

**RULE
OF LAW
PROGRAM**

**NIS Regional and
Trans-Caucasus Republics**

Project No.: 110-0007-3-466-2107

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**Submitted to:
U.S. Agency for
International
Development**

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**FOURTEENTH QUARTERLY
PROGRESS REPORT
(March 1, 1997 - May 31, 1997)**

INTRODUCTION

On November 30, 1993, the Rule of Law Consortium, ARD/Checchi Joint Venture (ROLC), entered into a contract with the United States Agency for International Development (USAID) to provide professional services in support of the Rule of Law Program for the NIS Regional and the Transcaucasus Republics. The goal of the Rule of Law (ROL) program is to assist in the development of legal and political environments that facilitate the transition to democratic, market-based societies in the NIS region. The purpose of the program is to collaborate with public and private organizations in the NIS countries to develop or strengthen the laws, legal institutions and civic structures which support democratic, market-based societies.

The information in this (fourteenth) quarterly report covers the period from March 1, 1997 - May 31, 1997. Detailed information on all program activities under the Regional Contract is contained herein.

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I. COMMERCIAL LAW TRAINING PROJECT IN KAZAKSTAN AND THE KYRGYZ REPUBLIC

A. OBJECTIVE

This project addresses the need for a legal environment that supports further privatization and the conduct of private enterprise in the Central Asia Republics of Kazakstan and the Kyrgyz Republic. In order to promote economic restructuring, the ROLC is working with the members of the judiciary and the legal profession in establishing training programs that will focus on interpreting and applying commercial law.

B. FOURTEENTH QUARTER TARGETS

Carry out the first of three seminars on economic crime that are to be held in each of Kazakstan and the Kyrgyz Republic during 1997 and that will provide training to procurator/trainers in emerging issues in economic crime investigation and prosecution (Phase 2 training)

Continue planning for the first of two seminars that are to be held in each of Kazakstan and the Kyrgyz Republic during 1997, which will provide training to judges in emerging issues in economic crime legislation over the course of the year (Phase 2 training)

In Kazakstan, hold a concentrated regional seminar in Ust-Kamenogorsk on commercial law topics for judges, lawyers and other legal professionals, with special sessions devoted to judges to cover judge-specific topics.

In Kyrgyzstan, continue to work with local partner institutions, the Court Department and the Lawyers Association, to develop a curriculum and schedule for concentrated seminars on commercial law topics for attorneys and judges.

Finalize preparations for the Constitutional Tribunal Workshop, scheduled for March 10 - March 14 in France.

C. OUTPUTS AND ACHIEVEMENTS

During the reporting period of the Commercial Law Training Project, the ARD/Checchi Rule of Law Consortium (the "Consortium") accomplished the programmatic objectives set forth in the quarterly work plan for this period.

C.1 Programs During the Quarter

The Consortium continued to maintain the focus on economic crime issues for this quarter. The Consortium worked to train a cadre of trainers in economic crime issues in the procuratorial ranks in both countries. The Consortium also capitalized on good contacts with the judges in both countries to work on how to adjudicate cases dealing with economic crime. The Consortium leveraged off of these highly successful contacts to develop initiatives in judicial professionalism and the development of an independent judiciary. Although the emphasis was not on commercial law training this quarter, the Consortium laid the foundation for intensified efforts to concentrate on narrow commercial law subjects in the coming quarters.

During this quarter, the Training Project's activities were concentrated in four areas:

- **Judicial Professionalism/Constitutional Tribunals:** The Consortium has identified areas of opportunity to increase the local capacity and independence of the judiciary. The Consortium is working in three areas in this regard: development of constitutional jurisprudence with emphasis on economic transition issues; development of administrative support for an independent judiciary; increased capability within the ranks of the judiciary and the bar to train members of the bar and judges in commercial law.
- **Procurators/Economic Crime:** The Consortium is working with the procuracies in each country on a series of seminars/workshops to train trainers in the area of economic crime. These seminars concentrate on emerging issues in the criminal law that may affect the transition to a market economy. These issues include financial institution fraud, tax fraud, money laundering, and corruption in the privatization process, among other issues.
- **Judges/Economic Crime:** The Consortium is working with the court systems in each country to train judges on the adjudication of economic crimes. These seminars address both the substantive issues on various economic crimes, and issues dealing with judicial professionalism.
- **Evaluation:** The Consortium continued to monitor the impact of its programs. The Consortium has provided self-administered evaluations of the seminars, surveys of the legal

profession, and interviews with participants to gauge the impact of the Consortium's program activities.

The activities in each other are described below.

Constitutional Tribunal Workshop

During the reporting period, the Consortium conducted a workshop for members of the Kazakstani Constitutional Council and the justices of the Kyrgyzstani Constitutional Court. The purpose of this program is to develop the nascent constitutional jurisprudence of the relevant institutions in the two countries. The program concentrated on three aspects of constitutional tribunals: 1) substantive issues facing the tribunals, particularly economic transition and human rights issues; 2) procedural issues encountered by the tribunals; and 3) maintaining the independence of the tribunals.

Increased Capacity for Judicial Training

The Consortium carried out in both countries teacher-training workshops for local judges. The purpose of this program is to increase local capacity for judicial continuing legal education. These seminars provided significant and substantial information on means of training methods for judges.

Assistance for Structural Reform

The Consortium is working with the Union of Judges in Kazakstan to develop a sustained commitment to judicial training in commercial law and economic crime. In Kyrgyzstan, the Consortium is working with various governmental units to develop a strategic plan for reform and development of the judicial system.

Economic Crime Programs for Procurators

During the reporting period, the Consortium designed and carried out the first and second cycles of training for procurator-trainers in both countries, or a total of four seminars. The first cycle of this Phase 2 activity focused on tax fraud investigation and prosecution. In Kazakstan, about 35 procurators who were identified as potential trainers by the Procuracy attended the one week seminar in Almaty. In Kyrgyzstan, about 25 procurators who were identified as potential trainers by the Procuracy attended the one week seminar in Bishkek. The teaching faculty included those local procurators who attended the Phase 1 (training the trainers) workshop in the U.S. last quarter, along with a very strong U.S.

delegation, including a senior official of the U.S. Department of Justice Tax Division.

The second cycle of this Phase 2 activity focused on financial institutional fraud and money laundering. About 30 attended the seminar in Almaty; and 32 attended the seminar in Bishkek. The DOJ worked with the Consortium to facilitate the program, sending a DOJ official from its Fraud Division.

Economic Crime Program for Judges

During this quarter, the Consortium designed and carried out the first of two cycles of Phase 2 training activity. Three U.S. judges from both the federal and state bench participated in the seminars in Bishkek and Almaty. In Almaty, on average 47 judges attended the one week seminar; in Bishkek, there was an average of 45 judges attending the one week seminar. The purpose of the seminars was to acquaint the judges with their own laws (or draft law soon to be enacted) on modern forms of economic crime and to strengthen judicial autonomy.

Evaluation of Impact

During the quarter, the Consortium completed an assessment in its on-going design and undertook to refine the design for future seminars. The Consortium has monitored each seminar and based on the evaluations and analysis of the seminars, submitted its Second Continuing Evaluation of the Commercial Law Training Project.

C.2 *Significance of Programs*

The programs that the Consortium designed and organized during the quarter were significant in several major respects.

Modernize the Training for Judges and Procurators

The programs commenced the lengthy process of modernizing the system for training judges and procurators. The Consortium designed and conducted several programs in Kazakhstan and Kyrgyzstan to demonstrate the tools of U.S. teaching methodology. The participants at these seminars acquired sufficient skills to develop sustainable, comprehensive training methods for judges and procurators.

Secure the Privatization Process from Criminal Influence

The programs were designed to equip Kazakstani and Kyrgyzstani judges and procurators with a general understanding of the relationship between the prosecution of economic crime and the development of a market economy. They learned how laws relating to economic crimes function to ensure fair and efficient markets to assure that all are working on a level playing field. The programs focused on those areas that are most susceptible to undermining the privatization process such as corruption, money laundering, and financial institution fraud.

Economic Crime Draft Legislation Reviewed

The programs also provided a forum in which the U.S. perspective on points of emerging Kazakstani and Kyrgyzstani criminal legislation can be constructively presented and to offer the benefits of the U.S. comparative advantage in these areas. Both countries are on the verge of passing their own criminal codes, which will include new economic crimes. The U.S. participation assured that the procurators and judges would learn the policy rationale behind these approaches.

Program Strengthens the Autonomy of the Judiciary

The training program for judges promoted judicial independence. The judges from the U.S. devoted a substantial part of the program to discuss how to improve the autonomy of the judiciary and how to improve the stature of the judiciary. The U.S. judges discussed with their colleagues from Kazakstan and Kyrgyzstan and the role of the judge in democratic countries, how to render judicial decision, judicial discretion, judicial ethics and similar topics. These subjects were not part of the standard curriculum or literature in the Soviet era; but the response to how the U.S. approaches these issues was enthusiastic.

A detailed quarterly report that was submitted to USAID/Washington, USAID, Almaty, and USAID/Bishkek is enclosed as an attachment.

D. FIFTEENTH QUARTER TARGETS

Design and carry out the initial preparations for a proposed regional program on judicial reform and court administration for both Kazakstan and Kyrgyzstan

Finalize preparations for the third Phase 2 training activities for procurators on economic crime investigation and prosecution, which are to be held in both Kazakstan and Kyrgyzstan in the fall of 1997

Finalize preparations for the second Phase 2 training activities on economic crime adjudication, which are to be held in Kazakstan and Kyrgyzstan in the fall of 1997 for local judges 2 training

In Kazakstan, develop, plan and carry out concentrated seminars for attorneys and judges on commercial law adjudication

In Kyrgyzstan, continue to work with local partner institutions, the Court Department and the Lawyers Association, to develop a curriculum and schedule for concentrated seminars on commercial law topics for attorneys and judges

Attachment I(a)

Kazakstan and Kyrgyz Republic
Commercial Law Training Project
ARD/Checchi Rule of Law Consortium (Regional Contract)

AID RULE OF LAW PROGRAM
CCN-C-00-4003-00

Sixth Quarterly Status Report
(March 1997 - May 1997)

Executive Summary

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Programs During the Quarter

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- Judges/Economic Crime: The Consortium is working with the court systems in each country to train judges on the adjudication of economic crimes. These seminars address both the substantive issues on various economic crimes, and issues dealing with judicial professionalism.
- Evaluation: The Consortium continued to monitor the impact of its programs. The Consortium has provided self-administered evaluations of the seminars, surveys of the legal profession, and interviews with participants to gauge the impact of the Consortium's program activities.

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The second cycle of this Phase 2 activity focused on financial institutional fraud and money laundering. About 30 attended the seminar in Almaty; and 32 attended the seminar in Bishkek. The DOJ worked with the Consortium to facilitate the program, sending a DOJ official from its Fraud Division.

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seminars acquired sufficient skills to develop sustainable, comprehensive training methods for judges and procurators.

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The programs were designed to equip Kazakstani and Kyrgyzstani judges and procurators with a general understanding of the relationship between the prosecution of economic crime and the development of a market economy. They learned how laws relating to economic crimes function to ensure fair and efficient markets to assure that all are working on a level playing field. The programs focussed on those areas that are most susceptible to undermining the privatization process such as corruption, money laundering, and financial institution fraud.

Economic Crime Draft Legislation Reviewed

The programs also provided a forum in which the U.S. perspective on points of emerging Kazakstani and Kyrgyzstani criminal legislation can be constructively presented and to offer the benefits of the U.S. comparative advantage in these areas. Both countries are on the verge of passing their own criminal codes, which will include new economic crimes. The U.S. participation assured that the procurators and judges would learn the policy rationale behind these approaches.

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1 Judicial Professionalization

Constitutional Tribunals Workshop Held in March: During the reporting period, the Rule of Law Consortium designed and organized a workshop for members of the constitutional tribunals of Kazakstan, the Kyrgyz Republic and Mongolia. The workshop took place in France from March 10 - 14, 1997. It was a significant and enduring milestone in the development of these institutions.

Participating Organizations: The Rule of Law Consortium under the aegis of USAID organized the workshop with the Constitutional and Legislative Policy Institute (Budapest, Hungary), a Soros-funded organization; and the Institute for Comparative Research on

Institutions and Law of the University of Paris (Paris, France). The Consortium worked very closely with its offices in Kazakstan and Kyrgyzstan to develop an agenda directly relevant to the constitutional tribunals in those two countries. COLPI worked with the Soros Foundation office in Mongolia to ascertain the most pressing issues for the Constitutional Court of Mongolia.

Participant Involvement: The participants from each country prepared briefing papers on the most compelling challenges that they have experienced in their respective countries. These papers were circulated before the workshop to the members of each delegation. Each country was represented by a five member delegation, representing a majority of the members of each country. The 15 participants made short opening presentations for each session on the various topics under discussion at the workshop. Attendance was severely limited to assure maximum participation from each delegation.

Commentator Participation: The Consortium selectively chose 10 commentators to represent a broad cross-section of the constitutional traditions of various countries. Members of the constitutional tribunals from Russia, Poland and France attended the workshop. The Consortium also arranged for representatives from Germany, Hungary and the United States to attend. Each of the commentators also prepared short papers distributed to all participants.

U.S. Representation and Participation: The United States was ably represented by the Honorable Patricia Wald, United States Circuit Judge, District of Columbia. The US participation was particularly pronounced as Professor Herman Schwartz of American University moderated the sessions.

Workshop Significance: The workshop was particularly powerful because it allowed participants to reflect on the emergence and rise to prominence of various constitutional tribunals. The role of the US Supreme Court as an equal member of the triumvirate of government power developed only several years after the Court was created. Gadis Gadzhiev of the Russian Constitutional Court related the factors that have enhanced the Russian Court's independence, despite resistance from the Russian Duma and Federation Council.

