
International
Legal Resource
Center

—
2002
Annual
Report
—



American Bar Association
United Nations Development Programme

Table of Contents

Introduction	2
A Message from ILRC Chairman Mr. Timothy L. Dickinson	3
A Message from UNDP Administrator Mr. Mark Malloch Brown	4
A Message from SILP Chair Mr. Don S. DeAmicis	5
Focus Areas	6
Core Services	7
2002 Project Activities Overview	8
How ILRC Works	12
Utilization of ILRC in 2002	12
Project Highlights	13
Views from the Field	15
Voices of ILRC Volunteers	19
ILRC Expert Database	23
Financial Summary	23
ILRC Staff Reflections	24

*A Partnership
Project of the*

**American
Bar
Association**

and the

**United
Nations
Development
Programme**

brief

i n t r o d u c t i o n

The International Legal Resource Center ("ILRC" or "Center") was established in December 1999, based upon the common commitment of the American Bar Association ("ABA") and the United Nations Development Programme ("UNDP") to support and promote eradication of poverty through good governance and the rule of law throughout the world.

The ILRC, which is housed within the ABA Section of International Law and Practice ("SILP"), identifies pro bono legal experts to fulfill the requirements of UNDP requests relating to legal technical assistance projects worldwide. The Center also serves as a depository of relevant rule of law and governance documents and other materials, which are available to legal experts, UNDP staff, government officials, and others involved in UNDP-supported programs. Upon UNDP request, the Center is also available for specialized assistance, including assessment of draft laws and regulations, and substantive advice on policy formulation.

The United Nations Development Programme is the United Nations' global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. UNDP is on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and its wide range of partners.



Signing of the Project Cooperation Agreement by Robert A. Stein, ABA Executive Director, and Mark Malloch Brown, UNDP Administrator.

Through its highly qualified and committed legal experts worldwide, the Center seeks to enhance UNDP's capacity to deliver the highest quality rule of law and governance programs that maximize UNDP financial resources.

The American Bar Association is the largest voluntary professional membership association in the world. With more than 400,000 members, a substantial number of whom are international attorneys from more than 100 countries, the ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public.

year i n r e v i e w



A Message From the Chairman

Once again, I am pleased to report that ILRC had a very good year. Completing its third year of operation, ILRC continues to expand its services under the stewardship of its able staff, generous volunteers, and dedicated UNDP colleagues who all remain committed to good governance and the rule of law.

A few quick points:

- 1) ILRC fielded 55 UNDP requests for legal technical assistance this year, up from 35 in 2001.
- 2) ILRC now has over 800 registered experts from over 70 countries with almost 50 primary working languages and an average of 18 years of legal experience. 40% of the registered experts are from countries other than the United States. Experts actually chosen by the UNDP Bureaus to assist with various governance programs included over ten nationalities.
- 3) While requests continue in core areas such as constitutional reform, judicial training and legislative drafting, new areas such as anti-corruption initiatives and decentralization issues have joined the list of requests from multiple UNDP offices.
- 4) All of this growth has been achieved with no budget increase.

While statistics, we are told, can prove any premise, I hope that the readers of this year's Report will note the brief project highlights followed by comments from both the UNDP "users" of ILRC and several of the volunteers who helped execute UNDP programs. These few pages cut straight to the essence of this program: the ability to match the highest level of legal talent on a pro bono basis with those who need it the most. In looking at the "Project Highlights" section, I hope the reader will be struck by the ability of ILRC to respond quickly with distinguished experts covering so many areas of governance. Inga Brieze, Luu Tien Dung, Andrea Papan, and Stefan Priesner provide valuable commentary to this year's Report from UNDP's perspective on ILRC and we thank them for their direct participation.

In the troubled times we face with world health, poverty, and security, it is inspiring to see what volunteers can accomplish when working together with the unselfish objective of promoting good governance and the rule of law. We look forward to further expansion of ILRC this year and continuing the collaboration that has enriched both ABA and UNDP, as well as assisting both organizations achieve their respective goals.

A handwritten signature in black ink that reads "Timothy L. Dickinson". The signature is written in a cursive, flowing style.

Timothy L. Dickinson
Chair, ILRC Steering Committee

united e f f o r t

Message from Mark Malloch Brown, UNDP Administrator

I am delighted to see how this dynamic young partnership between UNDP and the International Legal Resource Center is flourishing in its third year of life. As this report shows, it is a collaboration that has already made an innovative and important contribution to our shared goals in support of strengthening democratic processes, justice, anti-corruption measures, and institution building in more than fifty countries around the world.

When UNDP and the American Bar Association first signed a Cooperation Agreement in October 1999, we were not sure whether this approach to facilitating the exchange of expertise between a vast international network of lawyers, and the policy and legal communities in developing countries where UNDP operates would work. As this report shows, not only has it proved to be a resounding success, but the partnership has become a model for how UNDP, as the UN's global development network, now works with institutions in other fields from the environment to crisis prevention, leveraging top global expertise and putting it to work where it is most needed. Through ILRC, the ABA has so far tapped the enthusiasm of hundreds of lawyers from over 70 countries, working in nearly every imaginable legal field, and in almost 50 primary working languages, to offer their expertise on a pro bono basis to countries wishing to access first class international legal expertise.

For UNDP, it is a partnership we hope and plan to build on in the years to come. Democratic Governance programs, broadly speaking, now account for some 60% of our work worldwide, and the area of rule of law and justice is one where requests for assistance from developing countries have been growing most rapidly. This report shows part of the reason why: our partnership is growing at an impressive pace, the diversity of demand across regions is improving, and quality and relevance of its work is attested to.

In that context, I would personally like to recognize the extraordinary commitment Tim Dickinson has demonstrated to make his vision of this partnership a success and pay tribute to the excellent work of his ILRC team led by Hongxia Liu, and of course the extraordinary contributions of the many lawyers and colleagues who have dedicated their time and expertise to support the goals of UNDP's host governments all over the world.

