for the Pilot Courts concept and desire by the non- Pilot Courts to join up.

Administrative Office - The project has been less successful in building a modern Administrative Office for the courts. The Court Budget Law was enacted in September 2003, but apart from two people on board, staffing has not yet been approved for the AO. The team believes that the difficulties that have beset the Administrative Office over the past 18 months could have been averted or lessened had the Court Budget Law complied with the four elements of a good framework law, as described under Component 1.

If the stalemate on AO staffing continues into 2006, DPK may not have sufficient time under its contract to satisfy USAID's institutional development objectives for the AO.

Court Facilities Improvements - The team found CFI - which injected \$1.5 million into the Pilot Courts for improved security, public access, and dignified modern courtrooms - to be one of the most popular aspects of MCMP. USAID's willingness to commit funds to one of Macedonia's greatest areas of need - i.e. facilities improvement - was a confidence-booster for Macedonians and earned the project enormous good will. This good will has given USAID additional leverage to exert on more policy-laden activities of the project. A good part of the popularity of MCMP in Macedonia is due to CFI.

Component 3: Legal Training

Component 3 has been under stress for some time because of tension between DPK and CCE which has jeopardized the institutional development objectives of this component. Still, this tension did not prevent DPK from carrying out a highly successful training program. DPK's trainings have been excellent, an evaluation generated not only from the team's own observation, but also from the reputation DPK has earned in Macedonia.

Both CCE and DPK got off on the wrong foot. CCE felt it was being required to serve the needs of DPK, rather than the other way around. CCE bristled at the "subservient" manner in which it was treated by DPK. And delays in disbursement of grants because of administrative issues fueled the fire. On the other hand, DPK is not alone in its troubles working with CCE. OSCE, EAR and OPDAT have all complained about CCE's lack of professionalism.

Finally, USAID stepped in and began to facilitate meetings between DPK and CCE, leading to a Memorandum of Understanding between DPK and CCE of February 2005.

Although it is difficult to quantify the extent to which the capacity of judges and other court personnel has been directly increased due to DPK's training, it is clear from the feedback of participants that the training workshops definitely transferred useful and relevant knowledge and skills.

Specific Recommendations

Component 1: Legislative Reform and Drafting

1. It makes sense for MCMP to be working on a limited number of laws - as it is doing - rather than pursuing a broader legislative agenda. Toward the end of the two year option period, the focus of Component 1 should increasingly be on implementation/ enforcement and less on law drafting.
2. Stimulating the demand side of the judicial reform equation should be considered for the two-year option period.

Component 2: Court Administration and Management

1. For ease of reference, the team suggests that Pilot Court activities be shown under Component 2 on all project documents, rather than Component 1.
2. If the EAR plans to design and execute an ICIS III activity within the near future are serious and reasonable, USAID and DPK may wish to reconsider their intent to make enhancements to ICIS in the 10 Pilot Courts.
3. Making an Appellate Court a Pilot Court might be a cost-effective way to “roll out” innovation to the Pilot Courts without having to mount expensive and labor-intensive programs in the remaining 17 courts. The team recommends that Stip Appellate Court be seriously considered as a Pilot Court.
4. The team recommends optimizing existing investments in security equipment rather than undertaking new security procurements.

Component 3: Legal Training

1. Alternate 1: Continue Component 3 - Maintain the Status Quo vs. Restructure the Legal Training Advisor Position

Alternate 2: Discontinue Component 3 and Cover Training in Components 1 & 2.

2. Expand the Court Staff Education Program
3. Create and Develop a Court Staff Association
- 4.* Enhance the Management of Grants Between DPK and CCE

***NOTE: This last recommendation only applies if Alternate 1 of Recommendation 1 is adopted.**

I Introduction

The evaluation of the Macedonia Court Modernization Project (MCMP) got underway on March 28, 2005 when the two U.S. evaluators (Gerald Zarr and Mary Noel Pepys) spent two days at DPK Consulting in San Francisco conducting interviews with relevant staff and reviewing program documents. The U.S. evaluators then traveled to Macedonia for 17 days of field work where they joined the team's third member, Biljana Panova, a Macedonian lawyer who had prepared the schedule, provided local legal expertise during the evaluation, and contributed to the drafting of this report.

In Macedonia, the team conducted interviews with the seven basic courts that were part of the MCMP's pilot court program since its inception, the three new pilot courts since February 2005, other courts outside the pilot court program, the Supreme Court, all three Appellate Courts, the Administrative Office (AO) of the Court Budget Council (CBC), members of the CBC, the Republic Judicial Council (RJC), Ministry of Justice officials, members of the Ministry's Drafting Committees for the laws MCMP provided support to, and the Center for Continuing Education (CCE) of the Macedonian Judges Association (MJA). The team also interviewed representatives of the European Agency for Reconstruction (EAR) and the implementers for EAR's National Judicial Training Institute Project and Court Computerization Project, the World Bank, Organization for Security and Cooperation in Europe (OSCE), other donor organizations providing assistance for the justice sector, USAID projects that work with the judiciary in their respective areas, and other stakeholders.

The following methodological tools guided the team's work:

- Site visits to pilot and non-pilot courts.
- Interviews with Macedonian judicial, legal and civil society individuals.
- Meetings with foreign experts and other donors to determine existing and planned new initiatives in the judicial reform area.
- Attendance at the Macedonian Judicial Administrative Conference.
- An analysis of project documentation.
- A review of rule of law and judicial reform literature.

In this report the team evaluates the relevance, results and contributions of the MCMP toward achieving its goals within the following three components:

- Legislative Reform and Drafting
- Court Administration and Management
- Legal Training

This report analyzes key problems and the overall conditions of the judicial sector, and recommends project changes, if necessary, to reflect the current Macedonian reality. The report also considers the appropriateness, strengths and weaknesses of the program approach to assistance under each section.

II. Assessment of Progress Toward Achieving the Project's Stated Objectives; Successes and Lessons Learned

A. Legislative Reform and Drafting Component

1. Work Requirements under the Contract

The contract states that DPK is to further the development of the rule of law in Macedonia by assisting governmental and non-governmental participants in the legal system in Macedonia, as appropriate, to:

formulate and implement changes in the current framework of laws necessary to increase the independence of the judiciary and to rationalize, streamline and speed up the process of adjudicating civil and criminal cases.

Further, DPK will:

carry out law drafting and institutional design activities in a way which encourages the open sharing of law drafts and the solicitation and consideration of views from all interested and affected parties... This process will involve ... mechanisms designed to solicit and facilitate public-private sector discussion of proposed changes, such as conferences, workshops, or "bench-bar" meetings.

On law drafting, DPK's assistance includes:

Provision of experts to assist with formulating legislative content and actual law drafting; providing analyses and commentary on law drafts; and assistance for the publication and dissemination of law drafts or copies of newly enacted laws with explanations or commentaries.

Post-enactment implementation of new legislation covers:

Short-term legal experts, as needed, to assist with the drafting of any secondary legislation required; assisting with the planning and establishment of any new legal institutions, processes and procedures called for in the new legislation; and assisting with the implementation of any changes made to existing organizations or processes.

The contract continues by stating that DPK's work will be focused around the development, passage and implementation of three "packages" of new legislation. The first package was the Independent Court Budget legislation that would create a new, central Administrative Office for the courts that will have responsibility for the formulation and management of a unified court budget. The second package consisted of a new Criminal Code, Criminal Procedure Code, and Law on Prosecutors. The third package consisted of amendments to, or entirely new laws, on the Courts, on Misdemeanors, and on Execution of Judgments.

2. Project Relevance, Contributions and Results

The Glass Half Full...

The project's relevance and contributions to Macedonian judicial reform cannot be doubted. Since the Memorandum of Understanding between the Ministry of Justice and DPK was signed on June 6, 2003, the project has worked on and continues to collaborate on a plethora of important laws relating to judicial reform in Macedonia including:

- The Constitutional amendments
- Costing of the National Strategy on Judicial System Reform
- The Law on Civil Procedure
- The Court Budget Law
- The Law on Enforcement
- Changes and amendments to the Law on the Courts
- Changes and amendments to the Law on Misdemeanors

Much of the project's success is due to its ability to find the best possible consultants for the task at hand. Instead of recruiting American consultants in areas where their expertise is not the most relevant for Macedonia, the project has recruited outstanding European consultants whose worth was quickly validated to the MOJ. In this context, the project's association with the Center for International Legal Cooperation (C.I.L.C.) at Leiden in the Netherlands should be noted. C.I.L.C. has been a godsend for the project, time and again finding the right person for a consultancy in a short time frame, thereby adding prestige to the project and instant credibility with Macedonian partners. It has been said that the project has better European consultants than the Europeans do.

Also having a talented and experienced Macedonian component manager responsible for Component 1 has paid important dividends for the project. Originally, the DPK chief of party was to manage Component 1 but early on, that concept was dropped in favor of Nena Ivanovska becoming component manager. That was an excellent decision. For, with her expertise and good judgment, Nena has been granted entrée into the Government of Macedonia decision process that would be hard for a non-Macedonian to achieve. Nena's service as a member of 7 MOJ working groups on important laws – both as a voting or non-voting member, depending on the context - is matched by no other donor in Macedonia.

Many of the project's legislative reform and drafting goals have been met. The Court Budget Law (CBL) was enacted in September 2003, establishing an Administrative Office (AO) under the new Court Budget Council (CBC). In 2004, changes to the Law on Criminal Procedure were enacted, moving criminal cases more efficiently toward a fair disposition and giving a boost to the project's efforts to introduce caseflow management practices in its Pilot Courts.

With expertise provided by the project, the Law on Enforcement – drawing on the best European standards and practices - was enacted on May 5, 2005 and will come into force

on May 5, 2006. The new law should make an important contribution to the efficiency of the courts in Macedonia. During 2005, MCMP has an impressive list of post- enactment priorities for the Law on Enforcement on its docket, including:

Preparing sub-regulations, a program for preparing and training enforcement officers, creating an exam and conducting an initial training for prospective enforcement agents. The MCMP will continue to advocate for the establishment of an association of enforcement agents and will organize a kick-off conference for the newly appointed enforcement agents and will work to establish links with associations of enforcement agents of neighboring countries. The Project will support training activities for bailiffs and to professionalize bailiff organizations (e.g., professional ethics, financial controls) during the implementation period of the newly-passed law and its sub-regulations.¹

Component 1 has never been more active or relevant to Macedonia than it is now. The DPK component manager was selected as a member of the MOJ working group on the new Constitutional amendments that was launched on February 25, 2005 in a meeting chaired by the Minister of Justice. The amendments will re-constitute the Republic Judicial Council, making it less susceptible to political pressure, enhance judicial independence and strengthen the justice system in Macedonia.

Also the project, in response to a direct request from the Minister of Justice, is assessing the financial implications to the national budget of the institutional changes in the judicial system arising from implementation of the National Strategy on Reform of the Judicial System. This is a difficult assignment that if successfully carried out will not only advance judicial reform but also improved public finance, and, ultimately, the process of EU accession.

The Glass Half Empty...

As is abundantly clear from the above listing, the *relevance* of DPK's contributions to judicial reform in Macedonia cannot be doubted, but the strategic *results* of its work to date are less clear. As of this date, it seems hard to prove that as a result of Component 1, judicial independence and efficiency of the courts have increased. This is not to say that these results will not come to pass over time. But they do not reflect the present reality. On the other hand, it is quite unusual to expect such systemic change in a project that has been underway for scarcely two and a half years.

Also it should be recognized that in some cases, the pace of reform has been slower than anticipated, given the project's limited ability to affect the Government's legislative agenda. This is well illustrated by the ups and downs affecting the drafting of the **Civil Procedure Law**. Since the first working group for the Civil Procedure Law was constituted in late 2003, the MoJ has undergone 3 changes in Ministers and senior staff in the Ministry. The changes always resulted in a new composition of the working groups and almost always started the drafting process from scratch.

¹ 2005 Annual Work Plan for the Macedonia Court Modernization Project at p.8.

This is clear from a reading of DPK progress reports. The report for July 2004 has this to say about the Civil Procedure Law:

The Project is disappointed that some of the favorable changes previously reported have not survived changes in the draft. The dynamics of the Working Group have proven difficult to influence or even, sometimes, to understand.

Six months later the Eighth DPK Quarterly had this to say about the Civil Procedure Law:²

The Working Group made progress in some important areas: role of the judge, adversarial procedures, service of process, scheduling of the main hearing (trial), and limited re-hearings by the appeals court. On the other hand, the Working Group was fractious, slow, sometimes reversed its decisions, and, all too typically, did no substantive work in the fourth quarter of 2004.

The most recent DPK quarterly report noted:³

As to the Civil Procedure Law, despite the hard work and undoubted ability of its representatives on the Working Groups and the efforts of its international experts, the Project has had to settle for modest, uncertain gains. Legislative drafting depends on the shifting sands of local personalities and politics. It is not a disinterested, scholarly process. Changes in Ministries and Working Group membership present challenges which exceed the practical grasp of the Project.