Judge Lancelot of the Constitutional Council of France recounted how judicial review of the constitutionality of acts of parliament in France was a novelty, originally designed in 1958 as a means of upholding the power of the executive (under Charles de Gaulle) against that of the legislature. But no one foresaw that France's Constitutional Council, like constitutional courts elsewhere, would come to occupy the prominent place it now has in France's institutional structure and in the protection of fundamental freedoms. The French experience of emerging as a guarantor of assuring compliance with fundamental rights was instructive for all of the

participants, and especially for those from the Constitutional Council of Kazakstan, whose jurisdiction and powers are severely limited.

This was a workshop by and for members of the constitutional tribunals. They controlled the agenda; they controlled the sessions; they shared their problems and experience. The workshop was calculated to provide further tools for these tribunals to achieve a measure of independence. The Consortium believes that the workshop substantially furthered these goals.

Teacher-Training Workshops for Local Judges: During the reporting period the Consortium organized and carried out in both Kazakstan and Kyrgyzstan teacher-training workshops for local judges. The purpose of the workshops was to increase local capacity for judicial continuing legal education (CLE) programs by training judges in appropriate and effective teaching techniques that they can apply in their own training programs. The workshops were created and conducted by Deborah Ballard-Reisch, a professor of communications from the University of Nevada at Reno who also teaches similar courses to American judges at the National Judicial College (the NJC). Professor Ballard-Reisch has journeyed to Central Asia to take part in the Consortium's training activities on two previous occasions and has been very well received by local counterparts. The workshops consisted of 4 hours of lectures on adult learning and effective teaching methods to be applied when lecturing to professional, adult audiences. Each judge-participant then prepared a 5-7 minute presentation on a topic of his/her own choosing and presented it to the group using the modern techniques, with Professor Ballard-Reisch giving an instructive critique of each presentation. In Kyrgyzstan, each participant received a video tape of his/her individual lecture for further self-study.

Kazakstan

Union of Judges: The Consortium formally proposed to the Union of Judges the possibility of assisting it to develop more formal training structures. The Union's response was favorable, and in May the Consortium organized and carried out the teacher training workshop jointly with the Union of Judges. Over 40 Kazakstani judges from the Criminal Collegium successfully completed the training. Participants from all 19 oblasts and Almaty attended the sessions. Seven chairman and five deputy chairmen attended. All found the sessions useful.

The Union is looking to purchase a sanitorium near Akmola to use as a permanent training center. The Consortium is exploring the possibility of using the sanitorium as a venue for further joint programs.

Kyrgyzstan

Strategic Plan for Reform and Development of the Judicial System: The President of Kyrgyzstan has charged the two members of the Law Office of the President who are responsible for judicial matters, Marat Sultanov, who is department head, and Murat Ukushev, who is their designated expert on judicial matters, with the task of overseeing the development of a comprehensive strategic plan for the reform and development of the judicial system of Kyrgyzstan. The plan is to be completed by year end. During the reporting period the Consortium met with Messrs. Sultanov and Ukushev to explore further the possibilities for the Consortium to provide technical assistance to help them develop such a plan. Following the meeting, and in light of the matters discussed, the Consortium prepared a letter for Mr. Sultanov outlining the issues that such a plan could encompass and requesting him to indicate as to which issues he would like to receive assistance. (USAID/Bishkek has a copy of this letter.) The Consortium is expecting a response; and in the meantime, the Consortium has had internal discussions concerning the kinds of assistance that could be made available.

Phase 3 Seminar on Bankruptcy for Judges of the Commercial Court: The Consortium also began concrete preparations for a Phase 3 seminar on bankruptcy for judges of the Commercial Court. The seminar is tentatively scheduled for late June or early July. The Consortium continued to meet with the Court Department to discuss issues surrounding the development of an overall training program for judges.

Teacher Training Workshop: The Consortium organized and carried out the teacher training workshop jointly with the Court Department. A total of 12 Kyrgyzstani judges successfully completed the training. The participants included five judges from the commercial court system and seven from the courts of general jurisdiction. Five of the judges who completed the program are chairman or deputy chairmen of their courts. A total of four regions of Kyrgyzstan, including the capital, Bishkek, were represented. The participants expressed great satisfaction with the instruction.

Media Round Table: During the reporting period the Consortium also organized and held a round-table discussion on the topic of judicial relations with the public and the mass media. The round-table was prompted by the Consortium's recognition that the courts and their decisions are subject to increasing scrutiny in the mass media, who in turn are not fully developed professionally and who often have a very limited understanding of the work of the courts. The round-table featured the three American judges who had come to take part in the Phase 2 judicial training seminar. Consortium representative Brian Kemple framed the issues for discussion by using materials that were prepared on the subject for the Consortium's Constitutional Tribunals Seminar that took place in France in March. The American judges

then related their own experience as to the kinds of problems that can arise and how the American judiciary address them. A lively and productive discussion ensued and continued for over two hours. The American judges emphasized the positive results to be gained in increasing public understanding of and support for the courts through public relations programs and the judges' active participation in volunteer educational work.

The round-table was attended by nine prominent Kyrgyzstani judges and officials: two judges from the Constitutional Court; two judges from the Supreme Court; two judges from the Supreme Commercial Court; the Director of the Court Department; and two members of the President's Law Office, including Neilia Beishenaliyeva, the President's Legal Advisor. The Consortium hopes that this round-table will serve as the first step to increasing the Kyrgyzstani judges' awareness concerning such questions and will make it possible for the Consortium to continue its work in this area.

2 Training Seminars on Economic Crime for Procurators and Judges

2.1 Prosecutorial Program

Phase 2 Training Activities: Following the successful Phase 1 prosecutor training activity in Washington, D.C. in January, during the reporting period the Consortium carried out, in close cooperation with its partner institutions, the U.S. Department of Justice (the DOJ) and the General Procuracies of Kazakstan and Kyrgyzstan the first and second of three planned Phase 2 training activities that are to take place in Kazakstan and Kyrgyzstan over this year and that will provide instruction to local prosecutor-trainers in investigating and prosecuting economic crime in the context of their own new applicable laws.

March Phase 2 Seminar: The first Phase 2 training activity, which was held in both Kazakstan and Kyrgyzstan from March 24 to March 27, was devoted to issues surrounding tax fraud investigation and prosecution. Included among the lecturers at the first Phase 2 prosecutorial seminars in Kazakstan and Kyrgyzstan were Ralph Pierce, a senior-level DOJ official who oversees tax prosecutions in a large region of the U.S. and who lectured on tax fraud; Eric Fisher, a former federal prosecutor who provided an overview of the role of the prosecutor in the U.S. criminal justice system and also gave a demonstration of a computerized case management system; and Robert Walker, an attorney from the Internal Revenue Service who is currently teaching at the Kazakstan Institute for Management, Economics and Strategic Planning as a Fulbright Fellow. As reported previously, both Messrs. Pierce and Fisher took part in the Consortium's Phase 1 activity in Washington in January.

Local prosecutor-participants in each country gave the seminar high reviews and the Procuracies expressed great satisfaction with the organization of the seminar and the training it provided.

May Phase 2 Seminar: The May seminar focused on financial institution fraud and money laundering. In carrying out the seminar the Consortium's D.C. office continued to maintain close contact with the DOJ's OPDAT, and Richard Poole, an expert in the Fraud Division of DOJ, took part in the seminars in both countries and gave lectures on financial institution fraud, money laundering and professional ethics. Also taking part was Robert Walker, Fulbright lecturer at the Kazakstan Management Institute, who participated in the March seminar in both countries. Mr. Walker also lectured on issues relating to financial institutional fraud.

Teacher Training Workshop: The seminars also included a teacher training workshop in order to increase local Procuracies' capacity for developing and implementing an ongoing CLE program for their personnel. The workshop was conducted by Professor Deborah Ballard-Reisch, who has journeyed to Central Asia to take part in the Consortium's training activities on two previous occasions and has been very well received by local counterparts.

Third Phase 2 Seminar: The subsequent seminar, which is tentatively scheduled for August of this year, will be primarily be devoted to, respectively, corruption and crime in privatization. The curriculum for the seminars was developed jointly with the General Procuracy of each country and reflects their own assessment as to the topics that are of most pressing concern.

Kazakstan

March Phase 2 Seminar: Deputy Procurator General Konstantinov and Chris Donahoe of USAID offered opening remarks. The seminar included a total of 24 hours of instruction on topics including, in addition to the presentations by Messrs. Pierce, Fisher and Walker, Prosecutorial Oversight in Privatization; Money-Laundering; Prosecutorial Oversight in Tax Matters; and the Legal Framework governing Cooperation among Law Enforcement Agencies, and featured a Round Table. Twenty-six procurators and 10 members of the training institute took part, along with the 5 procurators who had received training in the US in January. Ninety pages of materials were specially prepared and translated; copies were distributed to all participants.

Seminar Evaluation: Participants consistently ranked US lecturers high, and marks ranging from 3.48 to 4.48 Out of a maximum possible 5 points the procurator-trainers. The Kazakstani

prosecutors gave the subject matter an average score of 4.14; the organization of the seminar 4.32; gave the seminar over all an average score of 4.23; and in response to the request to indicate the extent to which the seminar was useful in helping them to investigate and prosecute tax law violations, gave an average score of 4.09.

May Phase 2 Seminar Preparation: The Consortium during the reporting period had several meetings with representative of the Procuracy and the Procuracy Training Institute to plan the second phase 2 seminar. A new head was appointed to the Training Institute, Anatolii Kalashnikov. Kalashnikov expressed considerable interest in the Consortium's program with the Procuracy. The Consortium arranged with Kalashnikov for Eric Fisher to consult with him on the production of course materials, textbooks, and training videos, and for possible future consultation from Boris Korobeinikov, formerly the head of the Russian Procuracy Training Institute (who has cooperated extensively with the Consortium in the development of training programs for Russian procurators.)

May Phase 2 Seminar: In addition to the topics to be presented by Messrs. Poole and Walker and Professor Ballard-Reisch, Eric Fisher, former Assistant US Attorney, served as general moderator throughout the Almaty program, participated in round table discussions, and delivered lectures on the US prosecutorial system, international law cooperation in law enforcement, and prosecutorial case management. Kazakstani procurators offered lectures in supervision of banking activity, money laundering, corruption, and international cooperation. Two representatives of the USAID Banking Supervision project (George Gregorash) also lectured as part of an effort to promote more effective inter-agency cooperation on the Kazakstani side between the National Bank and the Procuracy in the prosecution of bank fraud cases. The new head of the Procuracy Training Institute Anatolii Kalashnikov played a prominent role in the seminar.

Seminar Attendance: The May seminar was regularly attended by 27 Kazakstani prosecutors, four faculty from the Training Institute, and three members of the group who had received training in the U.S. and served as lecturers in March. Most of those in attendance had attended the Consortium's seminar on tax fraud held in March.

Seminar Evaluation: According to the information gathered from the anonymous evaluation forms that the Consortium distributed at the seminar, prosecutor participants rated the seminar very highly, and accorded the seminar the following marks, based on a 5-point scale: subject matter of the seminar, 4.88; organization of the seminar, 4.71; evaluation of the seminar overall, 4.57.

Eric Fisher, Scott Newton, and Kalashnikov held an intensive 3 hour consultation following the seminar to assess the Institute's upcoming training needs and to plan for follow-on training. The Consortium also facilitated a meeting between Marie Moser of the U.S. embassy with Kalashnikov and Deputy Procurator General Bakhtibaev.

Kyrgyzstan

March Phase 2 Seminar: The seminar in Kyrgyzstan was attended by an average of 25 Kyrgyzstani prosecutors from throughout the country. The seminar included a total of 24 hours of instruction and addressed the following topics, in addition to the presentations by Messrs. Pierce, Fisher and Walker: the New Criminal Code of the Kyrgyz Republic; the New Tax Code of the Kyrgyz Republic; Prosecutorial Oversight in Tax Matters; Ways to Improve the Work of the Prosecutor in Tax Law Violations; the Organization and Function of the State Tax Inspectorate; the Work of the State Tax Police; and Recent Issues in Trial Advocacy in Tax Law Cases. Speakers included procurators who took part in the Phase 1 training in the US, a local criminal law expert, representatives of the State Tax Inspectorate and the State Tax Police, and an accomplished trial lawyer.

Seminar Evaluation: The participants responded to the seminar with interest and enthusiasm and participated actively. Evaluations distributed by the Consortium and completed anonymously indicate that the participants give the seminar very high marks: out of a maximum possible 5 points for each category, the Kyrgyzstani prosecutors gave the subject matter an average score of 4.3; the organization of the seminar 4.8; gave the seminar over all an average score of 4.5; and in response to the request to indicate the extent to which the seminar was useful in helping them to investigate and prosecute tax law violations, gave an average score of 4.2. In additional written comments in the evaluations participants expressed gratitude and satisfaction and the hope that more such training could be provided in the future.

May Phase 2 Seminar: The second phase two seminar took place during the week of May 26. In addition to the topics to be presented by Messrs. Poole and Walker and Professor Ballard-Reisch, presentations were made by representatives from the National Bank, the Ministry of Finance, the Financial Inspectorate, the Supreme Court, the Procuracy, the Law Department of the Slavonic University and the Committee for State Security on topics relating to financial institution fraud and money laundering. The seminar also featured a round table with the participation of the American lecturers, Brian Kemple, and Viktor Chebyshev, member of the Board of the National Bank. The May seminar was regularly attended by 32 Kyrgyzstani prosecutors, most of whom attended the Consortium's seminar on tax fraud held in March. Each participant received a compendium of learning and reference materials prepared by the lecturers.

