



NEWS LETTER

A Word from the President

Dear colleagues,

A few days now from the Cape Town Congress, we could very legitimately think that it is time to engage in an assessment.

You will notice by reading the following lines and articles that in reality, far from being in the completion, we are in the beginning, in the improvement and in the consolidation of all actions carried out for many years.

New tasks, new opportunities open to us and light up the future of our organization.

More than ever the UIHJ needs you, your support and your active participation to complete the implementation of its projects and carry out the works that are now expected by all international institutions.

The UIHJ foresees thrilling achievements, new challenges, all as stimulating as each other, and I know you are ready to stand by our side.

We work to strengthen our profession by building on the high level training of judicial officers:

- You will read in these lines the remarkable change in this direction obtained by our Greek colleagues.

We work tirelessly to integrate all the international organizations to make the voice of the judicial officers heard:

- You will read in these lines that we are now required.

We have been working for years to install the exchange of best practices as a basis for improvement of our profession:

- You will read in these lines that the participation of our experts in various projects enables us to achieve these goals.

I will conclude my remarks by inviting you all to Cape Town which promises to be an historic event in the history of the UIHJ!

Leo Netten

Président de l'UIHJ

Newsflash

. On 5 April 2012 the Greek Parliament passed landmark legislation for our profession.

Now access to the profession of judicial officer in Greece is subject to obtaining a degree from a law school or a university or a national or a foreign joint university, recognized by the country's legislation.

In addition, a six-month further practical training should be done at a judicial officer's office, before the professional examination, followed by a three months training seminar organised by the profession after exams.

Through this newsflash we address our congratulations to President Dionysios Kriaris and the members

of his board and finally to all our Greek colleagues thus confirming the recognition of their professionalism and high level of competence.

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The World Bank: Prospects and Coincidences

During the last plenary meeting of the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ) of December 2011, the UIHJ was represented by its first secretary, Mathieu Chardon.

On this occasion, our colleague made a demonstration of the contents of the Grand questionnaire of the UIHJ he introduced for the Congress of Cape Town and which gathers complete data on the situation of our profession in the world.

Among the participants were two representatives from the World Bank, Klaus Decker and Doria Goldstein. Clearly very impressed with the work, they showed their interest and requested a meeting between the UIHJ and the

World Bank.

At this meeting, Doria Goldstein indicated to President Netten that her institution considers that economic development cannot be done without relying on the cornerstone of judicial institutions that are powerful and strong.

As an answer to the need of the international community for a forum to exchange permanent and global knowledge, the World Bank has established the Global Forum on Law, Justice and Development.

An electronic platform for information and communication will serve as a way of exchange. Within this platform, the UIHJ will participate in the construction of the "enforcement" pole which will be developed in this project.

This is of course not only a challenge but also a tremendous recognition of the necessity of enforcement.

As we have repeatedly stated, law and economics are linked.

Exchanges develop only because they originate in a secure environment. But it is the enforcement professionals who are the privileged vectors of this security, as they ensure the fulfilment of contractual obligations.

Our collaboration within the World Bank only comes to reinforce our deep convictions !



THE BESTT IN GEORGIA !

In Georgia a twinning project funded by the European Union through the European Neighbourhood and Partnership Instrument (ENPI) started in September 2011

This program is called BESTT, standing for Better Enforcement System Through Twinning.

Directors and partners of this cooperation program are the Kingdoms of the Netherlands and of Sweden as well as the National Bureau of Enforcement of Georgia (NBE).

This project runs for a period of 18 months.

The overall objective of this twinning project is to provide support to justice in Georgia through improving the system of enforcement.

The project goal is to increase the effectiveness of the NBE by improving enforcement, enhancing skills and increasing the perception of this institution by the public.

The Center for International Legal Cooperation (CILC) is the project director.

Founded in 1985 CILC is a Dutch-based non-profit organization that designs and implements programs and projects for judicial systems around the world¹.

Thus UIHJ many experts met in Tbilisi, the Georgian capital, to collaborate on this project.

Among them, Bernard Menut (France), First Vice President of the UIHJ, Jos Uitdehaag (the Netherlands), First Quaestor of the UIHJ, Françoise Andrieux (France), Secretary General of the UIHJ, and Olof Dahnell and Peter Stigefelt (Sweden), all judicial officers, contributed to this project, including training.

These missions conducted jointly with our Georgians counterparts included the opportunity to introduce them to the renowned and indispensable "tool of

evidence" that is the statement of facts. We can announce today that the bill establishing the instrument in this country is about to be voted.

The exchange of best practices, credo of the UIHJ, found again its expression for the widening of the road to harmonization.

¹ C.f. interview d'Eric Vincken, Project manager du CILC



This program is called BESTT, standing for Better Enforcement System Through Twinning.

STOBRA

Your future in your hands.

*STOBRA, pour
STOckholm-BRussels-
Athens*

The board of the UIHJ created the STOBRA project, for **STO**ckholm, **BR**ussels and **Athens**, a European North-South axis. This project is the European equivalent of the African CADAT project created by UIHJ. The purpose of Stobra is the harmonization of enforcement procedures and the status of the judicial officer. This harmonization must cover all areas: scientific, organizational, communication technologies.

At the meeting of the Council of European Presidents of the UIHJ held in Brussels on 15 March this project became reality.

Work topics have already been proposed. They take into account simultaneously European news and the interest shown by the heads of delegations.

The working principle is based on the perspective of harmonization. The first six issues emerging were:

- Attachment on immovable
- Cross-border service of documents in civil and commercial matter
- Transparency of the debtor's estate
- The European Statement of facts by judicial officers
- Training of judicial officers
- Establishment of the definitive directory of European judicial officers

Thus working groups which will form through STOBRA will find a way of exchange and enrichment as well as a means of communication with the European institutions through the carrying out of their actions. These

may consist in position papers or the organization of conferences, including through UIHJ-EuroMed, EuroDanube, EuroNord or EuroScandinavia meetings.

