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Folder Title: President Wolfensohn - Briefing Book for President's Meetings and Events - Justice Marcus Einfeld - Australian International Legal Resources Incorporated [AILR] - March 10, 1997

Folder ID: 30486957

Series: Meeting and event briefing materials

Dates: 03/06/1996 – 03/10/1997

Subfonds: Records of President James D. Wolfensohn

Fonds: Records of the Office of the President

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THE WORLD BANK

Washington, D.C.

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The World Bank

1818 H Street NW

Washington DC 20433

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PUBLIC DISCLOSURE AUTHORIZED

Meeting: Justice Marcus Einfeld
Australian International Legal Resources Inc.

Monday, March 10, 1997
5:30 - 6:00 p.m.
JDW Office

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Archives

R2002-036

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President Wolfensohn - Briefings Books for Presidents Meetings - Meeting Materials
Justice Marcus Einfeld - Australian International Legal Resources Incorporated



30486957

Archive Management for the President's Office

Document Log

Reference # : Archive-01234

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Edit

Print

A. CLASSIFICATION

☒ Meeting Material
☐ Trips
☐ Speeches

☐ Annual Meetings
☐ Corporate Management
☐ Communications with Staff

☐ Phone Logs
☐ Calendar
☐ Press Clippings/Photos

☐ JDW Transcripts
☐ Social Events
☐ Other

B. SUBJECT: MEETING: JUSTICE MARCUS EINFELD, AUSTRALIAN
INTERNATIONAL LEGAL RESOURCES (AILR) INC. (B) (N)
VENUE: E1227 (OFFICE)
PROGRAM:
4:30 - 5:30 PM: JUSTICE EINFELD MEETING WITH WORLD
BANK STAFF (GIANNI BRIZZI -ACTING VP FOR MNA, NIGEL ROBERTS,
HANS-JURGEN GRUSS, AND HADI ABUSHAKRA (LEGMN) // VENUE: MNAV
(H-7065)
5:30-5:35 P.M.: NIGEL ROBERTS TO SEE JDW FOR 5 MIN.
FOR LAST MINUTE BRIEFING // VENUE: E1227 (OFFICE)
5:35 -6:00 P.M.: MTG. WITH JUSTICE EINFELD // VENUE:
E1227 (OFFICE)
CONTACT: JOHN HALL 5011-61-2-922-88067 // NATHALIE (DERVIS)
@ 32776
IN ATTENDANCE: JDW, N. ROBERTS, H. ASSAAD
EXTERNAL ATTENDEES:
JUSTICE MARCUS EINFELD, CHAIRMAN, (AILR)
MR. JOHN HALL, DIRECTOR OF INTERNATIONAL
PROGRAMS (AILR)
(B) N. ROBERTS // DUE: NOON, FRIDAY, MARCH 7
3/7 - FAX SENT CFM. ALL MTGS.
NOTE: JDW ASKED THAT THIS BE SCHEDULED
EXC: HA // ALI (3/4)

DATE: 03/10/97

Brief Includes:

Memo to JDW from Mr. Gianni Brizzi "Your Meeting with the Honorable Justice
Marcus Einfeld; and tabs:

- 03/03/97 Letter from JDW to Justice Einfeld
- 02/21/97 Note from Abusharka to Dervis
- 02/18/97 Letter from Justice Einfeld to JDW
- 02/12/97 Letter from Nigel Roberts to Mr. El-Daghma, Gaza
- 11/15/96 Letter from Knudsen to Justice Einfeld

Letter to JDW from Mr. Shihata: "West Bank and Gaza: Legal Development
Project-Number of Missions"

C. VPU

Corporate

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☐ FPR
☐ HRO

Affiliates

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☐ ICSID
☐ IFC
☐ Inspection Panel
☐ Kennedy Center
☐ MIGA

