During the Vancouver Summit in April 1993, President Clinton expressed his support and commitment to provide assistance for Democracy-building initiatives in the former Soviet Union. One of the main pillars of his initiative is to promote the "rule of law" by developing and strengthening the laws, legal infrastructure and civic institutions that support democracy and a free market economy. "Rule of law" in its broadest sense means that all components of society, the government and the governed, operate under the same legal constraints and with the same legal rights. The legal system must not only exist on paper, but in practice. Therefore, written laws must be implemented, enforced, understood, accepted and used. To assist in this process, a broad spectrum of Americans and American institutions have been working with their Russian counterparts to expand the momentum for democratization in Russia and the New Independent States (NIS).

The FREEDOM Support Act "provides that the Coordinator of United States Assistance to the NIS shall be responsible for designing an overall assistance and economic strategy for the independent states of the former Soviet Union". Using FREEDOM Support Act funds allocated by the United States Congress, the U.S. government has earmarked over $250 million in assistance to promote the growth of democracy and plans to continue and expand this support.

The goals of the rule of law programs are to support the realization of the following conditions in the NIS:

- all elements of society operate under the same set of legal rights and constraints;
- governments, laws and regulations are transparent, predictable, responsive and accountable;
- a clear understanding by individuals of their rights and responsibilities; and
- public participation in the process of formulating, implementing and utilizing laws freely and without fear.

With guidance and oversight from the Coordinator's office, a number of non-governmental organizations, as well as government agencies, administer programs. These programs are designed to promote the development of independent and efficient judicial and legal institutions capable of supporting a society based on free-market and democratic principles.

The United States Agency for International Development (USAID)

USAID currently funds a number of private consulting firms and nonprofit institutions to administer rule of law activities in Russia. The funding level is estimated at $80 million over a five year period. These firms and institutions include the American Bar Association Central and Eastern European Law Initiative (ABA/CEELI), the Rule of Law Consortium (ARD Checchi), the Institutional Reform and the Informal Sector (IRIS) at the University of Maryland, Booz-Allen/Steptoe and Johnson, and the Harvard Institute for International Development.

ABA/CEELI is a public service project that provides pro bono technical assistance to emerging new democracies. In Russia, CEELI assists in building the framework for broad based reform of the law and the legal profession by making available U.S. legal expertise and assistance. Their technical assistance program focuses on trial by jury, bankruptcy reform and training for lawyers, legal educators and judges.

The Rule of Law Consortium concentrates on technical assistance and training to promote the development of an independent judiciary, strengthen core legal institutions and university law faculties, as well as the legal profession.
Rule of Law Programs

IRIS provides assistance on commercial law and has been cooperating with the Russian government on the drafting of a commercial code and creating a central registry of legislation.

The United States Information Agency (USIA)

USIA conducts academic, professional and parliamentary exchange programs, grants programs and university partnerships concerning the administration of justice, institution building, judicial training, constitutional law issues and commercial law issues.

The United States Department of Justice (DOJ)

The Department of Justice provides assistance to combat the activities of organized crime and narcotics-trafficking through training, investigative cooperation and technical assistance activities. DOJ also helps reform the criminal justice system by providing training to prosecutors in Russia.

The United States Department of Treasury (DOT)

The Department of Treasury provides training and technical assistance to combat financial crimes, organized crime, narcotics-trafficking and to assist in institution building.

There are a number of important components of the rule of law program which the above agencies administer under the FREEDOM Support Act. They include the Jury-Trial Project in Russia, Judicial Reform, Commercial Law Programs, Law School Programs, Legislative Drafting, Human Rights, Parliamentary Development, Exchange Programs, Reform of the Criminal Justice System and Law Enforcement Activities.

Jury-Trial Programs

Jury-Trial Programs support the Yeltsin Administration's project to re-introduce adversarial jury trials for serious criminal cases, as well as reforming the criminal justice system overall. Juries first appeared in Russia in 1864 and flourished for over 50 years. In 1917, soon after the Bolsheviks seized power, jury trials were banned. Russia's move to bring back trial-by-jury began in 1991 under the leadership of President Yeltsin, and the Russia's first jury trial in over 75 years occurred in 1993.