Seminar Evaluation: According to the information gathered from the anonymous evaluation forms that the Consortium distributed at the seminar, prosecutor participants rated the seminar very highly, and accorded the seminar the following marks, based on a 5-point scale: subject matter of the seminar, 4.40; organization of the seminar, 4.90; evaluation of the seminar overall, 4.76; and as to the extent to which the seminar will help them deal as prosecutors with financial crimes, 4.24.

2.2 Judicial Program on Economic Crime Adjudication

Economic Crime Program For Judges: As reported earlier, in February the Consortium successfully carried out the Phase 1 training activity for the judicial program on economic crime adjudication. The seminar was held in Kyrgyzstan for both Kazakstani and Kyrgyzstani judges. Under the extended scope of work, the Consortium is required to undertake a series of activities related to training in economic crime adjudication. Specifically, the Consortium is to undertake to train a corps of judge-trainers (Phase 1 activity) who will then help train their fellow judges in the area of economic crime adjudication (Phase 2 activity). The Consortium has designed these activities with the active input of the Supreme Court and Ministry of Justice of Kazakstan and the Supreme Court and Court Department of Kyrgyzstan. It has also worked closely in the United States with the National Judicial College (the NJC).

Phase 2 Seminar: During the reporting period the Consortium planned and successfully carried out the first of the two Phase 2 activities that are to be held in each of Kazakstan and Kyrgyzstan during this year. The Consortium worked closely with its local partners, the Supreme Court and Judges Union in Kazakstan and the Supreme Court and Court Department in Kyrgyzstan, and with the NJC in the U.S., in organizing and carrying out seminars, which were held simultaneously in Kazakstan and Kyrgyzstan over the week of May 12. (The second Phase 2 seminars in each country are tentatively scheduled for September.)

Curriculum: The curriculum of the first Phase 2 seminars consisted of the following:

- **Training in core areas of economic adjudication.** The three American judges provided training on the following areas of economic crime adjudication: public integrity; money laundering; banking fraud and other kinds of fraud; tax fraud and customs violations; and constitutional guarantees in US criminal procedure. Local judges and other specialists lectured on local law as relates to economic crime adjudication.
- **Training in judicial professionalism:** An American judge lectured on judicial ethics and discipline.

Goals of Curriculum: The curricula for the first Phase 2 seminars were devised with three goals in mind: (1) to enable the judges of Kazakhstan and Kyrgyzstan to better understand their own new laws on modern forms of economic crime; (2) to raise the level of judicial professionalism by having US judges lecture on subjects such as judicial ethics and discuss their own judicial practice; (3) to lay the basis for the further development of an ongoing educational program for judges that uses practitioners as instructors by including local judges as lecturers and having them prepare written and other materials for training.

Participation: Three American judges -- a U.S. Federal Judge; a U.S. Federal Magistrate; and a Judge from the Indiana Court of Appeals -- took part in the seminars and lectured at each seminar for a total of 12 hours.

Kazakhstan

Phase 2 Seminar: The Phase 2 seminar was held in Almaty. On average 47 judges from the Kazakstani Supreme Court and oblast level courts of the criminal collegium attended the seminar. Attendees were drawn from all 19 oblasts and Almaty. Twelve oblast court chairs and deputy chairs were among the participants. Chair of the Criminal Collegium Mami opened the seminar and he and Deputy Justice Minister Elubaev presided over the closing ceremony.

Local Participation: The seminar in Kazakhstan included in addition to the presentations of the American judges described above, the following presentations by local judges and specialists on relevant aspects of local law: Banking Crimes; Bribery—Concept and Types; Embezzlement; Official Corruption; Economic Malfeasance; Crimes in course of privatization; Banking Crimes; and a supplemental teaching methodology workshop (described above).

Seminar Evaluation: According to the information gathered from the anonymous evaluation forms that the Consortium distributed at the seminar, the participants rated the seminar very highly, and accorded the seminar the following marks, based on a 5-point scale: subject matter of the seminar, 4.19, organization of the seminar, 4.38; evaluation of the seminar overall, 4.33.

Kyrgyzstan

Phase 2 Seminar: The Phase 2 seminar was held in Bishkek. On average 45 judges from the Kyrgyzstani Supreme Court and courts of general jurisdiction attended the seminar, along with an average of 7 representatives from the Court Department. Attendees were drawn from the northern regions of the country. The Consortium plans to hold the second Phase 2 seminar in September in the southern city of Osh, primarily for judges and Court Department representatives from the southern regions of the country.

Seminar Participation: The seminar in Kyrgyzstan included, in addition to the presentations of the American judges described above, presentations were made by local judges and representatives of the Law Department of the Slavonic University and the Tax Police. Lectures on relevant local law included the following: the new draft Criminal Code; Current Judicial Practice in Economic Crime Cases; Economic Crimes under the new Criminal Code; Human Rights Issues under Current Criminal Law and Criminal Procedure; Public Integrity; the Tax Code of the Kyrgyz Republic; Customs Law; the Work of the State Tax Police; and Embezzlement. The seminar also featured a Round Table with the American judges.

Seminar Evaluation: According to the information gathered from the anonymous evaluation forms that the Consortium distributed at the seminar, the participants rated the seminar very highly, and accorded the seminar the following marks, based on a 5-point scale: subject matter of the seminar, 4.49; organization of the seminar, 4.61; evaluation of the seminar overall, 4.52; and as to the extent to which the seminar will help them deal with cases involving financial crimes, 4.20.

3 Continuing Legal Education for Attorneys (and Judges)

As reported above, the Consortium's Phase 2 training activities for judges scheduled for May for each country included a teacher training workshop in order to increase institutional capacity for developing and implementing an ongoing program of continuing legal education for judges.

Kazakstan

The Consortium prepared and submitted a new draft agreement with Adilet Law School governing further Phase 3 seminars for practicing lawyers, which is currently pending execution. The Consortium also obtained the agreement of the Union of Judges to help in the organization and conduct of Phase 3 seminars for judges. The Consortium proposed to the Union of Judges to conduct regional seminars in commercial law for judges over the summer. The Union of Judges agreed wholeheartedly to help in the organization and conduct of Phase 3 seminars for judges. The Union also introduced the Consortium to the new Deputy Justice Minister, Elubaev, who promised full cooperation from the side of the Ministry.

Kyrgyzstan

During the reporting period the Consortium solicited recommendations from the members of Association of Lawyers of Kyrgyzstan to determine which practitioners and other local specialists practicing attorneys in Kyrgyzstan most highly respect as experts on a variety of commercial law subjects. The Consortium will use that information in developing a curriculum for Phase 3

seminars for Kyrgyzstani attorneys that the Consortium plans to carry out over the second half of this year.

4 Coordination, Evaluation and Sustainability

Coordination with Other Contractors: The Consortium continued to meet and confer with other contractors in Kazakstan and Kyrgyzstan to discuss their respective projects and new developments in those countries, and to consult with them in carrying out the Consortium's tasks under its Scope of Work. In Kyrgyzstan, the Consortium's representative, Brian Kemple, attended the weekly meetings of USAID contractors working in the area of commercial reform and consulted with the IBTC Bank Supervision Project, a USAID contractor who is working closely with the National Bank of Kyrgyzstan, regarding the schedule and content of the May procurators seminar, which featured two lecturers from the National Bank. As noted above, in Kazakstan the Consortium consulted with IBTC in connection with its participation in judicial seminars in that country.

Continuing Evaluation of Programs Submitted in April: The Consortium submitted its second continuing evaluation of the Commercial Law Training Project. This study evaluated the effectiveness of the seminars and other programs for judges, attorneys, and procurators in both countries. The study identified the Consortium's counterparts and how effective they have been in contributing to the goals of the Training Project. The study also suggests how to improve the curriculum and the necessity to focus the assistance on concentrated topics.

Deliverables

Task 1. Deliverables. (Judicial Professionalization)

Prepare Comprehensive Academic and Development Plan: The Consortium has been conducting ongoing discussions with counterparts in both countries. No funding has yet been allocated to this task, however. Owing to the uncertain state of affairs as concerns institutional responsibility for judicial training in Kazakstan, it remains unclear whether Consortium will be able to address this task in Kazakstan within the remaining period of the scope of work. With the creation in Kyrgyzstan of the Court Department and the development of a close working relationship between the Court Department and the Consortium, there appear to be opportunities for fruitful collaboration in this area, which the Consortium is exploring.

Develop additional curricular materials: The Consortium is developing curricular materials relating to judicial professionalization within the context of the judicial program on economic crime adjudication in both Kazakstan and Kyrgyzstan, and in the program of concentrated seminars on commercial law subjects that the Consortium is advancing in

Kyrgyzstan in close collaboration with the Court Department, the Supreme Court and the Higher Commercial Court. Materials on economic crime adjudication were prepared and distributed at the Consortium's Phase 1 seminar in February and at its Phase 2 seminars in May.

Make recommendations regarding material assistance purchases: No funding has been allocated for this task. This task will be addressed as soon as funding becomes available.

Constitutional court assistance: Although this component was not included specifically in the required deliverables for the scope of work this year, the Consortium with funding from USAID/Washington, designed, organized and implemented a workshop for the majority of the members of the constitutional tribunals of Kazakstan and the Kyrgyz Republic.

Task 2. Deliverables. (Training seminars for judges and procurators)

Conduct initial (Phase 1) training seminar:

The Phase 1 Procurator Training was successfully conducted in Washington in January.

The Phase 1 Judicial Training seminar was successfully conducted in Kyrgyzstan in February.

General (Phase 2) Seminars:

The first Phase 2 Procurator Training was successfully conducted in Bishkek and Almaty in March, and was devoted primarily to tax fraud issues.

The second Phase 2 Procurator Training was successfully conducted in Bishkek and Almaty during the week of May 26, and was devoted primarily to financial institution fraud.

The first Phase 2 Judicial Training in economic crime adjudication was successfully conducted in Bishkek and Almaty during the week of May 12.

Task 3. Deliverables. (Continuing Legal Education Training)

Conduct additional commercial law Phase 3 seminars for lawyers and judges:

In Kazakstan, a projected year-long schedule of 8 seminars, 2 in Almaty and the remainder in the regions, was preliminarily negotiated with Adilet Law School. In Kyrgyzstan, the

Consortium has gathered information from Kyrgyzstani lawyers and compiled a list of priority commercial law subjects and the corresponding expert-practitioners in each field, has gotten the support of the Lawyers Association concerning development of a joint program, and has begun to develop the program jointly with the Lawyers Association.

Task 4. Deliverables. (Coordination, Evaluation and Sustainability)

Coordinate with other contractors:

As reported above, the Consortium continued to meet and confer with other contractors in Kazakstan and Kyrgyzstan to discuss their respective projects and new developments in those countries, and to consult with them in carrying out its tasks under the Scope of Work.

Evaluate results: Detailed questionnaires were distributed to all participants in the Phase 1 and Phase 2 economic crime adjudication judicial training seminars in February and May, respectively, and in the Phase 2 prosecutor training seminars in March and May. Evaluation of the data will be forthcoming in due course.

6 Expenses

The following table reflects the budget and actual expenses up through May 1997. Many of the expenses, especially local expenses in Kazakstan and Kyrgyzstan, have not yet been processed, but will be reflected in future reports.

Category	Adjusted Budget Years 1 - 2	Expenses 11/95 - 5/97	Amount Remaining
Expatriate Staff Costs	539104	412752	126352
Local Staff Salaries and Benefits	171000	110811	60189
ST Specialist Costs	104200	43381	60819
In-Country Travel	51000	16931	34069
Equipment	85000	63202	21797
Training: Attorney Program	310000	207074	102926
Training: Judges Program	380000	180108	199892
Training: Procurators	150000	93584	56416
Training: Other Professionals	100000	0	100000
Expense Reimbursement	30000	30155	-155
Office Rent / Utilities / Supplies	95000	96980	-1980
Communications	40000	27617	12383
Administration Charges	544487	350889	193599
TOTAL	2599791	1633482	966309

PERFORMANCE DATA RELATED TO
STRATEGIC OBJECTIVES FRAMEWORK

Applicable Strategic Objective: SO 1.3: "Accelerated Growth and Development of Private Enterprises"

IR 1.3.1 Operating Environment perceived to be more favorable for private sector growth

IR 1.3.1.1 Improved policies, laws and regulations in place to ensure competition and allow for easy market entry and exit

Relevant laws in which instruction was provided to legal professionals at training seminars of the Consortium seminars:

	In 1996	In 1997 (through May)	Total to Date
In Kazakstan	21	2	23
In Kyrgyzstan	17	8	25

IR 1.3.1.2 Courts and Administrative agencies strengthened to enforce policies, laws and regulations

Number of judges trained at training seminars of the Consortium¹:

	In 1996	In 1997 (through May)	Total to Date
In Kazakstan	167	56	223
In Kyrgyzstan	320	53	373

Number of prosecutor-trainers trained at training seminars of the Consortium:

	In 1996	In 1997 (through May)	Total to Date
In Kazakstan	N/A	60	60
In Kyrgyzstan	N/A	62	62

¹ The number of judges trained may exceed the total number of judges in the country because of the attendance of a judge at multiple programs.

IR 1.3.2 Human Resources improved to function in a market economy

Number of lawyers trained at training seminars of the Consortium:

	In 1996	In 1997 (through May)	Total to Date
In Kazakstan	243	0	243
In Kyrgyzstan	220	7	227

Attachment I(b)

REPORT ON CONSTITUTIONAL TRIBUNAL WORKSHOP
(PARIS, MARCH 11-13, 1997)

PATRICIA M. WALD

This was the second technical assistance workshop for constitutional tribunals in newly-emerging Eastern European countries which I participated in. The first was held in December, 1996 in Budapest for Georgia, Armenia, and Azerbaijan. The Asian republics involved in this one were Kazakstan, Krytgystan and Mongolia.