D. EXTERNAL PARTNER

☐ IMF
☐ UN
☐ MDB/Other IO
☐ NGO
☐ Private Sector

☐ Part I
☐ Part II
☐ Other

E. COMMENTS:**File Location**

☐ EXC ☐ IISC ☐ Archives

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Record Removal Notice



File Title President Wolfensohn - Briefing Book for President's Meetings and Events - Meeting Material - Justice Marcus Einfeld - Australian International Legal Resources Incorporated [AILR] - March 10, 1997		Barcode No. 30486957		
Document Date March 10, 1997	Document Type Memorandum			
Correspondents / Participants To: Mr. Wolfensohn From: Ibrahim F. I. Shihata, Senior Vice President and General Counsel				
Subject / Title West Bank and Gaza: Legal Development Project - Number of Missions				
Exception(s) Attorney-Client Privilege				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group. <table border="1"><tr><td>Withdrawn by Diego Hernández</td><td>Date April 24, 2025</td></tr></table>	Withdrawn by Diego Hernández	Date April 24, 2025
Withdrawn by Diego Hernández	Date April 24, 2025			

FAX

President's Office, The World Bank
Washington, D.C.

CONFIRMATION OF APPOINTMENT

Date 3/7/96

Number of pages including cover sheet 2

TO: MR. JOHN HALL

GUEST AT HOTEL RUSSELL

FOR: JUSTICE MARCUS EINFELD

From:

Allison Tsatsakis,
Executive Assistant,
Scheduling

Fax Number 44-171-837-2857

Phone 202-458-4776

Fax Phone 202-522-3031

CC: JDW/HA
ROBERTS/NATHALIE

REMARKS:

Dear Mr. Hall,

Further to your fax, this is to confirm the appointments arranged for you and Justice Einfeld with World Bank staff and Mr. Wolfensohn, scheduled for **Monday, March 10**. The program/details for your meetings are as follows:

Monday, March 10

4:30 to 5:15 p.m.: Meeting with World Bank staff

Venue: 600 19th Street, N.W., Room H-7065, H Building, World Bank

- Security will be on hand to direct you to room H-7065

Contact: Nathalie at Tel: 202-473-2406 / Fax: 477-0810

In attendance: Mr. Gianni Brizzi, Acting Vice President,
Middle East and North Africa Regional Office (MNA)
Nigel Roberts, Principal Country Officer (MNA)

5:30 - 6:00 p.m.: Meeting with Mr. Wolfensohn & World Bank staff

Venue: 1818 H Street, N.W., Room E1227, E Building, World Bank

- Mr. Nigel Roberts will escort you to Mr. Wolfensohn's office, and attend this meeting.

In attendance: Mr. James Wolfensohn, President
Nigel Roberts, Principal Country Officer
Middle East and North Africa Regional Office (MNA)
Mr. Hany Assaad, Assistant to the President

Contact: Allison at tel: 458-4776 / or 458-5120 // fax: 202-522-3031

Please call me if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'H. Assaad', followed by a long horizontal line extending to the right.

OFFICE MEMORANDUM

DATE: March 6, 1997

TO: Mr. James D. Wolfensohn

FROM: Gianni Brizzi, Acting Vice President, MNA

EXTENSION: 39365

SUBJECT: **Your Meeting with the Honorable Justice Marcus Einfeld**

The attached correspondence gives you the picture on Justice Einfeld's complaints (his letter of February 18, 1997), and our views on the matter (Hadi Abushakra's memo of February 21 and your letter to Mr. Einfeld of March 3, 1997).

Regional staff (myself and Nigel Roberts) and the Legal Department will meet with Justice Einfeld on Monday March 10, and we hope that this will serve to reassure him that we are moving quickly ahead on the project.

Immediately prior to your meeting with Justice Einfeld tentatively scheduled at 5:30 p.m. on Monday March 10, Nigel will slip in and alert you to anything that you might need to know in advance.

CC: Messrs. Koch-Weser (EXC); Derviş (MNAVVP); Knudsen, Roberts (MNCWG); Vorkink (LEGLR); Gruss Abushakra (LEGMN); Files.

The World Bank
Washington, D.C. 20433
U.S.A.