The Scientific Council of the UIHJ, armed with his twelve professors from different continents, will naturally support the initiated work.

STOBRA is in the hands of judicial officers.

They have yet to make it a powerful tool for reflection, development and harmonization of our profession!

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Interview – Eric VINCKEN

Pouvez-vous vous présenter et présenter l'organisme que vous représentez ?

Can you introduce yourself and the organism you represent?

Eric Vincken:

Let me first say that a lot of people within the UIHJ already now me for some time, as I attended some of the UIHJ's regional events and I have been working with pleasure with some of the leading UIHJ's experts during the last couples of years in enforcement law reform projects in Southeast and Eastern Europe. Actually, for my organization – the Center for International Legal Cooperation (www.cilc.nl) – it would have been impossible to conduct these projects without the support of the UIHJ. So we are very grateful for the excellent cooperation with UIHJ, which we have now for some years. At present, I am the acting director of the CILC. CILC is an organization representing all legal professions and law schools in the Netherlands aiming to contribute to legal reform through concrete projects in developing countries and countries in transition. Our projects are funded by the Netherlands Government, but also international donors like the European Union. In the projects we involve Dutch legal professionals like judges, prosecutors, but also judicial officers as experts. Also experts from other countries who can contribute to the process of legal development are often involved in projects. In concrete projects we also cooperate with similar organizations in Germany, France and other countries, as well as with international professional associations like the UIHJ. On behalf of the Netherlands Ministry of Security and Justice we have the status of a so-called 'mandated body' to carry out - on behalf of the Netherlands Government - the EU funded Twinning projects.

How a « twinning project » is working concretely ?

EV:

In a Twinning project a public authority of the beneficiary country is being assisted by its sister organization or by a mandated body in one or more of the EU member states in order to harmonize or align its legal framework, practice and organization with the *acquis communautaire*. A Twinning project can also be intended to increase competences of staff from a public authority in the beneficiary country. This is more in general terms the philosophy behind Twinning . So clear peer to peer assistance for civil servants and the public administration. Well, in the area of enforcement as we know there are not so many civil servant based systems in Europe. On the other hand, is it also undeniable that judicial officers do both *de jure* and *de facto* represent public authority in all member states of the European Union. Therefore, we can speak about a kind of special case when we look at our Twinning project in Georgia, the 'Better Enforcement System Through Twinning' (BESTT) project, which started on 1 September 2011 and which will run until the end of February 2013. The main aim of the project is to support the Georgian National Bureau of Enforcement (NBE) in enhancing the legislative framework for enforcement, in increasing the competences of its staff and of private enforcement agents (who also exist in Georgia) and in

improving its public relations. On behalf of the lead member state the Netherlands, CILC is the lead organization for the project on the side of the European Union. Through CILC, experts from the Netherlands Organization of Judicial Officers (KBvG) participate in the project. Sweden participates in the project as junior EU Member State through the Swedish Enforcement Authority ('Kronofogdenmyndigheten'), which is also running a bilateral SIDA funded project in Georgia. Last but not least, the UIHJ is supporting the project and as such some of its leading experts play a prominent role in the project. Through these experts, we could also organize a visit for 10 trainers of the NBE to the French Ecole Nationale de Procedure (ENP) last January.

What are for the moment the results obtained by BESTT project ?

EV:

As I have explained, the project has three focus areas in which we cooperate with our Georgian colleagues, who I must also mention here are highly motivated and qualified to undertake the necessary steps in a process of making the performance of the NBE even better than it already is . These areas are the legislative framework, training of staff and public relations. In the area of the legislative framework, experts conducted a comprehensive assessment and made recommendations for both the restructuring of the present legislative framework, as well as assisted in the elaboration of the necessary legal provisions for the introduction of new legal institutes, leading to new tasks for the NBE like e.g. statement of facts and summary proceedings.

As a result of these new tasks for the NBE, this also means that new competences of the NBE staff will need to be raised. Therefore, a number of the new training modules, the project helps to develop, will focus on these new tasks, which will be introduced in the course of 2012. Furthermore, the project also assisted in developing a practical manual for e-auctions, which the NBE started to conduct early 2011.

Discussions are taking place to also assist in the introduction of a system for quality management. This area is also a good example of how we cooperate with the SIDA funded project of the Swedish Enforcement Authority, which started a mapping exercise of all working procedures in the NBE last year. Our training component will also support the improvement of an enforcement law course at the university level through a pilot at Tbilisi State University. Finally, in the area of

public relations, a communication strategy has been developed, which the NBE already endorsed. Based on this strategy, informational materials will be developed and spokespersons of the NBE will be trained. Though I must say in all fairness that the NBE, quite often through its young and dynamic chairman Nick Melia, is already very active in communicating with its clients and the public at large.

What are you expecting now?

EV:

There is not so much we are expecting more. I must say that the enforcement model Georgia created through the NBE and the way the NBE operates, could be more or less described as a unique mix of a public and liberal enforcement model : public in its organization, but liberal/private in its way of operation. It would in my

view be a model to be further watched the coming years. It is too early to see how efficient it will be at the longer term, but the first signs are very positive. The model is still evolving in the way that the roles and responsibilities of the NBE are still developing. This also implies for its internal organization and specialization of its young, but very dedicated staff. All of this should, in my view, be assessed in a very positive way. But.....at some point, things should be consolidated and period of less dynamics in the development of the NBE and the Georgian enforcement system should start. This would basically be my main recommendation to the authorities in Georgia for the years to come. In this context, the authorities should also take a decision regarding the future of the private enforcement agents' system in Georgia.

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