I consider this workshop to have been a major improvement over Budapest in its presentation format and in the degree of participation it elicited from the subject country delegations themselves. It was clear that there were many lessons learned from the first experience (see my Budapest report) in how to involve the judges early and often directly in the dialogue. In this case, they prepared short papers ahead of time which were compiled in a conference book. This meant that they had focused on the areas of discussion ahead of time and put their thoughts on paper—a much more constructive exercise than coming in cold. Whereas the Budapest workshop got off to a fairly slow start in terms of the Eastern European participation, here, because they were the presenters, they immediately joined in with discussions and questions. Furthermore, Professor Schwartz, as the moderator/facilitator, made a specific point in each area of discussion of calling on each of the three countries to insure that their point of view and contribution would be forthcoming. It was in a much truer sense their conference, with a focus on what they wanted to talk and hear about.

Besides being written beforehand to assure an investment, the presentations were much shorter and Professor Schwartz kept people to their time limits, politely but firmly. This meant no over-long lectures and far more time for discussions. I also thought the use made of the American and Western European experts and those from the more developed Eastern European courts (Hungary, Poland, and Russia) was better since they were called upon chiefly to address the problems that the Asian republics had identified as being of interest to them, rather than as lecturers in their own right. As with the Budapest workshop, it is clear that the subject courts are most interested in getting advice and experience on the problems facing them, not on listening to what the advanced democracies want to tell them. Altogether the short presentation followed by wide-ranging discussions involving all countries worked well—the conference kept on schedule, but flowed. The moderator was able to run with a point that interested the participants and move on when it was exhausted. This is important, for not the same subjects interest all new tribunals. For instance, in Budapest there was excitement about factfinding because of a recent experience of the Armenian tribunal; in Paris it was the least discussed subject.

Paris was, as I understand it, chosen as a site in large part because the Kazakstan tribunal—only a year or so old—was patterned after the French Conseil Constitutionel and was a replacement for an earlier constitutional court which had provoked the opposition of the President. This made for some delicacy in the treatment of subjects like judicial independence. On the other hand, the representatives themselves were quite candid in their admission that they did not perceive their present situation as ideal and hoped it was a waystation on the route to greater independence

and perhaps a return to a full-fledged court model. In this respect, the exposure to the French members of the Conseil and to Professor Lesage, an academic expert on the subject, was useful; while the French model has no more power than the Kazakstaniaan one on paper, the aura of independence, authority, and respect that surrounds it cannot help but have instilled in the Kazakstaniaan judges a sense that even with limited powers they can exert independent authority. The visit on Thursday to the impressive Conseil headquarters and an opportunity to discourse with its President and several members was a particularly useful culmination of the workshop. In my own case, I found this opportunity to learn so much about the French system and its pervasive influence on this little republic so far away quite fascinating; it gave this workshop a very different focus and feel than the earlier one, and accentuated the need and usefulness of creating an agenda and picking outside experts according to the needs of the subject countries, not what we would like them to hear about.

Following along on earlier comments about Budapest, if another workshop were to be held, I would go even further and in addition to requiring the short papers be prepared in advance, ask the participating countries to submit questions and areas that they specifically want to cover in the workshop itself. These often appeared in fact, but on a somewhat ad hoc basis. I would also spend a bit more time (a half hour was devoted to remarks by Keith Rosten on this subject in Paris) on summing up and relating the workshop to what the participants plan to do in the near future when they return to their homelands. Perhaps an hour or more might be used at the end to ask them what they have learned most usefully, and how they think it may be applied to their respective situations. This would give the workshop sponsors as well as the participants themselves the benefit of a hard look at what the workshop may have produced.

The logistics were fine (the food very good) and a growing sense of camaraderie evolved during the dinners and the Paris by Night trip. I believe they enjoyed being in the city and getting a sense of the society and its mores. These judges have tough milieus in which to operate; many inevitably are veterans of political wars and some may even face real threats, not just to independence, but to their very jobs or physical well-being. Yet it is they to whom the future of an independent judiciary and an essential element of the rule of law have been entrusted. The primary goal of workshops of this sort is to imbue them with a sense that the world outside their countries sees their efforts and supports them, and that, especially in the case of other new democracies like Hungary, Poland—even Russia—their courts can be courageous instruments for democracy. I had the sense they recognized this and were trying. Whether they succeed in a perilous climate (cf. Albania) remains to be seen.

Attachment I(c)

RULE OF LAW CONSORTIUM

1101 17th Street NW
Suite 808
Washington, DC
20036

(202) 861-0351 Phone
(202) 861-0370 Fax

February 3, 1997

To Whom it May Concern:

We are one of the sponsors for the "Constitutional Tribunal Workshop" in Paris for the members of Constitutional Tribunals from Kazakstan, Kyrgyzstan, and other countries. The Institute for Comparative Research on Institutions and Law is one of the sponsors.

The conference will be held from March 11 - 13, 1997. The delegates will arrive on March 10 and depart on March 14.

The Rule of Law Consortium (ROLC), working under the auspices of the United States Agency for International Development has purchased health insurance in the amount of \$100,000 per delegate through Gateway International administered by Seabury & Smith, 1255 23rd Street, NW, Washington, DC 20037, (telephone: 202-457-6842) for:

Kyrgyastani Delegation

- 1. Cholpon Baekova
- 2. Abdybek Soutalinov
- 3. Sakan Satybekov
- 4. Kourmanbek Osmonov
- 5. Katchyke Esenkanov

Kazakstani Delegation

- 6. Serik Temirbulatov
- 7. Yuriy Kim
- 8. Urdagali Ikhsanov
- 9. Vladimir Mamonov
- 10. Salakhiden Sabikenov

Mongolian Delegation

- 11. Galdangiin Sovd
- 12. Legtsegiin Baasan
- 13. Navaanperenlein Jantsan
- 14. Janlavyn Byambajav
- 15. Dambadarjaagiin Chilhaajav
- 16. Chuluuny Ganbold

Russian Constitutional Court Justice

- 17. Gadis Gadzhiev

II. TRANSCAUCASUS

A. OBJECTIVE

Design and implement a Rule of Law program that will promote an independent judiciary and sustainable development of democratic institution building in Armenia and Georgia.

B. FOURTEENTH QUARTER TARGETS

ARMENIA

In cooperation with the Centre for International Legal Cooperation, finalize plans for the next drafting conference, Armenia Civil Code Part II that will take place in April 1997.

Begin planning Yerevan State University Legal Research Training Activity that will take place at New York University.

On going procurement for the Armenian Constitutional Court, Armenian Ministry of Justice, and the Legislative Committee.

Provide support for the Yerevan State University Program "kick off" Conference that will take place May 8 - 9, 1997.

Begin planning the Criminal Justice Sector Reform II drafting conferences that will take place during the period of June 10 - 20, 1997.

AMERICAN UNIVERSITY OF ARMENIA (AUA)

Continue monitoring AUA grant and assist in program development.

GEORGIA

Continue monitoring PHFR and it's work with the Parliament Internet Connectivity project.

Provide support for the Georgia - Criminal Justice Sector Reform conference that will take place May 25 - 27, 1997.

C. OUTPUTS AND ACHIEVEMENTS

C.1 Civil Code II Drafting Conference

Extensive preparatory work was underway for the Armenian Civil Code II drafting conference under the subcontract with the Centre for International Cooperation. The ROLC DC office performed administrative and logistical assistance. The conference took place on April 21 - 25, 1997. Peter Maggs participated in this conference. As all the other conferences, this one was envisioned to take place in Leiden. Due to the heavy Spring tourist season, it was impossible to find accommodation and meeting space in Leiden. Thus, this conference was held in the Hague.

C.2 Yerevan State University Legal Training Activity

Initial steps have been taken in preparation for the training of five Armenian law students in legal research via the electronic medium. This activity will take place at New York University later this summer.

C.3 Yerevan State University Law School

A major reform of the Yerevan State University Law School got underway with a "kick-off" conference May 8 - 9, 1997. Approximately 75 faculty members attended. Carl Monk of the American Association of Law Schools spoke on the way legal education is organized in the US, the budgets and funding sources of US law schools, how faculty and students are selected, and the high premium placed on academic freedom. Dale Whitman, a law professor from Utah spoke about the mature of law teaching in the US, emphasizing clinical and practice simulation courses. This conference was funded through our subcontract with the Centre for the Centre to provide logistical support and send two Dutch experts to the conference.

C.4 Criminal Justice Sector Reform II drafting Conference - Armenia

Commenced planning of this activity that will take place in Yerevan during June 10 - 20, 1997. The conference is co-sponsored with the Council of Europe and the Centre is making logistical arrangements. The conference will consist of three separate consecutive drafting conferences which will address the Criminal Code, Criminal Procedures Code, and the Law on Procuracy.

C.5 Procurement - Armenia

On-going activity per instructions from USAID/Yerevan. Several procurements were carried out on behalf of the Armenian

Constitutional Court, Armenian Ministry of Justice, and the Legislative Committee.

C.6 American University of Armenia (AUA)

ROLC continued to monitor the AUA grant and provided program development assistance.

Legal Resource Center (LRC)- Ms. Licht, the American librarian at AUA, completed her training at Hastings College of law which took place from February 14 - March 13, 1997. At the end of her training, Ms. Licht developed a list of material to be purchased for the LRC. During this quarter, approximately 200 volumes were procured and shipped to AUA. A fourth year law student from the State University was hired to work at the LRC as an administrative assistant on a part time basis.

Judicial and Legal Reform Training- The project director began working on the training programs. The following critical tasks were performed: assessing training needs in commercial law among Armenian judges and lawyers; meetings in Yerevan with Mr. Keith Rosten from the ROLC, selecting Armenian judges and lawyers who will participate in Phase I; etc.

Planning for the Phase I of the program continued through April. Phase I took place in Washington, DC at ILI May 9 - May 30, 1997. Eleven lawyers and nine judges attended the seminars prepared by the International Law Institute (ILI). AUA assisted AED in its logistical work and preparation of Phase I participants.

Planning for Phase II and III training programs were underway. In preparation of the Phase II seminars that will take place in July 1997, AUA met with those who will make a presentation at each of the seminars. AUA also reviewed the Phase II program with ROLC. During this period, ROLC approved an agreement between AUA and the Union of Political Scientists and Lawyers to provide services needed during the Phase III of the program.

C.7 Procurement - Georgia

On-going activity per instructions from the mission.

C.8 Parliamentary Human Rights Foundation (PHRF) - Georgia

ROLC continued to monitor PHRF and the Parliament Internet Connectivity project. PHRF is being dissolved. The primary activity implementor will be joining APCO Associates, Inc. and will continue to work on the subcontract until it finishes in June.

C.9 Expansion of Internet Connectivity Project in Georgia

A RFP was officially posted to expand internet connectivity to the Supreme and Constitutional Courts of Georgia.

C.10 Criminal Justice Sector Reform Conference- Georgia

The Council of Europe sponsored an informal conference on May 25 - 27, 1997 to review Georgian drafts of the Criminal Code and the Criminal Procedures Code. ROLC through the Centre made logistical arrangements and paid for the attendance of one Dutch expert.

D. FIFTEENTH QUARTER TARGETS

ARMENIA

Finalize planning for the Criminal Justice Sector Reform II drafting conferences that will take place June 10 - 20, 1997 in Yerevan.

Finalize Yerevan State University Library Training Activity that will take place in NY July 7 - August 1, 1997.

Commence preparations for the Yerevan State University Professor Law School training in Budapest that will take place July 21 - 30, 1997.

Begin planning workshop on Case Management for Constitutional Court Judges that will take place July 3 - 4, 1997 in Riga, Latvia.

On going procurement for the Constitutional Court, Ministry of Justice and Yerevan State University.

AMERICAN UNIVERSITY OF ARMENIA (AUA)

Continue monitoring AUA grant and assist in program development.

GEORGIA

Continue monitoring PHFR and it's work with the Parliament Internet Connectivity project.

Finalize arrangements for Internet Connectivity for the Supreme and Constitutional Court of Georgia.

Begin planning workshop on Case Management for Constitutional Court Judges that will take place July 3 - 4, 1997 in Riga, Latvia.

Attachment II(a)

TRIP REPORT

Submitted by: Peter Maggs /M
Submitted to: Ard/Checchi
Date: April 29, 1997
Re: Trip Report on Travel to the Hague

From April 19 to 26, 1997, I travelled to the Hague in the Netherlands to participate in a meeting on the revision of a draft of Part 2 of the Civil Code of Armenia.

From Monday, April 21, through Friday, April 25, I met all day every day with the Armenian Code drafting committee. Also present at many of these meetings were representatives of USAID, USAID contractors, and Dutch and German experts.

Details of the program are shown in the attached schedule.

In preparation for the meeting, I prepared an English translation of the Draft of Part 2. This allowed me to become thoroughly familiar with the Code.

The draft continued the policy of Part 1, which abandoned the concepts of "operative management" and "economic management" --forms of state property developed during the Soviet era, which unfortunately still remain as a part of the law of most of the former Soviet republics. During the meeting numerous further improvements were made in the Code. The most important was removal from the draft of elements of state planning found in "Contracts for State Needs" and "Contracts of Procurement." Once Part 2 is adopted, the Armenian government will no longer be able to force private businesses to make contracts--rather it will have to rely on competitive bids and negotiations as in a normal market economy. Significant revisions were also made in the area of Construction Contracts to reflect market economy principles.