JAMES D. WOLFENSOHN
President

March 3, 1997

The Honorable Justice Marcus Einfeld
Federal Court of Australia
Level 20, Law Courts Building
Queens Square
Sydney 2000, Australia

Dear Marcus,

Thank you for your letter of February 18, 1997, regarding the Bank's Legal Development Project in the West Bank and Gaza. I fully appreciate your concern for the need to move on the processing of this project, especially given the importance of rapid legal reform and development--and I am sorry that you have the impression that the Bank has been slow on its feet.

I therefore discussed your letter with my staff, and am assured by them that the project team is working at full speed now, and that the project will be delivered very shortly. An appraisal mission is scheduled to take place from March 23 to April 4. Negotiations will be held in the field immediately following the conclusion of the appraisal process. Board presentation will then take place in May 1997. Naturally, this schedule assumes that there will be no delays on the side of our Palestinian colleagues.

As you know all too well, legal development in the West Bank and Gaza is an extremely complex process at the moment, given the fluid nature of Palestinian society and the fragility of their institutions. As we have found in our other projects, an intensive process of consultation and consensus-building is needed at all levels in the Palestinian Authority and among the population itself. Donors have discovered, to their cost in the post-1993 period, that short-circuiting this process by moving ahead too quickly with a sound technical product can end up causing severe implementation problems down the line. Due to the invaluable work of AILR, a tremendous headstart in the legal area had been made by the time we became involved. This has meant we have been able to process the Bank project at a pace comparable to that of our other projects in the West Bank and Gaza.

The appraisal/negotiations mission I mentioned above will include the organization of a seminar to be attended by members of the Sector Working Group on Institutional Development. This seminar will go a long way toward cementing ownership on the Palestinian Authority side and among the key donors, and I assure you it will not

be the cause of any delays. This kind of seminar--a functional planning meeting--is something that we increasingly insist upon to ensure that we consult, and are seen to have consulted, with those who have a keen interest in a particular activity.

I would like to have the chance to meet briefly with you on March 10. Prior to this, I will ask Mr. Gianni Brizzi, Acting Vice President for the Middle East and North Africa to meet with you and discuss the project in the presence of our key people working on the project.

Finally, let me repeat that I greatly appreciate AILR's work, and the association you and your colleagues have formed with the Bank. I really hope that we will end up, in short order now, with a very convincing project that will be of great benefit to the Palestinians--and a credit to all of those who have been involved in the enterprise.

With very best wishes.



Sincerely yours,

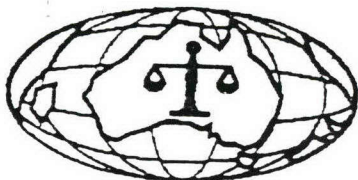


James D. Wolfensohn



Record Removal Notice

File Title President Wolfensohn - Briefing Book for President's Meetings and Events - Meeting Material - Justice Marcus Einfeld - Australian International Legal Resources Incorporated [AILR] - March 10, 1997		Barcode No. 30486957		
Document Date February 21, 1997	Document Type Memorandum			
Correspondents / Participants To: Mr. Kemal Dervis, Regional Vice President, MNA Through: Mr. Odin Knudsen, Manager, MNCWG From: Hadi Abushakra, LEGMN				
Subject / Title West Bank and Gaza: Legal Development Project				
Exception(s) Attorney-Client Privilege				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group. <table border="1"><tr><td>Withdrawn by Diego Hernández</td><td>Date April 24, 2025</td></tr></table>	Withdrawn by Diego Hernández	Date April 24, 2025
Withdrawn by Diego Hernández	Date April 24, 2025			



AUSTRALIAN INTERNATIONAL LEGAL RESOURCES INC.