**Message from Don S. DeAmicis, Chair,
ABA Section of International Law and
Practice**

The American Bar Association is committed to advancing the rule of law in the world. The International Legal Resource Center was created in 1999 in cooperation with the United Nations Development Programme to follow through on this commitment. The premise of the collaborative effort is simple: both UNDP and the ABA have shared goals of improving the legal systems and legal institutions of developing countries and strengthening the support of local institutions and civil society for a judicial system based on the rule of law. The UNDP, with missions in 166 countries, generates many requests for specialized legal expertise. The ABA, with over 400,000 lawyer members, is the largest legal NGO in the world and is uniquely situated to identify and recommend legal experts in a wide range of fields.

Consistent with its service as the "gateway to global expertise and the international legal community," the ABA Section of International Law and Practice strongly supports the goals and activities of ILRC. ILRC flourishes because of its very competent staff and the support and tireless efforts of key UNDP personnel. ILRC is a model of how ABA partnerships with multilateral institutions can be structured for mutual advantage, and we value the confidence, trust, and support of UNDP in this important activity.

focus

a r e a s

ILRC Substantive Service Areas

ILRC is designed to provide assistance to UNDP program countries in a wide variety of areas, including:

- Reform of legal institutions and systems, including reform of constitutional frameworks
- Support to electoral bodies and drafting of election laws
- Improvement of legislative drafting and parliamentary practices
- Reform of public sector regulations and processes
- Strengthening of anti-corruption measures
- Support for decentralization and strengthening of local institutions
- Development of independent lawyer associations
- Legal education and judicial training
- Legal services to the indigent and marginalized

In addition, ILRC is designed to provide assistance with the implementation of relevant legal dimensions of UNDP programs promoting human rights, education and health, economic development and trade, environmental protection, and other areas upon request.

UNDP Democratic Governance Thematic Areas

- Parliamentary Development
- Electoral Assistance
- Access to Justice and Human Rights
- Access to Information
- Local Governance, Urban and Decentralized Governance
- Public Administration Reform and Anti-Corruption

core

s e r v i c e s i n 2 0 0 2

Identification and Recommendation of Legal Experts

In response to requests from UNDP Country Offices, ILRC identifies and recommends legal experts from the ABA and ABA-affiliated international and foreign legal organizations to serve, primarily on a pro bono basis, as short or long-term legal advisors. In addition, ILRC assists UNDP Country Offices in contractual and logistical arrangements according to mission requirements. ILRC also provides substantive back-up support to legal experts to enhance their work in the field.

Research on and Provision of Legal Information and Materials

In response to requests from UNDP Country Offices, ILRC conducts research and provides legal information and advisory comments on law-related matters to UNDP staff and those involved in UNDP-supported programs.

Coordination and Oversight of Legislative Assessments

In response to requests from UNDP Country Offices, ILRC coordinates and conducts multi-faceted assessments of draft national legislations that provide an international and comparative approach.

UNDP Member Country / Bureau	Forms of Assistance Provided Through ILRC
<i>Anguilla</i>	Identification of regional legal advisor
<i>Azerbaijan</i>	Identification of legal expert
Bangkok SURF	Provision of legal information
<i>Bangladesh</i>	Identification of legal experts
<i>Belarus</i>	Provision of legal information
<i>Bhutan</i>	Provision of legal information
Bhutan	Identification of legal expert
<i>Bhutan</i>	Provision of legal information
<i>Burundi</i>	Identification of legal expert
<i>Burundi</i>	Identification of legal expert
Cambodia	Identification of workshop speaker
Cambodia	Identification of legal expert
Cambodia	Identification of legal experts
<i>Caribbean SURF</i>	Provision of legal information
<i>Central African Rpblic.</i>	Provision of legal information
China	Identification of legal expert
China	Identification of legal expert
China	Provision of legal information
Comoros	Identification of legal experts
<i>Ethiopia</i>	Identification of legal experts
<i>Fiji</i>	Identification of legal expert
<i>Guatemala</i>	Identification of legal expert
Guinea Bissau	Identification of legal experts
Guyana	Identification of legal experts
<i>Haiti</i>	Provision of legal information
Haiti	Identification of legal expert
Haiti	Identification of legal expert
Indonesia	Provision of legal information
Lao PDR	Identification of legal expert

PROJECT ACTIVITIES

Substantive Legal Field	Applicable Corresponding UNDP Governance Programs*
Constitutional Law	Support to constitutional reform process
Ombudsman Law	Draft National Ombudsman Office Charter
Judicial Administration	Foreign justices in interim governments
Police Administration	Support national police reform
Public Legal Review Process	Capacity building for legislative drafting
Constitutional Drafting	Support to constitution drafting process
Constitutional Law	Support to constitution drafting process
Political Parties	Parliamentary capacity building
Communications Law	Development of private media and press
Administrative Law; Public Administration	Parliamentary capacity building
Criminal Law	Development of due process
Environmental Law	Forestry protection and anti-corruption
Judicial Administration; Civil Law	Magistrate education and training
Anti-corruption Law	Public sector reform
Anti-corruption Law	Public sector reform
Anti-corruption Law	Public sector reform
Administrative Law	Public sector reform and anti-corruption
Access to Justice; Customary Law	Support to legal aid framework development
Fiscal Decentralization; Constitutional Law	Support to nation-rebuilding program
Legal Education; Law Enforcement; Court Admin.	Comprehensive justice system reform
Administrative Law	Model conduct codes for public officials
Police Administration	Support to national security sector reform
Legal Education	Law school curriculum development
Legislative Drafting	Support to Ministry of Legal Affairs
Access to Justice	Support to civilian registration process
Criminal Law	Draft criminal procedures and codes
Ombudsman; Human Rights Law	Support to Office for Citizen Protection
Decentralization; Local Government	Support to reform of governors' role
Constitutional Law; International Treaties	Domestic & international law harmonization

