
International
Legal Resource
Center

2000 - 2004

Five Year
Anniversary
Report



American Bar Association
United Nations Development Programme

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*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) 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.

ILRC, which is housed within the ABA Section of International Law (SIL), identifies pro bono legal experts to fulfill the requirements of UNDP requests relating to legal technical assistance projects, knowledge management and advisory services worldwide. It also serves as a repository 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 ILRC is also available for specialized assistance, including assessment of draft laws and regulations and substantive advice on policy formulation. ILRC is continuing to expand its range of capabilities to include other services suited to meet the needs of UNDP countries.

Through its highly qualified and committed staff, committee members and legal experts, the ILRC seeks to enhance UNDP's capacity to deliver the highest quality rule of law and governance programs that maximize UNDP financial resources and help achieve UNDP goals.



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

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 the UNDP and its wide range of partners.

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.

years

i n r e v i e w



A Message From the Chairman

As we celebrate our fifth anniversary of the establishment of the ILRC, our report this year also sets out a number of important statistics summarizing our activity to date. ILRC has responded to over 200 requests from the

UNDP, working with over 70 program countries and bureaus throughout the world. We have achieved having over 1100 registered volunteer legal experts from over 80 countries and working in over 70 primary languages.

While the statistics are impressive, we are even more pleased to look back now and see the far-reaching impact that some of the projects have nurtured. From Constitutional Reform to assistance with HIV/AIDS issues, Electoral Systems and Access to Justice, to name just a few, the ILRC is starting to leave a footprint around the world helping UNDP with its vital mission to fight poverty and establish good governance. It is that goal and that mission upon which the ILRC was founded and we are happy to see that five years later the programs and projects in which the ILRC has been involved are making a difference.

This year's report includes a summary of the projects undertaken to date classified by Practice Area and by Region, thereby allowing the reader to gain a quick picture of the ILRC's activity level in any given substantive or geographic area. I would also highly recommend a review of our sections dealing with Project Highlights along with our comments sections from UNDP offices, as well as, the volunteers who have undertaken the many projects. These are the people who are working so hard to make the projects successful and we salute their efforts.

As we take stock in the past five years and look outward to the next five years we see new challenges and new opportunities. The ILRC has expanded its core services to include now frequently requested desktop reviews and other special requests and we hope to place our first long-term advisor on the ground soon. We continue to tailor the ILRC services to the needs of our UNDP colleagues and we will no doubt see other new trends in governance programs as the next five years unfold. We welcome the opportunities as well as the challenges that we face together.

Finally, I want to thank all the people who have been involved with this project for the last five years, from Mark Malloch Brown, the UNDP Administrator, whose support was instrumental in getting the project off the ground, to our steadfast Director, Hongxia Liu, who has worked tirelessly to be sure that all our work is carried out at the highest professional level. Along with our staff, our distinguished advisers and board members, as well as all the volunteers who have actually carried out the projects, our team at the ILRC has proven that by bringing the best legal resources together from around the globe we can indeed move the goals of UNDP forward. Thanks to everyone and we look forward to our next five years!

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

A Message from Mark Malloch Brown, UNDP Administrator

The Millennium Declaration commits governments around the world to promote democratic governance, strengthen the rule of law and respect human rights. UNDP as the main development arm of the United Nations and at the forefront in assisting governments in meeting these obligations, provides democratic governance assistance in over 130 countries. The UNDP-ABA partnership that has produced the International Legal Resource Center (ILRC) has been of tremendous value to these efforts, enabling UNDP country offices to tap into a network of over 1100 legal experts, representing over 80 countries and over 70 different languages. This innovative partnership enables UNDP to deliver the highest quality legal research and advisory services to some of the least developed countries throughout the world.

As the five-year review of the Millennium Declaration approaches, I am delighted to present this review of the ILRC's work over the same period. The report confirms that democracy is indeed on the march in all corners of the world and that through strategic partnerships, such as the ILRC, the international community can respond with rapid and often critical inputs to support democratic

transformation. The majority of ILRC assisted activities fall within the core democratic governance practice, including support for constitutional law, access to justice, decentralization, access to information, and parliamentary strengthening. Increasingly legal services are also rendered on issues related to health law, HIV/AIDS, environmental, and commercial matters.

The testimonials in the report highlight the versatile nature of the work being undertaken by governments and supported by the ILRC – the range of services is impressive. This only stands to verify the criticality of the UNDP-ABA partnership in achieving the goals outlined at the Millennium Summit.

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e f f o r t

**A Message from Kenneth B. Reisenfeld,
Chair,
ABA Section of International Law**

Goal VIII – to advance the rule of law in the world – is among the American Bar Association’s eleven organizational goals. The ABA Section of International Law, serving as the ABA’s gateway to global expertise and the international legal community, strongly supports the goals and activities of the ILRC in the fulfillment of the Goal VIII mission of the Association.

Five years ago, the Section established the ILRC in cooperation with the UNDP to follow through on a common commitment to promote good governance and the rule of law and strengthen the legal and judicial capacities in developing nations. This strategic partnership between the UNDP, the UN’s principal instrument for development assistance, and the ABA, the largest legal NGO in the world, has flourished. It has become a model for optimal resource mobilization for international legal technical assistance. Since 2000, the ILRC has assisted in over 200 UNDP Good Governance and Rule of Law Projects, responding to requests from over 70 countries. The development and growth of the ILRC in the past five years have made it possible for some of the least developed nations to access

the very best legal talent from around the world.

We are proud of our ILRC volunteers and staff and the progress they are making in advancing the rule of law. We are equally impressed with the professionalism of our UNDP colleagues and the results they have been able to achieve in difficult and demanding circumstances. We value the confidence, trust and support of the UNDP in this important activity. We hope and expect that the ABA-UNDP partnership will continue to grow in the years to come.

focus

a r e a s

UNDP works to help countries build and share solutions to development challenges through its five *Practice Areas*.

UNDP Practice Areas

- Democratic Governance
- Poverty Reduction
- Crisis Prevention and Recovery
- Energy and Environment
- HIV/AIDS

Work within the UNDP's Democratic Governance Practice Area can be summarized in several *Thematic Areas*.

UNDP Democratic Governance Thematic Areas

- Parliamentary Development
- Electoral Systems and Processes
- Access to Justice and Human Rights
- Access to Information
- Decentralization and Local Governance

ILRC is designed to provide assistance to UNDP 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
- Policy advice relating to current international best practices on legal issues

core

s e r v i c e s

1) Identification and recommendation of legal experts

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

2) Research on and provision of legal information and materials

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

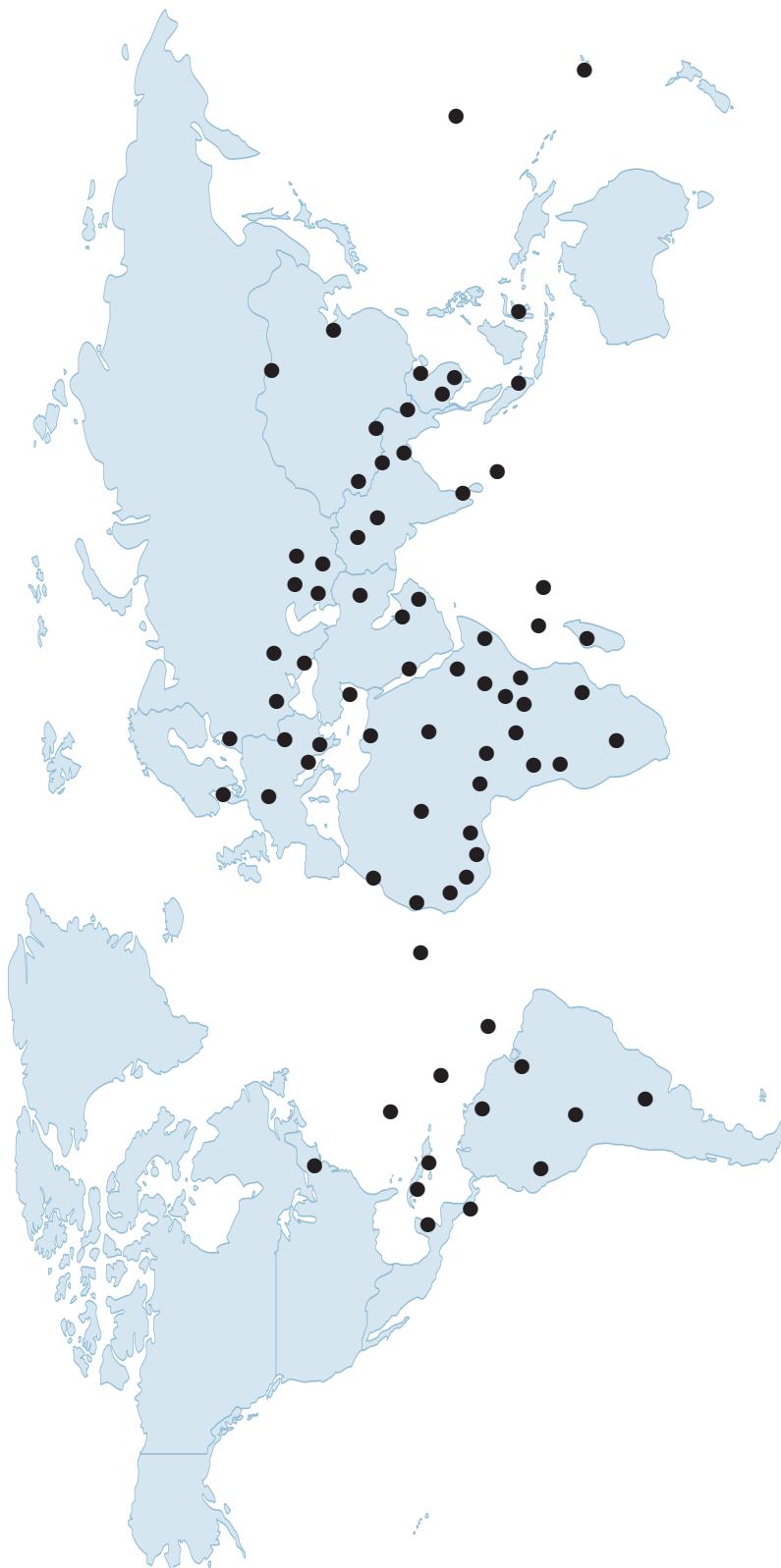
3) Coordination and oversight of legislative assessments