18 February 1997

Tel: 61 2 9230 8407
Fax: 61 2 9230 8808
Mob: 61 414 914 835

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The Hon. Dame Roma Mitchell AC, DBE
Governor of South Australia

Patrons

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of Western Australia

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Former Governor and Chief Justice
of Queensland

The Hon. Justice Michael Black
Chief Justice, Federal Court of Australia

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Chief Justice, Family Court of Australia

The Hon. Sir Ronald Wilson AC, KBE
President, Australian Human Rights &
Equal Opportunity Commission and
former Justice of the High Court of Australia

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The Hon. Sir Guy Green AC, KBE
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Chief Justice of Northern Territory

The Hon. Justice Jeffrey Miles
Chief Justice of Australian Capital Territory

The Hon. Sir Laurence Street AC, KCMG
Former Chief Justice of New South Wales

Chairman

The Hon. Justice Marcus Einfeld

Executive Director

John Hall

Mr J.D. Wolfensohn
President, World Bank
Rm. E1227
1818 H Street North West
WASHINGTON DC 20433
U.S.A

PERSONAL

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APR 11 2025

WBG ARCHIVES

By fax: +1-202-522-3031

See John

You will be aware of AILR's project to provide rule of law assistance to the Palestinians (known as ROLAP) on which much effort has been expended over the last fourteen months or so. Many of our programs are already under way and we expect the Government of Australia to announce an extension of the program for an additional triennium (to the end of the year 2000) when our Deputy Prime Minister meets President Arafat in Gaza on March 13 next. By the end of that commitment, the Australian contribution in cash and services to this project will exceed \$5 million. In Australian aid terms, this is a sizeable sum. It has come about as a result of the work and commitment of many people both in the public and private sectors.

We have also had meetings with representatives of a number of other nations with a view to their participation in aspects of ROLAP, including Norway, Japan, Germany, Canada, New Zealand and South Africa. To a greater or lesser degree, these proposals have been received positively, some countries have already made commitments, and we expect widespread international co-operation and involvement in due course. For the past year we have been discussing with your Bank's officials a package of funding for some of the more expensive aspects of the project which are beyond our individual means. Moreover, as I write, arrangements are being made for me to meet with representatives of the Government of Brunei to discuss the funding for one of the two courthouses which are part of the package being negotiated with your Bank.

AILR has complied with every request made of us by your officials, and has honoured every time limit set by them for the

Level 20, Law Courts Building, Queens Square, Sydney 2000 Australia, Telephone 61 2 230 8407 Facsimile 61 2 221 3238

- 2 -

submission of documentation. We have supplied considerable detail and made energetic efforts to consult with and ensure the prompt and reliable support of the Palestinians themselves (a none too easy task in their present state of development). Yet the project appears to have ground to a halt or been forced to a virtual standstill by some of your Bank's Washington bureaucrats. I am conscious of your comments, reported in the Washington Post magazine in November of last year, about your efforts to streamline the Bank's procedures and engender a new spirit amongst the bureaucrats. I now know what you meant.

I am also aware of some of your other exhortations, especially in your speech to the Annual Meetings of the World Bank Group in Washington on 1 October 1996, for a change of emphasis and tone in World Bank funding decisions to favour infrastructure support over large capital projects with a different orientation. I respectfully agree with your viewpoint and have for some time been urging the same attitude on the funding agencies of my own and other donor nations. I recently addressed the Joint Parliamentary Committee on Foreign Affairs and Trade discussing human rights to the same effect, when reporting on ROLAP and others of our projects to the Parliament. If our experience with your lower level officers is any guide, you certainly have the job ahead of you to effect among your bureaucracy the sea change you personally envisage for the organisation.

For some months now we have had people in place -- all of them senior professionals -- ready to go with all aspects of the project we first discussed with the World Bank one year ago and formally placed before the Bank last August, in the belief, engendered by senior bank officials, that approval would not be long delayed. It was Vice President Shihata who was gracious enough to advise me that the decision-making in this matter would be done by Odin Knudsen when and if the Palestinian Authority decided that the rule of law was a priority.