Still, despite these fits and starts, there is progress on the Civil Procedure Law. The draft CPL entered into Parliament and passed its first phase on January 18, 2005. The MoJ's Action Plan envisions the adoption of this Law by the end of 2005.

A second area where the record is mixed is the **Court Budget Law** enacted in September 2003 which has serious deficiencies.

Scholars have identified four essential elements that combine to make a good framework law:

- The law should *aim* for predictability of legal result. When laws are passed with major inconsistencies, uncertainties, or clear avenues for abuse by some at the expense of others, public mistrust in law will deepen.
- The law must be stable but nonetheless able to respond to new circumstances.
- The law must *aim* for implementation. Although detailed implementation arrangements should be spelled out in subsidiary rules and regulations, the law must articulate a feasible implementation strategy and countenance enforcement.

² Eighth DPK Quarterly Progress Report covering the period October 1 – December 31, 2004.

³ This covers the period January 1 – March 31, 2005.

- The investment, operational and compliance costs of the law must be considered at the time of enactment. The costs and benefits of the law must be analyzed and a decision made that a new law is needed and justified.

Measured against these four standards, the Court Budget Law is deficient in at least the last two. The team believes that the difficulties that have beset the Administrative Office over the past 18 months could have been averted or substantially lessened if the law had *aimed* for implementation and the cost issues addressed at the time of enactment. The team is supported in this viewpoint by the World Bank representative who agreed that an implementation plan and estimate of costs should have been prepared before enactment.

For the record, the team emphasizes that by the time MCMP started its work in January 2003, the Court Budget Law had substantially been drafted and the project was mainly involved in helping the Supreme Court with the implementation of the Law. This included such things as training for the CBC, designing an appropriate AO structure, preparing position descriptions, providing temporary staff to the AO, bringing in US and EU advisors to help the AO become operational, and providing training for budget users.

Despite its flaws, the Court Budget Law represents an important opportunity to build the independence of the judiciary and the project has done important work to help the CBC and AO carry out their responsibilities and administer this Law given the limitations they face. It is hoped that amendments to the Court Budget Law that the Ministry of Justice plans later this year will - with MCMP assistance - address the current deficiencies.

Lessons Learned:

1. It takes much more than drafting a good law to create successful law reform. As a leading World Bank report notes:

The rule of law requires good laws, demand for those laws, and institutions to bring them to life. Good laws are not easy to design or enact, given the wide range and scope of policy debates, the intense political pressures, and the shortage of experience with them. Many countries have good laws which are ignored. The legal systems in centrally planned economies brought this dichotomy to perfection, since many laws were put on the books – such as constitutional provisions guaranteeing basic freedoms – that were never meant to be applied in practice. Transition economies thus need to develop effective supporting institutions which move their new laws from theory to practice.⁴

In other words, getting the legal framework “right” is an essential, but not a sufficient, condition for judicial reform. For, without a supporting institutional framework, and associated capacity, the laws cannot be fully implemented or enforced.

2. It makes sense for the project to work on a limited number of laws – such as the list quoted above – rather than pursuing a broader agenda. For laws still at the drafting stage, the project should try to assure that high quality laws emerge that will move Macedonia

⁴ Chapter 5 Legal Institutions and the Rule of Law in World Development Report 1996: From Plan to Market (World Bank Report No. 15441).

toward its EU accession goals. Where laws have been enacted, the task is far from over. Enforcement is what moves the law from theory to practice - and training is an important part of that mix. For this reason, implementation and enforcement are important Component 1 activities.

3. When the project was started, the ABA/CEELI program was at a more active stage, working with civil society organizations and stimulating demand for legal and judicial reform. So it was quite reasonable for Component 1 to concentrate on the supply side of laws and to leave demand stimulation to ABA/CEELI. But now, with the ABA/CEELI program sharply reduced, it may be appropriate for DPK to take a more active role in the stimulation of demand for reform.⁵

Demand stimulation could take the form of working with reputable, politically-neutral civil society organizations such as citizens groups, NGOs, business associations, etc. seriously interested in legal and judicial reform. The chief justice said there are hundreds of such groups in Macedonia – the trick is finding the right ones to work with.

Strictly by way of illustration, possible demand stimulation activities might include:

- Including NGOs interested in judicial reform in trainings and workshops, where appropriate.
- Conducting workshops for the media (radio, TV, newspapers) and business groups on the potential public benefits of, e.g., the new Law on Enforcement.
- Posting draft laws on Ministry and NGO websites and encouraging public comment.
- Involving serious local NGOs and local bar groups in an effort to support the Pilot Courts program.
- Mounting a public education campaign on the benefits to society that will result from implementing the National Strategy on Judicial Sector Reform.

Experience in other countries shows that as the pace of reform quickens, new interest groups form and the policy agenda becomes more extensive. Success can be a powerful catalyst, setting off a virtuous cycle where each reform makes the next one easier, multiplying the effects of judicial and legal system reform.

B. Court Administration and Management Component

1. Work Requirements under the Contract

The contract states that DPK is to further the development of the rule of law in Macedonia by assisting governmental and non-governmental participants in the legal system in Macedonia, as appropriate, to:

⁵ See *Weighing in on the Scales of Justice: Strategic Approaches for Donor-Supported Rule of Law Programs* (USAID 1994) at p. viii. (“Because ROL reforms are political, donors must often devote more attention to designing strategies that facilitate host country demand for reform instead of the more traditional supply-side assistance strategies.”).

- develop and implement, with the courts and other interested and affected parties, proactive case management practices, including backlog reduction efforts.
- increase the capacity for court administration and management within the judiciary, including the creation of an administrative office for the entire court system at the national level, strengthening of court administrative and management capabilities at the appellate and basic court levels, and effectively linking together court administrators at all of these levels.
- on a pilot basis, introduce computerization into selected courts and provide other equipment and court facility upgrades where necessary to enhance efficiency and increase the ability of courts to deliver legal services.

Under the contract DPK is responsible for developing and implementing a series of interventions in six to eight pilot basic courts designed to assist judges and court professionals to more actively manage the flow of cases through their courts. This will include such tasks as:

- Encouraging the proactive exercise of authorities by court presidents and judges through the provision of leadership and basic caseload management training.
- Development or refinement of processing time goals or standards, both on a system-wide and individual court basis.
- Improving the use of existing statistical data for caseload management purposes.
- Identification of processing points where delays are occurring and developing means for limiting time extensions, more effectively compelling presence of parties, and enforcing deadlines.
- Involving court administrative staff in identifying and reducing constraints to faster case processing.
- Establishing regular and more public reporting on case processing.
- Developing plans or procedures to eliminate accumulated backlogs and implement those plans.

A significant element of this component will be efforts to make court operations more open and accessible to the public through the dissemination of more information to the public regarding court functions, structure, operations and procedures, the public posting of guides to court facilities, daily hearing schedules, fee schedules, and other important notices about court operations and practices. DPK will promote, through training and other means, a greater customer service orientation by all court personnel.

DPK will also implement a pilot computerization project in at least two basic courts in each of the three appellate districts. While the precise configuration of the system to be installed within each pilot court will vary depending on the structure, workload, personnel and existing equipment and physical facilities of each court, at a minimum it will include a PC-based information system which will make available to every judge, court clerk and principal court administrator basic word processing and database creation capability, internal e-mail communication, and external e-mail and internet access.

DPK will also plan and implement a court facility improvement program, to provide modest upgrades in equipment and facilities to individual courts where the inadequacy of equipment or problems with facilities constrain service delivery and public accessibility. Upgrades could include the provision of additional or replacement furniture, court directories, transcription equipment, legal reference materials, library bookshelves, record storage cabinets, stand-alone PC workstations to permit internet access, or minor repairs to courtrooms. Upgrades will not include major renovations to court buildings.

2. Project Relevance, Contributions, and Results

a. Pilot Courts Implementation

The project has been successful in setting up 7 Pilot Courts, adding three more early in 2005, and running things in an efficient way. Surveys of closed and pending criminal and civil cases have been completed and conclusions drawn. The methodology of those surveys is available to the courts and the Administrative Office for future use. An innovative, reliable public satisfaction survey (“Q-10”) has been designed, implemented, and is now being used on a fully sustainable basis at six month intervals by the courts themselves. Civil backlog reduction plans are in effect. Case management techniques are being applied as rapidly as the President Judges can be persuaded to introduce them and as much as can be supported by the present law. There are measurable results, and for the most part, these are good. Public satisfaction with the services and atmosphere of the Pilot Courts has increased. The backlog of old cases (older than three years) has been significantly reduced while efforts to increase the backlog reduction in younger cases (more than one year) have intensified. Standardized forms, specifically the Civil Information Statement (CIS) and Case Management Order (CMO) were designed by the Pilot Court Coordinators and the Pilot Court Manager and were introduced to the Pilot Court President Judges.

As a result of the project, court administrative and management capabilities at the appellate and basic court levels have been strengthened. And through the intervention of DPK-provided court coordinators, the linkage of pilot and non-pilot court administrators at all levels in Macedonia have been improved.

The Pilot Courts activity got off on the right foot by adopting reasonable selection criteria for participating courts which emphasize these factors:

- **Leadership:** court leadership demonstrated capacity for reform.
- **Geographic:** regional geographic balance (Skopje, Stip, Bitola).
- **Court Size:** pilot courts drawn from small/rural, medium and large/urban courts.
- **Diversity:** pilot courts representative of ethnic and demographic diversity.
- **Stability:** lack of major transitional issues in the courts.
- **Case Type:** major case types represented in pilot courts.
- **Caseload:** various caseload sizes represented in pilot courts.
- **Automation:** the existence of some IT and familiarity with IT systems.

From the start, DPK got things right on the Pilot Courts, as illustrated by this sensible comment about the importance of court leadership taken from the first DPK Work Plan:

By far the most important factor listed is leadership. Making inroads in a court with a reluctant reformer is a recipe for failure and special emphasis will therefore be placed on this criterion in the selection process.

Quite independently, the team reached the same conclusion on its field trips to the 10 Pilot Courts. The team found that the most important factor in the success of a Pilot Court – measured by reduction in case delays, purging the civil case docket, and using available computers instead of typing everything on rusty Underwoods – was not whether a court was in the first or second group of courts selected or where it was located or what was the ethnicity of its judges but rather how much leadership was provided by the court president.

Pilot Courts Ohrid and Gostivar illustrate this point well. Both have become Pilot Courts recently but they don't share the same profile. In Gostivar the acting president seemed remarkably unfamiliar with the Pilot Courts program. He couldn't say anything of note about delay reduction or the other objectives of the program and wasn't knowledgeable about the Memorandum of Understanding. Although he was acting president for only a few months, he had been vice president for five years and logically should have been familiar with the Pilot Courts program. Instead of being interested in the substance of the program, he seemed to be fixated on the need for additional improvements – e.g. paving the parking lot and adding a second entrance into the court building. The court seemed to be awash in computers but no one used them. Everyone used typewriters. And that did not seem to strike the acting president as undesirable or abnormal.

Ohrid presented a strikingly different situation. The court president started with an excellent summary of all three components of the USAID/DPK project, putting the Pilot Courts activity in a strategic perspective. He was familiar with the substance and details of the project MOU (it was signed in March). No one in his court used a typewriter. His court had a full-time IT person – only one of five basic courts in Macedonia to have one. And when the computers came, the president took away the typewriters. To put the staff at ease with using computers, he even put games on computers (as a temporary ploy). The president said the same people who had resisted computers at first would now rebel if he tried to take their computers away.

The longevity of a court president also makes a difference. The Tetovo Basic Court president has been in his position for five years and seemed to know everything about the USAID/DPK project. On ethnicity, both the court presidents of Tetovo and Gostivar are ethnic Albanians but their approach to the project seemed totally different.

The following baseline assessments designed and carried out by DPK also got the project off on the right foot:

- **Closed Case Survey:** an analysis of case registers and cases to determine average time to disposition, backlog, and trial date certainty rates.

- **Case Management Review:** a workflow analysis to document existing procedures from filing to disposition.
- **Court Operations and Facility Assessment:** Priorities were identified including security enhancements, court intake/reception changes, records management improvements, or others.
- **Public Satisfaction Survey:** a baseline for measuring user satisfaction.

The MOUs signed with the first 7 Pilot Courts were not very substantive in that they related only to physical improvements and were silent on the policy innovations and actions on delay reduction and case management that are the core of the program. This weakness in the MOUs has now been remedied for the second group of Pilot Courts.