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

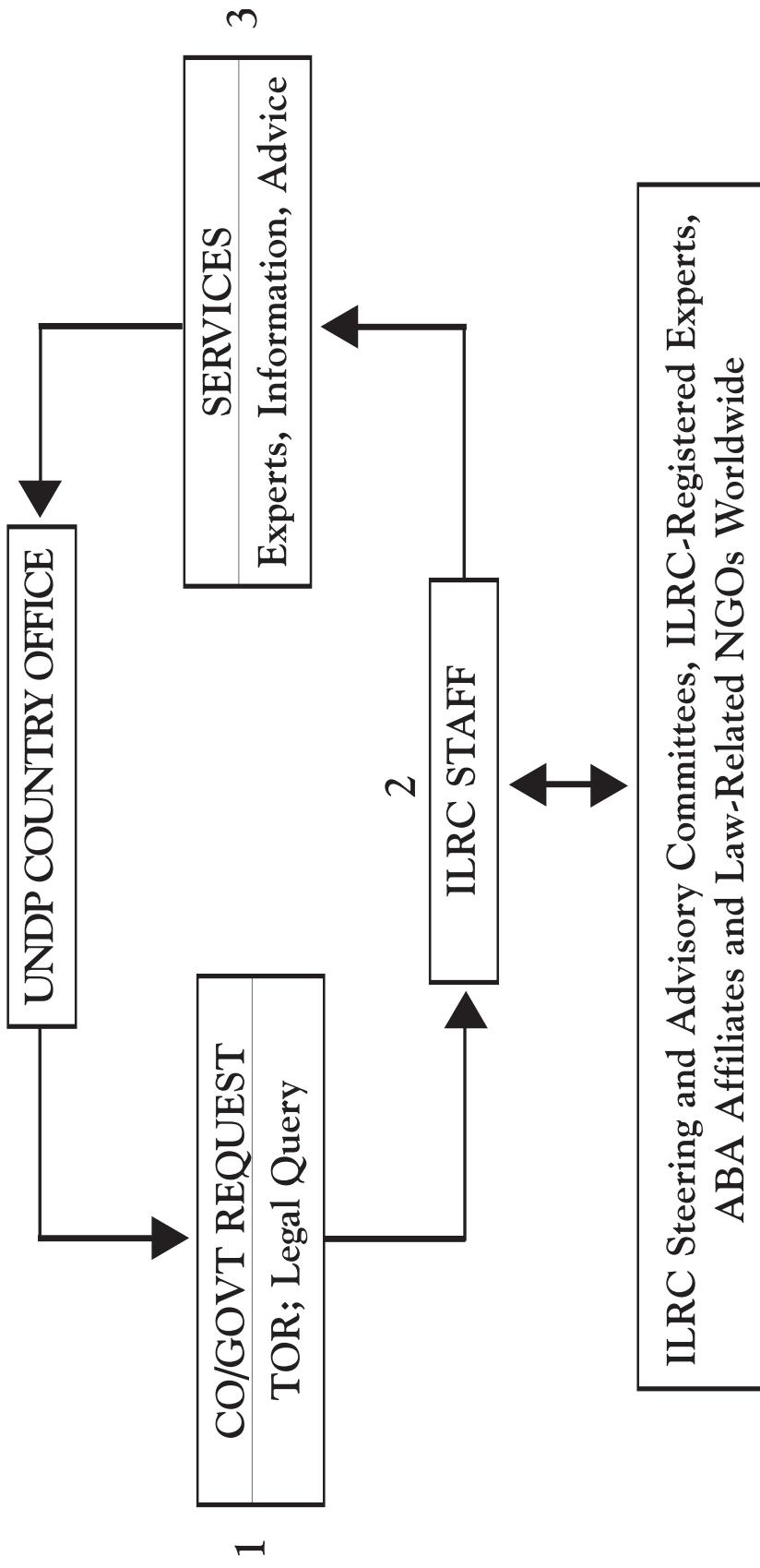
4) Other Services

In response to requests from the UNDP Country Offices, the ILRC can provide individually tailored programs to meet the needs of the requesting UNDP entity, including planning and implementing training programs for government officials to the United States or other countries of relevance.

UNDP MEMBER COUNTRIES / BUREAUS UTILIZATION OF ILRC ISINCE 2000



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 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

p r o f i l e

Over the course of the past five years, the ILRC has experienced tremendous growth in the number, type, and scope of services it provides. Beginning in 2000 with 15 requests received from the UNDP for technical legal services, the ILRC has assisted in over 200 UNDP Good Governance and Rule of Law projects from over 70 countries.

In recent years, the ILRC has responded to a larger growth in requests for research and provision of legal information and the coordination of legislative assessments. In the last two years alone, the ILRC responded to over 40 requests for legal information and research (comprising over 60% of the five-year total) and conducted three out of six legislative assessments.

Trends can also be seen in geographic utilization of ILRC services over the past five years. Southeast Asia has emerged as one of the most consistent origins of requests, with many countries requesting ILRC assistance for four or five consecutive years. This mirrors a strong commitment by UNDP to dedicate a substantial portion of program funding for Good Governance and the Rule of Law to this region. The Sub-Saharan Africa and Eastern Europe/CIS regions have also produced an increasing number of requests each year.

A large portion of ILRC-assisted projects focus on core governance areas, such as parliamentary capacity-building, access to justice, and public administration. Requests relating to commercial law, environmental law, and decentralization are also common. Health law and HIV/AIDS, as well as, media and telecommunications regulation, have been the subject of an increasing proportion of requests in recent years.

Parliamentary Development: Parliamentary bodies are essential to the guarantee that citizens have a voice in government. Parliamentary capacity-building programs include legislative drafting support, internal and external communication efficiency, the development of professional support staff, and training on human rights and other areas that are fundamental parts of democratic governance.

Electoral Systems and Processes: Elections are one of the touchstones of a successful democratic process. UNDP's electoral assistance programs are designed to ensure transparent and accountable elections. Review of legislative frameworks, voter education, and female election participation are areas in which assistance has been provided.

Access to Justice and Human Rights: Access to effective and timely justice is recognized by the UNDP as being central to development. For the most disadvantaged, access to justice comes through the development of legal aid programs and civic education campaigns. Human rights assessments and trainings provide much needed information on the implementation of international norms. Other projects include the founding of independent bar associations, the improvement of law school curriculums, the development of alternative dispute resolution systems, and training for judges, prosecutors, public defenders, and court administrators.

Access to Information and Information Technology: Information technology provides a resource that developing countries can take advantage of through innovative policies. The usefulness of new technologies and the challenges that might arise in regulating their use are significant considerations for many countries.

project

p r o f i l e

UNDP also recognizes the significant role of the media in supporting necessary communication between civil society and the government. Training and legislative support relating to the role of the internet, public television and radio, and commercial media promote an open society and good governance.

Decentralization and Local Governance: Decentralization allows people at all levels become more involved in decision-making, management, and delivery of services by the government. Effective local governance necessitates giving local authorities the resources and capacity to adequately address the needs and interests of citizens, and to take on increasing fiscal and administrative responsibility.

Public Administration and Civil Service Reform: Transparency and accountability are necessary for governments to function in the best interests of their citizens. The reform of important institutions, careful selection and management of government employees, and effective management of financial resources have been identified by the UNDP as key factors for sustaining development progress. Institutional assessments, model codes of conduct, anti-corruption strategies, and civil service legislation are examples of projects in this area.

Poverty Reduction and Economic Development: Economic development encouraging integration into the global economy is a major component of poverty reduction campaigns. Assistance in the development of national economic policies aims to promote economic prosperity in program countries and their integration into the global economy through work in specific sectors such as investment, bankruptcy, corporate governance, micro-finance, and urban planning.

Crisis Prevention and Recovery: Many countries facing development challenges are further impeded by the threat or aftermath of armed conflict, natural disasters, or other crises. Reintegration of participants in armed conflict into society, support for rebuilding key state institutions, and investigation into human rights abuses are examples of the kinds of assistance the UNDP can provide.