Notwithstanding these hurdles having been overcome long ago, and all our work with our own people, other countries, the Palestinians and the Bank, I have just been informed that the Bank's legal department, despite around five visits to the region already, has not yet been able to complete its consideration of the project. Even more disturbing is today's news that the legal department now proposes yet another round of meetings in the West Bank and Gaza, including what it calls "workshops" to be attended by international donors, NGOs, the Palestinian legal fraternity and the PA Ministry of Justice.

I well understand the Bank's need to be well informed and sure before it commits large sums of money. But your public pronouncements since you became President suggest that, like me, you would view this process as completely unnecessary and wasteful. Nothing will emerge from such workshops that we do not already know and have reported on, except confusion, delay and frustration among all those who have been awaiting the Bank's decisions in the matter for so long. Simply put, we have already done and reported on the work these talkfests could at best achieve. I must report to you now that despite the best efforts of your Bank's mission in the region -- and they have been extraordinarily effective efforts until now -- our ROLAP manager on the ground senses mounting frustration on the Palestinian side at the lack of progress in the implementation of the project.

- 3 -

I do not wish to be too angry at all this obfuscation by people down the bank line, and I cannot imagine why the World Bank hierarchy would want us Australians, as the people generally acknowledged as the trail-blazers in the field, out of this arena. But if it does desire this result, it should say so and we will find another way to achieve this project. Whatever happens we will keep faith with the Palestinians, our own Government and our national partners.

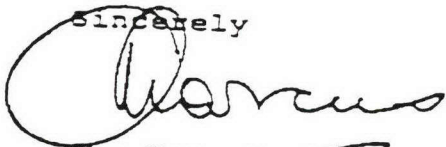
May I say also that the support and encouragement for the Palestinians' needs in this area of activity given by the personnel of your bank's mission in the territories are important criteria for us as well; your people could not have been more positive, and the Palestinians have never hesitated to express their appreciation of this support. It would be a pity to lose this goodwill. For our part we have drawn much comfort and inspiration from their efficiency, competence and professionalism.

It seems to me necessary that you and I should meet urgently to resolve this impasse. I am at present recovering from a broken femur incurred six months ago. After a week in intensive care, seven more weeks in hospital and four months of physio and hydrotherapy, I am still on crutches on the way to recovery. In ordinary circumstances I would have delayed overseas travel for a little longer but this project is so important that significant further delay is not an option. Amongst other things, the upcoming meeting of our Deputy Prime Minister with President Arafat and Israeli leaders will be a major milestone in relations between Australia and both the Palestinians and Israel, and I cannot permit the statements that will be made then about considerable future Australian commitment to ROLAP to be enmeshed in or overshadowed by administrative lethargy or internal politics within the World Bank over which I have no control and which I cannot and do not seek to influence.

I write therefore to ask if you would be prepared to receive my International Projects Director and me in Washington on Friday March 7 or Monday - Tuesday March 10-11 next. If you should not happen to plan being in Washington on those days, we will try to meet you wherever you will be. I look forward to seeing you again then. I will be going on to the West Indies from Washington to fulfil AILR's obligations under another project to supply Judges to help take up the long list delays brought about by insufficient resources in the small island countries of the region.

With best personal wishes

Sincerely



The Hon. Justice Marcus Einfeld
Chairman

02/12/97 Letter from
Nigel Roberts to
Mr. El-Daghma, Gaza

The World Bank

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.
Washington, D.C. 20433
U.S.A.

(202) 477-1234
Cable Address: INTBAFRAD
Cable Address: INDEVAS

February 12, 1997

Mr. Ibrahim El-Daghma
Deputy Minister of Justice
Ministry of Justice
Palestinian Authority
Gaza City, Gaza

Dear Sir:

Re: Legal Development Project

On behalf of the World Bank mission which visited the West Bank and Gaza from December 2 to December 16, 1996, I would like to thank you and His Excellency Freih Abu-Middein, the Minister of Justice, for the guidance provided to the mission, and for the cooperation and assistance of your staff and aides. I would also like to thank Messrs. Qusai El-Abadleh and Khaled El-Qidra, the Palestinian Authority's Chief Justice and Attorney General, respectively, and their staff for their cooperation and the help they extended to the mission. I endorse the mission's findings and recommendations as agreed with you and recorded in the mission's aide-memoire, a copy of the final version of which is hereto attached.

