



ARMENIA AND GEORGIA: ADMINISTRATIVE LAW REFORM

AMEX has provided assistance to newly independent nations in the Caucasus as they address a number of vital legal issues. The disintegration of the Soviet Union left twelve newly independent states in urgent need of legal and administrative reform, in many cases without any tradition of a legal system to build upon. While officials enjoyed the freedom to make unpredictable and arbitrary decisions, citizens and enterprises found it impossible to conduct their lives and businesses in a predictable fashion. Administrative law reform was clearly necessary to subordinate the executive branch to law and to review. Under a Democracy and Governance Indefinite Quantity Contract with the U.S. Agency for International Development, AMEX assisted the governments of Georgia and Armenia to draft and implement their administrative laws.

Although Armenia's and Georgia's legal systems are separate, they were similar. AMEX encouraged reformers from both nations to share their experiences and to benefit from those of other countries. In conjunction with the Center for International Legal Cooperation and with the German Technical Cooperation (GTZ), AMEX organized a seminar on administrative law and procedure in The Hague for lawyers and legislators from both Armenia and Georgia. The Armenians and Georgians described their current administrative conditions and the status of efforts to improve them. AMEX and its partners delivered a presentation on selected topics, including general introductions to administrative law and

procedure, legal standards governing administrative agencies' actions, the European Convention on Human Rights, and judicial review of administrative agencies' actions.

In the Republic of Georgia, AMEX worked with the Center for International Cooperation, the Dutch Foreign Ministry, and GTZ to help the government of Georgia draft new administrative laws, conduct a thorough review and revision of the draft laws, and submit them to Parliament for adoption. Once Parliament adopted the laws, AMEX assisted the government with implementation, which included agency reorganization, training of agency personnel, training of the judiciary, publication of explanatory material, and public education.

In Armenia, AMEX guided the process of drafting administrative laws by providing assistance to a working group attached to the Ministry of Justice, to the judicial branch, and to the Ministry of Finance and Economy. Once the laws were drafted, AMEX assisted with the review process prior to submission to the Armenian legislature for adoption.

In guiding administrative law reform in Armenia and Georgia, AMEX has launched and managed processes that demonstrate many of the very attributes that a sound administrative legal structure would guarantee, including transparency, consistency, and responsiveness.

SHARING EXPERIENCES AND SOLUTIONS

AMEX is constantly mindful of the need to identify and pursue pragmatic objectives that have immediate applications in a country's legal system. For example, AMEX facilitated study at the University of Leiden in the Netherlands for two staff members of the Georgian Parliamentary Committee. The staff members studied the Dutch Administrative Procedures Act, which had been recently redrafted, and met with experts from Europe and the United States. At the conclusion of study, they drafted a similar law for Georgia. AMEX translated the draft law into English for review by the U.S. and European experts, who evaluated the draft and commented on it.