Federal Jury Trial Seminars

USAID, USIA and the U.S. State Department's bureau of Human Rights and Humanitarian Affairs (now the bureau of Democracy, Human Rights and Labor), along with the Federal Judicial Center (FJC) conduct an ongoing series of jury trial seminars for Russian judges, prosecutors, and lawyers. Approximately 25 Russians participate in each seminar, with emphasis on bringing jurists from the nine regions currently implementing the trials. FJC manages the Washington, D.C. portion of the program, with USIA organizing the follow-on programs in other cities outside the nation's capitol. The seminars began in 1993 and a special seminar for governors was held in January 1994. In 1995, USAID will be funding seminars for court administrators and other participants, such as judges and defense attorneys.

National Judicial College Jury Trial Program in Russia and the United States

A USIA grant enabled the National Judicial College (NJC), which is part of the University of Nevada, to bring two groups of 20 Russian trainers and judges to the United States in early 1993. NJC then sent a delegation to the Russian Legal Academy to hold seminars for judges and faculty later that year. NJC will be continuing this work through the Rule of Law Consortium in the commercial law and jury trial fields.

Judicial Workshops in Russia

Sponsored by ABA-CEELI, regional seminars in Russia are being organized by judges in regions re-introducing jury trials. The first seminar will take place in Krasnodar Kray this fall, with two more scheduled in 1995.

Jury Trial Video Project

The Rule of Law Consortium has signed an agreement with the Academy for Educational Development (AED) to produce a series of movies in collaboration with Russia's main legal administration for training prospective jurors and judges and for educating the public. These videos will be completed and in use by the winter of 1994.
Rule of Law Programs

Judicial Education Program, Russian Legal Academy

In conjunction with the Russian Legal Academy, the bureau of Human Rights and Humanitarian Affairs conducted three six-week continuing education seminars for judges throughout the Russian Federation. The U.S. delegation comprised a mix of judges, prosecutors, and public defenders. At the Academy, mock jury trials were staged and small seminars were held on topics of interest.

Trial Advocacy Training Program

ABA/CEELI is currently planning to establish a Russian analogue to the U.S. National Institute of Trial Advocacy (NITA) in Boulder, Colorado which serves to hone defense attorneys’ skills in trial technique. Under this program, Russian lawyers will be invited to the United States to be trained as trainers for setting up trial advocacy programs in Russia, and trainers from NITA will go to Russia to participate in the establishment of this important institution.

Court Equipment Support

ABA/CEELI has been providing electronic equipment and software to courthouses in the nine regions currently conducting jury trials. The equipment includes computers and software crucial to random jury selection, amplification and recording equipment for use in the court room, as well as copying and facsimile machines.

Jury Trial Benchbook

ABA/CEELI has produced a step-by-step instruction manual for Russian judges holding jury trials. Russian counterparts have participated in the process and are now using this benchbook in practice and as a training tool.

Russian Legal Academy Project

The Academy is the Ministry of Justice’s continuing judicial education facility. The Consortium is working with President Yeltsin’s office to construct a new model court room with jury box, create new educational aids and pair the Academy with the NJC. Additionally, the Rule of Law Consortium will be providing technical assistance in the development of regional training centers, and operational funding to the Academy to increase the numbers of judges trained each year.

Jury Trial Training Materials

The bureau of Democracy, Human Rights and Labor (DRL) is providing funding to assist Russia’s main legal administration in printing a limited number of handbooks and pamphlets on how juries work. The program will target prospective jurors and school children.

Judicial Reform Activities

Judicial reform activities provide technical and material assistance to both the High Commercial Courts and the Supreme Courts. The program is designed to strengthen judicial training programs and enhance their effectiveness with improved teaching aids and facilities to ensure a reasonable portion of the judiciary is trained each year.

Commercial Law Reform

One of the most important legal reforms taking place in Russia today is the development of a new Civil Code. The new Code will be the fundamental legislation governing all market relations in Russia, in effect, its economic constitution. This new Code combines both civil and commercial law elements. Commercial law programs are designed to foster the transition to a market-based economy and support the privatization process through legal drafting and judicial training.

Court of Arbitration

The Rule of Law Consortium is working with the NJC to assist the Arbitration courts in the re-training of its judges by improving the training curriculum and developing a training center. Through this assistance, the Russian courts will be able to double the numbers of judges trained to 800 annually.