I would like to use this opportunity to respond to your query about the advisability of outsourcing the management of the project. We fully understand the human resource constraints under which the Ministry of Justice and the Palestinian Judiciary have to operate, and the fact that these constraints are likely to delay the implementation of the project unless properly catered to. We also understand your desire to have an experienced expatriate outfit, acceptable to all parties concerned, playing an active role in the management and implementation of the project. Equally though, ensuring the success of the project and its sustainability will mean building-up local institutional capacity to effectively and efficiently design, manage and implement the program in the future.

I would suggest that the best way to proceed would be to put together a core group of qualified Palestinians who would assume responsibility for project implementation and management. The group may well need to be assisted in the performance of its duties by expatriate experts who would provide advice on specific matters related to project management and implementation, in accordance with terms of reference agreed upon between the Palestinian Authority and the World Bank. Further, in our view it is likely that a contract would best be concluded with a competent organization which would provide continuity and back-up, rather than with individual consultants.

February 12, 1997

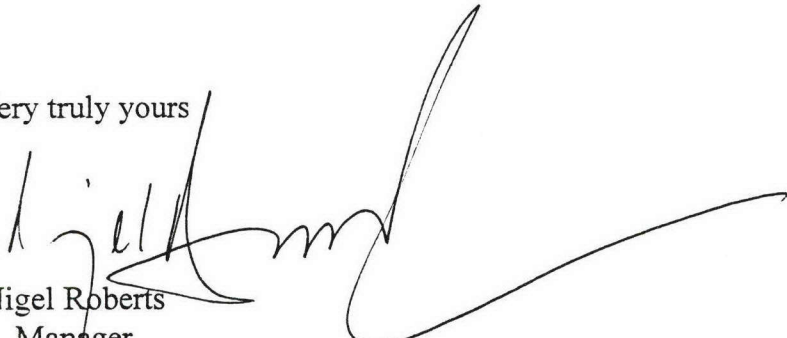
Should these experts' services be financed under the project, a competitive process (undertaken in accordance with the World Bank's consultant guidelines) should be followed. If the experts' services were instead financed by a bilateral donor, the World Bank's consultant guidelines would not apply, and sole sourcing would become a possibility (the Bank's interest -under these circumstances- would be to ensure that the experts are professionally qualified and able to perform the tasks for which they have been retained).

The above is not intended to reflect our views on the ability of any particular group to manage the project effectively. We simply believe that the best interests of the Palestinian Authority would not be served by outsourcing the management of the project; far preferable would be to use expatriate experts to strengthen the management capabilities of your own ministry, and to train Palestinian staff in project management and implementation.

Finally, let me reiterate my thanks for your excellent cooperation. We look forward to visiting the West Bank and Gaza toward the end of next month to appraise the project.

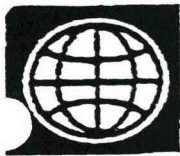
With personal regards.

Very truly yours



Nigel Roberts
Manager
MNCWG

Middle East & North Africa Region



The World Bank

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION
Resident Mission in the West Bank & Gaza
P.O. Box 54842
Jerusalem

West Bank Office (Al Ram):
Tel: 574-7151
Fax: 574-7150

Gaza Office:
Tel.: 824-746
Fax: 824-298

November 15, 1996

The Honorable Justice Marcus Einfeld
Federal Court of Australia
Level 20, Law Courts Building
Queens Square
Sydney 2000, Australia

Dear Mr. Justice Einfeld,

The following responds to the queries raised by AILR on October 21, 1996, at a meeting in Jerusalem, attended by Messrs. Roberts, Khadr, Abushakra, Creighton, Ms. Calnan and myself, regarding AILR's potential involvement in the implementation of the Legal Reform Project which the Palestinian Authority is currently preparing in cooperation with the Bank and others.