Energy and Environmental Sustainability: Protection of energy resources and the environment are essential components of sustainable development. Environmental degradation often has repercussions nationally or even globally. Projects focus on legislative frameworks for environmental protection and the relationship between economic development and environmental sustainability.

HIV/AIDS: HIV/AIDS affects tens of millions of people around the world, a disproportionate number of which live in developing countries. In addition to the provision of basic humanitarian aid, the UNDP works to fight the discrimination and stigma faced by those living with HIV/AIDS. Projects address the provision of legal protections, prevention campaigns targeting at risk groups such as juveniles, and the creation of a balance between the public's right to information and patients' right to privacy.

PARLIAMENTARY DEVELOPMENT

Timor Leste 2004	Identification of Legal Expert
Pakistan 2003	Identification of Legal Expert
Belarus 2002	Research and Provision of Legal Information
Cambodia 2001	Identification of Legal Expert
Armenia 2000	Research and Provision of Legal Information

ELECTORAL SYSTEMS AND PROCESSES

Ethiopia 2004	Research and Provision of Legal Information
Caribbean SURF 2003	Research and Provision of Legal Information
Timor Leste 2001	Identification of Legal Expert
Indonesia 2000	Identification of Legal Expert

ACCESS TO JUSTICE AND HUMAN RIGHTS

Asia-Pacific Region 2004	Advisory Comments & Recommendations
Botswana 2004	Identification of Legal Expert
Maldives 2004	Identification of Legal Experts
Viet Nam 2004	Identification of Legal Experts
Bangladesh 2003	Identification of Legal Expert
Latvia 2003	Identification of Legal Expert
Tanzania 2003	Research and Provision of Legal Information
Lao P.D.R. 2003	Research and Provision of Legal Information
Haiti 2002	Identification of Legal Expert
Latvia 2002	Identification of Legal Expert
Nepal 2002	Identification of Legal Expert
Viet Nam 2002	Legislative Assessment
Yemen 2002	Identification of Legal Expert
Nepal 2001	Research and Provision of Legal Information
Lao P.D.R. 2000	Identification of Legal Expert
Mauritius 2000	Research and Provision of Legal Information

VIEW BY PRACTICE AREA

Drafting of a procedural handbook for parliamentary committees

Comparative analysis of practices in budgetary reform and lobbying

Capacity building for legislative drafting

Formulation of parliamentary capacity development program

Human rights assessment and programming for parliament

Increasing female voter turnout in national elections

Comparative analysis of constitutional provisions for “Crossing the Floor”

Civic education and elections

Civic education and election training initiatives

Review of Practitioners’ *Guide for Access to Justice Programmes* for UNDP country officers

Increasing national capacity in reporting to the UN CERD treaty

Revision of national criminal codes

International workshop for the review of the draft Ordinance on legal aid

Development and implementation of human rights law training for the judiciary

Evaluation of judicial appointment procedure and capacity building for the judiciary

Comparative report on court systems in Sub-Saharan Africa

Building of independent bar associations

Evaluation of penal laws and assistance in drafting of criminal code and procedure

Formulating the establishment of legal aid system

Evaluation of Alternate Dispute Resolution in the justice system

Draft Ordinance on Judges

Formulation of human rights law training for the judicial sector

Anti-trafficking of women

Evaluation of UNDP judicial capacity building programs

Drafting of laws for cross-border prisoner transfers

PROJECT ACTIVITIES OVER

ACCESS TO INFORMATION AND INFORMATION TECHNOLOGY

Armenia 2004	Research and Provision of Legal Information
Bhutan 2003	Identification of Legal Expert
Nepal 2003	Identification of Legal Experts
Mongolia 2001	Legislative Assessment
Bhutan 2000	Research and Provision of Legal Information

DECENTRALIZATION AND LOCAL GOVERNANCE

Bolivia 2004	Research and Provision of Legal Information
Cape Verde 2003	Identification of Legal Expert
Comoros 2002	Identification of Legal Experts
Indonesia 2002	Research and Provision of Legal Information

PUBLIC ADMINISTRATION AND CIVIL SERVICE REFORM

Georgia 2004	Identification of Legal Expert
Serbia 2004	Research and Provision of Legal Information
China 2002	Identification of Legal Expert
St. Vincent & Grenadines 2000	Identification of Legal Expert
Turkmenistan 2001	Research and Provision of Legal Information

POVERTY REDUCTION AND ECONOMIC DEVELOPMENT

Argentina 2004	Research and Provision of Legal Information
India 2004	Research and Provision of Legal Information
Macedonia 2004	Identification of Legal Expert
Viet Nam 2002	Legislative Assessment
Viet Nam 2002	Identification of Legal Expert
China 2001	Identification of Legal Experts
Maldives 2001	Identification of Legal Expert
Suriname 2000	Identification of Legal Expert

CRISIS PREVENTION AND RECOVERY

Afghanistan 2004	Research and Provision of Legal Information
Sudan 2004	Research and Provision of Legal Information

VIEW BY PRACTICE AREA

Model laws regulating media coverage of disastrous emergencies

Legislative framework for information and communications technology development

Judicial training in cyber and copyright law

Evaluation of legislative framework and draft Law on Public Radio and Television

Cyber law

Devolution of the management of the national parks system

Drafting of finance law and development of framework for implementation

Assistance with delineation of constitutional framework for the newly formed Union

Comparative analysis of local governance laws for decentralized autonomous states/provinces

Functional analysis and capacity needs assessment of the Ministry of Economy

Comparative practices on salary scales and career systems for the civil service

Formulation of anti-corruption and public institution strengthening project

Development of anti-corruption action plan and code of conduct for government ministers

Report on pension system reform

Report on public education programs concerning taxation

National strategies for urban poverty reduction

Streamlining of national business registration procedures and regulations

Draft bankruptcy law and development of training workshop

Formulation of project for promotion and management of trade in services

Workshop on corporate governance and citizenship

Formulation of regulatory framework for micro-credit funds and loan schemes

Revising international industrial contracts to protect natural resources

Comparative histories of the establishment of national bar associations in post-conflict countries

Community policing in post-conflict societies

PROJECT ACTIVITIES OV

Timor Leste 2004	Research and Provision of Legal Information
Eritrea 2003	Research and Provision of Legal Information
Kosovo 2003	Identification of Legal Expert
UNDP/Headquarters 2003	Research and Provision of Legal Information
Guatemala 2002	Identification of Legal Expert
Rwanda 2001	Identification of Legal Expert
Rwanda 2001	Identification of Legal Expert
UNDP/Headquarters 2000	Identification of Legal Expert

ENERGY AND ENVIRONMENTAL SUSTAINABILITY

Caribbean SURF 2004	Identification of Legal Expert
Georgia 2004	Research and Provision of Legal Information
Cambodia 2002	Identification of Legal Expert
Mozambique 2002	Identification of Legal Expert

HIV/AIDS

Jamaica 2004	Research and Provision of Legal Information
Mozambique 2004	Research and Provision of Legal Information
Ukraine 2004	Research and Provision of Legal Information
Jamaica 2004	Research and Provision of Legal Information
Viet Nam 2003	Legislative Assessment
Ukraine 2003	Research and Provision of Legal Information
China 2001	Identification of Legal Experts

REVIEW BY PRACTICE AREA

Examples of legislation addressing the recognition and reintegration of ex-combatants in society

Research report on transition of militants to civilian police force

Police administration

Development of comprehensive security sector reform program in small arms and gun control

Development of comprehensive security sector reform program in police administration

Formulation of Supreme Court training program, action plan and implementation strategy

Capacity building of the National Unity and Reconciliation Commission

Evaluation of UNDP rule of law programs in post-conflict situations

Workshop on legal issues relating to procurement in the natural gas sector

Model laws on refugees displaced by environmental disasters and degradation

Evaluation of UNDP forest crime monitoring and reporting project

Evaluation of UNDP in agricultural and rural sector support program

Prosecution of individuals for intentionally exposing non-infected partners to HIV/AIDS

Comparative practices on addressing HIV/AIDS in the armed forces

Media accountability and individuals rights to confidentiality in the coverage HIV/AIDS

Comparative analysis of HIV/AIDS related anti-discrimination laws

Revision of HIV/AIDS Ordinance

Development of HIV/AIDS education programs for juvenile delinquents

Analysis of HIV/AIDS related legislation and development of training workshop

AFRICA

Botswana 2004	Identification of Legal Expert
Central African Republic 2002	Research and Provision of Legal Information
Congo, D.R. 2004	Research and Provision of Legal Information
Eritrea 2003	Research and Provision of Legal Information
Ethiopia 2004	Research and Provision of Legal Information
Malawi 2004	Research and Provision of Legal Information
Mozambique 2002	Identification of Legal Expert
Mozambique 2003	Research and Provision of Legal Information
Mozambique 2004	Research and Provision of Legal Information
Rwanda 2001	Identification of Legal Expert
Rwanda 2001	Identification of Legal Expert
Sudan 2004	Research and Provision of Legal Information
Tanzania 2003	Research and Provision of Legal Information
Uganda 2004	Research and Provision of Legal Information