Lessons Learned:

In visiting all 10 Pilot Courts, the team gained an appreciation for the complexity of the program and of the critical role played by the 11 Court Coordinators. Pilot Courts is a very labor-intensive activity and continual care must be taken to prevent backsliding on delay reduction and other case management principles. The fact that a Pilot Court's statistics look good in faster case processing for one reporting period does not assure continued success in the next reporting period. For this reason, the team believes that any thought of rollout of the Pilot Court model to the other 17 Basic Courts would be premature. Getting the 10 Pilot Courts *right* should be the objective.

Still, there are things that can be done to spread the benefits of the program to non-Pilot Courts. A suggestion for adding an Appellate Court as a Pilot Court is contained in the Recommendations section.

b. Development of a Modern Administrative Office of the Courts

The project has been less successful in the objective of building a modern Administrative Office for the courts. The team recognizes that Administrative Offices of the Courts often start small and take a while to grow, as in Serbia and Slovenia. But the gridlock in Macedonia is jeopardizing the success of this sub-component. The Court Budget Law was enacted in September 2003, the AO organization and staffing plan approved in January 2004, and 14 new positions to staff the AO were approved in April 2004. But the Ministry of Finance which by law must approve all new Government of Macedonia employment has yet to identify where these positions will come from.

So, at the present, the AO staff consists of the director and financial auditor, aided by a coordinator furnished by MCMP. As a result, the AO is perpetually in a survival mode to cope with the overwhelming workload. As long as the AO remains understaffed, it will be but a shadow of what a modern AO should be: above all a viable institution.

A current option being considered by the Ministry of Finance is to transfer staff from the downsizing Agency for Privatization to fill these 14 jobs. But the AO director wants to hire her own staff not be saddled with the flotsam of a dying Agency.

The project has stayed active, conducting useful budget training for the finance personnel of the 31 budget user courts with budget relations with the AO and the CBC. Also the project has made major commitments to strategic planning, staff planning and organization, and training for modern AO functions (e.g., budget, IT, procurement, legislative and media relations, etc.).

Over the short term, AO's staffing problems should not have a negative impact on the Automated Budget Management System (ABMS), a major automation project that will improve court practices at both the AO and Basic Court level. This initiative will integrate the budget and financial system and allow the AO to obtain and distribute financial information on a timely basis. When completed, the system will link all 27 Basic Courts and the three Appellate Courts into a standardized budget management system. In technical terms, ABMS will provide a "scalable, independent" platform that will be able to expand as the AO's functions expand.

ABMS is being implemented in three phases - Phase I provides application software, Phase II provides system hardware and software in all 32 court units, and Phase III focuses on the AO.

Since Phase I is labor-intensive at the courts, not the AO, it makes sense to do Phase I even with the AO staffing problems unresolved. Of course, this problem with the AO can't be kicked down the field indefinitely. At some point it will impact adversely the nationwide rollout of the ABMS system. If the AO continues as an institutional shell into 2006, then the viability of the ABMS system must be questioned.

Lessons Learned:

As stated under Component 1, the team believes that the problem with the AO could have been averted or managed better if an implementation plan and costing for the AO office had been approved by the Government of Macedonia at the time of enactment of the Court Budget Law.

If the stalemate on AO staffing continues into 2006, DPK may not have sufficient time under its contract to satisfy USAID's institutional development objectives for the AO.

c. Court Facilities Improvements

The team found the Court Facilities Improvement (CFI) activity which injected \$1.5 million into the Pilot Courts for improved security, public access and user-friendly services, and dignified modern courtrooms, to be one of the most popular aspects of MCMP. CFI has resulted in the delivery of better services, enhanced efficiency, improved public access, and increased court user satisfaction.

The team found that USAID's willingness to commit funds in the areas of greatest need for Macedonia – i.e. for facilities improvement – was an enormous confidence-builder for Macedonians and earned the project enormous good will. At first, the Ministry of Justice thought the project would be technical assistance "pure and simple" but CFI put paid to

that notion. The good will that USAID earned with the CFI program allowed USAID to exert disproportionate leverage to benefit more policy-laden activities of the project.

The U.S. evaluators have rarely seen a project as thoroughly commended by host country counterparts as this one – and a good part of the explanation is due to including CFI in it.

At the outset, MOJ dissatisfaction with the EAR for its cumbersome and slow tender and acquisition procedures, so openly expressed, convinced USAID and DPK that unless they wished to be tarred by the same brush, they had to establish quick and efficient procurement procedures for the acquisition of goods and services for the Macedonian courts. With \$800K/year to spend on facility, equipment, and operational improvements in the courts, the project faced an enormous challenge. Ultimately, with support from USAID/Budapest and DPK/SF, and guidance from USAID/Macedonia, DPK was able to define procedures for the project that met USAID requirements but also allowed for the quick and efficient acquisition of goods and services for the pilot courts.

Soon, the MOJ and pilot courts recognized that the MCMP was the better alternative to provide concrete solutions to clearly identified problems in the courts. This point came out clearly in the team's interviews. A number of interviewees complimented the project on the way that CFI was carried out, in terms of using local vendors and satisfying local procurement rules. People said this was indicative of the culturally appropriate way the USAID/DPK project had been designed and was being carried out.

Lessons Learned:

The carrot of a CFI can often do more good for a policy-laden project than the stick of strict conditionality.

Against the background of many people in development work quick to criticize “burdensome” donor procurement rules, it is interesting to note the success of MCMP in devising quick and efficient procurement procedures for the CFI, accomplished with the support of USAID procurement experts in Budapest and Skopje.

C. Legal Training Component

Although it did not affect the extremely positive ratings given to the project from practically all persons interviewed, Component 3 has been under stress for some time because of tension between DPK and CCE which has jeopardized the institutional development objectives of this component. Still, this tension has not prevented DPK from carrying out a highly successful training program. DPK's trainings have been excellent, an evaluation generated not only from the team's own observation, but also from the reputation DPK has earned in Macedonia.

As to the institution-building objective for the CCE, the team believes that this is an area where it should have been possible to achieve greater results because of the long involvement of USAID and ABA/CEELI, a USAID-funded program, in working with the MJA and CCE. ABA/CEELI conducted numerous workshops over the years in

conjunction with the MJA and CCE and had a Regional Institution Building Adviser (RIBA) provide periodic assistance to the MJA and CCE to strengthen their institutional capacity.

Eventually, USAID decided that given ABA/CEELI's limited funding and technical resources, it made more sense to transfer support for the CCE to the MCMP.

1. Work Requirements under the Contract

Under the contract there are two main objectives to Component 3.

The first is to enhance CCE's capacity to:

- install administrative/ financial procedures, and long-term budget planning;
- develop a comprehensive curriculum based upon a training needs assessment;
- develop multi-course training programs for judges;
- design a model substantive and skills courses for judges and court personnel;
- better plan and manage all training courses its offers;
- develop faculty/trainers;
- develop an evaluation and feedback program; and
- determine its organizational form and relationship to the judiciary, the MJA and the faculty of law.

The second main objective under the contract is for DPK to carry out training programs and thereby to:

increase the capacity of judges and other legal professionals to more effectively perform their functions and to implement anticipated changes in the legal institutions and processes.

2. Project Relevance, Contributions, and Results

DPK and CCE have the same goal to develop a well-educated and professionally-competent judiciary in Macedonia. However, their approach in achieving this goal differed greatly, so much so that personality clashes between the two partners emerged from the inception of the project. The problems between the two parties are well-known and are acknowledged by the CCE, MJA, judges throughout the country, as well as other international donors.

Finally, efforts on all sides to resolve the differences culminated in a Memorandum of Understanding signed in February 2005. A key question is whether this Memorandum of Understanding is a sign of success or a confirmation of failure. It certainly is not the norm for an MOU to be signed more than two years into the implementation of a project. And in the months since the MOU has been signed, it does not seem to the team that the tension and distrust have fully dissipated.

On the other hand, immediately upon the signing of the MOU, CCE and MCMP embarked on a series of very important steps concerning training, selection of participants, and finances. This may signify significant, positive change for the next two years.

a. Personnel Problems

According to CCE, DPK had a different approach than other donors. CCE felt it was expected to fulfill the contractual obligations of DPK and to serve the needs of DPK, rather than the other way around. CCE bristled at the “subservient” manner in which it was treated by DPK, and was offended that DPK regarded the CCE staff as its own, since it was paying the salaries, and therefore answerable to DPK. CCE was unfamiliar and uncomfortable with the demands DPK placed on the administrative and financial operations of CCE. Furthermore, CCE contends DPK’s behavior was disrespectful, inappropriate and unprofessional.

CCE’s harsh assessment may be due, at least in part, to the comparatively soft treatment it was used to from other donors. Or perhaps it was fueled by the inexperience of the responsible DPK staff member in engaging in international development work, and his former professional position in the United States. Some Americans without much international experience devote insufficient attention to developing relationships, expecting normal U.S. work responses from counterparts. Perhaps this is the basis of the tension between DPK and CCE. But whatever the explanation, the tension was real.

On the other hand, DPK is not the only one who has raised concerns about the difficulty of working with CCE. OSCE , EAR and OPDAT have had their own issues with CCE. They collectively believe that CCE is not as professional as it should be in dealing with the needs and requirements of international donors, a disappointing conclusion given the considerable and lengthy donor assistance to CCE. OSCE wanted to create a united front with DPK in their joint dealings with CCE; however, DPK’s volatile relationship with CCE complicated OSCE’s separate relationship with CCE.

1. Financial Arrangements

The financial arrangements between DPK and CCE were another cause for friction. In accordance with the terms of the first two grants by DPK, CCE was relying upon DPK to support a portion of CCE staff salaries and partial operating expenses for the year 2003. The first grant covered the period from January - March 2003. Yet, after receiving the first disbursement in January 2003, CCE did not receive the second disbursement until August 2003. The second grant covered the period from April to December 2003, yet CCE did not receive the two disbursements under the second grant until February and May 2004.

Administrative issues, primarily the failure by CCE to meet its reporting requirements under the grants and USAID’s need for a waiver to do a grant under a contract, significantly delayed disbursements to CCE. As a result, CCE could not pay staff salaries in full and, coupled with other incentives, two employees of CCE left in the Fall 2003, thereby reducing the number of qualified employees on the CCE staff. CCE contends

that part of the delay in responding to DPK's requests were due to the lack of staff, and its workload in meeting the requests of other donors whom it had to pursue to overcome the budget shortfall.

DPK questioned the expense reports of CCE, which, in some instances, were inaccurate, and tardy. On at least one occasion an expense was included that was unrelated to the contract between DPK and CCE, and on another occasion an expense was double-billed with another donor, a potentially serious issue which CCE claims was an honest mistake.

Perhaps these errors can be explained and are unintentional, but we understand DPK's concerns.

2. Breakdown of Communications

DPK contends that CCE was a fickle and unreliable partner, and failed to act responsibly to DPK's requests, particularly when the prospect for substantial assistance from other donors, particularly EAR, was promising. Cooperation between CCE and DPK decreased while CCE was pursuing other funding sources. Only when it became apparent that the funds earmarked for EAR's assistance to CCE were to cover the services of international consultants did CCE become more attentive to DPK.

The relationship between DPK and CCE became so problematical that in May 2004, an agreement was reached for the President of the Board of Directors of CCE, rather than the Executive Director of CCE, to work directly with DPK. Even the President of the MJA who is also on the CCE Board was discontent with DPK during 2004.

In the Spring 2004, USAID stepped in and began to facilitate the meetings between DPK and CCE. By the Fall 2004, after numerous meetings and discussions among and between the principles and staff of USAID, DPK and CCE, an understanding was reached of the mutual expectations and responsibilities of each party resulting in the Memorandum of Understanding between DPK and CCE of February 2005.

Despite the personnel problems during 2004, there was, nevertheless, collaborative work conducted between CCE and DPK. DPK in cooperation with CCE sponsored a series of programs that were specifically approved by the CCE Board. As stated below, DPK trained two attorneys to become court staff educators who then carried out their own training under the matching grant agreement between DPK and Soros. The joint agreement and staff training were conducted during 2004 and with the approval of CCE.

b. Training Program

1. Workshops

Despite the personnel tensions between DPK and CCE, the training function of DPK's program has been fruitful. Throughout the project, DPK has developed training programs that have addressed the need for judicial branch education. Many judges and court staff, including the boards of directors and staff of the MJA and CCE, lawyers and prosecutors, and Ministry of Justice officials have attended training sessions sponsored, organized and/or funded by DPK. DPK has conducted workshops in conjunction with CCE, the Ministry of Justice, and the Administrative Office of the Court Budget Council.

DPK's training programs have supported the functions of all three components.

For Component 1, judges, lawyers and MOJ representatives have been trained primarily on procedural laws, such as the Law on Enforcement Procedure, Law on Bankruptcy, Civil Procedure Law, Court Budget Law, Criminal Code, and the Law on Misdemeanors.

For Component 2, judges, including presidents of pilot courts, court secretaries and staff of pilot courts have been trained on caseload management, strategic planning, court ethics, court budget, and the budgeting process.