Further assistance, in the form of another meeting, and perhaps interim consultation is needed to provide input on the final draft of Part 2. Work is beginning in Armenia on Part 3 of the Code, which will cover intellectual property, inheritance, and private international law (conflict of laws). It will be important to hold a similar meeting on Part 3 of the Code, once a draft is ready. If possible this meeting should also be in the Hague. The Hague is not only an excellent meeting site. It is the seat of the "Hague Conference on Private International Law," the world's leading center for the study and modernization of private international law. The Hague's location would also make simple attendance by representatives of the World Intellectual Property Organization and the World Trade Organization, both of which are based in Switzerland.

Attachment II(b)



CENTRE FOR INTERNATIONAL LEGAL COOPERATION



REPORT

CIVIL CODE OF ARMENIA

Consultation on the Second Part

The Hague, the Netherlands
April 19 - 26, 1997

1. BASIC DATA

Country : Armenia

Executing Agency : Centre for International Legal Cooperation,
The Netherlands

Sector : Justice

Target Group : Legal Drafters

Place : The Hague

Date : April 19, - 26, 1997

2. PROJECT DESCRIPTION

Objective

The general object of the cooperation with the Armenian Civil Code drafting team is the provision of technical assistance in the process of drafting the Civil Code of the Republic of Armenia.

The Armenian team started its work in autumn 1995 by drafting a conceptual paper outlining the structure of the future Armenian Civil Code. This paper and a list of questions were discussed during a first consultation in Leiden in December 1995. After this consultation the team drafted the first part of the code, which contains the following subjects: general provisions, persons, the right of ownership and other rights in rem and the general part of the law of obligations. This part was subsequently discussed with American and Dutch experts in July 1996.

The aim of the meeting in April 1997 was to discuss the second part of the Armenian Civil Code and to receive expert comments on it from a European and American perspective. The second part deals with individual types of obligations, such as sale and purchase, insurance, etc. In preparation of the meeting the team submitted the draft to the ARD/Checchi Rule of Law Consortium and the Centre for International Legal Cooperation in order to be translated for the Western experts.

Participants

The Armenian delegation was headed by Dr. Nazaryan, chief of the legal service of the National Assembly of the Republic of Armenia. The group included civil law experts from the legal service of the National Assembly, the Institute of Law under the Academy of Sciences, the faculty of Law of Yerevan State University and the Constitutional Court of Armenia.

Western experts

The team of Western experts consisted of the following legal scholars and practicing lawyers:

- Professor P.B. Maggs, Corman professor of law at the University of Illinois in Champaign;
- Professor A. Watson, Ernest P. Rogers professor of law at the University of Georgia in Athens;
- Mr. W. Snijders, vice-president of the Dutch Supreme Court;
- Professor F.H.J. Mijnsen, counsellor with the Dutch Supreme Court and honorary professor of law at the University of Amsterdam;
- Dr. J.H.M. van Erp, senior lecturer in civil law at the Catholic University of Brabant in Tilburg;
- Professor K.F. Haak, professor in entrepreneurial law at the Erasmus University in Rotterdam;
- Professor F.J.M. Feldbrugge, director of the Institute of East European Law and Russian Studies of the Leyden University.

As a result of the developing multi-donor approach in legal assistance projects in general and in particular between USAID, the Centre for International Legal Cooperation and Germany's 'Gesellschaft für Technische Zusammenarbeit GmbH' under the Ministry for Economic Cooperation, the consultation was also attended by professor R. Knieper of Bremen University as an additional expert.

The approach of having a group of American, Dutch and German experts in one panel working with the Armenian drafting team proved to be very productive and successful.

Consultation ()*

The session was opened by mr. Jan F. van Olden, director of the Centre for International Legal Cooperation, who welcomed the Armenian delegation and the American, Dutch and German consultants. After this formal opening dr. Nazaryan addressed the audience and expressed his gratitude towards the Dutch experts, who in March 1997 prepared a written expert opinion to Armenia, which supported the process of parliamentary adoption of the first part of the Civil Code. Thanks to this contribution and to the fruitful cooperation between the Armenian team on one hand, and USAID, the ARD/Checchi Rule of Law Consortium and the Centre for International Legal Cooperation on the other hand, this first part of the Armenian Civil Code was adopted in first reading just one month ago.

The consultation on the second part of the Armenian Civil Code followed the grouping of the chapters in the draft. As a result the following topics were discussed:

- rent, lease and rental of housing premises;
- purchase and sale, barter and gift;
- carriage, freight forwarding and storage;
- financial transactions;
- insurance;

- commission, agency;
- obligations as a result of the causing of harm and damage;
- contracts of work and services.

During the discussions the Armenian team proposed to change the structure of the second part of the Civil Code. The structure it proposed is the following:

- obligations from contracts;
- unilateral acts;
- unjustified harm, and
- unjustified enrichment.

The new structure does not contain chapter 52 'Activity in another's interest without authorization' anymore, after it was criticized by Western consultants for being superfluous. A point of general criticism was related to the enormous differentiation with many types of agreements in the draft, again having general provisions for one type of obligation next to the overall general provisions. Therefore the provisions are too detailed and according to the Western consultants this will lead to situations in where it is not clear which provisions have to be applied. Therefore the Western experts advised the drafting team to change the draft in order to make it more structured. The suggestion is to start with the general provisions and after that only present the deviating specifics of each of these types of obligations. In general, the Armenian team agreed with this suggestion, although they also explained the specific situation in Armenia and the other republics of the former Soviet Union, which all do have a very legalistic legal tradition.

At several points, the discussion also focussed on regulations of international law. This was in particular the case during the consultations on transport law and modern financial contracts (e.g the International Convention on Credit).

Additional Activities

In addition to the consultation the following closely related activities were organized.

INTRODUCTION ON THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

On Monday April 21 a working lunch with the first secretary of the Hague Conference on Private International Law, ms. Kessedjian, took place. Ms. Kessedjian introduced the work of the Hague Conference to the team and informed the team about a recent conversation she had with the Armenian Ambassador in Paris. The Hague Conference on Private International Law is an intergovernmental organization the purpose of which is 'to work for the progressive unification of the rules of private international law'. Through the team she also invited Armenia to join the Conference and invited the Armenian President L. Ter-Petrossian to visit the Conference. All members of the team received a Collection of Conventions (1951-1996), an updated list of signatures and ratifications, an information brochure on the Hague Conference and a report entitled 'International Jurisdiction and Foreign Judgments in Civil and Commercial Matters'. This last document, prepared by ms.

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Kessedjian, will be the starting point for the discussion of the Special Commission convened in The Hague 17-27 June 1997.

VISIT TO THE PEACE PALACE

On Wednesday April 23 the Armenian team visited the Peace Palace, the seat of the International Court of Justice. In the Peace Palace the team met with mr. W. Hamel, secretary-general of the Hague Academy for International Law, who gave an introduction on the various activities of the Hague Academy. A special interest for the team was the possibility for Armenian lawyers of receiving fellowships to attend summer courses of the Academy in the Hague.

After the meeting the team was invited for a guided tour through the building.

TACIS TRACECA PROGRAM

On Friday April 25 mr. A. Gleijm (expert in the field of transport law) gave an introduction on the European Union TACIS funded TRACECA program. The general aim of this project is to promote transport facilities in the TRACECA region (Central Asia, Mongolia, Caucasus and Ukraine). The program consists of about 20 projects. One of the projects is designed to strengthen the legal infrastructure of the region in the field of transport law. This aim is to be achieved through several activities: the promotion of regional transit agreements, the introduction of international standards of transport law and the organization of national transport markets through model legislation (model maritime transport code, model railroad code, etc.). A discussion on cooperation with Armenia ensued. The Armenian team received copies of the relevant model codes.

DISCUSSION ON THE CONTINUATION OF THE PROJECT

On Friday April 25 a short meeting took place with mr. Nazaryan, head of the Armenian delegation, to evaluate the consultation and to discuss future activities in the field of drafting the Civil Code and its implementation. The Armenian team expressed its hope that the cooperation with USAID, the Rule of Law Consortium and the Centre for International Legal Cooperation will be continued in the future. To that extent, the team requested one more consultation on the Civil Code in December 1997 to discuss the third part (Inheritance Law, Private International Law and Intellectual Property Law) and have a short discussion with the experts on the revised second part. To ensure an involvement of the Hague Conference on Private International Law during the December consultation, the meeting should preferably take place in The Hague.

3. FINANCIAL REPORT

See Attachment B.

4. ADMINISTRATION AND ORGANIZATIONAL REMARKS

The consultation took place in the historical centre of The Hague in the 'Diligentia' theater and conference complex. During the consultation the Armenian delegation stayed at the 'Park Hotel' in the center of The Hague.

To honor the Armenian team an official dinner with the experts was organized in Restaurant 'Corona' on April 23.

The opportunity was used by the Centre for International Legal Cooperation to discuss contractual and programming issues with the Mission director of USAID for the Caucasus ms. G. Donnelly and her advisor mr. D. Bronheim.



CENTRE FOR INTERNATIONAL LEGAL COOPERATION



CONSULTATION
on the
CIVIL CODE of ARMENIA
second part

КОНСУЛЬТАЦИЯ
над
ГРАЖДАНСКИМ КОДЕКСОМ
РЕСПУБЛИКИ АРМЕНИЯ
вторая часть

April 19 - 26, 1997
The Hague - The Netherlands

19 - 26 Апреля, 1997
Гаага - Нидерланды

Participants - Участники

Republic of Armenia / Республика Армения

- V.R. Nazaryan, Head of the Legal Service of the National Assembly
- В.Р. Назарян, Руководитель Юридической Службы Аппарата Национального Собрания

- V.V. Stepanyan, Deputy Chairman of the Constitutional Court
- В.В. Степанян, Заместитель Председателя Конституционного Суда

- A.Yu Mkrtumyan, Deputy Head of the Legal Service of the National Assembly
- А.Ю. Мкртумян, Заместитель Руководителя Юридической Службы Аппарата Национального Собрания

- T.T. Mukuchyan, Head of the Information Centre of the Legal Service of the National Assembly
- Т.Т. Мукучян, Руководитель Информационного Центра Юридической Службы Аппарата Национального Собрания

- G.S. Arutiunyan, Scientific Secretary of the Institute of Law under the Academy of Sciences
- Г.С. Арутюнян, Научный Секретарь Института Права при Академии Наук

- K.G. Bagdasaryan, Senior Consultant of the Legal Service of the National Assembly
- К.Г. Багдасарян, Старший Консультант Юридической Службы Национального Собрания

- A.V. Bagdasaryan, Member of the National Assembly, Permanent Commission for Legislation, Chairman of the Union of Lawyers
- А.В. Багдасарян, Депутат Национального Собрания, Постоянная Комиссия по Государственно-Правовым Вопросам, Председатель Союза Юристов

- G. Gharakhanian, Professor in Civil Law, Yerevan State University
- Г. Гараханян, Профессор Гражданского Права Ереванского Государственного Университета

The Netherlands / Нидерланды

- W. Snijders, Deputy Chairman of the Supreme Court
- В. Снейдерс, Заместитель Председателя Верховного Суда

- F.H.J. Mijssen, Counsellor with the Supreme Court
- Ф.Х.Й. Мейнсен, Член Верховного Суда

- J.H.M. van Erp, Senior Lecturer in Civil Law, Catholic University of Brabant
- Й.Х.М. ван Ерп, Профессор Гражданского Права Католического Университета Брабанта

- K.F. Naak, Professor in Entrepreneurial Law, Erasmus University Rotterdam
- К.Ф. Хаак, Профессор Предпринимательского Права Университета им. Эрасмуса Роттердама

- F.J.M. Feldbrugge, Director of the Institute of East European Law and Russian Studies, State University of Leyden
- Ф.Й.М. Фельдбрюгге, Директор Института Восточноевропейского Права и Российских Исследований при Государственном Университете Лейдена

United States of America / Соединенные Штаты Америки

- P.B. Maggs, Corman Professor of Law, University of Illinois, Champaign
- П.Б. Мэггс, Corman Профессор Права Университета Иллинойс, Шампейн

- A. Watson, Ernest P. Rogers Professor of Law, University of Georgia
- А. Ватсон, Ernest P. Rogers Профессор Права Университета Штата Georgia

- D. Bronheim, Consultant to USAID, Arlington
- Д. Бронхайм, Консультант УСАИД, Арлингтон

Federal Republic of Germany - Федеральная Республика Германии

- R. Knieper, Professor in Civil and Commercial Law, University of Bremen
- Р. Книпер, Профессор Гражданского и Коммерческого Права Университета Бремена

Observer

A. Tarassova, IRIS
А. Тарасова, ИРИС

Interpreter - Переводчик

- M. Ferschtman, Leiden, The Netherlands
- М. Ферштман, Лейден, Нидерланды

Information - Информация

* **Hotel accommodation - Гостиница**

Parkhotel Den Haag
Molenstraat 53, The Hague
Tel.: 070 - 362 43 71
Fax: 070 - 361 45 25

* **Conference Hall - Место Заседания**

Diligentia
Lange Voorhout 5, The Hague
Tel.: 070 - 365 75 32
Fax: 070 - 361 75 28

* **Organisation - Организация**

Centre for International Legal Cooperation
Leiden, The Netherlands
Tel.: 071 - 5 121 888
Fax: 071 - 5 130 160

mr. J.F. van Olden, director
mr. E.L.J.F.M. Vincken, project coordinator

* **Sponsor - Спонсор**

ARD/Checchi 'Rule of Law' Consortium / USAID



CENTRE FOR INTERNATIONAL LEGAL COOPERATION



**PROGRAMMA
ПРОГРАММА**

Saturday April 19 - Суббота 19 Апреля

- 07.10 : Arrival of the Armenian delegation - Прилет Армянской делегации
Transportation to The Hague - Отправление в Гаагу
Free time - Свободное время

Sunday April 20 - Воскресенье 20 Апреля

- : Free programme in The Hague - Свободная программа в Гааге

Monday April 21 - Понедельник 21 Апреля

- 09.30 : Opening of the session - Открытие сессии
10.00 - 13.00 : Chapter - Глава 34 - 36
Experts - Эксперты: Snijders, Maggs, Watson, Knieper
13.00 - 14.00 : Lunch - Обед
During lunch - При обеде:
Presentation on The Hague Conference for Private International Law by ms. C. Kessedjian, assistant to the Secretary-General
Введение о работе Гаагской Конференции Международного Частного Права, помощником Генерального Секретаря госпожой Е. Кесседжан
14.00 - 17.00 : Chapter - Глава 31 - 33
Experts - Эксперты: van Erp, Maggs, Watson, Knieper.