SOUTH AND EAST ASIA

Bangladesh 2003	Identification of Legal Expert
Cambodia 2001	Identification of Legal Expert
China 2002	Identification of Legal Expert
China 2001	Identification of Legal Experts
China 2001	Identification of Legal Experts
India 2004	Research and Provision of Legal Information
Indonesia 2002	Research and Provision of Legal Information
Indonesia 2000	Identification of Legal Expert
Lao P.D.R. 2000	Identification of Legal Expert
Lao P.D.R. 2003	Research and Provision of Legal Information
Mongolia 2001	Legislative Assessment
Mongolia 2003	Research and Provision of Legal Information
Nepal 2001	Research and Provision of Legal Information
Nepal 2002	Identification of Legal Expert
Nepal 2002	Identification of Legal Experts
Pakistan 2003	Identification of Legal Expert

TIES BY REGION

Increasing national capacity in reporting to the UNCERD treaty

Comparative report on anti-corruption legislation and practices

Review of draft Law on Nationality

Research report on transition of militants to civilian police force

Increasing female voter turnout in national elections

Comparative practices on state party reporting to human rights treaties

Evaluation of UNDP agricultural and rural sector support program

Comparative research report on national planning and budget system legislation

Comparative practices in addressing HIV/AIDS in the armed forces

Formulation of Supreme Court training program, action plan, and implementation strategy

Capacity building of the National Unity and Reconciliation Commission

Community policing in post-conflict societies

Comparative report on court systems in Sub-Saharan Africa

Comparative practices in regulatory frameworks for NGOs and CSOs

Development and implementation of human rights law training for the judiciary

Formulation of parliamentary capacity development program

Formulation of anti-corruption and public institution strengthening project

Analysis of HIV/AIDS related legislation and development of training workshops

Workshop on corporate governance and citizenship

National strategies for urban poverty reduction

Comparative analysis of local governance laws for decentralized autonomous states/provinces

Civic education and elections training initiatives

Evaluation of UNDP judicial capacity building programs

Building of independent bar associations

Evaluation of legislative framework and draft law on Public Radio and Television

Comparative report on pre-trial detention standards

Anti-trafficking of women

Evaluation of the role of mediation and indigenous alternate dispute resolution in justice system

Judicial training in cyber and copyright law

Comparative analysis of practices in budgetary reform and lobbying

Viet Nam 2001	Identification of Legal Expert
Viet Nam 2002	Legislative Assessment
Viet Nam 2002	Legislative Assessment
Viet Nam 2003	Legislative Assessment
Viet Nam 2004	Program Design and Implementation

CENTRAL AND EASTERN EUROPE

Armenia 2004	Research and Provision of Legal Information
Armenia 2000	Research and Provision of Legal Information
Belarus 2002	Research and Provision of Legal Information
Georgia 2004	Identification of Legal Expert
Latvia 2002	Identification of Legal Expert
Latvia 2003	Identification of Legal Expert
Macedonia 2004	Identification of Legal Expert
Serbia 2004	Research and Provision of Legal Information
Ukraine 2003	Research and Provision of Legal Information
Ukraine 2004	Research and Provision of Legal Information

CENTRAL ASIA & THE MIDDLE EAST

Afghanistan 2004	Research and Provision of Legal Information
Kazakhstan 2003	Research and Provision of Legal Information
Turkmenistan 2001	Research and Provision of Legal Information
Yemen 2002	Identification of Legal Expert

CENTRAL AND SOUTH AMERICA

Argentina 2004	Research and Provision of Legal Information
Bolivia 2004	Research and Provision of Legal Information
Guatemala 2002	Identification of Legal Expert
Honduras 2003	Research and Provision of Legal Information
Peru 2002	Identification of Legal Expert

TIES BY REGION

Evaluation of project on the strengthening of labor code implementation

Draft Ordinance on Judges

Draft bankruptcy law and development of training workshop

Revision of HIV/AIDS Ordinance

Study tour of U.S. legal and judicial institutions

Model laws regulating media coverage of disastrous emergencies

Human rights assessment and programming for parliament

Capacity building for legislative drafting

Functional analysis and capacity needs assessment of the Ministry of Economy

Formulating the establishment of legal aid system

Evaluation of judicial appointment procedure and capacity building for the judiciary

Streamlining of national business registration procedures and regulations

Comparative practices on salary scales and career systems for the civil service

Development of HIV/AIDS education programs for juvenile delinquents

Media accountability and individuals rights to confidentiality in the coverage HIV/AIDS

Comparative histories of the establishment of national bar associations in post-conflict countries

Judicial training in international human rights law

Report on pension system reform

Formulation of human rights law training project for the judicial sector

Report on public education programs concerning taxation

Devolution of the management of the National Parks Service

Development of comprehensive security sector reform program in police administration

Strengthening of the police force

Human rights and exhumation

Suriname 2000	Identification of Legal Expert
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SMALL ISLAND DEVELOPING STATES

Comoros 2002	Identification of Legal Experts
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Haiti 2002	Identification of Legal Expert
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Jamaica 2003	Research and Provision of Legal Information
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Jamaica 2004	Research and Provision of Legal Information
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Maldives 2004	Identification of Legal Experts
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Maldives 2001	Identification of Legal Expert
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Mauritius 2000	Research and Provision of Legal Information
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St. Vincent & Grenadines 2001	Identification of Legal Expert
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Timor Leste 2004	Identification of Legal Expert
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Timor Leste 2004	Identification of Legal Expert
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Timor Leste 2002	Identification of Legal Expert
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Timor Leste 2001	Identification of Legal Expert
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ACTIVITIES BY REGION

Revising international industrial contracts to protect natural resources

Assistance with the delineation of constitutional framework for the newly formed Union

Evaluation of penal laws and assistance in the formulation of draft criminal code and procedure

Comparative study of HIV/AIDS related anti-discrimination laws

Prosecution of individuals for intentionally exposing non-infected partners to HIV/AIDS

Revision of national criminal codes

Formulation of regulatory framework for micro-credit funds and loan schemes

Drafting laws for cross-border prisoner transfer

Development of anti-corruption action plan and code of conduct for government ministers

Drafting of a procedural handbook for parliamentary committees

Creation of regulatory mechanisms for the operation of NGOs and CSOs

Justice system review and assessment

Civic education and elections

project

h i g h l i g h t s

AFGHANISTAN

Bar Association Development (2004)

As part of an effort to expand the legal institutions in Afghanistan, the UNDP requested information on the establishment of an independent bar association. The query originators were particularly interested in the experience of post-conflict countries. In response, the ILRC prepared a report featuring successful bar association support programs in Cambodia, Palestine, and Kosovo, as well as contact information on experts involved in these projects.

BHUTAN

Information/Communication Technology (2003)

ILRC received a request from Bhutan for an expert to assist the Division of Information Technology of the Ministry of Communications in drafting an Information and Communication Technology (ICT) Act for Bhutan. Interested experts were required to write a mission approach proposal. ILRC reviewed complex proposals from numerous ILRC-registered experts, three of whom were recommended to the UNDP. The nominees included a law professor from India, a consultant from Trinidad and Tobago, and a tax counsel working in the Republic of Palau—all with an average of 18 years of experience. UNDP selected the law professor from India.

BOTSWANA

Human Rights (2004)

ILRC received a query from UNDP/Botswana for an international consultant to assist the government in reporting to the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in March 2005. The consultant was sought to prepare a workshop for capacity-building among nongovernmental stakeholders on this work in compliance with the convention guidelines on human rights reporting and to guide the government through the steps for submitting the report to the Geneva-based committee. Within five working days, three

experts experienced in international human rights treaties were recommended. A law professor from the United States with 18 years of experience and working knowledge of human rights assessment was selected by the UNDP to perform the mission.

CARIBBEAN SURF

Customs Reform (2004)

Caribbean SURF requested information about increasing revenue flows and decreasing corruption in the customs department on behalf of one of its member countries. ILRC responded by preparing a report containing information on successful customs reforms undertaken in four countries, contact information for those countries' customs departments, a description of the World Customs Organization, and links to publicly available tools to fight corruption.

CHINA

Legal Aid and Customary Law (2002)

UNDP Bangkok Sub-Regional Facility (SURF) submitted a research based request on behalf of the Chinese Ministry of Justice for a list and description of developing nations' legal aid schemes. The query requested information regarding the incorporation of customary law into constitutional frameworks of both developed and developing nations. ILRC conducted Internet research and contacted several legal aid NGOs directly for further information. Within seven working days, the ILRC presented UNDP/China with a comprehensive report containing descriptions and contact information for legal aid entities in 16 different nations in Africa, Asia, and South America, as well as a comparative analysis of customary law in six different nations. ILRC findings were included in UNDP's final report.

project

h i g h l i g h t s

COMOROS

Decentralization; Constitutional Law (2002)

The Government of the newly formed Union of the Comoros requested the assistance of the UNDP in reforming the country's administrative organization. The project anticipated work in the areas of 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. ILRC distributed the translated Terms of Reference (TOR) and identified ten French-speaking candidates, recommending three each in the fields of fiscal administration and constitutional decentralization. The experts had an average of 26 years of experience and were all either fluent or native francophones. Three Canadian experts were selected to participate in the missions.

CONGO, D.R.