For Component 3, the boards of directors of the MJA and CCE and the staff of CCE have been trained on personnel and organizational development, financial management and accountability, managing organizational changes, curriculum development and evaluation, and leadership skills.

2. Court Staff Education Program

DPK expanded the core of CCE's training staff in 2004 by developing a joint project with CCE and the Soros Foundation to support the hiring of two attorneys to conduct periodic training workshops for court personnel in the pilot courts. Since attending an initial train-the-trainers course on three topics - caseload management, ethics and customer service - the court staff educators also received training on curriculum development.

Since September 2004, they have conducted approximately 25 workshops attended by a total of 600 court personnel participants, some of who have attended multiple seminars. The workshops have been a resounding success, not only because of the quality of training and the results it is producing, but also because the court staff is deeply appreciative that they, an integral part of the justice system, are no longer being ignored.

3. Faculty Training

DPK has used a host of international consultants, both American and European, to conduct the workshops throughout the project period, but more recently has begun to utilize the skills of local judges and court staff to conduct workshops.

One of the major elements of DPK's training program is developing a cadre of educators within the courts, judges and staff, who could instruct at DPK and CCE workshops and eventually at the Ministry of Justice's proposed State Center for Training of Judges and Public Prosecutors. DPK has been reluctant to use some judges who instruct at CCE workshops as they have yet to learn adult teaching techniques. DPK prefers that trainers may not simply read their notes.

In an attempt to diversify the cadre of teachers in order to provide qualified trainers throughout Macedonia, DPK conducted in 2004 a series of faculty development workshops for a total of 80 judges, public prosecutors, and attorneys whom DPK identified as potential trainers. In May, and in agreement with CCE, DPK is conducting an advanced faculty workshop for 18 potential faculty members. These 18 members

were culled from the original participants who attended the faculty development workshops conducted in 2004 and who will benefit the CCE in the future with its educational programming.

4. *Judicial Administrative Conference*

DPK engaged in an impressive undertaking in April 2005, when it conducted the first Judicial Administrative Conference in Macedonia for both judges and court secretaries from around the country. Forty-three out of the forty-nine presenters at the Conference were Macedonians, of which twenty-one had attended one of DPK faculty training workshops. The depth and breath of the Conference was exceptional. Judging from the active participation by the faculty members and participants in the plenary and numerous breakout sessions, the Conference was a resounding success.

c. *Concerns of the Training Program*

1. *Independent Training Program*

Throughout the project, DPK's approach was to develop annual training programs and then present them to CCE for its agreement. CCE viewed DPK's approach as a *fait accompli*, which fostered the perception by CCE, as well as judges throughout the country, that DPK was intent on pursuing its own purposes rather than supporting CCE's goals. The perception continues today.

DPK contends that a major reason for pursuing unilateral training programs was CCE's unresponsiveness, which required DPK to pursue its own training plans to accommodate the schedules of U.S. and European faculty members who needed advance notice.

Given that DPK's training program competed at times with CCE's training workshops, either in content, scheduling, faculty or participants, judges became dismayed by the lack of cooperation between CCE and DPK. Apparently, the Republic Judicial Council expressed concern that judges were spending more time attending competing CCE and DPK workshops than sitting on the bench.

2. *Training Needs Assessment*

The training needs assessment is an important task under the contract because it is the basis upon which annual training plans are to be proposed and course materials prepared. The contract envisaged that the training needs assessment would be conducted in 2003 but it was moved to 2004 apparently because CCE was not able to provide support for the effort in 2003. Also DPK did not want to replicate a "paper assessment" similar to the one conducted by ABA/CEELI but rather preferred to conduct an on-site assessment.

After visiting 13 courts in 2004 with representatives of CCE, and providing questionnaires to approximately 210 judges, DPK completed a Training Needs

Assessment for the project in April 2005. Although much later than originally contemplated, the Training Needs Assessment appears well prepared and is based upon a statistically significant sample of judges.

Throughout the project, DPK's training programs were relevant in that they were based on the comments received concerning the type of training judges desired. Still, the delay in preparing the Training Needs Assessment worked against the goal of DPK helping to enhance CCE's capacity to develop its own comprehensive, systematic training program.

3. *Database of Training Participants and Faculty*

One of DPK's criticisms of CCE's training programs is that many of the same judges attend either as participants or faculty in its workshops. It's a valid criticism that CCE was willing to address. In the Spring 2003, CCE provided its database to DPK to be upgraded in order to avoid duplicative training of or by the same judge. The database has yet to be upgraded by DPK, and has now become one of the components of the pending grant to CCE, which will provide funds to pay for an expert hired by DPK.

It is unclear why the database was not upgraded by DPK in 2003. DPK contends that CCE did not give DPK the information it needed to upgrade the database, which CCE denies. CCE stated that DPK had all the information and was translating it, and despite continual requests for the upgraded database, received nothing. CCE is pleased, however, with the pending grant providing for the database upgrade.

d. *Increasing the Capacity of Judges and other Legal Professionals*

The quality of DPK's training program has been excellent, an evaluation generated not only from the team's own observation, but also from the reputation DPK has earned in Macedonia. It is very difficult to ascertain whether the capacity of judges and other legal professionals to more effectively perform their functions has been increased as a result of DPK's training, since a comprehensive study would have to examine the quality of the decisions of judges who were trained and the rate of their reversal, and a determination would have to be made that the decisions and reversal rate were a direct result of DPK training. However, the immediate short-term results can be obtained by the feedback of participants, who throughout the team's visit, showered accolades on the quality of DPK's work product.

The team's visit to all pilot courts revealed that the DPK training received by the judges and court personnel on procedural and court management issues was relevant and useful. In some pilot courts, the president of the courts and key administrative personnel were clearly implementing the lessons they learned during DPK's training workshops. Clearly, the court staff education program has had a tremendous impact on the capacity of legal professionals to more effectively perform their administrative functions.

The praise received for DPK's work on Component 1 also indicates that the capacity of judges to implement anticipated changes in the legal institutions and processes was increased.

In summary, DPK's workshops transferred relevant and practical knowledge and skills to judges, other legal professionals and court personnel.

e. Capacity of the Center for Continuing Education

Has DPK's assistance increased CCE's capacity to become technically, managerially and financially self-sufficient, and to effectively provide entry-level, career and continuing legal education and training to legal professionals and court administrative staff?

It is unclear whether the capacity of CCE has been enhanced at all. It is not apparent that the governance structure, the administrative and financial operations, and the competency to develop a comprehensive curriculum with multi-course training programs using adult-teaching techniques have been increased. Clearly, there has been no reduction in the donor-driven atmosphere of CCE during the past 2 ½ years of the DPK project.

It is remarkable that CCE is still a fledgling project of the MJA, given the substantial international donor assistance provided to it over the years, including considerable ABA/CEELI technical assistance since its inception. At this point in time, six years after its creation, CCE should have secured ample premises with an on-site training room, systemized its training, developed a reliable governance structure, and become more financially self-sustaining. Sadly, these elements are non-existent.

However, if there has been an enhancement in its capacity, which is not readily apparent, it can, in part, be attributable to DPK's assistance. Although CCE has had a difficult relationship with DPK throughout the project period, CCE is appreciative of the knowledge transferred during DPK's workshops with CCE's staff and board.

Whether to continue providing capacity-building support to the CCE is questionable, and too early to determine. According to the Strategy on the Reform of the Judicial System, the CCE is to be upgraded into a public institution as a school for the training of judges and public prosecutors. Article 47 of the VII Version of the CCE/PPA draft law on the Academy for Judges and Prosecutors, written in conjunction with the EAR, supports the Strategy's concept by stating that the Academy for Judges and Prosecutors is to be the continuation and institutional upgrade of the CCE. The version of the MOJ draft law on the Academy that the team received does not envision the upgrading of the CCE. Thus, the issue concerning the upgrading of the CCE into the Academy is unresolved until final passage of the draft law on the Academy.

DPK does not dispute that CCE's capacity as an institution has not been enhanced during 2003-04 to the extent that was hoped, noting that:

CCE remains an event-coordinator for international donors rather than a true training institution. We accept this criticism, but note for the record that it is our

view that the CCE was not able or willing to make the most of the considerable assistance we provided them to build their institutional capacity.

DPK also notes that with the plans of the MoJ with EAR support to create a new national judicial training institution, the limited capacity of CCE is mostly irrelevant, except for a limited transition period to the new training institution.

III. Judicial Reform Assistance

A. Provided by Other Donors

European Agency for Reconstruction (EAR)

EAR's judicial reform program closely parallels MCMP. The Integrated Court Information System (ICIS) was intended to computerize by 2007 all the courts of Macedonia at every level, (27 basic courts, 3 appellate courts and the Supreme Court), the prosecutors' offices, the prison system, and the Republic Judicial Council.

From December 2003 to February 2005, under ICIS I, all courts of Macedonia were computerized with hardware and software provided to every judge. The focus of ICIS II was on prosecutors and the police. An ICIS III (renamed Judicial Information System) is now being planned by EAR for the courts.

CARDS 2001, with a budget of 1.1 million euros, is a one-year project (September 2004 - September/October 2005) to draft the legislation to create a national judicial training institute, which has now been submitted to the Ministry of Justice. Additionally, a training needs assessment is being conducted and will be completed by July 2005; and a basic curriculum for initial and continuing training is being developed as well as pilot training on the curriculum.

CARDS 2004, valued at 1.5 million euros, will continue with the drafting of secondary legislation, the further development of the full curriculum, the continuing pilot training on the curriculum, and an assessment of the material and training needs of the national judicial training institute. None of these funds are for the infrastructure costs of the institute.

International Organization for Migration (IOM)

IOM is assisting in developing capacity within the GOM on training judges, among other professionals, on measures to combat trafficking in human beings and illegal migration. Some of the workshops have included case management trainings and are conducted in conjunction with the CCE.

Overseas Prosecutorial Development, Assistance and Training (OPDAT)

The major component of OPDAT's program in Macedonia is training prosecutors and judges on criminal-related issues, such as criminal trial procedures, money laundering, corruption, forensics, surveillance, investigative measures, border police, organized crime, sexual crimes, and terrorism. The training program is conducted in cooperation with the Public Prosecutors Association and the CCE which is provided with the OPDAT training program each October. Generally, OPDAT manages all aspects of each workshop and requests that CCE issue the invitations to the participants. OPDAT is not

specifically charged with enhancing CCE's capacity but hopes that its trainings enable CCE to improve the quality of its training.

Organization for Security and Cooperation in Europe (OSCE)

OSCE supports legal projects that are designed to create a more informed citizenry concerning the judicial process in Macedonia. The projects help to increase the availability of legal advice to citizens in remote areas, and to encourage publications from law-related associations to augment the legal knowledge of professionals and lay persons.

OSCE monitors domestic trials in an attempt to strengthen the judiciary and works on mediation to reduce the backlog of cases in the courts. OSCE also advises the GOM on methods to increase equitable representation in the judiciary

Foundation Institute Open Society – Macedonia (Soros Foundation)

The Soros Foundation has been funding the CCE for the past five years. Since 2005 is the sixth year of Soros' assistance, theoretically it should be Soros' final year of support to the CCE. However, there is a possibility that the life of the grant may be extended for another year to allow disbursement of unexpended funds. Soros' assistance is primarily in the form of grant-giving, rather than substantive involvement with CCE's administration and programs. Soros pays for salaries, other administrative costs and programs. In December 2003, Soros and DPK jointly funded a \$120,000, two-year project to support the hiring of court staff educators to train court personnel in the pilot courts.

The World Bank

The World Bank is new to judicial reform in Macedonia, having just included it in its latest Country Assistance Strategy (CAS) for Macedonia. Specific World Bank interventions will await the completion of an Assessment on Judicial Reform in Macedonia which is now in preparation. The Bank's interest in judicial reform stems from the need to improve the business climate in Macedonia through enforceability of judgments, contracts, protection of shareholder rights, and corporate governance.

The World Bank acknowledges that there is an urgent need to improve the judiciary in Macedonia, particularly in the context of EU accession, and gives praise to the MOJ for its Strategy on the Reform of the Judicial System of November 2004, citing it as "one of the best in the region."

B. Other USAID Projects that Work with the Judiciary

ABA/CEELI

Although ABA/CEELI supported the CCE and the MJA for several years, primarily with technical assistance and small advocacy grants, the direct assistance terminated in May 2003 to the CCE and in December 2004 to the MJA. However, ABA/CEELI continues to sit on the Board of Directors of the CCE. ABA/CEELI is currently concentrating on citizenship issues affecting the Roma population.

ABA/CEELI has written several publications relating to the legal and judicial sectors in Macedonia: Judicial Reform Index of 2002 and of 2003, the Legal Profession Reform Index of 2004, Report on Minority Participation in the Legal Profession in Macedonia of 2004, and International Covenant on Civil and Political Rights in the Republic of Macedonia of 2004.