Tuesday April 22 - Вторник 22 Апреля

- 09.30 - 11.30 : Chapter - Глава 41, 42, & 49
Experts - Эксперты: Naak, Maggs, Watson, Knieper, Feldbrugge
- 11.30 - 13.00 : Chapter - Глава 43 - 48 & 50
- 13.00 - 14.00 : Lunch - Обед
- 14.00 - 17.00 : Continuation on chapter - Продолжение над главами 43 - 48 & 50
Experts - Эксперты: Mijnsen, Maggs, Watson, Knieper, Feldbrugge

Wednesday April 23 - Среда 23 Апреля

- 09.30 - 10.00 : Introduction to the Hague Academy for International Law by
mr. W. Hamel, director
Введение о Гагской Академии Международного Права
директором В. Хамел
- 10.00 - 11.00 : Tour through the Peace Palace - Экскурсия по Дворцу Мира
Place: Peace Palace, Carnegieplein 2, the Hague
Место: Дворец Мира, Carnegieplein 2, The Hague
- 13.00 - 14.00 : Lunch - Обед
- 14.00 - 17.00 : Continuation on chapter - продолжение над главами 34 - 36,
chapter - глава 51 - 62
Experts - Эксперты: Snijders, Maggs, Watson, Knieper,
Feldbrugge
- 19.00 : Official dinner at Restaurant 'Corona', Buitenhof 39-42, The Hague
Официальный Ужин в ресторане 'Corona', Buitenhof 39-42, Гаага

Thursday April 24 - Четверг 24 Апреля

- 09.30 - 13.00 : Remaining issues - остальные предметы
Experts - Эксперты: Maggs, Watson, Knieper
- 13.00 - 14.00 : Lunch - Обед
- 14.00 - 17.00 : Chapter - глава 37- 40
Experts - Эксперты: van Eeg, Maggs, Watson, Knieper,
Feldbrugge

Friday April 25 - Пятница 25 Апреля

- 09.30 - 13.00 : Continuation on chapters - продолжение над главами 51 - 62
13.00 - 14.00 : Lunch - Обед
During lunch - При Обед:
Presentation on the TACIS TRACECA project
by mr. A. Gleijm, consultant to the TRACECA programme
Введение о Проекте ТАЦИСА ТРАСЕКА господином А. Глейм,
консультантом проекта
14.00 - 17.00 : Continuation on chapters - продолжение над главами 51 - 62
~~Experts- Эксперты:~~ Snijders, Maggs, Watson, Feldbrugge

Saturday April 26 - Суббота 26 Апреля

- ??? : Departure of the Armenian delegation to the airport
Отправление Армянской делегации в аэропорт

Attachment II(c)

MEMORANDUM

May 13, 1997

To: ARD/Checchi Rule of Law Project

From: Carl Monk, Dale Whitman

Subject: Attendance of Monk and Whitman at "International Conference: Problems and Perspectives of Legal Education Development in the Republic of Armenia"

We attended this conference, which was held at Yerevan State University in Yerevan, Armenia, on 8-9 May, 1996. The conference was hosted by the law school at Yerevan State University with funding provided through USAID, and a large proportion of the faculty attended. Invitations were sent to several private law schools currently operating in Armenia, but none of their representatives attended. The conference was given high visibility, and was clearly considered a significant event by our Armenian hosts. While the Prime Minister did not attend (although he was on the program), his Deputy did appear to give a welcome. The conference was given extensive coverage on the Yerevan television station's nightly news program.

The central organizing figure was Gagik Ghazinyan, Dean of the law faculty. Ghazinyan is relatively young (perhaps 40) and has been in his position only about a year. He clearly enjoys the confidence of the University Rector (President), Radick M. Martirosian, who attended some of the conference sessions and who appears to be an enthusiastic supporter of modernization of the law faculty. Ghazinyan was appointed with a clear understanding that legal education at Yerevan State needed reform. He is an impressive individual who has approached this challenge vigorously.

Ghazinyan is well-connected with governmental leaders in Armenia. He is a close friend of Gagik V. Jhangirian, First Deputy Minister in the Ministry of Justice. Jhangirian attended the entire conference and had dinner with us each evening. He is strongly committed to assisting the law school in its reform efforts.

The faculty attending the conference (about 75 in number) seemed highly interested and attentive. Attendance fell off only slightly on the second day of the conference, even though it was a holiday (Victory Day) on which no classes were being held. The faculty has many senior people; perhaps half of them are over age 55. It is clear to Ghazinyan and Martirosyan that some of the older faculty have little interest in modernizing the law school, and they are counting on retirements to open up faculty positions which can be taken by younger, more reform-minded individuals. We met several impressive young graduate students who have already been offered faculty positions for the coming academic year. (Since Yerevan State is the only state-supported law school in the country, and the only one with a graduate program, it seems natural to them to hire their own graduates.)

On the first day of the conference, there were the usual welcoming addresses by the

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Deputy Prime Minister, the University Rector, and Gerry Donnelly, head of the USAID mission in Armenia. The Dean then spoke, giving a sort of "state of the law school" talk which described the nature of the faculty and the tasks of reform. The concluding speaker in the morning session was Carl Monk, whose topic was "What is necessary to build a quality law school?" Monk spoke about the way legal education is organized in the United States, the budgets and funding sources of U.S. law schools, the selection of faculty and students, and the necessity for academic freedom.

In the afternoon session, L. Ohanyan, a faculty member at Yerevan State, spoke about the new criminal detection laboratory they have recently installed (with grant assistance from USAID). Dale Whitman was the concluding speaker in the afternoon session, with a talk entitled "Legal Education: An American Perspective." Whitman described the innovative nature of law teaching in the United States, emphasizing clinical and practice simulation courses. He also dealt with the nature of the skills and knowledge new lawyers will need in Armenia, both to serve domestic clients in local and international trade transactions and to represent foreign investors coming into Armenia.

Both Monk's and Whitman's talks appeared to be received with very great interest. There were numerous questions from the faculty and a vigorous discussion. It is clear that a substantial paradigm shift is taking place in Armenian legal education. Traditional Soviet legal education emphasized criminal law very heavily. For graduates, career positions in the procuracy or as judges were highly sought, while working as a private civil practitioner was given very low esteem. In a market economy, that attitude will obviously have to change. The faculty have a major challenge in bringing themselves up to speed in teaching private civil law subjects. Fortunately, several of them have been and continue to be involved in drafting of national legislation on private law matters, so they will at least be up to date on current domestic law. However, they have little experience with European Union law, international trade negotiation and arbitration, and the like. A few of them have visited or attended conferences on these matters in European universities, but they have a long way to go in becoming competent.

On the second day of the conference, two European visitors were featured speakers: Professor F.J.M. Feldbrugge, Director of the Institute of East European Law and Russian Studies at the University of Leyden, Netherlands spoke on "Ways of creating the European model of legal education," and Professor Lauritz Bollinger of the University of Bremen, Germany spoke on "Precursors to a rule of law system," as well as commenting on the strengths and weaknesses of German legal education. Both of the European guests tailored their remarks to their Armenian audience. Their comments were highly consistent with the talks given by Monk and Whitman on the previous day, emphasizing the importance of private civil law training, meeting the needs of the global economy, and becoming acquainted with European Union law. On the whole, the message to the Yerevan State faculty was unmistakable and direct.

At the conclusion of Professor Bollinger's remarks, one of the senior faculty members arose and made a brief extemporaneous speech. He wore a suit decorated with numerous medals, presumably badges of his loyalty and devotion to the previous Soviet regime. In substance, he denounced the views that had been expressed by the foreign visitors. He asserted that existing methods of legal education at Yerevan State University were in perfectly good order, and that no

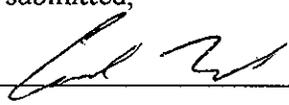
reform was needed. The audience's reaction suggested, however, that few of his colleagues agreed with him.

Professor N. Alvazyan, head of the department of constitutional and international law of the Yerevan State faculty, also spoke on the second day. His theme was the need for the preparation of improved books and teaching materials on Armenian law. He related the fact that, a couple of years ago, the law faculty at Yerevan State was asked to prepare a book which could be used in Armenian high schools to introduce basic legal concepts to students before they arrived at the university level. The book was indeed prepared, and Alvazyan expressed his view that it was a good piece of work. However, he said that so far as he knew, only one high school in Armenia had actually used the book in a class. He investigated in an effort to discover what had happened to the remaining copies of the book. He learned that they had been acquired by one of the private law schools, which was using it to teach courses to law students. He concluded with the thought that there was still a need for the teaching of an introduction to law in the high schools of Armenia.

The final speaker was Michael Goldstein. He briefly described the future plans of USAID in assisting the Yerevan State law faculty. He invited YSU faculty members to develop ties with law teachers in corresponding areas of specialization in the U.S. and Europe, and indicated that USAID would try to facilitate such communications, and might be able to bring foreign experts to Yerevan to work with some of the YSU faculty.

On the whole, Dean Ghazinyan was very pleased with the conference, feeling that it had accomplished its purpose of greatly raising his faculty's awareness of western legal education's methods, tools, and emphases. We would concur in this judgment.

Respectfully submitted,



Carl Monk



Dale Whitman

Attachment II(d)

Training Program for Armenian Judges

May 11 - 30, 1997

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<p><i>May 11</i></p> <p>12:00 - 14:00 Registration, Orientation and "Expectations" Session (ILI Staff)</p> <p>14:00 - 18:00 Guided Sight-seeing Tour of Washington, D.C.</p>	<p><i>May 12</i></p> <p>09:30 - 12:00 Contracts: Introduction, Overview of Contract Principles (Shinn)</p> <p>12:15 - 13:15 Welcome Luncheon</p> <p>13:30 - 16:00 Contract Performance and Breach, Remedies, Choice of Law (Shinn)</p>	<p><i>May 13</i></p> <p>09:30 - 12:00 Presentation by Keith Rosten; One-on-One Discussions with Peter Maggs</p> <p>13:30 - 16:00 Secured Transactions I: Overview (Murphy)</p> <p>16:30 - 17:30 Law Firm Visit -- Steptoe & Johnson</p>	<p><i>May 14</i></p> <p>09:30 - 12:00 Judicial Independence (Futey)</p> <p>13:30 - 16:00 Intellectual Property Rights (Maggs)</p> <p>18:00 Visit to AAA</p>	<p><i>May 15</i></p> <p>09:30 - 16:00 Role Playing Exercise -- Moot Court Trial (Burnham)</p> <p>a. Preparation Phase</p> <p>b. Pre-Trial Phase and Motion Practice</p> <p>c. Trial Phase</p>	<p><i>May 16</i></p> <p>09:30 - 12:00 Moot Court Trial Continued (Burnham)</p> <p>13:30 - 16:00 Writing Judicial Opinions (Burnham)</p>	<p><i>May 17</i></p>
<p><i>May 18</i></p> <p>AUA Reception</p>	<p><i>May 19</i></p> <p>09:30 - 12:00 Bankruptcy: Overview and General Structure of American Bankruptcy Law (Vukowich)</p> <p>13:30 - 16:00 Bankruptcy: Basic Policies (Vukowich)</p>	<p><i>May 20</i></p> <p>09:30 - 16:00 Visit to Fairfax County Circuit Court -- Tour, Presentation on the Organization of the Court, Hearings (Martin)</p> <p>18:00 Reception at the Armenian Embassy</p>	<p><i>May 21</i></p> <p>08:45 Depart for FJC</p> <p>09:30 - 11:00 Government Structure and Court System</p> <p>11:15 - 12:30 Court Administration</p> <p>13:45 - 14:45 Judicial and Court Education</p> <p>15:00 - 16:15 Techniques for Reducing Cost and Delay; Court Technology</p> <p>Law Firm Visit -- Cleary, Gottlieb (16:30 - 17:30)</p>	<p><i>May 22</i></p> <p>09:30 - 12:00 Participant Roundtable: Using Teaching Methodologies</p> <p>13:30 - 16:00 Participant Roundtable -- Continued</p>	<p><i>May 23</i></p> <p>07:30 Depart for Williamsburg</p> <p>10:30 - 17:00 One-day Program at the National Center for State Courts</p>	<p><i>May 24</i></p> <p>18:00 Return to Washington</p>
<p><i>May 25</i></p>	<p><i>May 26</i></p> <p>Trip to Baltimore Inner Harbor</p>	<p><i>May 27</i></p> <p>10:00 - 12:00 Visit to prison in Jessup, Maryland</p> <p>14:30 - 17:00 Meeting with Judge Wenner @ Maryland Court of Special Appeals -- Annapolis; Discussion on State Court System</p>	<p><i>May 28</i></p> <p>07:30 Travel to Richmond, VA, for one-day visit with the Supreme Court of Virginia</p> <p>Discussions on Judicial Education Program; Judicial Ethics; Methods and Mechanisms; Faculty Development; Teaching Methods and Teaching Materials</p>	<p><i>May 29</i></p> <p>09:30 - 12:00 U.S. Bankruptcy Court Visit (Judge Teel)</p> <p>13:30 - 16:00 Legal Process in the U.S.A. Surrounding White Collar Crimes (Asbill)</p> <p>18:30 Farewell Dinner at ANA Hotel</p>	<p><i>May 30</i></p> <p>09:30 - 12:00 Conclusion, Final Evaluation and Discussion of Follow-on Program in Armenia (ILI Staff)</p>	<p><i>May 31</i></p>

Attachment II(e)

American University of Armenia
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Grant Award for Support of Continuing
Legal Education Program & Resource Center in Armenia

Contract No. CCN-0007-C-00-4003-00
Grant Award Date - October 18, 1996
Project Completion Date - September 30, 1998

Quarterly Program Performance Report
No. 3

Period Covered: From April 1, 1997 to June 30, 1997

Date of this report: July 10, 1997

PROGRESS NARRATIVE:

During the second quarter of 1997, AUA began the procurement and shipment of the material for the Legal Resource Center based on the compilation of books and material prepared by the librarian during the first quarter of the year and previously submitted to ARD/Checchi. On the Judicial and Legal Training Programs, Phase I was completed as 20 lawyers and judges went to Washington D.C. in May to attend the seminars and other programs prepared for them by the International Law Institute. The group returned to Armenia at the end of May and preparations have been under way in June for the Phase II of the Training Program to begin in July, 1997.