Nationality Law (2004)

UNDP/Congo, D.R. contacted the ILRC for assistance in the analysis of a draft Nationality Law under consideration by the National Assembly. The new law would be significant in determining eligibility for voting in the first elections since the 2003 peace agreement quelled much of the violence that had engulfed the country since 1997. ILRC assembled an international team consisting of four (French, American, Belgian, and Congolese) commentators to review the legislation. Accompanying the expert commentary, was an ILRC-prepared comparative analysis of the nationality laws in five other African countries.

HONDURAS

Strengthening of Police (2003)

UNDP/Honduras solicited information regarding the integration of the investigative division of the police into the rest of the country's justice and security system. A comparative analysis was requested to assess the degree of the division's dependence on the Office of the Public Prosecutor and the judicial branch in Central

American and Caribbean countries. ILRC conducted research and provided a report incorporating the findings of several institutions such as the Washington Office on Latin America. ILRC also distributed the request through its networks and provided UNDP/Honduras with contact information for individuals and organizations in the specialized field.

INDONESIA

Decentralization and Local Government (2002)

While participating at the Institutional Development Group (IDG) meeting in Panama, the ILRC was asked to conduct an investigation into the role of governors as both heads of a decentralized autonomous unit and representatives of the central government. Accordingly, the ILRC carried out extensive and comprehensive research, including online queries, telephone interviews and a visit to the National Governors Association Library. Based on similarities with the Indonesian political system, the ILRC concentrated its investigation on the role of governors in the Philippines, Sri Lanka, India, Malaysia, Thailand, and Japan. Information on Australia, Canada, the United Kingdom and the United States was also provided for comparative purposes. Within two weeks, the ILRC delivered its results, including research regarding the role of governors, information on 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

JAMAICA

Human Rights; HIV/AIDS (2003)

ILRC received a request from UNDP/Jamaica for guidance on legal strategies for providing anti-discrimination protection to persons living with HIV/AIDS (PLWHAs) and men who have sex with men (MSMs). ILRC began with an inquiry into the historical and current status of PLWHAs and MSMs in Jamaica, as well as the domestic obstacles to anti-discrimination protections. A comparative study was compiled, detailing the relevant laws and policies, as well as the experiences of PLWHAs and MSMs in South Africa, Canada, Australia and the United States. The report, complete with links to legislation and contact information for experts on HIV/AIDS law, was submitted to UNDP/Jamaica within twenty workdays.

LAO P.D.R.

Judiciary Education and Training (2000)

The ILRC received a request in early 2000 for a non-resident Legal Advisor to work with the Lao Minister of Justice, the People's Supreme Court, and the Office of the Public Prosecutor to develop strategies for the enforcement of the Rule of Law in the country. One of the three highly qualified candidates recommended by the ILRC, a former Solicitor General of Hong Kong, was selected for the position. The mission produced an assessment of the training needs for prosecutors, judges, and legislative drafters in the country, as well as, broad-based recommendations for the government.

LATVIA

Judicial Selection (2003)

UNDP/Latvia requested the assistance of the ILRC on a project working to develop tools and mechanisms for judicial selection. In response,

the ILRC compiled proposed methodologies received from previously recommended experts and provided them to the UNDP along with their updated contact information. A former judge from Oregon, with over thirty years of experience, was selected for the mission.

MACEDONIA

Commercial Law (2004)

ILRC received a query from UNDP/Macedonia for an expert to assist in the implementation of a project to remove legal and administrative barriers to investment in Macedonia. Specifically, the consultant was to analyze and improve the process for new business registration in the country. Within eight working days, the ILRC provided UNDP/Macedonia with a list of five business law experts with an average of 25 years of experience. One of the recommended experts, an American with experience working on commercial law in the region, was selected for the project.



Mr. Daniel Fung, second from the left, meets with judicial officials in Lao P.D.R. in 2000.

project

h i g h l i g h t s

MALAWI

Treaty Reporting (2004)

UNDP/Malawi requested information on best practices for preparing reports to international treaties, in particular UN human rights treaties. Ten days later, the ILRC submitted a report comprised of summaries of, and hyperlinks to: the UN guidelines for each human rights treaty, reports from a series of workshops conducted on a similar topic, several books on treaty reporting, UN agencies that might help in reporting, and institutions created in similarly situated countries to prepare treaty reports.

MONGOLIA

Public Radio and Television Law (2001)

As part of an extensive program of legal reform, the government of Mongolia drafted a Law on Public Television and Radio to ensure the freedom of the media. At the request of UNDP, the ILRC created a team of 10 reviewers to provide critical analysis of the new law addressing best practices in this area and the viability of the specific articles. In one month, the ILRC provided the expert commentary from ten reviewers, including the General Counsel for National Public Radio and a chief legislative counsel from the U.S. House of Representatives.

MOZAMBIQUE

Administrative Law (2003)

ILRC received a query for a comparative analysis of planning and budgeting systems legislation from developing countries to assist the government of Mozambique in developing strategies to create greater coherence between the planning instruments in place at the time. ILRC conducted research and compiled a list of online resources on the policies and activities of several national planning agencies of countries including Indonesia, China, and Botswana. In addition to providing this list, the ILRC also included an electronic publication specifically addressing development planning in Anglophone Africa.

NEPAL

Alternative Dispute Resolution (2002)

To assist the government in its efforts to increase access to justice, reduce backlog in court cases, and enhance dispute settlement mechanisms, UNDP/Nepal requested the recommendation of legal experts in the field of community based and court annexed mediation programs. In response, the ILRC conducted a search and received over 25 applications. Within seven working days three experts were recommended, and were later supplemented by a second round of three experts. The candidates had an average of 22 years' experience in local mediation and training in dispute resolution. One of these nominees was selected to lead the mission.

Cyber Law (2003)

In assisting the government of Nepal to reform its legal and judicial system in accordance with WTO requirements, UNDP/Nepal requested that the ILRC recommend several experts in cyber law and copyright law to conduct a ten-day training workshop for judges and high-level government staff. In response, the ILRC distributed notifications of the request and received over 20 expressions of interest. In total, 11 candidates were recommended to the UNDP and three were selected to conduct the workshop. Two of the selected experts were in private practice, while the other was a university professor. They had an average of 18 years of experience.

project

h i g h l i g h t s

TIMOR LESTE

NGO Law (2004)

UNDP/Timor Leste contacted the ILRC with a request for a consultant to help develop a model NGO regulatory framework for the country. The experts' responsibilities included meeting with key stakeholders, preparing a report, and holding a workshop to discuss the findings. ILRC received and reviewed twenty applicants and recommended five of them based on the criteria outlined in the terms of reference. A two-person team recommended by the ILRC was selected to carry out the mission.

UKRAINE

Media Accountability and HIV/AIDS (2004)

ILRC received a request from UNDP/Ukraine for information on media accountability with respect to HIV/AIDS. ILRC prepared a report comprised of research on what other countries had found to be best practices on privacy, education and the role of the media in activism with regard to HIV/AIDS. The current state of American law in protecting the privacy of a person's HIV serostatus was also addressed.

VIET NAM

Labor Code (2001)

UNDP/Viet Nam contacted the ILRC for assistance in locating an international consultant to help the government develop an implementation plan for its new Labor Code. Enforcement of the new Labor Code was an essential component of the national program of socio-economic development being undertaken by the government. The protection of children's labor rights was one of the major considerations of this project. One of the recommended experts, a professor with over 20 years of experience with labor law and arbitration, was selected for the mission.

Legislative Assessment on Draft Ordinance on Judges (2002)

UNDP/Viet Nam requested the ILRC to coordinate a desktop assessment of the Draft Ordinance on Judges and People Assessors for the Supreme People's Court of Viet Nam. 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, the 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.



Judge Roberto MacLean, left, at the workshop on the Draft Ordinance on Judges in Viet Nam in 2002.

project

h i g h l i g h t s

Commercial Law (2003)

ILRC received a request from UNDP/Viet Nam for assistance in the identification of two experts to review Viet Nam's commercial laws in light of its bid for accession to the WTO. The experts were to present their findings before various ministries in Hanoi. Accordingly, the ILRC distributed a memorandum on the request and within two weeks, received interest from more than ten experts, of which four were recommended. Two attorneys were selected by UNDP/Viet Nam, one with prior experience in China's accession to the WTO and another who had served as Assistant US Trade Representative

Minister of Justice Delegation (2004)

Sponsored by the UNDP the Vietnamese Minister of Justice and his delegation visited Washington D.C. and New York City from September 20 – 24, 2004 for a study mission concerning the American justice system. The objectives of the mission were to examine the creation and implementation of legislation, to observe the role of the court system, to review the work of legal professional organizations, and to understand the inner-workings of agencies in the U.S. legal system. ILRC planned and organized the mission, coordinating meetings between the high profile delegation and representatives from the Department of Justice, Congress, the federal judiciary, and local and national bar associations. Findings by the delegation were compiled into a government report complete with lessons learned for Rule of Law reform in the Viet Nam.