Corporate Governance and Company Law Project (CGCL)

CGCL has been advocating the introduction of mediation and arbitration procedures in the judicial reform process, recognizing that case management reforms conducted by other donors would be enhanced if Alternate Dispute Resolution (ADR) were included in the process. Specifically, CGCL has assisted the private sector by attempting to establish a framework that can be applied to commercial contractual relationships.

IV. The Present Reality of the Macedonian Judicial Sector

Judicial reform in Macedonia has lagged behind other countries in the region, but that may be changing. The World Bank gives the MOJ high marks for its Judicial Reform Strategy, and 15 years into the transition, maybe – just maybe – Macedonia is about to go through a burst of reform.

In other countries, transparent procedures have been instituted for the appointment, promotion and dismissal of judges; judicial training centers have been established for the initial and continual training of judges; case management systems have been computerized; and judges associations have become powerful voices for judges.

In Macedonia, the appointment, promotion, and dismissal procedures of judges typically have been subject to political influence, particularly because of the composition of the Republic Judicial Council, and the significant participation by the Parliament. Judges are not provided systematic training prior to or during their tenure on the bench. Their remuneration and other benefits are not comparable to judges in the region, and their professionalism has failed to reach the level of other similarly-situated judiciaries. The jurisdiction of the courts is overly broad, their manual procedures are time-consuming, and the enforcement of judgments is ineffective. Courts, although equipped with computers, are not effectively computerized, thus handwriting court documents is more prevalent than keyboarding. As a result of all these factors, there is considerable case delay in Macedonia, which leads to the oft-quoted axiom: “Justice delayed is justice denied.”

Within the past year, however, there has been significant movement by the Government of Macedonia to enhance the independence of the judiciary by pursuing judicial reforms. In November 2004, the Ministry of Justice, in an attempt to intensify the reforms that stem from the ratification of the Stabilization and Association Agreement with the EU, issued the Strategy on the Reform of the Judicial System (“Strategy”). The underlining purpose of the Strategy is to strengthen the independence of the judiciary, enhance the performance of the judicial system, and ensure the impartiality of court decisions. Even though the Strategy was prepared by the former Minister of Justice, it has been publicly endorsed by the new Minister in a number of recent venues including the just- concluded Judicial Administrative Conference.

The Strategy provides a frank assessment of the weaknesses of the judicial system, specifically pertaining to court administration and case management, inadequate funding of the judiciary, the selection and education of judges, and the unprofessional and unethical behavior of judges and court staff. Perhaps this is why The World Bank characterizes the Strategy as one of the best in the region. Without acknowledging the weaknesses of the judicial system, reforms are usually less effective.

Recognizing the limitations of the judicial system elaborated in the Strategy, and acknowledging the need for fundamental judicial reforms that require an amendment to the Constitution, the Ministry of Justice recently drafted a proposal that addresses several of those needs. The proposed Constitutional amendments focus on strengthening the

independence of the judiciary while increasing its efficiency. Relying upon the European standards set forth in the Convention for the Protection of Human Rights and Fundamental Freedoms, the Council of Europe, Recommendation No. R (94) 12 “On the Independence, Efficiency, and Role of Judges”, and the European Charter on the Status of the Judges, the Ministry of Justice is proposing that the composition of the Republic Judicial Council (RJC), which name may be changed, be revised to ensure that the majority of members are judges and that they equitably and adequately represent minority communities.

In order to reduce the political nature of the RJC, the Ministry of Justice is proposing that the parliamentary procedure for appointing members to the RJC be revised and that the terms of its members be fixed. And, in following examples set in other European countries, the Ministry of Justice suggests that judges no longer be appointed by the Parliament, but solely by the RJC, and that their initial appointment be limited to a probationary period.

Recognizing that the current grounds for discipline and dismissal of judges are broadly defined and can be politically manipulated, the Ministry of Justice proposes that more specificity for the discipline and dismissal of judges be incorporated into the Constitution. The Ministry of Justice proposes transferring the jurisdiction for resolving misdemeanor and certain administrative cases to a competent adjudicative body outside the court system.

The Ministry of Justice also proposes that the right to a fair and speedy trial by a competent and impartial tribunal wherein all citizens are provided equal access to and equal treatment by the courts be elaborated in the Constitution. Other proposals by the Ministry of Justice relate to the prosecutors’ function and the Constitutional Court.

Perhaps Macedonia’s long-delayed reform climate is finally reaching the take-off stage.

V. General Observations

The following points are an accurate reflection of what the team heard during its three weeks in Macedonia. Since these comments do not fit neatly under one of the other sections of the report, we have included them in this separate section.

1. The MCMP project has an outstanding reputation in Macedonia.

The chief justice said that the project was Macedonia's most successful project in the judicial reform area, and this view was echoed by other interviewees. The project's success was due to the willingness of the DPK team to be helpful as possible, the quality of expertise marshaled for the project, and the relevance of the advice they provided.

At the Ministry of Justice, we heard there was skepticism about MCMP when the MOU was negotiated, given the enormous differences in the American and continental systems of jurisprudence and the drive by Macedonia to harmonize its law with European law in the context of EU accession. But this skepticism dissipated when the project got underway and the Ministry saw DPK in action. DPK never insisted on offering American solutions and relied heavily on European expertise. "DPK knew who we are and where we wanted to go," said one MOJ official. Within months, results became observable, in stark contrast with EAR which is slow and consumed by "mountains of red tape." Today, if anyone asked the MOJ which donor they wished to cooperate with, the answer would resoundingly be USAID.

2. The evaluation was viewed positively in Macedonia.

The idea underlying the evaluation – namely that USAID wanted to elicit the viewpoints of its partners in order to improve the project over its final two years – resonated well with Macedonian partners. They saw this as an example of USAID responsiveness and desire to see that Macedonia derived maximum benefit from the funds expended. Interviewees – particularly those outside of Skopje – gave generously of their time.

3. Other donors are envious of MCMP's "branding" as a USAID project.

USAID has excellent name recognition for its projects in the legal reform area, in part attributable to its close relationship with key counterparts. The team heard, particularly at EAR, that DPK and MCMP had excellent name recognition as a USAID project. The EU would be delighted to have similar branding on its projects but that is not the case.

VI. Specific Recommendations

A. Component 1: Legislative Reform and Drafting

1. During the two year option period, the project emphasis should increasingly be on implementation/ enforcement and less on law drafting.

It makes sense for MCMP to be working on a limited number of laws - as it is doing - rather than pursuing a broader agenda. For laws still at the drafting stage, the project must try to assure that high quality laws emerge that will move Macedonia toward its EU accession goals. When laws are enacted, the focus shifts to enforcement and implementation. As the two year option period wears on, implementation and enforcement will increasingly be the focus of Component 1 activities.

2. Stimulating the demand side of the judicial reform equation should be considered for the two-year option period.

As discussed above, it made sense for Component 1 to concentrate on the supply side of laws and to leave demand stimulation to ABA/CEELI. But now, with the ABA/ CEELI program sharply reduced, it may be appropriate for MCMP to take a more active role in the stimulation of demand for reform.

Opportunities should be explored for including representatives of civil society organizations seriously interested in judicial and legal reform such as citizens groups, NGOs, business associations, the media etc. in project activities where appropriate such as public education campaigns, legislative hearings open to the public, workshops, study tours, etc. Some suggestions of this nature are included in the body of the report.

B. Component 2: Court Administration and Management

1. For ease of reference, the team suggests that Pilot Court activities be shown under Component 2 on all project documents.

At the beginning of the project, Pilot Courts were described under Component 1 entitled "Legal Structure and Practices," but more recently, they are covered under Component 2. This change makes sense but unfortunately, it has not been done uniformly. For example, in the 2005 DPK Annual Work Plan, Pilot Courts are described in the narrative under Component 2 but in the Work Plan Annex 1: Activities, Outputs and Resources, they are shown as Component 1 Activities. To help the reader, it would be better if Pilot Courts are shown exclusively in one place, preferably Component 2.

2. Given EAR plans to design and execute an ICIS III activity (renamed Judicial Information System), USAID and DPK may wish to reconsider the plan to make enhancements to ICIS in the 10 Pilot Courts.

EAR told the team that it had just completed the terms of reference for an expert to design what, in effect, would be a continuation of the Integrated Court Information System (ICIS) in the courts. A “users committee” has been established to collect feedback from end users “to take stock” of what has been provided and to plan for the future. We were told this new EAR activity would run for one year starting late in 2005 and would cost around 1 million euros. (We were not given a precise figure).

Even though the EAR representative did not talk of “fixing” ICIS or give any suggestion that ICIS was anything other than a successfully completed project, the team is not surprised that EAR would attempt to remedy what clearly has been a bug-ridden system, recognized as such by every court we visited.

Given EAR’s track record, there can be no assurance that the above timing will hold. The more likely scenario is delay. Still, if the problems in ICIS are to be remedied within a reasonable time frame, then USAID and DPK may wish to reconsider Task 2.2.1 in the 2005 Work Plan that requires DPK to “provide technical assistance in the rollout of ICIS and enhancements to ICIS to support Case Management in the 10 Pilot Courts.”

A more likely scenario is the following: the project will work to make ICIS operational in two Pilot Courts – one large and one medium-sized. If by the time this happens, the new EAR activity is active, then EAR can continue fixing ICIS in the remaining Pilot Courts. If EAR is not at this stage, then the project will work with the balance of the Pilot Courts to make the ICIS enhancements.

3. Making an Appellate Court a Pilot Court might be a cost-effective way to “roll out” innovation to the Pilot Courts without having to mount expensive and labor-intensive programs in the remaining 17 courts. The team recommends that Stip Appellate Court be seriously considered as a Pilot Court.

The team believes that now might be the right time to make an Appellate Court a Pilot Court, a possibility that was considered from the beginning of the project, as a low-cost way to spread innovations at the Basic Court level to non-Pilot Basic Courts. This could achieve some of the benefits of a roll-out to the other Pilot Courts without incurring the expense and added management burden of direct assignments to these courts. Creating a Pilot Court at the appellate level would be consistent with Task 1.2.1 of the 2005 Work Plan which reads:

Review options to involve the President Judge and chief administrator of each Appellate Court in MCMP programs to ensure sustainability and long term institutional change.

As to which Appellate Court to select, the team was very impressed with Stip which has demonstrated a long-term concern for improving the quality of justice in the 8 Basic Courts under its jurisdiction. In 1999, Stip Appellate Court received a \$14,000 grant of USAID Economic Growth funds (courtesy of Steve Gonyea, the President Judge said). With this grant and funds saved from other court accounts, Stip Appellate Court started putting all of its decisions on CD and sending them to the 8 Basic Courts under its

jurisdiction every few months. Also starting in 1999, Stip has prepared a book of Supreme Court decisions which it sends to its Basic Courts. It is now at work on the book for 2004. In the team's judgment, no other Appellate Courts have shown such initiative.

Stip said they would be pleased to sign an MOU with DPK and to accept a Court Coordinator whose primary task would be to roll out innovation to the non-Pilot courts. Another factor favoring Stip is that many of its Basic Courts are underrepresented in the project – e.g. Sveti Nikole, Radovis, and Strumica - and it only has two Pilot Courts – Kocani and Stip Basic Court.

Another idea to involve the Appellate Courts more directly in the program was raised by Filip PASHOVSKI, court coordinator in Prilep. His idea is to assign court coordinators to the three Appellate Courts. Although an interesting idea, the team feels this might raise expectations of increased support at all three Appellate Courts and that a single Appellate Pilot Court might be a better option.

4. The team recommends optimizing existing investments in security equipment rather than undertaking new security procurements.

Security upgrades are popular. Judges and court staff love to show them off the gadgetry, look at the pictures, and play with the wands. But the team had the disturbing impression that the courts really weren't much safer. Also the investment in \$350,000 worth of metal detectors, x-ray machines, and CCTV systems struck the team as disproportionate to the present risk actually faced by the courts. In every Pilot Court the team asked if the equipment had been useful in resolving a security situation and the answer was negative.

There has not been a similar attack since the bombing of the Struga court house several years ago, and the situation has, more or less, returned to normal. Yet the team recognizes that fighting organized crime does pose special risks for the judiciary.

The team welcomes the March 15 concept paper for Next Step in Court Security and agrees with the USAID/DPK intent to optimize existing security investments in the courts rather than undertaking new security procurements. The need to improve the professionalism of the judicial police highlighted in the paper is valid. On its rounds the team felt that the judicial police contributed little in the way of security, with many people going around, not through, metal detectors. It seemed unlikely that determined terrorists or criminals would be deterred by the security program in effect at the courts.

C. Component 3: Legal Training

1. Alternate 1: Continue Component 3 - Maintain the Status Quo vs. Restructure the Legal Training Advisor Position
 - a. Option 1: Maintain the Status Quo

Now that the Memorandum of Understanding has been signed, and since several judges, including the President of the MJA who is also a board member of CCE, said that the misunderstandings are in the past, one approach is to maintain the status quo. Adopt a

“wait and see” attitude, give the MOU sufficient time to work, and let both parties work out their differences and comply with the obligations set forth in the MOU.