LEGAL RESOURCE CENTER (LRC):

During this quarter, approximately 200 volumes or 30% of the material that were identified by the librarian during the first quarter of the year, as part of this first purchasing phase, have been procured and shipped to AUA. These material have been catalogued using the Library of Congress subject headings and classification system. While the Legal Resource Center is physically separate from the AUA main library, the cataloguing was done using the same Datatrek (EOS) system so that information about the Legal Resource Center will also be accessible through the University main library network searching system. We have also been in negotiations with Westlaw to finalize an educational subscription agreement.

We have set up a computer Start Page to facilitate the research conducted at the LRC. This includes a set of recommended computer links to other law libraries in the U.S. that monitor the authority of the sources that they post in their respective home page. These libraries include the NYU law library, the Hastings College of the Law Library and the Thurgood Marshall Law Library. The Start Page also includes shortcuts to search various legal sites recommended by the AUA Law faculty and some general purpose internet searching mechanisms.

While the set up of the LRC is in progress, it is already being used by the AUA law faculty, the AUA law students and some of the lawyers and judges who participated in the Legal and Judicial Training Programs. The librarian has also prepared a handout explaining in an introductory manner the use of internet and legal searches that will be given to the participants of the Phase II of the Legal and Judicial Training Program to encourage greater outside use. We anticipate to have a formal opening of the Center and advertise it more actively when most of the material will be in place. This will probably take place sometime in the spring of 1998.

We have also hired a fourth year law student, from the State University to work at the LRC as an administrative assistant on a part time basis. She is assisting the librarian in the overall work of the LRC including the procuring of local legal material, assisting visitors with printed material and the use of the LRC computers, and assisting the Project Director of the Training Program in the various implementation aspects of the program as necessary.

JUDICIAL AND LEGAL TRAINING PROGRAMS

Program Phase I

Continued Phase I Preparation

During this quarter, planning for Phase I of the program continued through April. AUA organized several meetings with participating attorneys and judges to discuss article revisions and Phase II program schedules. AUA assisted AED in its logistical work and preparation of Phase I participants.

Prior to their departure to the U.S., the participants were informed of the details of the Washington DC program prepared by the International Law Institute (ILI), and briefed about the logistical aspects of their U.S. visit by the Yerevan AED office. During this briefing, the U.S. Ambassador Mr. Peter Tomsen, and the Chairman of the Constitutional Court of Armenia, Mr. Gagik Harutunian addressed the participants, highlighting the importance of the program to Armenia and USAID.

Prior to leaving Armenia, the participating judges, and participating lawyers working for the Ministry, were extremely concerned about the lack of support lent to this program by the Minister of Justice. In our previous report, we indicated that AUA

held meetings with the Minister to illustrate the program and its impact on lawyers and judges in Armenia. In response to the Minister's additional queries about this program, addressed to the USAID office in Yerevan, we also submitted written explanations about the selection process of the judges as soon as requested by USAID. Despite all good faith efforts by AUA to explain the program and cooperate with the Ministry, the Minister has not been supportive of this program. He perceived it as an allocation of resources and a program format that were wholly conceived without consulting the Ministry and therefore, the Ministry could not be expected to support it in the implementation stage when in the Ministry's perspective, a different allocation of resources may have been more beneficial for judges in Armenia.

Phase I, Washington DC

Phase I took place at the ILI in Washington, D.C., May 9 through May 30. Eleven lawyers and nine judges took part. [The tenth judge, Vartan Stepanian, withdrew from the program due to his wife falling seriously ill a few days before the scheduled departure to the U.S. We added an eleventh lawyer in his place].

They were the following:

In the Judges Program: (9 total)

Ms. Knarig Bedrosian	<i>Supreme Court, Yerevan</i>
Ms. Alvin Gulumian	<i>Constitutional Court, Yerevan</i>
Mr. Marat Katvalian	<i>Miasnikian District, Chief Judge, Yerevan</i>
Mr. Anatoli Matevosian	<i>Supreme Court, Yerevan</i>
Mr. Gegham Nercessian	<i>Giumri District, Chief Judge, Giumri</i>
Mr. Dickran Sahakian	<i>Spandarian District, Chief Judge, Yerevan</i>
Mr. Dickran Sahakian	<i>Nor Nork District, Judge, Yerevan</i>
Mr. Gagik Sarkisian	<i>Arabkir District, Chief Judge, Yerevan</i>
Mr. Slava Sarkisian	<i>Mashtots District, Chief Judge, Yerevan</i>

In the Lawyers' Program: (11 total)

Mr. Kevork Danielian	<i>Office of the Prosecutor, Economic Division, Yerevan</i>
Mr. Haig Davtian	<i>Central Bank, Legal Department, Yerevan</i>
Ms. Mariam Gaboyan	<i>Ministry of Justice, Head of Notarial Division, Yerevan</i>
Mr. Armen Gabrielian	<i>TACIS Agrobank, Yeghegnatzor</i>
Mr. Misha Gevorkian	<i>Central Bank, Legal Department, Yerevan</i>
Mr. Albert Ghazarian	<i>Armenian Irrigation Administration, Yerevan</i>
Mr. Armen Harutunian	<i>Ministry of Justice, Head of Judicial Division, Yerevan</i>
Mr. Ishkhan Nazarian	<i>Member of the Collegium of Advocates, Yerevan</i>
Mr. Dickran Parsekian	<i>Office of the President of the Republic, Yerevan</i>
Mr. Armen Simonian	<i>Arminpex Bank, Legal Department, Yerevan</i>
Mr. Hovig Torosian	<i>Ministry of Justice, Head of Int'l Relations Division, Yerevan</i>

Both the attorneys' and judges' training programs were conducted concurrently, although each group had a separate program agenda. Program agendas for the judges and attorneys are enclosed.

Some sessions which were relevant to both judges and attorneys had both groups present. In other cases, the attorneys would attend lectures, while the judges went on court visits. The first two weeks of the program consisted mostly of lectures. The third week consisted mostly of court or institutional visits.

ILI Program Feedback

The phase I participants have expressed their comments and suggestions to ARD/Checchi while still in DC. Upon their return, the group also participated in a debriefing session that was organized by AED, also attended by the U.S. Ambassador in Yerevan and Mr. David Bronheim. During this debriefing, Justice Alvina Gulumian from the Constitutional Court, spoke on behalf of the group and many others voiced additional comments about the Washington Program echoing similar concerns. While the group found the program to be generally satisfactory and educational, the following summarize their suggestions for future programs:

1. They found the scope of the coverage of some topics to be cursory. They recommended that the substantive coverage be more in depth to allow for more comprehensive review and more meaningful discussion that could be more applicable to their pertinent everyday issues.
2. They found that the quality of lectures varied significantly. While some were found to be valuable, others were not considered to be as interesting, relevant or as in-depth as they would have wished.
3. While most lectures were not thought to be effectively demonstrative of teaching methodologies, the lecture that was specifically on teaching methodologies was considered to be very valuable.
4. While they found the trips outside the D.C. area to be of interest, they also found that traveling extensive distances took away time that could have been otherwise used for more learning in the substantive areas of the law.
5. A few judges were not pleased with their hotel accommodations. Specifically, some felt uncomfortable having to share their room with one other person, or having to sleep on a pull out sofa bed, and in one particular case, to be three in a room.

Program Phase II

The Minister of Justice

In early June, numerous Armenian judges including those who participated in Phase I, expressed again great concern that without the explicit support of the Minister of Justice, few judges will be inclined to attend the seminars during Phase II of the Program.

AUA immediately wrote a letter to the Minister informing him of the dates of the Phase II seminars, inviting him to give introductory remarks during the opening session, and requesting once again his support to release those judges who wished to participate in the Phase II training. At the same time, AUA informed USAID's Armenia Office and ARD/Checchi of the situation, and requested their attention and assistance in this issue.

In late June, the Minister of Justice responded to the AUA letter and informed AUA that he could not affirmatively support the program, though, he assured us he would not hinder judges who wished to attend. He stated that judges could manage to schedule their court cases around the seminar hours.

Phase II Seminar Preparations

In preparation of the Phase II seminars, AUA has met individually with all those who will make a presentation in each of the judges' and lawyers' seminars. AUA has reviewed with them the timing and the topic of their presentation and coordinated this information with ARD/Checchi in Washington in order to incorporate the participation of the U.S. speakers in a thematic fashion.

To participate in the Phase II seminars, the International Law Institute arranged for four US speakers to come to Armenia:

Mr. Sam Goekjian	<i>Attorney</i>
Mr. Van Krikorian	<i>Attorney</i>
Judge Randall Rader	<i>US Federal Appeals Court</i>
Dr. Allen Shinn	<i>Director of Legal Studies, International Law Institute, Washington D.C.</i>

Some of those who participated in the Phase I program, have enthusiastically supported the Phase II program taking a proprietary interest in its design and development. While almost all participants have agreed to provide written articles on their topics, their articles have not been delivered in time to allow AUA to prepare a seminar booklet prior to the Phase II seminars. This is scheduled to be completed and printed after the Phase II seminars, and will be distributed to the Phase II participants as well as distributed to participants in the Phase III sessions.

In preparing the Phase II seminars for the judges, AUA worked in partnership with the Armenian Judges' Association and its President and Vice President. The Judges'

Association is a non-governmental organization which was formed in the past two months.

In preparing the Phase II seminars for the lawyers, AUA worked in partnership with the Law School of Yerevan State University and its Dean.

Phase II Logistical Arrangements

Over 150 Armenian attorneys were sent personal invitations to the lawyers' seminar. In addition, seminar announcements were printed in two of Armenia's most circulated newspapers for six days.

Similarly, invitations were sent to every judge in Armenia including those in the outlying regions. The invitation letters were jointly signed by the President of the Armenian Judges Association, Justice Alvina Gulumian and the AUA Project Director, Mr. Mhaer Alahydoian. The invitation letters indicated the transportation and hotel allowances provided for the judges, in graduated amounts, depending on the distance of the region from Yerevan. In addition, seminar announcements were printed in two of Armenia's most circulated newspapers for six days.

Also, both programs were announced twice on television during a popular program on law and governance. All other logistical arrangements were completed including the reservation of the facilities, the catering and lunch arrangements, translation and transcription services and videotaping for the length of the conference.

Program Phase III

Agreement for Videotaping and Preparation of Phase III

During this quarter we finalized an agreement with the Union of Political Scientists and Lawyers, an NGO in Yerevan, to provide the following services that will be most needed during the Phase III of the program:

- The Union will videotape all of the Phase II seminars;
- From these tapes and additional material which the Union will put together, the Union will produce with AUA's approval and review, three instructional videotape of 50-65 minutes each focusing on three areas of commercial law: Bankruptcy, Collateral Law and laws impacting business planning in Armenia. The tapes will include substantive exposition of the relevant law, video clips from the conference, interviews of parties having experienced the implementation of a particular applicable aspect of the law thus giving a factual background to a legal situation, interviews with lawyers or judges providing a commentary on the law and tying it to the factual situation and a narrative portion to tie the different parts together. These tapes will be used as instructional tools (in conjunction with one or two lecturers) when AUA will take the seminars to the regions outside Yerevan in the Fall of 1997.

- The Union will work with AUA to produce a Question and Answer booklet on pertinent issues of Armenian Commercial Law. These will be published in 1,000 copies which will be distributed to judges, lawyers, ministries, other administrative or state agencies and non-governmental organizations.

Both ARD/Checchi and the USAID office in Yerevan were informed of this contract during its negotiation stage and have approved it.

CONCLUSION

During this second quarter of 1997, work has progressed on the LRC and we have begun the procurement and cataloguing of library material previously identified. We have also set up some of the basic research and administrative structures to facilitate the use of the Resource Center. With the beginning of our LL.M. program at AUA and the Legal and Judicial Training Program, the LL.M. students and training program participants have already begun using the Center.