YEMEN

Human Rights (2002)

At the request of UNDP/Yemen, the ILRC performed a search for an international expert in the field of human rights law to conduct a three-week formulation mission to assist the Yemeni Government in the development of a comprehensive policy framework promoting human rights and access to justice. Within seven working days, the ILRC recommended seven experts with an average of 16 years of experience, strong backgrounds in human rights law and extensive experience in the formulation, implementation, and evaluation of projects in developing countries. A Sudanese-Canadian law professor fluent in Arabic was selected to conduct the mission.

views

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

UNDP Kinshasa has been working with the ILRC in the framework of its support programme to the Parliament of the Democratic Republic of the Congo. The DRC is currently involved in a process of political transition, and its Parliament is responsible for the development and revision of national legislation being the basis of its future political system.

While technically assisting the National Assembly to finalise the new nationality bill, a particularly sensitive process, we contacted ILRC in order to get expert advice on the existing draft laws, especially from a comparative point of view, taking into consideration the various lessons learned in other countries.

Within the very short time line of two weeks, ILRC was able to provide us with consolidated comments from several international high-level legal experts. This input contributed to the success of the seminar, since it provided its participants with additional points of view and substance. Many of the comments were taken into consideration and helped to

improve the quality of the law.

In the sensitive area of legislation drafting, the neutrality of the legal expertise and advice is crucial. The fact that the legal opinions provided by ILRC were based on impartial comparative analysis and rational considerations was therefore highly appreciated by both UNDP and the participants in the seminar. We would like to encourage the ILRC to continue in this direction.

Based on this positive first experience, UNDP Kinshasa is looking forward to further collaboration with the ILRC. A number of important laws will be developed in 2005. UNDP will actively support the parliament to draft and refine these laws and will certainly ask the ILRC for assistance.

Jörg Kühnel
Programme Officer
Governance Unit
UNDP Kinshasa
Democratic Republic of Congo



Vietnamese Minister of Justice, Mr. Uong Chu Luu and his delegation escorted by ILRC meet with U.S. Attorney General Mr. John Ashcroft in Washington, D.C. in 2004.

views

from the field

In 2004 the “Assistance to the Implementation of Viet Nam’s Legal Development Strategy to 2010” project was a grateful beneficiary of ILRC assistance. The project’s objective is to allow Viet Nam to utilize international expertise and assistance to ensure a phased and orderly implementation of the legal reforms necessary to promote the market economy, international integration, and the rule of law in Viet Nam. The ILRC assisted the project in the organization of a workshop on legal aid in Viet Nam and a study tour to North America for senior Vietnamese officials.

In September and October, a delegation of senior officials from Viet Nam toured the US and Canada under the auspices of the aforementioned Project. Apart from valuable meetings with the ABA itself, in which they gained insight into the broader contribution to legal reform and promotion of the rule of law that can be played by an independent and voluntary national bar association such as the ABA, the ABA was also instrumental in helping to organize a series of meetings between the Vietnamese delegation and high-level US administration and judicial officials. The Vietnamese found the American experience very instructive and it has provoked much discussion, particularly about the role of the Bar in Viet Nam, since their return.

In late October, the Project supported a workshop on the legislative framework for legal aid in Viet Nam. The ABA arranged for two international experts - Mr. Frans Arthur Ohm (Netherlands) and Professor Daniel L. Greenberg, Esq. (U.S.) - to participate in the workshop and their input into the discussions was substantial. Apart from discussions of

legal aid services, entitlement, organization, and financing, the workshop examined the role of the judiciary and prosecution writ large, and the promotion of safeguards for those who have been disadvantaged by the rapid transformation of Vietnamese society and the provision of full access to justice for them in the emerging rule of law state. The participants, legislative, administration, judicial and prosecutorial officials from Viet Nam, were in the process of drafting the formal legal documents that will shape the future delivery of legal aid services to the poor and other disadvantaged groups and the workshop considerably advanced the shaping of the legislation.

The cross-section of international experience provided by the ABA experts, their substantive comments on draft regulations on legal aid, and the frank discussion engendered was welcomed by the Vietnamese participants. The Project is grateful for the invaluable expertise and assistance provided by the ABA and hopes that there will be considerable cooperation between the two, and between the ABA and other Vietnamese legal bodies, in the future.

Nguyen Minh Phuong
Program Assistant
UNDP/Viet Nam Legal System
Development Strategy Inter-Agency
Hanoi, Viet Nam

views

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

We received the service of ILRC experts in a training program on "Internet and Intellectual Property Law" organized in Kathmandu from October 29—November 6, 2003. The training program was organized through the UNDP-supported "Strengthening the Rule of Law and Reform of the Judiciary" Program. The basic objective of the training was to make selected judges of the appellate and district courts aware of matters relating to internet and intellectual property law. With a limited budget for the training, we were fortunate to find pro bono trainers through the ILRC. Mr. Rodney Ryder, Esq. (India), Professor Tim Wu, Esq. (Canada/U.S.), and Mr. Denis Rice, Esq. (U.S.), were selected with ILRC recommendation to perform the mission.

Not only were the experts successful in imparting knowledge, but they also made the sessions lively through an interactive discussion of issues concerning internet and intellectual property law. Another remarkable part of the training was that, through the initia-

tive of Mr. Rice, copies of the "Seventh Annual Internet Law Institute and Internet Law for Business Lawyer," were made available to the participants in addition to the other resource materials provided. Similarly, Mr. Ryder brought some useful material from India for the participants.

Despite the initial reservations of some Nepalese Judges regarding the caliber of the recommended experts the training program concluded successfully with the valuable support of ILRC experts. We are indeed grateful to the ILRC staff for their cooperation. We intend to organize more trainings in other areas of law and will contact the ILRC again for pro bono experts.

Nabin K. Chhetri
National Program Manager
UNDP/HMG Strengthening the Rule of Law
and Reform of the Judiciary Program
Kathmandu, Nepal



Mr. Nabin Chetri, second from left, UNDP/Nepal officer pictured with Mr. Denis Rice, Professor Timothy Wu, and Mr. Rodney Ryder at the International Copyright Workshop in Nepal in 2003.

views

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

The Caribbean Sub-Regional Facility (SURF) is appreciative of the substantive and timely support provided by the ILRC during 2003. One specific example of quality assistance provided was when one of our client Country Offices, UNDP/Guyana requested information on best practices and examples of legislation on "Crossing of the

Floor." This resulted from a direct request from the Government of Guyana, which was addressing this issue. This query was of the highest importance considering the political situation that exists in Guyana.

The Caribbean SURF was able to provide a response to the client within six working days with the support of the members of the UNDP's Democratic Governance Practice Network (DGPN) who provided unique experiences. The valuable inputs of the ILRC were included in the consolidated response provided by the DGPN.

The ILRC's comments were particularly important because they added to the breadth of the other comments forwarded to us by other colleagues. We at the Caribbean SURF are therefore grateful for the collegial support of the ILRC as we endeavor to meet the needs of our clients. We look forward to their support in the future.

Deodat Maharaj
Deputy Chief, Caribbean SURF
Port-of-Spain, Trinidad and Tobago

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, including: promoting the independence and efficiency of the judiciary by supporting the development of the New Law on Judicial Power; strengthening the strategic human resources approach within the judiciary by fortifying judicial training capacity, upgrading the judicial training program and working towards an improved system of recruitment and assessment of judges; increasing access to justice through the development of a legislative framework establishing legal aid services for vulnerable groups of society; and building awareness among 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 the 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 tailored approach of the ILRC in serving the needs of the Country Office as demonstrated by their nomination of qualified and strong candidates.

Inga Brieze
Programme Officer
Governance Focal Point
UNDP/Latvia

views

from the field

It has been my pleasure, as the Facilitator of the Democratic Governance Practice Network (DGPN), a knowledge sharing exchange forum for 800 practice members, to work with the ILRC and through it to build on the well-established cooperation between the UNDP and the American Bar Association. The ILRC has provided contributions to numerous queries received via the network from UNDP's governance practitioners worldwide. The ILRC has proven to be one of our most active contributors. These queries covered diverse topics from anti-discrimination laws related to HIV/AIDS to legislation on "crossing the floor" and covered all corners of the globe including Tanzania, Eastern Europe, Sri Lanka, Ukraine, Guyana, Mongolia, Ethiopia, Kazakhstan, Jamaica and Saudi Arabia.

The ILRC has provided high quality responses that have had an impact at the country level. In Guyana, information on comparative legislation on "crossing the floor" provided by the ILRC, was used along with information provided by UNDP staff, as a resource by the Government in developing its own legislation on "crossing the floor". In the Republic of Congo for example, in response to a network query seeking resources and advice to assist in conducting a corruption assessment, the ILRC recommended a diagnostic tool that was ultimately used by the Government to evaluate the status of corruption there. In Belarus, advice provided by the ILRC in response to a query on legal acts on foreign technical assistance with provisions on taxation, registration and delivery of equipment, labor and social aspects of the activities of international consultants, was considered useful background in UNDP's discussions with the Government on this issue.

The ILRC has also provided invaluable assistance to our Country Office staff, through provision of and advice on consulting services, and through attending face-to-face meetings and workshops. The ILRC has cemented itself as a part of our growing governance community and we look forward to continued cooperation.