UNDP Member Country / Bureau	Forms of Assistance Provided Through ILRC
<i>Latvia</i>	Identification of legal expert
<i>Latvia</i>	Identification of legal expert
<i>Latvia</i>	Provision of legal information
<i>Madagascar</i>	Identification of legal expert
<i>Mauritania</i>	Identification of legal expert
<i>Mozambique</i>	Identification of program evaluator
<i>Mozambique</i>	Identification of program evaluator
<i>Mozambique</i>	Identification of legal expert
Nepal	Identification of legal expert
<i>Peru</i>	Identification of legal experts
<i>Romania</i>	Identification of legal expert
<i>Romania</i>	Identification of legal expert
Rwanda	Identification of legal expert
Rwanda	Identification of legal experts
Rwanda	Identification of legal expert
Rwanda	Identification of legal experts
Timor Leste	Identification of legal expert
<i>Turkmenistan</i>	Provision of legal information
UNDP/Oslo	Provision of legal information
Viet Nam	Coordination of legislative assessment
Viet Nam	Identification of legal expert
Viet Nam	Identification of legal expert
Viet Nam	Coordination of legislative assessment
Viet Nam	Provision of legal information
Viet Nam	Identification of legal experts
Viet Nam	Provision of legal information
Yemen	Identification of legal experts

* Country names in italics denote a request received through the UNDP Sub-regional Resource Facilities (SURF) network. Un-italicized countries denote a direct request to ILRC.

** A sample Terms of Reference (TOR) for legal expert positions, including specifications of responsibilities, qualifications, and deliverables, is available upon request.

PROJECT ACTIVITIES

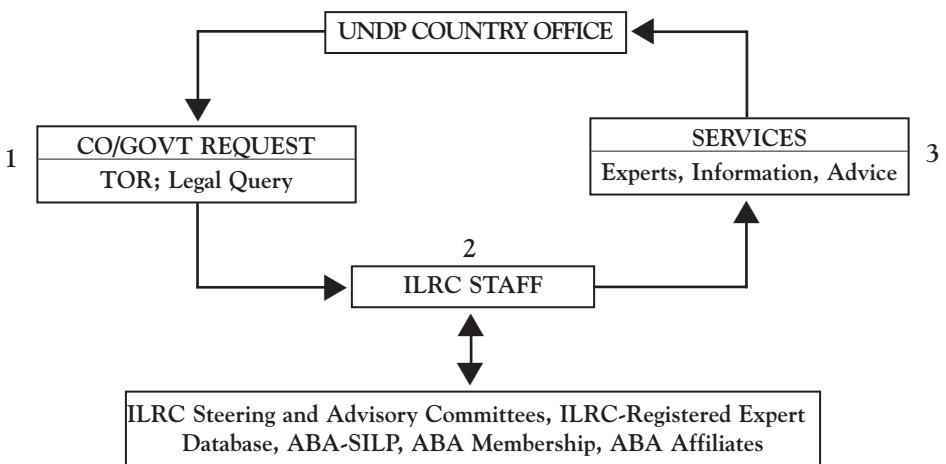
Substantive Legal Field	Applicable Corresponding UNDP Governance Programs*
Judicial Administration	Judicial sector human resource management
Access to Justice; Legal Aid	Support to legal aid system development
Legislative Assessment	Legislative drafting and capacity building
Administrative Law; Local Government	Support to decentralization process
Legislative Drafting	Support to macro-economic development
Agriculture; Environmental Law	Rural development; decentralization
Judicial Administration	Legal and judicial reform assessment
Judicial Administration	Support to legal and judicial reform process
Alternative Dispute Resolution; Local Government	Community-based court-annexed arbitration
Exhumation; Human Rights Law	Support to national unity and reconciliation
Human Rights; Criminal Law	Support to anti-trafficking of humans
Environmental Law; European Union Law	Complying w/ EU chemical product standards
Constitutional Law	Support to constitution drafting process
Human Rights Law; Mediation	Human rts. violations investigation training
Human Rights Law	Human rights-based development training
Judicial Administration; Human Rights	Support to legal and judicial reform process
Legislative Drafting	Justice system review and assessment
Administrative Law	Support to pension system reform process
Access to Justice Indicators & Measurement	Development of policy and program manual
Bankruptcy Law	Support to commercial legal reform
Bankruptcy Law	Support to commercial legal reform
Judicial Administration; Judicial Independence	Support to judicial reform process
Judicial Administration; Judicial Independence	Support to judicial reform process
Legislative Drafting	Parliamentary capacity building
International Trade Law	Accession to World Trade Organization
Judicial Independence	Judicial reform in transitional countries
Human Rights; Rights of Women and Children	Capacity building of Human Rights Ministry

UNDP MEMBER COUNTRIES / BUREAUS UTILIZATION OF ILRC IN 2002



- Identification and recommendation of legal experts.
- Provision of legal materials or advisory comments on law-related matters.
- ▲ Coordination of legislative assessment of draft national law and regulation.