On the training programs, the preparatory work including program scheduling, logistics and publicity have progressed normally, preceding the seminars scheduled in July. The Minister of Justice has not been actively supportive or necessarily cooperative of the judicial and legal training programs. Consequently, the turnout on the judicial training program during Phase II will depend on the mobilization capacity of the Judges' Association who have agreed to be our partners in this project and the voluntary participation of the judges. While the Phase II of the lawyers' training program will be much less impacted with the Minister's lack of support, it will minimize the large number of lawyers working in the Ministry of Justice who would have otherwise participated. We believe however that despite the Minister's lack of support, the phase II programs have gathered sufficient interest and momentum to attract a significant and meaningful core group of participants.

AMOUNT REQUESTED WITH THIS REPORT:

We have submitted a request for \$123,387 on July 3, 1997. We kindly request that this payment be made as soon as possible as many expenses related to the Phase II seminars will be accelerated in the month of July.

Enclosures:

1. The Training Program for Armenian Lawyers in Washington DC May 11-30, 1997.
2. The Training Program for Armenian Judges in Washington DC May 11-30, 1997.

Attachment II(f)

DATE: March 21, 1997

TO: Suzy Antounian

FROM: Pamela Licht

SUBJECT: Report of orientation and training trip to law
libraries in U.S., Feb. 14, 1997 - March 13, 1997

Introduction.

The initial purpose of the trip was to familiarize me with legal research materials and the administration of law libraries. Two half-days were spent at the Jacob Burns library at George Washington University in Washington, DC, and 18 full days and two half-days (Saturdays) were spent on the job in San Francisco.

Ms. Jenni Parrish, Director of the Hastings Law Library in San Francisco arranged a flexible schedule which included meetings with her staff in the functional areas: technical services (acquisitions, cataloging) and public services (reference, computer services); attendance at the legal research class conducted by library staff members for law students; and visits to law libraries in the San Francisco area. She provided me with an office, invited me to attend all library scheduled meetings (collection development, reference, public serves, etc.), and asked me to introduce myself and our library to the general staff meeting thereby encouraging staff to share items of interest with me.

In general Ms. Parrish invited me to ask questions and follow the paths I determined would best help me in the establishment of the AUA Legal Resource Center. Her assistance has been invaluable.

The trip has successfully allowed me to be much better prepared for administering the LRC.

Production of selection list.

As it became apparent that the most important task to accomplish was the production of the list of materials to be initially procured for the LRC, Ms. Parrish asked the Hastings international law librarian to arrange additional meetings with librarians at Boalt Hall library and also a meeting with a Hastings faculty member. I developed the list of materials from the suggestions of several librarians, faculty members (including Helen Hartnell who will be teaching at AUA), published sources and bibliographies. In developing the list I used many of the materials and catalogues available at the Hastings library as well as their own acquisitions database, catalog (selective print-outs were produced for me from the catalog), and course reserve lists. I spoke with most of the librarians that I visited about their reliance on different types of materials and their use of electronic (CD-ROM and Internet) materials.

My initial meeting with Dean Buxbaum set the stage for the kind of library to be established. The collection would emphasize secondary sources related to the curriculum emphasizing commercial law, with standard reference works, treatises, hornbooks. Much of the voluminous print materials found in American law libraries such as federal and state statutes, federal and state case reports, national and state legal encyclopedias would not be included both because of the curriculum and because much of this material is available online through the Internet and WESTLAW (which the LRC can subscribe to at a flat rate). He provided me with an interesting and useful paper, "Building an electronic law library in a foreign country - the Internet solution," by Mirela Roznovschi, NYU School of Law Library.

Due to the lead time for acquisition and delivery of materials to AUA, the first list of materials is divided into several parts with the materials needed for the beginning of classes listed separately (section I-A). The remainder of the material should be acquired as soon as possible so that the basic collection can be made ready for use by the fall of 1997, when I anticipate the library can be officially opened. In the next few months the electronic aspect of the library can be further developed. I plan to investigate a range of suggested web sites and develop a local "home page" file which will be available on the PCs in the LRC. At the LRC, we should also visit these online sites on a continuing basis for current awareness as well as investigate new sites as they become known.

Unfortunately no CD-ROMs were identified to be placed in the first order of materials. This medium was in use in the law libraries visited primarily for United States materials, or as indexes to existing microforms or periodical collections. Some of the problems are the yearly subscription costs (with requirements to return the CDs quarterly or at the end of the year or with built-in expiration dates), effectiveness of search engines, and suitability for the LRC. The libraries visited had difficulty with the platform for the various CDs in use, i.e. DOS or Windows compatibility.

I intend to further investigate the use of CD-ROMs for the LRC. The AUA is fortunate in that it has already accomplished initial connectivity to email and the Internet. Law libraries already established in the U.S. have had to convert from existing systems with much difficulty and expense, including training of personnel. On my visits I observed various stages of provision of computer services to patrons, both in the library and at the office desktop. The provision of computer services to library researchers requires support by library staff in order to make effective and efficient use of Internet resources.

Therefore, a seemingly large amount of print materials are requested in order to have at hand materials to be accessed immediately. Some materials duplicate material available online, but when such material is available inexpensively directly from government publication offices or international organizations it is worthwhile to have it at hand. Other material which is voluminous and requires supplementation to update it (order and delivery of supplements, pocket parts, etc. and clerical re-filing) has been requested sparingly.

The subscription to WESTLAW will help fill in gaps between the Internet and the print materials. It is possible that full-text of many periodical articles requested can be filled from this source.

Coordination of establishment of the LRC.

During my time in San Francisco I met more than once with Suzy Antounian and other staff in the Oakland office of AUA to arrange details of the establishment of the LRC. Examples of items arranged were: shipment of donations from Hastings, procurement of stamps and barcodes for books, exchange of acquisitions information such as suppliers and publishers, contract details for WESTLAW, access to email while in SFO, etc. It was invaluable for me to meet the staff there, so that future communication with the Oakland office will be effective.

I met with Dean Buxbaum three times for assistance and approval of the selection list and other practical matters. In particular, we discussed the need for an assistant in the LRC, especially for the provision of routine library services (hours of the library) in the immediate future.

A plan for collection development and budgeting for the future needs of the LRC needs to be developed as well as the details of access and daily functioning of the LRC.

Schedule and site visits on the trip.

February 14, 16, 1997

Jacob Burns Library (Washington, DC)
Scott Pagel, Director

For the Maryland part of my trip I asked for some reading suggestions from Faye Jones, Associate Director at Hastings. She provided me with some references as well as a suggestion to view the Berring video tapes. At Jacob Burns, I met with Scott Pagel who showed me their new CD-ROM services for patrons as well as allowed me to use the collection and the videos.

February 18 - March 13, 1997

AUA Oakland Office (3 meetings with AUAC staff)

University of California, Hastings College of the Law
Jenni Parrish, Director
Faye Jones, Associate Director
Linda Weir, Head of Public Services
Mary Glennon, Head of Technical Services
John Zianik, Acquisitions Supervisor
Grace Takatani, Catalog Librarian
Veronica Maclay, Special Collections Librarian
Dan Taysom, Computer Services Librarian
William Dodge, Assistant Professor of Law

All staff were extremely accommodating and generous with their time in giving me as many tools and ideas as possible.

University of California, Berkeley
Dean Richard Buxbaum (3 meetings)

University of California, Boalt Hall School of Law
Debby Kearney, Reference Librarian
Tom Reynolds, Associate Librarian
Wiltrud Harms, Specialist for U.N. and Human Rights Law

Bronson, Bronson and McKinnon
Joan Loftus, Head Librarian

U.S. District Court, Northern California
Lynn E. Lundstrom, Librarian

University of San Francisco, School of Law Library
Virginia Kelsh, Director
Lee Ryan, Senior Reference Librarian

U.S. Court of Appeals for the 9th Circuit
Elisabeth S. Knauff, Circuit Librarian
Cheryl Blare, Librarian

Golden Gate University Law Library
Brent Bernau, Director

Follow-up: WESTLAW Training

Once the decision to obtain WESTLAW is approved, the AUA Oakland office can arrange the shipment of supporting materials to Yerevan and can provide us with contacts at WESTLAW. Since I anticipate training will be provided, I suggest that I arrange for one or two days of orientation on my personal trip to the Washington area planned for late April or May. WESTLAW has training centers at all the law schools, so that should not be difficult to arrange.

* Pamela Licht e-mail: pam@licht.arminco.com
* Yerevan, Armenia home tel: 011-3742-27-58-10
* U.S.A. Mail Address: American Embassy - Yerevan
* Washington, DC 20521-7020

III. OTHER ACTIVITIES

NEWSLETTER

A. OBJECTIVE

To produce a periodical on legal reform issues reflecting the challenges faced not only by the legal practitioners and proponents of law reform in the NIS, but also the complexities faced by donors attempting to cooperate with the individuals and institutions engaged in the transition of the Newly Independent States to market-based societies grounded in the Rule of Law. The ROL Newsletter provides a focal point for wide ranging discussion on the direction, implications, and consequences of law reform and political/institutional development in the Newly Independent States.

B. FOURTEENTH QUARTER TARGETS

Collect all articles from contributors for the Spring 1997 issue of the newsletter and translate when applicable.

C. ACHIEVEMENTS AND OUTPUTS

Collected all articles from contributors for the Spring 1997 issue of the newsletter and translated articles when necessary.

D. FIFTEENTH QUARTER TARGETS

Finalize Spring 1997 issue of the newsletter and prepare for mailing.

FREEDOM HOUSE

A. OBJECTIVE

To promote and strengthen the relationship between an independent judiciary and free press in the NIS.

B. FOURTEENTH QUARTER TARGETS

On-going monitoring of the project.

C. ACHIEVEMENTS AND OUTPUTS

Freedom House worked on the text and lesson plan per their contractual agreement.

D. FIFTEENTH QUARTER TARGETS

On-going monitoring of the project.

ARD/CHECCHI JOINT VENTURE
SUMMARY FINANCIAL ANALYSIS

REPORT DATE: 7/15/97
QUARTER ENDING: 5/31/97

CLIENT: USAID
PRIME CONTRACT ID: CCN-0007-C-00-4003-00
CONTRACT NAME: NIS RULE OF LAW - REGIONAL
PERIOD OF PERFORMANCE: 11/30/93 to 11/30/98

EST. TOTAL VALUE(BASE): \$12,680,087
EST. TOTAL VALUE(WITH OPTIONS): \$12,680,087
FUNDED VALUE: \$9,725,000

	PROJECTED EXPENDITURES QTR ENDED 31-May-97	INCURRED QTR ENDED 31-May-97	VARIANCES QTR ENDED 31-May-97	PROJECTED EXPENDITURES QTR ENDED 31-Aug-97	ITEMIZED BUDGET	TOTAL CONTRACT INCURRED TO DATE	REMAINING BALANCE
SALARIES	\$140,000.00	\$125,656.93	\$14,343.07	\$120,000.00	\$2,618,031.00	\$1,642,596.56	\$975,434.44
SUBCONTRACTS	\$150,000.00	\$188,158.79	(\$38,158.79)	\$150,000.00	\$1,832,500.00	\$1,794,818.40	\$37,681.60
TRAVEL & TRANSP	\$100,000.00	\$106,875.19	(\$6,875.19)	\$100,000.00	\$1,487,409.00	\$514,432.02	\$972,976.98
EQUIPMENT	\$10,000.00	\$10,795.15	(\$795.15)	\$10,000.00	\$76,000.00	\$90,342.92	(\$14,342.92)
ALLOWANCES	\$10,000.00	\$8,001.07	\$1,998.93	\$10,000.00	\$0.00	\$37,991.07	(\$37,991.07)
TRAINING	\$50,000.00	\$14,105.00	\$35,895.00	\$50,000.00	\$850,000.00	\$318,747.21	\$531,252.79
GRANTS PROGRAM	\$250,000.00	\$175,945.50	\$74,054.50	\$200,000.00	\$1,800,000.00	\$1,990,210.82	(\$190,210.82)
OTHER DIRECT COSTS	\$175,000.00	\$164,913.64	\$10,086.36	\$175,000.00	\$1,002,005.00	\$1,238,025.66	(\$236,020.66)
TOTAL OTHER DIR. COST	\$745,000.00	\$668,794.34	\$76,205.66	\$695,000.00	\$7,047,914.00	\$5,984,568.10	\$1,063,345.90
FRINGE BENEFITS	\$12,000.00	\$11,207.05	\$792.95	\$12,000.00	\$203,503.00	\$129,779.93	\$73,723.07
OVERHEAD	\$95,000.00	\$89,559.06	\$5,440.94	\$95,000.00	\$1,513,685.00	\$1,128,294.19	\$385,390.81
MAT HANDLING	\$5,000.00	\$4,953.28	\$46.72	\$5,000.00	\$80,739.00	\$121,592.19	(\$40,853.19)
GENERAL & ADMIN	\$40,000.00	\$27,843.13	\$12,156.87	\$35,000.00	\$487,367.00	\$244,904.73	\$242,462.27
TOTAL INDIRECT EXP.	\$152,000.00	\$133,562.52	\$18,437.48	\$147,000.00	\$2,285,294.00	\$1,624,571.04	\$660,722.96
TOTAL CONTRACT COSTS	\$1,037,000.00	\$928,013.79	\$108,986.21	\$962,000.00	\$11,951,239.00	\$9,251,735.70	\$2,699,503.30
FIXED FEE	\$64,000.00	\$57,387.46	\$6,612.54	\$60,000.00	\$728,848.00	\$580,008.76	\$148,839.24
TOTAL	\$1,101,000.00	\$985,401.25	\$115,598.75	\$1,022,000.00	\$12,680,087.00	\$9,831,744.46	\$2,848,342.54

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