But, given the underlying tension between DPK and CCE, it would be advisable to revise the goal of Component 3 to allow DPK to focus more on that which it has excelled, conducting workshops for judges and court staff, and not on CCE per se.

b. Option 2: Restructure the Legal Training Advisor Position

Given the successful use of Macedonian professionals in all three components: Nena Ivanovska as the legal coordinator for Component 1, court coordinators for Component 2, and the court staff educators for Component 3, it follows that hiring a Macedonian for Component 3 would increase DPK’s likelihood of success in developing local capacity to provide a systematic judicial training program.

Consideration may also be given to hiring a central or western European. Given the impending creation of the Academy for Judges and Prosecutors envisaged by the MOJ’s draft law on the Academy, CCE/PPA/EAR’s draft law on the Academy, the Strategy on the Reform of the Judicial System of the Ministry of Justice, dated November 2004, and the Strategic Plan of the CCE, dated July 2001, having an European on DPK’s staff to interface with EAR, which will provide substantial financial and technical to develop the curriculum for the Academy, The World Bank, which may also provide assistance to the Academy, the Ministry of Justice, and the CCE during this transition period, would be extremely useful.

1. Alternate 2: Discontinue Component 3 and Cover Training in Components 1 & 2.

The reasons behind this Alternate are: 1) the overwhelming achievements of DPK’s training program for the entire project, and 2) the lack of success in enhancing the capacity of CCE.

As stated earlier, the failure by DPK to enhance the capacity of CCE is not one-sided. CCE has serious limitations, despite the international assistance provided to it over the years. Rather than continuing to try to enhance CCE’s capacity, it may be advisable for DPK and USAID to acknowledge the obvious. If CCE’s capacity has barely improved over the past 2 ½ years, it’s not likely to improve much during the next two years.

Further, the stage of international donor assistance for developing a judicial training center has become crowded since this project was designed three years ago. With EAR’s considerable technical assistance and The World Bank’s potential assistance in developing a training institution, USAID may find that it has achieved its purposes with the CCE. Institutional support by USAID to enhance CCE’s capacity has been exhausted and serious consideration should be given to terminate it. This does not mean that DPK cannot continue its cooperation with CCE, but the timing is now ripe for other donors to take the lead in institutionalizing judicial training.

2. Expand the Court Staff Education Program

Even in its short existence, the Court Staff Education Program has been an unqualified success. The two court staff educators have conducted numerous workshops in all pilot courts. They have extensively researched the three subject matters for the workshops, using information provided by DPK as well as written materials they obtain in Macedonia and on the Internet; developed workshop schedules with the pilot courts; prepared handouts; purchased necessary materials; conducted an evaluation and feedback of each workshop; and prepared the budget and financial reports.

Expanding the topics to be taught, as well as expanding the number of basic courts in which the court staff educators teach, would greatly impact the quality of the court administration staff.

Based on the foregoing, the team recommends that MCMP expand the topics and number of basic courts in which the court staff educators work. The Program could be expanded to provide for regional workshops within each appellate district for court staff to become acquainted with each other and share their mutual experiences and practical solutions to common problems. The regional workshops would have the benefit of not only increasing the court staff's professionalism but also giving them a sense of community. A national workshop for key court staff would have similar benefits. This is not a novel concept as it is the same reason for bringing judges from around the country together.

As there is a considerable amount of funds remaining in the Program, \$100,000, which will probably not be expended on the anticipated foreign consultants, the funds could be used to employ additional court staff educators, and pay the travel expenses for the participants of regional workshops. Also if a staff member were added to the Program to provide administrative support, the court staff educators could concentrate on teaching, particularly if the Program is expanded, and more court staff educators are hired.

3. Create and Develop a Court Staff Association

Given the success of the Court Staff Education Program, the timing is ripe to reconsider the possibility of creating a court staff association. DPK has laid the foundation for such an association, particularly since the DPK-sponsored trip to Slovenia with selected court staff from Macedonia.

Having been ignored for so many years by the donor community and not being appreciated by the public, the court staff that have been recently trained are developing a sense of purpose and pride in their profession. By assisting them in creating and developing a court staff association, the purpose of which would be to enhance the professionalism, competency, and ethics of court staff, DPK would be able to capitalize on the work it is conducting in Component 2.⁶

***NOTE: The following Recommendation only applies if Alternate 1 of Recommendation 1 is adopted.**

⁶ The court staff in Bulgaria has created such an association, aided by the judicial training advisor on the USAID judicial reform project who could provide all necessary documents. The president of the Bulgarian court staff association could assist the Macedonian court staff in developing such an organization.

4.* Enhance the Management of Grants Between DPK and CCE

Assuming that Component 3 is continued, in the light of the prior difficulties in the financial relationship between DPK and CCE, the team recommends that the Legal Training Adviser or the Chief of Party be responsible for grants management, rather than relegating this function to DPK staff. The principals of DPK should be familiar with the details of disbursements and expenditures. If CCE makes mistakes in the content or timing of financial reports, DPK should patiently advise and guide CCE on the appropriate financial procedures to follow.

LIST OF INDIVIDUALS INTERVIEWED

| ORGANIZATION | NAME | TITLE | CONTACT INFORMATION |
|---|---|--|--|
| USAID | Ms.Kathy STERMER Ms.Antoaneta SKARTOVA | Senior Democracy and Local Governance Advisor Rule of Law Project Management Specialist. | Jurij Gagarin Str. 15/III 1000 Skopje, RM Tel: + 389 2 3080 446 Fax: + 389 2 3080 449 |
| DPK Consulting | Ernest BORUNDA Sam JUNCKER Douglas M. MYERS Nena IVANOVSKA | Legal Training Advisor Court Administration and Management Advisor Chief of Party Legal Coordinator | 11 Oktomvri St. 40, third floor, 1000 Skopje, RM Tel: + 389 2 3215 095 Fax: + 389 2 3231 212 |
| Ministry of Justice of the RM (MOJ), (RM-Republic of Macedonia) | Ms. Valentina SAUREK Ms.Radica GEROVSKA Ms.Nade PENOVA | State Advisor State Advisor State Advisor | Dimitrie Cupovski St. No 9, 1000 Skopje, RM Tel: + 389 2 3106 554 |
| Administrative Office of the Courts | Dr. Zanina KIROVSKA | Head of Sector (Director) for the Court Budget | Bul. Krste Misirkov bb, 1000 Skopje, RM Tel: + 389 2 3136 044 Fax: + 389 2 3237 538 |
| Center for Continuing Education | Mrs. Tanja TEMELKOVSKA MILENKOVIK | Executive Director | Tel: + 389 3120 912 |
| Macedonian Judges Association | Mrs. Vera KOCO | Judge at Supreme Court of the RM and President of the CCE Board | Tel: + 389 3136 044 |
| Macedonian Judges Association | Mr. Agim MIFTARI | Judge at Supreme Court of the RM and President of the MJA | Tel: + 389 3136 044 |
| Republic Judicial Council | Mrs. Lence SOFRONIEVSKA | President | Veljko Vlahovik St. bb, 1000 Skopje, RM Tel: + 389 2 3218 130 |
| COURTS | | | |
| Supreme Court of the RM, Skopje | Mr. Dane ILIEV | President | Bul. Krste Misirkov bb, 1000 Skopje, RM Tel: + 389 2 3136 044 Fax: + 389 2 3237 538 |
| Appellate Court Bitola | Mr. Kice JIZEVSKI | President | Tel: + 389 47 238 263 Fax: + 389 47 239 319 |
| Appellate Court Skopje | Mr. Vedat VELI | President | Bul. Krste Misirkov bb, 1000 Skopje, RM Tel: + 389 2 3136 136 Fax: + 389 2 3137 072 |
| Appellate Court Stip | Ms. Makedonka POP KARTOVA | President | Tel: + 389 32 393 455 Fax: + 389 32 391 827 |
| Basic Court Bitola | Mr. Stefan KARAMANDI | President | Tel: + 389 47 221 331 Fax: + 389 47 239 352 |

ANNEX A

| | | | |
|--------------------------------|----------------------------|------------------|--|
| Basic Court Prilep | Mr. Angelco VIDEVSKI | President | Tel: + 389 48 426 452 Fax: + 389 48 423 703 |
| Basic Court Struga | Mr. Nikola SPASESKI | President | Tel: + 389 46 781 608 Fax: + 389 46 784 390 |
| Basic Court Kriva Planka | D.P. Ms. Violeta NAUMOVSKA | Acting President | Tel: + 389 31 375 322 Fax: + 389 31 374 822 |
| Basic Court Tetovo | Mr. Djemajli ARIFI | President | Ilindenska St. bb, 1200 Tetovo Tel: + 389 44 33 06 55 ext.115 |
| Basic Court Kocani | Mr. Nikola MIHAILOV | Acting President | Tel: + 389 33 274 353 Fax: + 389 33 272 352 |
| Basic Court Stip | Mr. Milanco RAMBABOV | President | Tel: + 389 32 393 455 Fax: + 389 32 391 827 |
| Basic Court Ohrid | Mr.Ljubin ALEKSIJEVSKI | President | Makedonski Prosvetiteli No 10, Ohrid Tel: + 389 46 262 138 |
| Basic Court Gostivar | Mr. Zarif ZEKIRI | Acting President | Tel: + 389 42 215 177 |
| Basic Court Skopje 2 Skopje | Mr. Bojan EFTIMOV | | Tel: + 389 2 3115 737 Fax: + 389 2 3115 737 |

| | | | |
|--|-------------------------|-------------------------|--|
| Donors and Other Service Providers | | | |
| European Agency for Reconstruction EU Integration and Justice EAR | Mr. Piet BLONDE | Programme Manager | Makedonija 11/I, 1000 Skopje, RM Tel: + 389 2 3286 795 Fax: + 389 2 3124 760 |
| ABA Celli | Ms. Marilyn ZELIN | Director | |
| Macedonian Company Law and Corporate Governance Project | Mr. Gregory F.MASSEN | Director | |
| OPDAT, in the U.S. Embassy | Ms. Barbara CARLIN | | Tel: + 389 2 3116 180 |
| OSCE | Mr. Victor ULLOM | Head of the Rule of Law | QBE Building, Skopje, 11 Oktomvri No 25 Tel: + 389 2 3234 612; Fax: + 389 2 3234 234 |
| SOROS Foundation | Ms. Neda KORUNOVSKA | Legal Coordinator | Bul. Jane Sandanski 111, PO Box 378, 1000 Skopje, RM Tel: + 389 2 244 44 88 Fax: + 389 2 244 44 99 |

WORK PLAN AND SCHEDULE OF MEETINGS

The team confirms that it understands the Tasks that are expected of it as described in Section III of the Statement of Work (SOW) and that its report will address the three purposes of the evaluation described in Section I of the SOW.

The team's work takes account of the fact that all three components of the Project are closely intertwined and mutually supportive. For this reason one U.S team member will have primary drafting responsibility for each component but will be supported by the other team members in analysis and sessions.

Biljana Panova, as the team's Macedonian member, will provide local legal expertise and reality checks in the team's work. She will attend all meetings and be the sounding board against which ideas will be tested. Biljana will draft sections of the report drawing on Macedonian legal expertise as requested.

In its work the team will utilize the following methodological tools:

- Site visits to the pilot and non-pilot courts
- Extensive interviews with Macedonian judicial, legal and civil society individuals.
- Meetings with foreign experts and other donors to determine existing and planned new initiatives in the judicial reform area.
- Attendance at the Macedonian Judicial Administrative Conference and taking advantage of other legal targets of opportunity as they may arise.
- An analysis of project documentation.
- A review of rule of law and judicial reform literature.

The data is voluminous and the team will analyze it. In its work the team must exercise restraint so that it responds to all elements of SOW in appropriate and proportionate detail.

The team will assure that there is some flexibility in the schedule so that additional meetings can be scheduled if needs to address the SOW requirements or to pursue interesting leads raised in the course of earlier meetings.

To build cohesiveness and a common vision, the team will primarily meet as a group in carrying out its work.