HOW THE ILRC COLLABORATION PROCESS WORKS



1. UNDP initiates the process by providing ILRC staff with Terms of Reference (TOR) for legal experts or with queries for legal information and advice.
2. ILRC staff consults with its committees, registered experts, and appropriate ABA entities and affiliates for suggestions and recommendations.
3. ILRC staff delivers recommendations, information or advice to UNDP Country Office or Bureau and provides further back-up support as necessary.

project

h i g h l i g h t s

- *China/Anti-Corruption and Administrative Law*: The request was for an expert to assist the Chinese Ministry of Supervision in mid-February as leader of a two-week long UNDP mission to formulate a project aimed at building a transparent and more open civil service system in line with international norms. ILRC received and reviewed expressions of interest and credentials from nearly 30 applicants. Within three workdays after receipt of the request, ILRC recommended six experts for the position with an average of 29 years' experience, including a French retired World Bank executive, a Canadian civil servant and two US law school professors.
- *Oslo/Access to Justice*: At the same time that UNDP/Bureau for Development Policy invited ILRC to participate in the "UNDP's Experience with Access to Justice Programmes" workshop in Oslo from March 3 to 6, 2002, it requested that ILRC conduct research on Access to Justice indicators that could be used for assessment, monitoring and evaluation purposes. ILRC conducted intensive research, including online queries and telephone calls. Within three workdays, ILRC compiled a list of institutions and publications, complete with contact information and links that was forwarded to UNDP for review.
- *Viet Nam/Bankruptcy Law*: In mid-March, UNDP/Viet Nam contacted ILRC directly with a request for legal experts to undertake a desktop assessment of the National Draft Bankruptcy Law and subsequently lead two workshops on the subject. In addition to forwarding the request to ILRC-registered experts, ILRC worked with the American Bankruptcy Institute (ABI) to distribute the request to its members. Within two and a half weeks, ILRC reviewed forty applications and credentials and recommended thirteen experts: two judges, five private attorneys, two government counsels, three law professors, and one consultant. UNDP's final selection for the position was a Hong Kong-based U.S. law professor recommended by ILRC. ILRC also provided additional support in the coordination of travel and logistics for the selected expert.
- *Fiji/Codes of Conduct and Administrative Law*: UNDP/Fiji requested an expert to assist the Commonwealth Secretariat and the Pacific Islands Forum Secretariat in the preparation of a model Leadership Conduct Code for small island states. The position required a one-year commitment in addition to familiarity with the Pacific Islands region. ILRC received 15 applications for the position from experts in three continents. Four experts were recommended to UNDP along with their formal proposed approach to the mission. All experts recommended had previous experience in the Pacific Islands region and drafting conduct codes for public officials. They averaged 24 years of experience.
- *Indonesia/Decentralization and Local Government*: After participating in the UNDP Institutional Development Group (IDG) meeting in Panama, May 13-16, 2002, ILRC was asked to conduct an investigation on the role of governors as both head of a decentralized autonomous unit and representative of the central government. Accordingly, ILRC carried out extensive and comprehensive research, including online queries, telephone interviews, and a visit to the US National Governors Association's library. Based on similarities with the Indonesian political system, ILRC concentrated its investigation on the role of governors in the Philippines, Sri Lanka, India, Malaysia, Thailand, and Japan. For comparative purposes, information was also provided about Australia, Canada, the United Kingdom and the United States. Within two weeks, ILRC delivered to UNDP research results, including links to online information regarding the role of governors, relevant government bodies, and organizations as well as key legislation regulating the powers and duties of governors in the above countries.

project

h i g h l i g h t s

- *China/Legal Aid and Customary Law:* UNDP Bangkok Sub-Regional Facility Office (SURF) made a research request on behalf of the Chinese Ministry of Justice for a list and description of developing nations' legal aid schemes. Also included in the research request was a component concerning the incorporation of customary law into constitutional frameworks of both developed and developing nations. ILRC carried out Internet investigations and contacted directly several legal aid NGOs. Within seven working days, ILRC presented UNDP/SURF with a comprehensive report containing descriptions and contact information for legal aid entities in 16 different nations in Africa, Asia, and South America. Additionally, a comparative analysis of customary law in six different nations was included in the report. ILRC findings were included in UNDP's final report.
- *Yemen/Human Rights and Development:* The request was for an international expert in the field of Human Rights Law to conduct a three-week formulation mission in Sanaa, Yemen, in late August/early September 2002 to assist the Yemeni Government in developing a comprehensive policy framework promoting human rights and access to justice. ILRC received and reviewed expressions of interest from 15 applicants. Within seven working days, ILRC recommended seven experts with an average of 16 years' experience, strong backgrounds in Human Rights Law and extensive experience in the formulation, implementation, and evaluation of human rights projects in several developing countries. A Sudanese-Canadian law professor fluent in Arabic, nominated by ILRC was selected to conduct the mission.
- *Viet Nam/Judicial Draft Ordinance:* In late July, UNDP/Viet Nam requested ILRC to oversee a desktop assessment of the Draft Ordinance on Judges and People Assessors for the Supreme People's Court of Viet Nam by international judges and legal experts to be presented by late August. To meet the short deadline and to accommodate UNDP/Viet Nam's specific criteria regarding the composition of the team of assessors, ILRC swiftly identified and secured the interest of senior judges from India, Japan, Peru and the United States. Within a month, ILRC analyzed and compiled their comments, and at the subsequent request of UNDP/Viet Nam, arranged for the Peruvian judge, a former Supreme Court Justice, to travel to Viet Nam to conduct workshops on the draft Ordinance.
- *Nepal/Local Mediation Specialist:* The request was for a legal expert in the field of community based and court annexed mediation programs to assist the Government of Nepal in its efforts to increase access to justice, reduce backlog court cases, and enhance dispute settlement mechanisms. The mission was to take place in Katmandu, with scheduled trips to several districts, for two weeks in early October 2002. ILRC received over 25 applications and within seven working days, recommended three individual experts, as well as a second round of three additional experts. The candidates had an average of 22 years' experience in local mediation and training in dispute resolution. One of these nominees (also an ABA member) was selected to lead the mission.
- *Comoros/Constitution and Decentralization Specialists:* The request, in French, was for international experts to assist the Government of the newly formed Union of the Comoros in capacity assessment, legislative drafting, and the establishment of an organic framework to institute proper fiscal administration measures and to settle constitutional decentralization issues between the Union and the individual autonomous islands of the country. The project would last four weeks, beginning October 2002 in the Comoros. After translating the Terms of Reference (TOR) from French to English, ILRC identified ten qualified candidates and recommended three each in the respective fields of fiscal administration and constitutional decentralization. The experts had an average of 26 years' experience and were all either fluent or native Francophone. Three native Canadian experts were selected to participate in the missions.