Kim Henderson
Knowledge Network Facilitator for
Democratic Governance
Bureau for Development Policy/UNDP
New York, NY, USA

voices

o f v o l u n t e e r s

In October 2004, I attended the international Workshop on the Draft of the Legal Aid Ordinance in Hanoi, Viet Nam. Together with two other foreign experts on legal aid from the United States and the Philippines, I was asked by UNDP/Viet Nam to discuss the best ways to improve conditions for access to justice in the country. One might ask why strengthening the legal aid system and spending more money on it is a topic at all in a country where so many other needs fight for priority. First of all, access to justice is a cornerstone of a society that wants to function under the rule of law. The Vietnamese are engaged in an extensive legal reform program, committed to the rule of law, in order to support the transformation to a socialist-oriented market economy. The second reason is that legal aid (educating the population on their legal rights and giving the tools to exercise them) has a function in the reduction of poverty.

My contribution to the workshop consisted of a presentation that gave an overview of general strategic points of attention relating to the question of access to justice and legal aid. With examples from various countries, I showed how and why they choose different type of solutions. Together with my colleagues I assessed the Draft of the Legal Aid Ordinance, conscious of the fact the Vietnamese participants in the workshop were the real experts. I was greatly impressed to see the strong ambition and motivation to transform their society shown by my Vietnamese hosts.

Frans Ohm
Director
Legal Aid Board Amsterdam
Amsterdam, Netherlands

Stimulating Investment in Macedonia is an extraordinary UNDP project aimed at laying the basis for encouraging foreign investment in Macedonia. Past foreign investment has largely occurred through the privatization of existing businesses. Macedonia would like to further promote investment through the establishment of foreign-owned companies in the country. One major administrative barrier is the registration requirements faced by new businesses. The registration process is tedious, complicated and requires going to a number of agencies for approvals and permits. Macedonia sought to establish a One Stop Shop similar to what has been put into place in other countries to reduce the bureaucratic barriers to registration

As a consultant, I provided ideas for simplifying the registration process and assisted in the drafting of new regulations. I analyzed the extensive, applicable legislation and held interviews with key players from various Ministries, which proved useful in understanding what were the practical possibilities for improving the system. My analysis resulted in specific legislative options and other follow up steps for UNDP to suggest to the Ministry of Economics. Included among the suggestions were concrete ideas on how to expedite the implementation of a One Stop Shop, such as, specific steps to take in meeting with the relevant Ministries, what to suggest and how to determine timing. I also provided possible questions and answers for discussions that UNDP might have with government agencies.

The project was productive beyond my initial expectations and, as a result, I have been asked by UNDP to assist in the implementation of the suggestions..

Patricia Ray
International Consultant
Torrance, California, USA

voices

o f v o l u n t e e r s

Through ILRC, I was mandated by UNDP/Bhutan to formulate a draft Information and Communications Technology (ICT) Policy and Act, for the Royal Government of Bhutan (RGB). Bhutan, which follows a unique concept called Gross National Happiness (GNH) to measure overall development, realized that ICT is an indispensable means for rapid achievement of significant economic prosperity. I visited several districts of Bhutan and met with over 50 stakeholders, including officials in the Division of Information Technology (DIT) of the Ministry of Communications and high officials of other appropriate institutions, in order to fully understand existing policies, the administrative system, needs of the Government and the private sector, etc.

In my view, eventually shared by the Government, the most suitable regulatory system would provide certainty, allow service innovations and achieve smooth operations of all ICT services. My final report specifies (1) key ICT policy objectives and elements of the strategy to achieve them, (2) appropriate insti-

tutional framework to effect them, and (3) well-suited regulatory framework (i.e. ICT Act) covering communications and digital-information issues. Moreover, the regulatory model followed in the draft ICT Act is based on the legal system with which Bhutan is already familiar.

My assignment in Bhutan was both professionally and personally enjoyable. I am optimistic that with the full implementation of the ICT Policy and Act, the country will succeed in its efforts in the achievement of social and economic development, smooth transition to and operation of democracy, and the rule of law.

Dr. Ram Jakhu
Director, Centre for the Study of Regulated
Industries
Faculty of Law, McGill University
Montreal, Quebec, Canada



Mr. Frans Ohm and Professor Daniel Greenberg at the workshop on the Draft of the Legal Aid Ordinance in Viet Nam in 2004.

voices of volunteers

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 was 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 Hanoi 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

voices

o f v o l u n t e e r s

In 2002, I traveled to the Kingdom of Nepal as ADR 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 courtannexed 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.

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 multi-stakeholder 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. Nepalese 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 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 in 2002 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 intragovernmental 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 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

Maybe our suggestions will advance a greater freedom of speech and press in Mongolia and maybe that will help the political and economic development that needs to take place there. If so, we will feel our efforts, though somewhat technical in nature, speak to far deeper and nontechnical values that are, perhaps, universal.

Mr. Douglas Bellis,
Deputy Legislative Counsel,
US House of Representatives,
Washington DC, USA

As I reviewed the efforts of the drafters, it became obvious they were fully committed both to democracy and to public broadcasting as a means of advancing it. It was a truly unique opportunity for me to bring advanced rule-of-law concepts to an important element of a new democratic infrastructure in Mongolia.

Mr. Neal Jackson,
Vice President and
General Counsel,
National Public Radio (NPR),
Washington, DC, USA

expert profile

ILRC Expert Profile

Over the past five years, the ILRC has dedicated much effort to reaching out to attorneys, judges, law professors, court administrators and other legal professionals around the world to seek out and secure their interest in providing pro bono services to UNDP-supported programs. Various news announcements about the ILRC were submitted to legal newsletters and periodicals worldwide, an effort that continues today. In addition, the ILRC has maintained an interactive Website (<http://www.abanet.org/intlaw/lru> www.abanet.org/intlaw/ilrc), which contains an on-line Expert Registration Form and other information of interest concerning the ILRC. We invite all interested and capable legal professionals to register with the ILRC today!

A Glance at the ILRC Expert Database at Year's End

- Nearly 1100 registered experts, of which approximately 40% are non-US attorneys.
- ILRC's registered experts are from 80 countries with more than 70 primary working languages.
- Average of over 17 years of legal experience.
- ILRC-registered experts are attorneys, judges, court administrators, government and corporate counsels, and law professors.

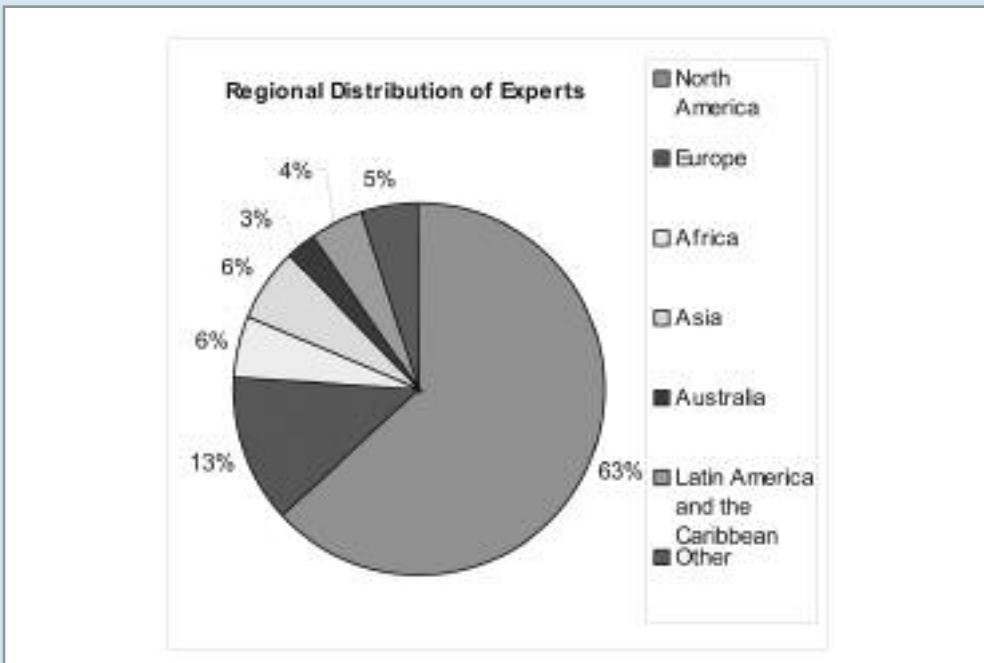
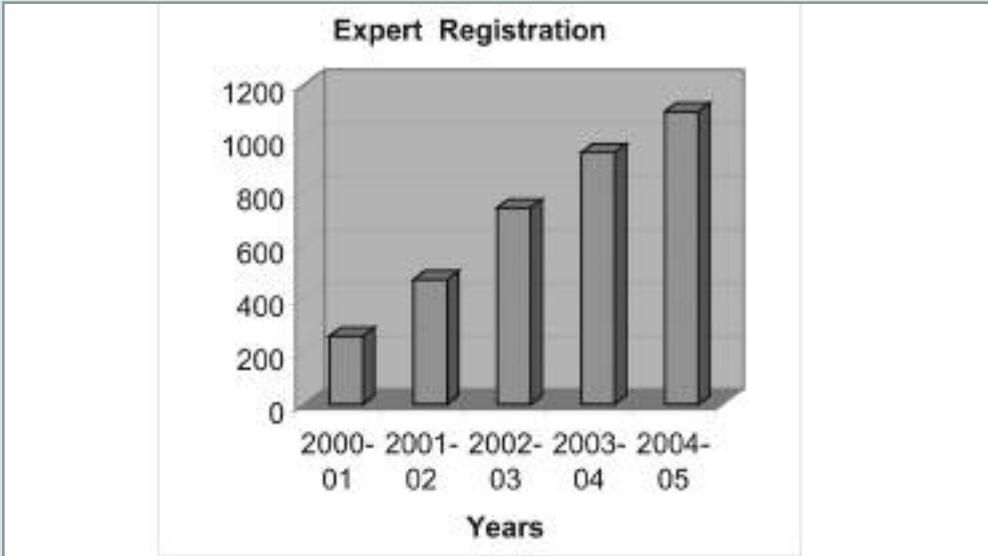
Partnerships with regional, national and international bar associations, as well as a variety of legal institutions, help the ILRC recruit the most talented candidates possible. ILRC also enjoys the special status granted by the U.S. State Department as a Cultural and Educational Exchange Program allowing federal government employees to contribute

their valuable time and knowledge to UNDP countries on a pro-bono basis. Such partnerships and recognitions will be further explored as the ILRC grows in order to best meet the needs of the UNDP.