Evaluation of Macedonian Court Modernization Project
April 6-22, 2005

April 03, 2005 (Sunday)

05.00 pm

Arrival in Skopje, Macedonia:
Mr.Gerald ZARR and Ms.Mary Noel PEPYS
At the Skopje Airport
Accommodation at the Hotel Holiday Inn;

06.30 pm – 09.00 pm

Please meet with Ms.PANOVA in the Café Lobby in your hotel for building exercise and strategy with evaluation team, including CCNs to develop draft schedule and work plan;

April 04, 2005 (Monday)

09.30 am – 12.00 noon

Please meet in the Café Lobby in your hotel for building exercise and strategy with evaluation team, including CCNs to develop draft schedule and work plan;
Meet the Translator Mr.Lazar POPOV;

12.00 noon – 01.00 pm

Please enjoy lunch at this time

01.45 pm

Please meet Ms.PANOVA at the hotel lobby and meet outside the hotel your transportation to DPK Consulting premises: 11 Oktomvri Str.No.40 Interimpeks Building, III rd Floor;

02.00 pm – 04.00 pm

Meeting with USAID and DPK Consulting together to establish guidelines, expectations, methodology and outcomes for the evaluation and to submit draft schedule/work plan to USAID/DPK for review and comments.

You will meet with:

Tel: 3080 446
Fax: 3080 449

USAID/Ms.Kathy STERMER Senior
Democracy and Local Governance Advisor and

Tel: 3215 095
3231 212
070 355 666

USAID/Ms.Antoaneta SKARTOVA Rule of Law
Project Management Specialist.

DPK:

Mr.Douglas M. MYERS, Chief of Party;
Mr.Sam JUNCKER, Court Administration and
Management Advisor;
Judge Ernest BORUNDA, Legal Training Advisor;
Ms.Nena IVANOVSKA, Legal Coordinator;

April 05, 2005 (Tuesday)

09.00 am – 12.00 noon

Please meet Ms.PANOVA at the hotel lobby and:

- Finalize schedule & work plan;
- Submit final work plan and schedule to
USAID and DPK for approval;
- Continue document review;

12.00 noon – 12.45 pm

Please enjoy lunch at this time

12.45 noon

Please meet Ms.PANOVA at the hotel lobby and
meet outside the hotel your transportation;

01.00 pm – 03.00 pm

Meeting/Conduct interview with the Appellate
Court in Skopje.

Tel: 3136 136
3137 072
070 257 885

You will meet with:

Mr.Vedat VELI, President,
Ms.Mirusha ELENOVSKA, Judge,
Head of the Civil Department,
Mr.Shuretush BISLIMOVSKI, Judge,
Head of the Criminal Department,
Ms.Milka RISTOVA, Judge,
Head of the Commercial Department,
Mr.Ljupco TODOROVSKI, Counselor

03.00 pm – 06.15 pm

Meeting with USAID and DPK Consulting together
to establish guidelines, expectations, methodology
and outcomes for the evaluation and to submit Final
schedule/work plan to USAID/DPK for review and
comments.

You will meet with:

Tel: 3080 446
Fax: 3080 449

USAID/Ms.Kathy STERMER Senior
Democracy and Local Governance Advisor and

Tel: 3215 095
3231 212
070 355 666

USAID/Ms.Antoaneta SKARTOVA Rule of Law
Project Management Specialist.

DPK:

Mr.Douglas MYERS, Chief of Party

Mr.Sam JUNCKER, Court Administration and
Management Advisor

Mr.Ernest BORUNDA, Legal Training Advisor

Ms.Nena IVANOVSKA, Legal Coordinator;

April 06, 2005 (Wednesday)

08.45 am

Please meet Ms.PANOVA at the hotel lobby and
meet outside the hotel your transportation;

09.00 am – 11.00 am

Meeting/Conduct interview with the Supreme Court
in Skopje.

Tel: 3136 044
Fax: 3237 538

You will meet with:

Mr.Dane ILIEV, President of the Supreme Court;

Ms.Sonja GRUEVSKA, Court Secretary;

Tel: 3233 057; 070 220 079

Dr.Zanina KIROVSKA, Head of Sector (Director)
for the Court Budget;

Ms.Lidija TANEVSKA JADROVSKA, Chief of
Cabinet;

11.00 am – 02.30 pm

Center for Continuing Education of Judges (CCE) And Macedonian Judges Association
(MJA).

Meeting/Conduct interview together with:

You will meet with:

Tel: 3120 912

Ms.Tanja TEMELKOVSKA MILENKOVIK,
Executive Director of the (CCE)

Tel: 3136 044; 070 623 436

Ms.Vera KOCO, Judge at the Supreme Court and
President of the CCE Board

Tel: 136 044; 070 343 997

Mr.Agim MIFTARI, Judge of the Supreme Court
and President of the MJA;

02.30 pm – 03.30 pm

Please enjoy lunch at this time

03.30 pm – 04.30 pm

Continue Review and analyze date and documents;
Summarize notes;

April 07, 2005 (Thursday)

09.15 am Macedonia Judicial Administrative Conference (MJAC), Holiday Inn (Starting 10.00 am)
See as attached the Agenda of the MJAC;
Meet the Key Participants;

10.00 am – 10.30 am The Challenge of Change, Presentation by Mr.Dane ILIEV, President of the Supreme Court;

10.30 am – 12.30 am Education for Aspiring Judges, Presentation by Ms.Vera KOCO, MS.Renate WINTER and Mr.Paul BROEKHOEVEN;

10.30 am – 12.30 am Trial Court Performance Standards, Mr.Aleksandar MLADENOVSKI and Ms.Dobriila KACARSKA;

12.30 noon – 01.45 pm Meeting/Conduct interview with the Basic Court Skopje 2 in Skopje during the Lunch Time (already reserved table).

Tel: 3115 737
Fax: 3115 737

You will meet with:

Mr.Bojan EFTIMOV, President;
Mr.Aleksandar MLADENOVSKI, Judge, Deputy President;
Mr.Sande ZIKOV, Court Secretary;
Ms.Mirjana KRSTEVSKA, Court Coordinator;
Mr.Elvin VELI, Court Coordinator;

070 365 155
070 684 086

01.45 pm

Please meet outside the hotel your transportation;

02.00 pm – 04.00 pm

Meeting/Conduct interview with the Macedonian Company Law and Corporate Governance Project in Skopje.

Fax: 3231 040
Tel: 3231 239

You will meet with:

Mr.Darrell BROWN, Senior Legal Adviser;

April 08, 2005 (Friday)

08.30 am Macedonia Judicial Administrative Conference (MJAC), Holiday Inn (Starting 09.00 am)
See as attached the Agenda of the MJAC;
Meet the Key Participants;

09.00 am – 09.30 am The National Strategy for Judicial Reform, Presentation by Minister of Justice Meri MLADENOVSKA GEORGIEVSKA

09.30 am – 10.45 am The National Strategy for Reform of the Judiciary, Presentation by Lence SOFRONIEVSKA and Renata TRENEVSKA-DESKOVSKA;

12.00 pm – 12.45 pm Please enjoy lunch at this time

12.45 am Please meet outside the hotel your transportation;

01.00 pm – 02.00 pm Meeting/Conduct interview with the ABA/CEELI in Skopje.

Fax: 3176 625
Tel: 3178 188

You will meet with:

Ms.Marilyn ZELIN, Director;
Ms.Katerina ILIEVSKA;

02.30 pm – 04.30 pm Meeting/Conduct interview with the European Agency for Reconstruction (EAR) in Skopje,

You will meet with:

Tel: 3286 795
Fax: 3124 760

Mr.Piet BLONDE, Programme Manager

04.30 pm – 06.30 pm Meeting/Conduct interview with DPK Consulting:

You will meet with:

Mr.Sam JUNCKER, Court Administration and Management Advisor;

April 09, 2005 (Saturday)

09.00 am Macedonia Judicial Administrative Conference (MJAC), Holiday Inn (Starting 10.00 am)
See as attached the Agenda of the MJAC;

| | |
|---------------------------------------|--|
| 09.00 am – 10.30 | Selected topics from the New Law on Enforcement of Judgments, Mr.Vladimir BABUNSKI, Ms.Radica LAZAREVSKA-GEORVSKA; Ms.Katica LABACEVSKA, Ms.Snezana FITEVSKA and Mr.Antonio KOSTANOV; |
| 09.00 am – 10.30 am | Public Trust and Confidence, “Instituionalizing Community Outreach”, Mr.Djemaili ARIFI and Mr.Lazar NANEV; |
| 10.30 pm – 12.00 noon | Dr.Zanina KIROVSKA, Head of Sector (Director) for the Court Budget; |
| 12.00 noon – 12.45 noon | Please enjoy lunch at this time |
| 12.45 noon – 02.45 pm | Meeting/Conduct interview with the implementators for EAR’s National Judicial Training Institute Project and Court Modernization in the Ministry of Justice in Skopje. You will meet with: Ms.Valentina SAUREK, State Advisor; Ms.Radica GEROVSKA, State Advisor; Ms.Nade PENOVA, State Advisor; |
| 02.45 pm – 04.30 pm | Continue Review and analyze date and documents; Summarize notes; |
| <u>April 10, 2005 (Sunday)</u> | Free day |
| <u>April 11, 2005 (Monday)</u> | |
| 08.45 am | Please meet outside the hotel your transportation; |
| 09.00 am – 11.00 am | Meeting/Conduct interview with the Republic Judicial Council. You will meet with: Mr.Jugoslav MILENKOVNIK, Member |
| Tel: 3218 130 | |

Mr. Abduselam KANZOSKI, Deputy President and Member;

11.00 am – 01.00 pm

Meeting/Conduct interview with OSCE in Skopje.

You will meet with:

Tel: 3234 000, 070 359 062

Mr. Victor ULLOM, Head of Rule of Law;
Mr. Michael LACKNER, Senior Rule of Law Officer;

01.00 pm – 02.00 pm

Please enjoy lunch at this time

02.00 pm – 04.00 pm

Meeting/Conduct interview with the SOROS Foundation in Skopje.

Tel: 2444 499

You will meet with:

Ms. Neda KORUNOVSKA, Program Coordinator, Law Program;

04.00 pm – 05.00 pm

Meeting with DPK Consulting:

You will meet with:

Tel: 3215 095
3231 212

Ms. Nena IVANOVSKA, Legal Coordinator

05.00 pm – 06.00 pm

Judge Ernest BORUNDA, Legal Training Advisor;

April 12, 2005 (Tuesday)

08.30 am

Please meet Ms. PANOVA at the hotel lobby and meet outside the hotel your transportation;

30-40 min Travel to Tetovo

09.15 am – 11.15 am

Meeting/Conduct interview with the Basic Court in Tetovo

Tel: 044 350 020
Fax: 044 339 322
070 357 080

You will meet with:

Mr. Djemajli ARIFI, President;
Mr. Aleksandar PETRUSEVSKI,
Court Coordinator

11.15 am – 12.00 noon

Please enjoy lunch at this time

20 min Travel to Gostivar**12.30 noon – 02.30 pm**

Meeting/Conduct interview with Basic Court in Gostivar

Tel: 042 214 514
Fax: 042 212 411
070 229 000

You will meet with:

Mr. Zarif ZEKIRI, Acting President;
Mr. Hanis MEMEDI, Court Coordinator;
Mr. Kriste NIKOLOVSKI, Vice President of the Court; and
Mr. Ilija ANGELKOVSKI, Court Secretary.**1 hour and 15 min Travel to Ohrid****04.00 pm**

Arrival in Ohrid and accommodation in hotel Chingo.

Tel: 046 250 001

April 13, 2005 (Wednesday)**08.45 am**

Please meet Ms.PANOVA at the hotel lobby, and meet outside the hotel your transportation;

09.00 am – 11.00 am

Meeting/Conduct interview with the Basic Court in Ohrid.

Tel: 046 261 868
046 262 138
070 212 051

You will meet with:

Mr.Ljubin ALEKSIJEVSKI, President;
Mr.Ljupco SPIROVSKI, Court Coordinator;
[Mr.Angelko POPESKI, IT Professional;](#)**11.15 am – 12.00 noon**

Please enjoy lunch at this time

10 min Travel to Struga**12.15 noon – 02.15 pm**

Meeting/Conduct interview with Basic Court in Struga.

Tel: 046 781 608; 046 784 390
Fax: 046 784 390

You will meet with:

070 212 404

Mr. Nikola SPASESKI, President,
Ms. Gordana LABOVSKA, Court Coordinator,
Ms. Zaklina DOVEDEN, Court Secretary;

10 min Travel back to Ohrid

02.30 pm – 04.00 pm

Continue Review and analyze date and documents;
Summarize notes.

April 14, 2005 (Thursday)

07.45 am

Please meet Ms. PANOVA at the hotel lobby, check out from the hotel and meet outside the hotel your transportation;

1 hour and 15 min travel to Bitola

09.00 am – 11.00 am

Meeting/Conduct interview with the Appellate Court in Bitola.

Tel: 047 238 263

You will meet with:

Fax: 047 239 319

Mr. Kice JUZEVSKI, President,
Mr. Ljubomir BOSEVSKI, Judge,
Ms. Danica RISTEVA, Judge,
Mr. Branko CONKINSKI, Judge,
Mr. Blagoj DONOVSKI, Judge,
Mr. Vasko KUZEV, Judge,
Mr. Ilija NIKOLOVSKI, Court Secretary;

11.00 am – 12.00 noon

Please enjoy lunch at this time

12.00 am – 02.00 pm

Meeting/Conduct interview with Basic Court in Bitola.