views

f r o m t h e f i e l d

Since 2002, UNDP/Latvia, in cooperation with the Ministry of Justice, has been implementing a comprehensive support program to assist the Government of Latvia in its efforts to reform the judiciary. The program addresses four distinct development areas:

1. promoting the independence and efficiency of the judiciary by supporting the development of the New Law on Judicial Power;
2. strengthening the strategic human resources approach within the judiciary by fortifying judicial training capacity, upgrading the judicial training program, as well as working towards an improved system of recruitment and assessment of judges;
3. increasing access to justice through development of the legislative framework establishing legal aid services for vulnerable groups of society; and
4. building awareness in civil society and policy makers of the importance of an efficient and accountable judiciary.

The key to successful UNDP assistance is the ability to offer high quality international expertise to national counterparts in these important fields. In cases where there are openings for the recruitment of international experts, UNDP/Latvia turns to its reliable and responsive partner ABA-UNDP International Legal Resource Center (ILRC) to assist with identifying relevant expertise. The collaboration is positive in terms of providing access to high quality international experts. Specifically, in 2002 ILRC recommended experts to support the development of the new Law on Judicial Power in Latvia. We especially value the responsiveness and tailor made approach of ILRC in serving the needs of the Country Office demonstrated by their nomination of qualified and strong candidates.

Inga Brieze
Programme Officer
Governance Focal Point
UNDP/Latvia

views

from the field

I learned about the ABA-UNDP cooperation agreement and the services of the International Legal Resource Center (ILRC) during the ABA visit, headed by its then President, Mr. Robert E. Hirshon, to Ha Noi in January 2002. It was surprising to me and to our government counterparts that ILRC could mobilize resource persons from not only the USA, but also from many other parts of the world. I was also very interested to learn that the services offered by ILRC are pro bono. Although, like many, I love "free-of-charge" things, I still had a question, from a quality perspective, about what I should expect from a "free-of-charge service." However, it didn't take long for me to find the answer. The excellent pro bono work conducted by an ILRC expert, Prof. Joseph Daly, in 2001 (before I joined UNDP) in assisting the Ministry of Labor, Invalids and Social Affairs of Viet Nam under a UNDP-funded project on the Labor Code, dispelled that concern. As a result, in 2002, I contacted ILRC twice for assistance. I am very comfortable saying that the "free of charge" service we received from ILRC has been excellent.

The diversity of the international resource persons provided by ILRC to our counterparts during the year of 2002 has been impressive. The on-desk review conducted by ten highly qualified ILRC experts and seven senior judges and judicial officers from different jurisdictions on the Draft revised Law on Bankruptcy of Viet Nam and the Draft Ordinance on Judges and People's Assessors respectively, provided our counterparts with rich comparative knowledge and experience while also making inputs more convincing and strong. Similarly, the comments of ILRC judicial experts about the Ordinance on Judges and People's Assessors, specifically regarding the key principles and guarantees for judicial independence, have impressed Vietnamese counterparts and raised their awareness in these fields.

The high quality of the comments, reports, and inputs of ILRC volunteers has also impressed us. We observed one reason is the serious attitudes of ILRC experts towards given tasks. Having read comments from the experts, as a lawyer, I was surprised that the experts had carefully read, examined, and analyzed the requested bills. Their comments and analyses were also carefully prepared.

The high responsiveness of ILRC to requests is yet another comparative advantage of ILRC. I still remember that in August 2002 when requesting ILRC and the UNDP Oslo Democratic Center (ODC) to nominate experts for a seminar on judicial independence three weeks later, I did not expect that both ILRC and ODC could gather inputs from senior judicial experts on such short notice. I expressed my concern to Sanaka Samarasinha from the UNDP Sub-Regional Facility (SURF), who was in our office for a mission at that time, and he told me: "Do not worry, they will make it!" Excellent comments of judges and judicial experts from Peru, India, Sweden, Norway, Japan, and the United States were collected only a couple of weeks later. Judge Roberto MacLean from Peru and Judge Iver Huitfeldt from Oslo came to Ha Noi three-weeks later to facilitate the workshops, where most of the participants were Supreme Court Judges and officials and Chief Judges of provincial courts. This high responsiveness comes both from experts as well as ILRC staff, who have acted very quickly to any request from us.

We need more such interventions and assistance in the future as UNDP/Viet Nam supports Viet Nam in the implementation of the long-term Legal System Development Strategy and in the integration of the country into the world. The high quality, diversity, neutrality, and responsiveness of the pro bono services provided by ILRC thus far are the very comparative advantages that we need access to.

Luu Tien Dung
Programme Officer, UNDP/Viet Nam

The Administrator of UNDP has highlighted our goal to become a knowledge organization. This has required both solidifying tools of internal knowledge sharing and building knowledge partnerships with other organizations—thus, extending our community of peers. I have been working with the staff of the ABA/UNDP International Legal Resource Center (ILRC) for about two years. As Facilitator of the Democratic Governance Practice Network (DGPN), an internal UNDP network for almost 600 UNDP staff working in the area of democratic governance worldwide, I can attest to ILRC being a key partner in UNDP's knowledge sharing initiatives.

The DGPN functions on a query basis where members from Country Offices regularly request legally related resources, comparative experiences, and consultant referrals. The precise and timely nature of ILRC's contributions to these requests have consistently added value to the final outcome by helping Country Offices better support their national counterparts. The ability of ILRC to give Country Office staff quick access to highly skilled and experienced consultants, often on a pro-bono basis, is truly a gold mine. Equally important is ILRC's research capacity. In a time when a web search can offer thousands of hits and no clear path to get to what one needs, ILRC has continually given network members relevant, practical, and thorough responses to everything from bankruptcy law to civil registry projects.