Commercial Code Drafting (Russian Research Center)

The Institutional Reform in the Informal Sector (IRIS) has been providing economic analytical assistance to President Yeltsin’s Civil Code drafting group. The Code, which combines both civil and commercial law elements, is being submitted to the parliament in two parts. The Duma approved Part I, which consists of the first 29 chapters of the Code. IRIS, among other things, has brought individuals from the drafting group to the United States for consultations.
Rule of Law Programs

with legal experts and U.S. government agencies and has an office in Moscow.

Privatization-Bankruptcy Law Drafting

Harvard Institute for International Development (HIID) received a two-year cooperative agreement to assist the Russians on Privatization Law and Bankruptcy.

The accounting firm Price Waterhouse and HIID provide assistance to the Russian Coordinating Committee (comprising members of President Yeltsin’s legal administration office and the State Duma) on commercial code drafting, analysis and training. USAID will fund a “core group” of 40 Russian lawyers assisted by long term and short term western legal experts. Specific areas to be covered will include civil code and commercial law, corporate law, securities law, banking law, laws concerning real property, secured transactions, administrative law, intellectual property and law on taxation.

Antimonopoly Law Drafting

Booz-Allen/Steptoe & Johnson, in conjunction with the State Committee for Antimonopoly Policy and the Support of New Economic Structures and the Russian Privatization Center, is providing assistance on antimonopoly law.

Law School Programs

In an environment that once censored law books, where anyone who deviated from the party line was fired or expelled, Russia’s legal education system has now been transformed. Now, with the movement towards a democratic society and market economy, the need to train the next generation of lawyers is imperative. The law school program assists prominent Russian law schools in curriculum development, textbook revision and training by providing legal information on Russian, U.S. and comparative law.

Law School Curriculum/Publishing/Database

The Rule of Law Consortium is working with law schools in Yekaterinburg and St. Petersburg to improve computerized desk-top publishing capabilities for faculty. Key elements of the program are creation of an electronic database and linkage of the universities to the database. This program will expand to several regions and include more information on commercial law and jury trials.

Sister Law School Project

Under a USAID grant, ABA/CEELI links Russian and U.S. law schools. The program provides Russian law faculty an opportunity to observe the United States legal education system through visits and the establishment of close ties with the sister school. Four Russian law professors and eleven others from the NIS will participate in a three month program this fall in the United States. The program intends to develop curricula, including course outlines, syllabi, and glossaries and will be distributed to law schools later this year.

University Partnerships

USIA has awarded two grants for linkages to develop partnerships between American universities and their NIS counterparts. The universities are Cleveland State with Case Western Reserve paired with Volgograd State in the area of law and California State University paired with Far Eastern State in the area of government.

Legislative Drafting

The following programs assist in the drafting of laws and regulations needed for implementation of the civil and economic changes called for in Russia’s new Constitution.

United States Environmental Protection Agency (EPA), Legal Drafting

EPA provides assistance on the implementation of environmental laws at the federal/regional level.

Health Sector Legal Drafting

The International Business and Technical Consulting (IBCTT) is providing assistance to the Ministry of Health on privatization of the health sector. The program targets hospitals, university health care facilities, polyclinics (out-patient care centers), pharmacies, medical manufacturers, pharmaceutical and medical producers, wholesalers, distributors and warehouses.
Rule of Law Programs

Analysis and Commentary

ABA/CEELI regularly provides analysis and commentary on draft laws for Russia and the other NIS. Under this program, the American Bar Association receives translations of the draft laws and distributes the material to its pro bono consultants around the country. The consultants will individually review the legislation; the critiques are then assembled and sent back to the drafters. Commentary has been provided for the recent Russian Civil Code drafters.

Human Rights

Human Rights Programs aim to support the activity of non-governmental organizations engaged in law reform projects to aid human rights. The purpose is to speed the formulation and adoption of human rights-oriented legislation on civil law, criminal procedure law, administrative procedure, freedom of religion, freedom of movement and freedom of press in Russia.

Legal Clinics

The Rule of Law Consortium subcontractor, the Free Trade Union Institute (FTUI) of the AFL-CIO, is setting up public interest law centers in Yekaterinburg and Moscow. The centers will provide advice and assistance to workers in the protection of employment rights, especially those for work-related benefits. Topics will include legal representation, assistance in processing benefit claims, referrals to other lawyers, monitoring of labor legislation, legal education and publication of court decisions.

Grants Program

This program provides financial support for projects designed to create stable legal and political environments for facilitating the transition, through the rule of law, to a democratic market-based society. USIA and USAID provide small grants to U.S. and Russian non-government organizations and private voluntary organizations for special focus projects in democratic institution building and federalism.