Tel: 047 221 331

You will meet with:

Fax: 047 239 352

070 070395 475

Mr. Stefan KARAMANDI, President,
Ms. Jasmina SHISHKOVA, Court Coordinator,
Mr. Tome KUZEVSKI, Head of the Administration Department.

25 min Travel to Prilep

02.30 pm – 04.30 pm

Meeting/Conduct interview with Basic Court in Prilep.

Tel: 048 426 452
Fax: 048 423 703
070 208 185

You will meet with:

Mr. Angelco VIDEVSKI, President,
Mr. Filip PASHOVSKI, Court Coordinator,
Mr. Sasho PATOVSKI, Court Secretary;

2 hour Travel back to Skopje

April 15, 2005 (Friday)

09.00 am – 11.00 am

Continue Review and analyze date and documents;
Summarize notes;

11.00 am – 12.00 noon

Meeting/Conduct interview with the USAID.

You will meet with:

Tel: 3080 446
Fax: 3080 449

USAID/Ms. Kathy STERMER Senior
Democracy and Local Governance Advisor and
USAID/Ms. Antoaneta SKARTOVA Rule of Law
Project Management Specialist.

12.00 noon – 01.00 pm

Meeting/Conduct interview with the US Embassy in
Skopje.

You will meet with:

Tel: 3116 180

Ms. Barbara CARLIN, Resident Legal Advisor
OPDAT (Office of Overseas Prosecutorial Development
Assistance and Training);
Ms. Kristina KARANAKOVA, Legal Assistant.

01.00 pm

Please meet Ms. PANOVA at the hotel lobby, and
meet outside the hotel your transportation;

2 hours Travel to Kocani

02.45 pm – 04.45 pm

Meeting/Conduct interview with Basic Court in
Kocani.

Tel: 033 274 353
Fax; 033 272 352

You will meet with:

Ms. D.P.Katerina DIMITROVA, Acting President,
Mr.Metodi BOJADZISKI, Court Coordinator,
Mr.Nikola MIHAJLOV, Judge and Former President

2 hours Travel back to Skopje

April 16, 2005 (Saturday)

| | |
|------------------------------|---|
| 09.00 am – 12.00 noon | Continue Review and analyze date and documents; Summarize notes; |
| 12.00 noon – 01.00 pm | Please enjoy lunch at this time |
| 01.00 pm – 04.00 pm | Continue Review and analyze date and documents; Summarize notes; |

April 17, 2005 (Sunday) Free day

April 18, 2005 (Monday)

09.00 am Please meet Ms.PANOVA at the hotel lobby and meet outside the hotel your transportation;

1 hour and 30 min Travel to Kriva Palanka

10.30 am – 12.30 noon Meeting/Conduct interview with the Basic Court in Kriva Palanka.

Tel: 031 375 322; 031 371 404 You will meet with:

Fax: 031 374 822

070 313 813

Ms. D.P. Violeta NAUMOVSKA, Acting President,
Ms.Blagica GOSEVSKA, Former President;
Mr.Srekko MITOVSKI, Court Coordinator,

12.30 noon – 01.30 pm Please enjoy lunch at this time

1 hour and 30 min Travel back to Skopje

03.00 pm – 04.00 pm Meeting with DPK Consulting:

You will meet with:

Judge Ernest BORUNDA, Legal Training Advisor;

04.00 pm – 05.00 pm

Mr.Douglas MYERS, Chief of Party;

05.00 pm – 06.00 pm

Atanas GEORGIEVSKI and Debora KRSTEVSKA
(CCE);

April 19, 2005 (Tuesday)

09.00 am – 09.45 am

Continue Review and analyze date and documents;
summarize notes

09.45 am

Meet car outside the hotel

10.00 am – 11.00 am

Meeting/Conduct interview with the World Bank in
Skopje.

You will meet with:

Tel: 3117 159

Ms.Sandra BLOEMENKAMP, Country Manager;
and

Ms.Jasmina VARNALIEVA, Private and Financial
Sector Development Specialist, including Judicial
Reform.

11.00 am – 12.00 noon

Continue Review and analyze date and documents;
Summarize notes;

12.00 noon – 01.15 pm

Please enjoy lunch at this time

01.30 pm – 02.30 pm

Continue Review and analyze date and documents;
Summarize notes;

02.30 pm – 04.30 pm

Meeting with DPK Consulting:

You will meet with:

Mr.Douglas MYERS, Chief of Party.

April 20, 2005 (Wednesday)

08.00 am

Please meet Ms.PANOVA at the hotel lobby and
meet outside the hotel your transportation;

1 hour and 15 min Travel to Stip**09.15 am – 11.15 am**

Meeting/Conduct interview with the Appellate Court in Stip.

Tel: 032 393 455

Fax: 032 391 827

You will meet with:

Ms.Makedonka POP KARTOVA, President,
Mr.Trajce PUZDERLISKI, Judge and Former
President (Head of the Criminal Department),
Mr.Ljube NIKOLOV, Judge and Head of the Civil
Department.

11.15 am – 12.00 noon

Please enjoy lunch at this time

12.00 noon – 02.00 pm

Meeting/Conduct interview with Basic Court in Stip.

Tel: 032 391 827; 031 393 455

Fax: 032 391 827

070 368 191

You will meet with:

Mr.Jordan CVETKOV, Deputy President;
Ms.Lepa DONEVA, Court Secretary;
Ms.Emilija PAPROVA, Court Coordinator;

1 hour and 15 min Travel back to Skopje**03.15 pm – 05.00 pm**Continue Review and analyze date and documents;
Summarize notes;**April 21, 2005 (Thursday)****09.15 am**

Please meet Ms.PANOVA at the hotel lobby and meet outside the hotel your transportation;

09.30 am – 11.00 am

Meeting/Conduct interview with the DPK Consulting.

You will meet with:

Tel: 3215 095; 070 266 774

Mr.Sam JUNCKER, Court Administration and Management Advisor

Mr.Douglas MYERS, Chief of Party

Mr.Ernest BORUNDA, Legal Training Advisor

11.00 am – 01.00 pm

Meeting with USAID.

You will meet with:

Tel: 3080 446
Fax: 3080 449

Ms.Kathy STERMER Senior Democracy and
Local Governance Advisor and
Ms.Antoaneta SKARTOVA Rule of Law Project
Management Specialist.

01.00 pm – 01.30 pm

Please enjoy lunch at this time

01.30 pm – 02.30 pm

You will meet with:

Mr.Agim MIFTARI, Judge at the Supreme Court
and President of the MJA;

02.30 pm – 05.00 pm

Continue Review and analyze date and documents;
Summarize notes;

Note:

During the period (from April 04 until April 21, 2005), the Evaluation Team will meet all
Members (9-nine) of the Court Budget Council, separately:

- President of the Supreme Court;
- President of the Republic Judicial Council or a Member;
- Ministry of Justice;
- Presidents of the Basic Courts (3-three of them);
- Presidents of the Appellate Courts (3-three);

Additional Member is Representative from the Ministry of Finance, without a right of a
vote.

April 22, 2005 (Friday)

04.45 am

Please check out from the hotel and meet outside
the hotel your transportation to the Airport Skopje;

45 min Travel to Airport Skopje

07.10 am

Departure from Skopje.

BIBLIOGRAPHY OF DOCUMENTS REVIEWED

ABA/CEELI Documents:

Judicial Reform Index for Macedonia (2003).

Legal Profession Reform Index for Macedonia (2004).

Report on Minority Participation in the Legal Profession in Macedonia (2004).

International Covenant on Civil and Political Rights in the Republic of Macedonia (2004).

Civil Society in Macedonia:

BRIMA, GALLUP AND TNS, Macedonian Citizen's Attitudes and Practices Regarding Democracy and Civic Participation and their Perceptions about Political, Civil and Governmental Institutions (Skopje Sept. – Oct. 2004).

Government of Macedonia:

Ministry of Justice, Strategy on the Reform of the Judicial System (Skopje Nov. 2004)

The Constitution, Law on Courts, the Court Budget Law, Law on Enforcement

Draft Proposal to Proceed with Amending the Constitution of the Republic of Macedonia (04-04-2005 draft).

MCMP Project Documents:

1. The USAID Request for Applications

Amendment 01 - Amendment 02 - USAID RFP Cover letter - Standard Form-33 - Solicitation

2. DPK Macedonia Final Technical Proposal, Aug. 22, 2002

3. USAID Contract with DPK Consulting

Modification 1 - Modification 2 - Letter Modification to Contract - Macedonia Contract 2002

4. MCMP Memorandum of Understanding with the Ministry of Justice

5. MCMP-CCE Memorandum of Understanding - Grant for Court Staff Education

April 2003 CCE Grant Agreement - January 2003 CCE Grant Agreement – CCE Application to Soros re: Court Staff Education Grant - MCMP Sub-grant Agreements with Foundation Open Society Institute and the Center for Continuing Education

6 MCMP Memorandum of Understanding with all pilot courts

7. All Nine Quarterly Progress Reports and Monthly Reports since project inception.

8. Consultant Reports

?? Thomas Langhorne (1)

?? Keenan Casady

- ?? Angana Shah/Antonio Kostanov
- ?? Kazimierz Lobaza/Thomas Dibble
- ?? Robert Page
- ?? Margaret Cimino/Martha Kibourn
- ?? Thomas Langhorne (2)/Maureen Conner
- ?? Ingo Keilitz (2)
- ?? Bert Maan (1)
- ?? Bert Maan (2)
- ?? Kathryn Harrison
- ?? Gilbert Skinner/Max Hamish
- ?? Jan Vranken
- ?? Jan Vranken
- ?? Bert Maan (3)
- ?? Kathryn Harrison
- ?? Richard Hoffman
- ?? Tom Langhorne (3)
- ?? Kelly Tait/William Brunson
- ?? Susan Finlay
- ?? Regina Kiener
- ?? Jos Uitdehaag/Ton Jongbloed
- ?? Patricia Murrell (LIJE)
- ?? Richard Hoffman (2)
- ?? Tina Brecelj
- ?? Ralph DeLoach
- ?? John Stanford (2)
- ?? Richard Hoffman (3)
- ?? Ingo Keilitz(3)
- ?? Jos Uitdehaag (2)/Ton Jongbloed (2)
- ?? Tina Brecelj (2)/Janko Marinko
- ?? Gilbert Skinner/Max Hamish (2)
- 9.** MCMP Feasibility Study on Education of Judicial Branch
- 10.** Assessment and Survey Reports
 - ?? Backlog Measurements 11.18.2004
 - ?? Backlog Measures 11.18.2004
 - ?? Summary of Civil Case Flow Processing Time in the Macedoni...
 - ?? Public User Satisfaction Survey 12-17-2004
- 11.** Annual DPK Work Plans for 2003, 2004, and 2005.

OSCE:

OSCE Mission to Skopje, Report on Equitable Representation in the Judiciary (Nov. 2004).

USAID:

Center for Democracy and Governance, Case Tracking and Management Guide (Sept. 2001).

Center for Democracy and Governance, Guidance for Promoting Judicial Independence and Impartiality (Jan. 2002).

USAID Program and Operations Assessment Report, Weighing in on the Scales of Justice: Strategic Approaches for Donor-Supported Rule of Law Programs (CDIE 1994).

World Bank:

Country Assistance Strategy for Macedonia, 2003-2006.

Chapter 5 Legal Institutions and the Rule of Law in World Development Report 1996: From Plan to Market (World Bank Report No. 15441).

LIST OF ACRONYMS AND TERMS USED

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|------------------|--|
| ABA/CEELI | American Bar Association/Central Europe and Eurasian Law Initiative |
| ABMS | Automated Budget Management System |
| AO | Administrative Office of the Court Budget Council within the Supreme Court |
| CARDS | Community Assistance for Reconstruction Development and Stabilization |
| CBC | Court Budget Council |
| CBL | Court Budget Law |
| CCE | Center for Continuing Education |
| COE | Council of Europe |
| CPL | Civil Procedure Law |
| EAR | European Agency for Reconstruction |
| EU | The European Union |
| ICIS | Integrated Court Information System |
| IOM | International Organization for Migration |
| MCMP | Macedonia Court Modernization Project |
| MJA | Macedonian Judges Association |
| MOF | Ministry of Finance, Republic of Macedonia |
| MOJ | Ministry of Justice, Republic of Macedonia |
| MOU | Memorandum of Understanding |
| OPDAT | Overseas Prosecutorial Development, Assistance and Training, within the U.S. Department of Justice |
| OSCE | Organization for Security and Co-operation in Europe (Spillover Monitor Mission to Skopje) |

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|--------------|--|
| RJC | Republic Judicial Council |
| USAID | United States Agency for International Development |
| WB | The World Bank, Office in Skopje |