Beyond ILRC's regular query support, Center staff has also participated in thematic global workshops, taking the time to profile their role and interact with UNDP governance focal points in order to build stronger linkages and forge new opportunities to collaborate.

More and more, through the network, directly with Country Office staff, and in face-to-face meetings, ILRC has become an extension of our growing governance community.

Andrea Papan
Governance Facilitator
Bureau for Development Policy
Institutional Development Group

The UNDP Katmandu Sub-Regional Facility (SURF) has been very satisfied and impressed with the speed and quality of support from the ABA/UNDP International Legal Resource Center (ILRC) in identifying quality experts. For example, when there were no Terms of Reference (TOR) available for a request to identify experts in constitutional law, ILRC did its own ground research via Internet and other resources to specify which profiles may be needed. This made it much easier for us, and the Country Office, to comment, which, in turn, enabled ILRC to identify suitable experts. This kind of proactiveness is very service oriented and much appreciated. Hence, in the sphere of justice/rule of law, ILRC has become an important partner for our SURF.

Stefan Priesner
Deputy Chief
UNDP/SURF, Nepal

views

f r o m t h e f i e l d

In October 2002, the UNDP Country Office in the Comoros forwarded through the Democratic Governance Practice Network (DGPN) a request for the identification and recommendation of international experts to assist the national authorities in the application of the new constitutional framework.

In December 2001, after five years of political and institutional instability, the Comoros adopted a new Constitution that ensured the autonomy of each island of the archipelago and the sharing of competencies between the Government of the Union and the Islands' institutions.

UNDP has largely supported the national reconciliation process through a program developed to support electoral operations and played a strong advocacy role during this process. After the referendum voting on the Constitution and the presidential elections, the sharing of competencies between the Union and the Islands still remained unclear. Therefore, the national authorities decided to organize a high level meeting gathering all the actors involved in the political crisis and requested UNDP to provide high quality advice on constitutional law and fiscal decentralization.

The request required Senior Advisors in these areas with specific experience in federal system and small islands issues. Three of the six highly qualified international experts recommended by the ABA/UNDP International Legal Resource Center (ILRC) were hired. Two of them attended a high level meeting that took place at the International Organization of Francophony (IOF) in Paris. They were then integrated into the team of

experts supported by IOF and the French Government. This pool of experts worked closely with the national delegates to clarify the Constitution and agree on a consensual interpretation to allow the functioning of the Union and the Islands' institutions on a transitional basis until the legislative elections are organized. The third expert selected ensured the follow-up to the meeting on the field.

These experts' inputs have led to a clarification of the missions of the Union and the Islands and provided the key elements in defining a peaceful transition. The ILRC experts were strongly appreciated both by national counterpart and external partners, especially the fiscal decentralization expert who carried out two other missions for UNDP/Comoros upon Government request.

The results of this intervention helped to facilitate the national dialogue and to align the new UNDP cooperation framework orientations.

Nadia Tourqui
National Economist
UNDP/Comoros

voices

of I L R C v o l u n t e e r s

I assisted with an ABA/UNDP International Legal Resources Center project focusing on Vietnamese bankruptcy law reform. Enacting an effective bankruptcy regime is an integral part of the transition from a centrally planned economy to a more market-based economy. In addition, in the aftermath of the Asian financial crisis, bankruptcy law reform has taken on increasing importance in Asia generally. Viet Nam is now in the process of reforming its current bankruptcy legislation, which came into operation in 1994. I spent a week in Ha Noi in June 2002 conducting two workshops on the Draft Vietnamese Bankruptcy Law – a two-day large-scale workshop and a smaller two-day workshop with the Vietnamese law drafting team. I also prepared a Report prior to the meetings and Final Recommendations following my visit.

Having taught bankruptcy law in Hong Kong for the last 14 years, I offered comments from a comparative and international perspective and drew comparisons with United States, English, Hong Kong and Chinese law. The Vietnamese team was especially interested in the recent Chinese experience with insolvency law reform and our discussions considered provisions in the latest draft of the proposed Chinese bankruptcy law.

The project proved to be a valuable experience. I enjoyed the exchange of ideas with the Vietnamese team and I learned as much as I gave. I left Ha Noi with a better sense of the issues the Vietnamese are confronting with their draft law. Building an effective insolvency infrastructure is a long-term process, which benefits greatly from the ABA/UNDP collaboration.

Charles D. Booth
Associate Professor
Director, Asian Institute of
International Financial Law (AIIFL)
Faculty of Law, University of Hong Kong
Hong Kong, China

voices

of I L R C v o l u n t e e r s

The greatest challenge of participating in the ABA/UNDP International Legal Resource Center projects in Viet Nam on the Ordinance on Judges and People's Assessors in Viet Nam, was, and still is, that around the world, there is a widespread conviction that to bring about the rule of law, peace, democracy, and economic, social, and political development, it is urgent and indispensable to improve judicial systems. Frequently, it is thought that improving judicial systems consists of changing laws, buying computers or bombarding judges and lawyers with all sorts of training. However, judges, lawyers, scholars, and politicians do not seem, in many cases, to have too precise ideas about where to go next, and what they are trying to achieve at the end of the process.

The experience gathered by working in systems belonging to different legal traditions and cultures around the globe has brought me to believe that change is achieved through the setting of standards compatible both with developed and less developed societies; rich and poor; industrialized and agricultural; common law and civil law countries; socialist economies in transition and free market communities; and "Shari'a", Hindu and lay systems. In my experience, the standards are in essence: socially efficient laws, service oriented judicial systems, and an intensely participatory processes of change with active and intensely participatory judges. Especially in developing countries and economies in transition, the enormous gaps between laws and social reality can only be bridged by judges who are prepared to assume a role of leadership in achieving a close connection between judicial systems and the communities they serve.