Sakharov Center and Museum

The Rule of Law Consortium, in conjunction with Freedom House, will support a research library for policymakers and conduct workshops on topics of interest for legislatures. With the expansion of the Sakharov Center Museum in Moscow, the Center will conduct human rights seminars, establish a database, create museum exhibits and publish a journal.

Parliamentary Development

With funding from USAID, the Congressional Research Service (CRS) of the United States Library of Congress provides technical assistance and training for research and reference materials to the governments of Russia and Ukraine. The program is based on the premise that one important key to a functioning pluralistic democracy is an effective, genuinely independent, and informed legislature. CRS also has provided automation and networking equipment, library materials and information sources for the parliamentary library, such as books, subscription to foreign and domestic journals and CD-ROM databases.

USIA brings parliamentary members and their staffs to the United States for substantive programs of two to four weeks to meet with counterparts and study U.S. legislation, policy and procedure.

Exchange Programs for law students, university faculty and professionals

USIA conducts academic exchange programs in law and criminal justice reform for undergraduate, graduate, faculty and professionals in the fields of administration of justice, law and government. USAID also conducts exchanges for professionals focusing on judicial training, legal training and law.

Reform of the Criminal Justice System

The FREEDOM Support-funded rule-of-law initiative includes more activities to support enabling legislation and the reform of the criminal justice system to help fight the rise of crime. Under contracts with USAID, the American Bar Association, and the State Department's Bureau of Democracy, Human Rights and Labor will assist in the reform of the criminal justice system and the re-introduction of jury trials. In addition, the Department of Justice's Criminal Division will provide training to prosecutors. Specific programs include:

- expansion of the program under the Russian jury trial initiative to incorporate the training of prosecutors administered by the Department of Justice's Criminal Division and ABA/CEELI.
Rule of Law Programs

the Rule of Law consortia plans to provide technical assistance to the procuracy in Russia:

USIA will expand their exchanges programs in the United States to support the development of legal infrastructure and the administration of justice. The program focuses on:

visitor programs for judges, investigators, prosecutors, parliamentarians and selected staff members;
local and regional government anti-corruption programs;
training of investigative journalists, emphasizing criminal investigative reporting; and
the bureau of Democracy, Human Rights and Labor propose integrative seminars for judges, prosecutors and investigators.

Law Enforcement Activities

Law enforcement activities provide training and technical assistance to combat organized crime, financial crimes and the interdiction of narcotics. United States law enforcement agencies that will participate in the Russia program include the Department of Justice’s Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), and the Department of Treasury’s Office of Financial Criminal Enforcement (FINCEN), Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms. U.S. Customs Service, U.S. Secret Service, and the Federal Law Enforcement Training Center and the Department of States’ International Narcotics Bureau. Specific programs are:

Combating Organized Crime

Department of Justice agencies, with the assistance of Department of Treasury personnel, will assist Russian law enforcement agencies to combat activities of international organized criminal groups by providing the tools and skills to executives, managers and supervisors so they can discharge their responsibilities; specialized information concerning the skills and knowledge used by the FBI and other U.S. law enforcement agencies to combat organized crime, including its involvement in narcotics trafficking and financial crimes; and investigative and forensics training for trainers and specialists.

Fight Against Financial Crimes

Department of Treasury agencies, with the assistance of Department of Justice officials, plan to provide mutual assistance to federal agencies in Russia through the development of a regional training program featuring financial investigative techniques, industry oversight measures and criminal analysis methods. The program will provide expert guidance to:

prevent, detect, analyze and investigate civil and criminal abuse within the financial and commercial sectors;

- enhance Customs and inland revenue administration, compliance and recordkeeping laws and regulations;

- develop executives, investigators and trainers; and

- provide liaison and technical assistance programs relating to the investigation of financial crimes internationally.

Interdiction of Narcotics

The Drug Enforcement Administration and U.S. Customs Service will provide training to law enforcement, judicial and legislative officials to develop the capabilities of drug control agencies in Russia. The program concentrates on providing:

- law enforcement training for agencies responsible for controlling narcotics trafficking and production in Russia, as well as anti-corruption and internal controls training. The training includes seminars in Russia and on-site visits for officials in the United States; and

- demand reduction training at a facility in the Federal Republic of Germany, to be provided jointly with the EU and the German government, for Russian government officials responsible for drug treatment and prevention programs.