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

expert profile



project

f i n a n c e

ILRC Finances

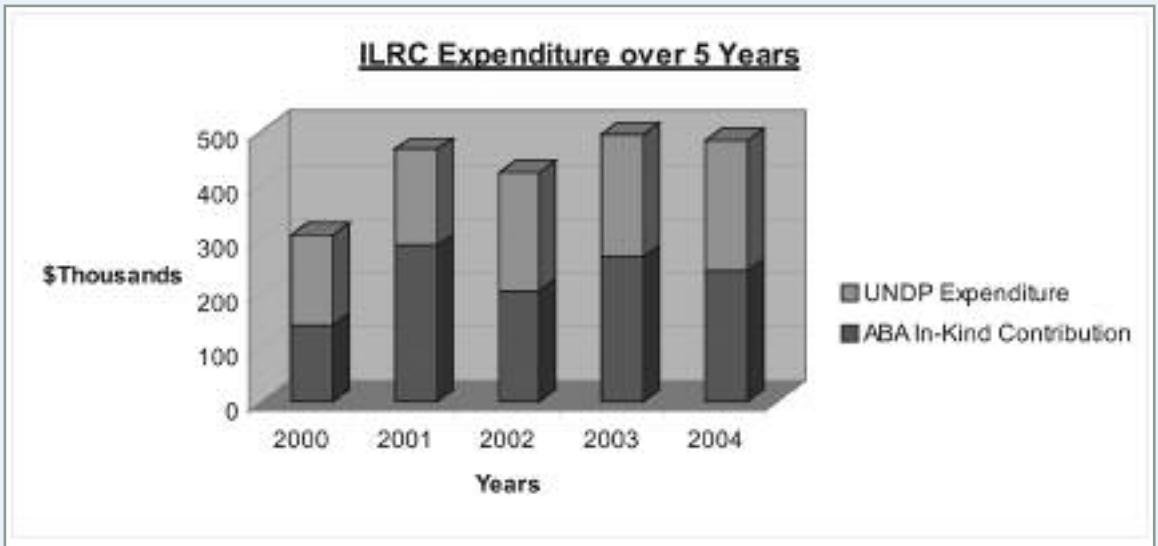
January 1 – December 31, 2004, on a Cash Basis

REVENUE:

UNDP Contribution: \$250,000
ABA In-kind Contribution: \$241,130

EXPENDITURE:

UNDP Contribution: \$244,344
ABA In-kind Contribution: \$241,130



staff

r e f l e c t i o n s



Ms. Hongxia Liu, founding Director of the ILRC

It is with great pleasure and pride that I present you the 2004 ILRC Annual Report, a special cumulative edition commemorating the ILRC's Five-Year anniversary. Like the years before, 2004 proved to be another year of growth for the ILRC, evidenced by both the number and scope of the projects in which ILRC was able to coordinate ABA pro bono volunteer technical legal assistance to UNDP programmatic countries.

During the past five years, I have had the honor and pleasure to work with some of the most talented attorneys in many countries who are deeply committed to the development and prosperity of developing nations. They very often are able to accommodate a high degree of flexibility in terms of UNDP assignment duration, ranging from a few days to a few months. Furthermore, they can either provide desktop opinions and advices or undertake missions to UNDP countries. ILRC volunteers come from diverse professional and personal backgrounds. Their collective contributions, derived from personal goodwill and professional aspirations rather than political objectives of the particular nations that they belong to, are well received and appreciated by the people of the developing nations.

I am looking forward to finding and knowing more attorneys who are interested in international technical legal assistance to devel-

oping nations. I imagine that even if only one out of a hundred attorneys would be interested in providing pro bono assistance at some point of their career, this alone would be a major technical resource for developing nations. It is encouraging to realize that the American Bar Association itself has a membership of more than 400,000, of which a substantial portion are international attorneys. At the same time, I am looking forward to identifying and developing more

opportunities in UNDP-sponsored projects for more ILRC-registered attorneys to make contributions just like those who already have, as highlighted in this Report.

I believe that the ILRC, uniquely positioned between the United Nations' principal provider of development assistance to developing nations and the largest voluntary membership organization in the world, will continue to join the respective advantageous resources of both institutions to make a lasting positive impact in promoting the rule of law and good governance and building the legal and judicial infrastructures vital for poverty reduction and economic development.

Hongxia Liu
Project Director

"My summer at the ILRC gave me an opportunity to research legal issues in many different areas: constitutional, criminal, and human rights law, to name a few. As a law student, it was fascinating to see the work that is being done by the ILRC in such a variety of fields."

Joe Morris
UC Berkeley School of Law (Boalt Hall)
Summer 2004 Legal Research Intern

staff

r e f l e c t i o n s



Mr. Alan Budde, Project Coordinator of the ILRC since Summer of 2004

The need to contribute something genuine for the good of humanity is part of human nature and it is really quite amazing the amount of change that one person can make in the world. Considering the daunting problems faced by people living in developing countries, one may be tempted to question whether or not anyone can truly make a difference. That is why working for the ILRC has been so fulfilling for me. I have had the opportunity to observe truly intelligent and compassionate professionals giving their time to people in need. The demand for specific technical advice on issues ranging from constitutional law to environmental protection and bankruptcy regulation to human rights standards is urgently felt from all over the world. The volunteer experts who have registered with the ILRC are pledging to contribute their extensive knowledge and experience without remuneration, and often in very specialized fields. The dedication and wisdom that they offer should be an inspiration for anyone who wonders how they too can do something that will truly make a difference for the better in this world.

I feel that my own work at the ILRC, in some small way, may help people to have better lives. There is the thrill of learning that experts identified through the ILRC have been selected to undertake UNDP mis-

sions and the pleasure of knowing that later I may have a direct opportunity to discuss their work with them. Equally rewarding is the knowledge that the research we perform is utilized by UNDP country officers to help formulate UNDP programs and advise the government such important issues as domestic violence prevention, anti-discrimination laws, and criminal code reforms. My hope is that the ILRC is not only a great opportunity for me to learn about the legal and developmental realities of the world, but that the work of the ILRC itself is of real benefit to the people we are engaged to help.

Alan Budde
Project Coordinator

"It was incredibly rewarding to see that the research I completed was actually relied upon and used to benefit the development of a number of UNDP countries that I worked for...I have had the opportunity to work on some fascinating projects ranging from labor legislation in Benin to property restitution programs in Serbia to income support policies in Turkey."

Karyn Lurie
University of Melbourne
Winter 2005 Legal Research Intern

"Being an ILRC legal research intern taught me a great deal about the complexity and intricacies of international development. From assessing Congolese legislation to escorting the Vietnamese delegation to researching the civil service in Serbia, HIV/AIDS in Jamaica, and domestic violence in Serbia, my work at the ILRC has exposed me to the wide spectrum of problems faced by developing countries today."

Aditi Mehta
Cornell University
Fall 2004 Legal Research Intern

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Alan Budde, Project Coordinator

Frank DeLeon, Project Coordinator 2000-2004

Joseph Morris, Aditi Mehta, and Karyn Lurie, 2004 Legal Research Interns

Special Thanks to Gita Welsh, Magdy Martinez-Soliman, Randi Davis, David Yang, Judith Karl of the UNDP; and Kenneth I. Juster, Daniel B. Magraw, Edison W. Dick, Robert E. Lutz II, A. Joshua Markus of the ABA, for their significant contribution to the establishment and implementation of the ILRC.

Serving as a bridge for the transfer of worldwide legal expertise to UNDP countries, the ILRC promotes sustainable development and advances the aims and goals of the United Nations



The United Nations Association of the National Capital Area

presents this

Blue Ribbon Award

to recognize

**American Bar Association
UNDP International Legal Resource Center**

*For program excellence in furthering the ideals of the United Nations this
28th day of April, 2003.*

Handwritten signature of Andrew E. Rice in black ink.

ANDREW E. RICE
PRESIDENT

Handwritten signature of George A. Garland in black ink.

GEORGE A. GARLAND
EXECUTIVE DIRECTOR



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