In any country of the world, the main resistance to change comes very frequently from the judges themselves. And that is why I thought the Viet Nam Project as so positive. After a few meetings of coordination with authorities and officials of the Supreme Court, the rest of the time was spent in workshops and brain storming sessions with judges, both in Ha Noi and Ho Chi Minh City. They were well attended and lasted from early morning until late afternoon over several days. It was very interesting from a personal perspective to compare these meetings with similar meetings where I participated in Russia, Poland and Albania and to notice the common denominator of judicial systems in socialist or former socialist countries, as well as peculiarities of each individual system. In the case of Viet Nam, the mission was very efficiently organized, although, even if a very rewarding experience, I felt the time perhaps could have been longer in order to get a clearer perception of the system and connect better with the judges. However, I was very favorably impressed with the authorities who were very receptive and open in their discussions and meetings with us, and who accepted a majority of our suggested changes to the introduced Ordinance to be discussed by Congress.

Roberto MacLean
Counsel, Miranda & Amado
Lima, Peru

In 2002, I traveled to the Kingdom of Nepal as IADR consultant at the request of the ABA/UNDP International Legal Resource Center to help build infrastructure and capacity for the use of mediation in Nepal's judicial system; its ancient indigenous dispute resolution systems still operating in certain parts of the Kingdom; and an emerging network of non-governmental organizations (NGOs).

Engaged by UNDP/Nepal, I had five principal tasks:

1. To evaluate relevant laws, regulations, and local practices and suggest improvements;
2. To assist in the development of a mediation training manual;
3. To develop ground rules for Nepal's first court-annexed settlement fair;
4. To train attorneys and judges as advocates and neutrals for the pilot settlement fair; and
5. To train indigenous trainers, who in turn will build local community capacity to apply interest-based negotiation and mediation skills through ancient systems and NGOs.

Still predominantly an agricultural economy, nearly half of the kingdom's population lives below the poverty line. Only slightly larger than Arkansas, USA, this tiny kingdom rises from only 60 meters in the flat Ganges River plain along its southern border with India to the world's highest mountains, the Himalayan Everest and Annapurna peaks along its northern border with Tibet (China). Faulting and folding of the earth's surface to squeeze such astonishing range of terrain into such a small region challenges transportation and communication systems even today.

Our mediation-training program commenced during a politically turbulent period in Nepal. Parliament recently had been dissolved, parliamentary elections were scheduled, and sporadic violence precluded travel outside the Katmandu

Valley. As a result, Nepal's multistakeholder political situation became the ongoing context for role-play sessions in our interest-based negotiation and mediation training.

The rule of law is only beginning to take hold throughout the Kingdom of Nepal. Mediation can serve to bridge the gap between formal and community dispute resolution systems—if understood and implemented effectively. Or it may simply present one more barrier to access to justice, if misunderstood or misapplied. Nepalis translate their word "Madhyasta" into the English word "mediation." In fact, "Madhyasta" is much more akin to arbitration. In the "Madhyasta" system, a village elder decides who is right, who is wrong, and imposes penalties, fines, and other sanctions. In this project, we translated "Madhyasta" as "indigenous dispute resolution" and reserved the English word "mediation" for use only in connection with assisted negotiation processes where the neutral's role is facilitative and does not include decision-making or imposition of sanctions.

It has been exhilarating to participate in this project. In order for mediation to succeed in unclogging Nepal's courts, empowering individuals, and enhancing the rule of law and access to justice in Nepal, this project must overcome the confusion between "mediation" and "Madhyasta" (indigenous arbitration). It also must anticipate qualms from traditional authorities that may view mediation as a threat to traditional power and economic structures, and provide mechanisms for solutions to transforming how conflict is managed, how disputes are resolved, and how solutions are created in Nepal.

Ann L. MacNaughton
Vice President & Counsel
Sustainable Resolutions Inc.
Houston, Texas

voices

of ILRC volunteers

After several years of civil war and constitutional uncertainty, the Union of the Comoros is attempting to redefine the essential nature of the state and to create those democratic institutions that will underpin this redefinition. A major part of my assignment through the ABA/UNDP International Legal Resource Center focused on the development of a transition of governance plan for the public service and the preparation of recommendations that will support and enhance intra-governmental relations between the central government and the autonomous islands of the Union. Comorans wanted to explore how approaches to cooperative federalism might support improvements in intra-governmental relationships and they were most anxious to learn about best international practice in this field.

It soon became clear that gender issues were also an important priority in this emerging democracy. As a result, I was asked to work with the fledgling women's communities across the autonomous islands. In this process I helped the many scattered women's organizations work collectively in order to develop strategic plans that will encourage the greater participation of women in both the public policy and the political arenas.

Compressing approximately two months of work into a period of just four weeks made this project tremendously challenging. Nevertheless, the degree of local of enthusiasm for change and the "on the ground support" I received made the long hours truly worthwhile. During the mission I had extraordinary access to both elected and non-elected officials, stakeholder groups and many members of the general public. Their commitment to the development of a true democracy and to the creation of stable institutions of governance was unwavering, even though all Comorans were all too aware that many obstacles lie ahead. Both personally and professionally this assignment was a rewarding one and I strongly encourage other volunteers to make the time and take the plunge into the international arena. These assignments provide experiences that will never be forgotten!

Patricia Waring-Ripley
Principal, International
Government Group
Halifax, Canada

expert d a t a b a s e

ILRC Expert Database

In the past year, ILRC made increasing efforts to reach out to attorneys around the world to seek their interest in providing pro bono services to UNDP-supported programs. Various news announcements about ILRC were submitted to legal newsletters and periodicals worldwide, an effort that continues today. In addition, ILRC has maintained an interactive Website (www.abanet.org/int-law/ilrc), which contains an on-line Expert Registration Form and other information of interest concerning ILRC. We invite all interested and capable lawyers to register with ILRC today!

ILRC's Criteria for Selecting and Recommending Legal Experts

- Knowledge of the law and developments in relevant fields of expertise
- Experience in developing countries
- Record of pro bono public service
- Familiarity with host country's history, culture, and political and legal systems
- Language, communication, and pedagogic skills

A Glance at ILRC

Expert Database at Year's End

- Over eight hundred registered experts, of which approximately 40% are non-US attorneys
- ILRC's registered experts are from over seventy countries with close to fifty primary working languages
- Average of eighteen years of legal experience
- ILRC-registered experts are attorneys, judges, court administrators, government and corporate counsels, and law professors

ILRC also draws upon national, regional and other international bar associations.

ILRC Finances as of December 31, 2002 on a Cash Basis

Revenue	\$405,525
UNDP Contribution	\$200,000
ABA <i>In-kind</i> Contribution	\$205,525
Expenditure	\$423,961
UNDP Contribution	\$218,436
ABA <i>In-kind</i> Contribution	\$205,525

staff

r e f l e c t i o n

A Day at ILRC: Tuesday, October 8, 2002

A very important component of my responsibilities is to correspond with legal experts—those already registered, in the process of registering, or interested in registering. Thus, I begin my day by responding to messages from a Peruvian judge, attorneys from India and the US, and consultants from Norway and Canada, among others. Also, because we recently identified and recommended experts to assist UNDP/Ethiopia in the position of lead advisor in a comprehensive justice system reform program, today I notify the selected experts about our decision to recommend them.

Then, with great interest, I review a new request the ILRC Director has received from UNDP/Comoros for experts in Constitutional Law and Fiscal Decentralization. We begin work on the request immediately. While the ILRC Legal Research Intern conducts background research on the Comoros, I begin to translate the request from French to English for wider distribution to our network.

We have also scheduled for today the distribution of two recent UNDP requests for assistance. The first is for a legislative drafting specialist to assist UNDP/Timor Leste in a national Justice System Review. The second is from UNDP/Azerbaijan for two experts to assist in the formulation of a charter for the newly established National Ombudsman Office. Via ILRC listservs and other ABA networks, I forward to potential experts notification letters prepared by the ILRC Director before posting each request on the ILRC website.



*Director, Hongxia Liu
Project Coordinator, Frank DeLeon*

Wrapping up the day, I must tend to another important aspect of my job: the management of the ILRC Legal Expert Database. Today, I enter details for a judge from Norway and a law professor from Canada. At last, I prepare a list of things to do for tomorrow: continue work on the UNDP/Comoros request and begin review of expressions of interest in the Azerbaijan and Timor Leste positions.

I feel like I have traveled the world today—from Canada to the Comoros and several countries in between. I am filled with satisfaction to know that my work with the ABA and UNDP is for the very worthy cause of advancing the rule of law throughout the world. Most importantly, I leave the office humbled to think that, however indirect, my work has made a positive impact on the plight of developing countries.

Frank DeLeon
Project Coordinator

I can honestly say my internship with ILRC has been the single-most influential job experience I've had thus far. Taking part in ILRC projects has helped immensely with enhancing my own future career and educational choices.

Jeff Crawford
Research Intern, Summer 2002

STEERING COMMITTEE

Timothy L. Dickinson, Chair
Dickinson Landmeier LLP

Don S. DeAmicis
Ropes & Gray

Bruce Jenks
United Nations Development Programme

Peter Lichtenbaum
Stephoe & Johnson LLP

Michael Marek
United Nations Development Programme

James R. Silkenat
Arent Fox LLP

Jennifer Topping
United Nations Development Programme

ADVISORY COMMITTEE

Salim Al Jabri
Abu Dhabi, U.A.E.

Marvin E. Aspen
Chicago, IL, U.S.A.

Dominique de la Garanderie
Paris, France

Bernice B. Donald
Memphis, TN, U.S.A.

Isabel C. Franco
Sao Paulo, Brazil

Daniel R. Fung
Hong Kong, P.R. China

Whitmore Gray
New York, NY, U.S.A.

Robert J. Grey, Jr.
Richmond, VA, U.S.A.

Stephen Hayes
Washington, DC, U.S.A.

Gerold Herrmann
Vienna, Austria

Dianna P. Kempe
Hamilton, Bermuda

William T. Loris
Rome, Italy

Peter Maynard
Nassau, Bahamas

Wallace J. Mlyniec
Washington, DC, U.S.A.

W. Paatii Oforu-Amaah
Washington, DC, U.S.A.

Ann W. Seidman
Boston, MA, U.S.A.

Robert B. Seidman
Boston, MA, U.S.A.

Robert F. van Lierop
New York, NY, U.S.A.

Benjamin M. Vandegrift
Washington, DC, U.S.A.

Jose Ramon Fernandez Villar
New York, NY, U.S.A.

Don Wallace, Jr.
Washington, DC, U.S.A.

STAFF

Hongxia Liu, Director
Frank DeLeon, Project Coordinator
Jeff Crawford and Jared Ackley, Research Interns

*Special thanks to Gita Welch, Judith Karl, and Randi Davis of the UNDP
And to Robert E. Lutz II and Edison W. Dick of the ABA Section of International Law and Practice
for their significant contributions to the development and growth of ILRC.*

assistance international
rule of
access to good gove
justice
good law
governance
rule international
of technical legal
law assistance
access legal reform
to justice



ABA-UNDP International Legal Resource Center

American Bar Association
740 15th Street, NW
Washington, DC 20005-1022
Phone: 202-662-1662
Fax: 202-662-1666
liuh@staff.abanet.org
hongxia.liu@undp.org

www.abanet.org/intlaw/ilrc