This letter is based on the feedback I have received from headquarters, in particular, Mr. Abushakra, the task manager, and Mr. Gruss, the Chief Council responsible in the Legal Department for the Middle East and North Africa.

I would like first of all like to acknowledge and thank the AILR for the dedicated assistance it has been providing to the Palestinian Ministry of Justice which culminated in the production of the Strategic Plan for the Ministry. This is a laudable endeavor which we hope will pave the way for further strategic planning on the part of the Palestinian authorities and bring to reality a project for possible donor and World Bank financing. It is the kind of cooperation that we are seeking from donors, the NGO community and the private sector. Your initiatives in the legal field have assisted the Palestinians in accelerating the development of a project of the highest priority.

The Palestinian Authority's Strategic Plan would form the basis for the final preparation and the appraisal of the Legal Reform Project. In cooperation with the Palestinian Authority, the Bank would identify such activities for which the Palestinian Authority is prepared to borrow funds from the Bank and for which the Bank intends to allocate an amount in the vicinity of \$5 million in the form of a credit to the Palestinian Authority. In all likelihood, the slice of the Strategic Plan to be financed by the Bank (i.e. the Legal Reform Project) would consist of the activities described in the aide-memoire dated June 20, 1996, a copy of which has been given to

Mr. Gary Creighton, minus the courthouse construction component for which the Bank intends to help the Palestinian Authority raise bilateral donor financing. We will keep AILR (through Mr. Creighton) informed about the progress we are making. If requested by the Palestinian Authority, the Bank would welcome AILR's participation in the preparation/appraisal activities. Consistent with the relationship of the Bank with the Palestinian Authority, the role of AILR for these activities would be as provider of assistance to the Palestinian Ministry of Justice rather than on the basis of a contractual relationship with the Bank. Otherwise, potential conflicts of interest could arise in that consultants who are employed by the Bank for the purpose of project preparation/appraisal are normally disqualified from providing any services during the implementation of the project.

AILR's queries concerning its role in the (i) management of the legal drafting component, (ii) implementation of the training component, (iii) development of the software for the legal and judicial data base (and the award of this contract to Bir Zeit University), and (iv) supervision of courthouse construction activities, as well as any other query AILR may have with respect to contract award under the Legal Reform Project, are foremost questions which have to be decided by the client and borrower of the Bank's funds, i.e. the Palestinian Authority, subject to the relevant provisions of the Bank's procurement and consultant guidelines, copies of which have already been delivered to Mr. Creighton.

However, from the Bank's point of view, we can assure you that the work undertaken so far by AILR for and on behalf the Palestinian Authority does not preclude AILR from being involved in the implementation of the Bank-financed Legal Reform Project, i.e. being eligible to bid for contracts to be financed out of the proceeds of the credit. Since the selection of consultants and providers of technical assistance is in the first place a prerogative of the borrower, it is up to the borrower to decide how to weigh previous involvement, familiarity with the local circumstances, etc. in this selection. These judgments by the borrower are subject to a review and the "no objection" declaration by the World Bank of such contracts in accordance with its consultant guidelines.

We understand the substantial role played by AILR in the preparation of the program on the Palestinian side. Whether a similar role can be played during the implementation of the project in terms of administering the project or parts thereof would depend on the needs of the Palestinian Authority and the agreed upon modalities for support services to the Ministry of Justice. These institutional arrangements for the implementation of the Project will be agreed upon during Project appraisal. Thus, for example, we do not know yet whether the Ministry of Justice will propose to outsource the management of the legal drafting component or whether they propose to handle this matter themselves. Equally, we do not have any opinion yet as to the need for an overall manager of the judicial and prosecutor training component or whether these training courses can be arranged on an ad hoc basis. Likewise, the implementation arrangements for the supervision of courthouse construction can only be confirmed after the source of financing for such activities had been identified since the respective donor might have specific requirements (tied financing for example). Under Bank rules, expenditures incurred by a borrower on account of engineering

Justice Marcus Einfeld

-3-

November 15, 1996

design services are, in principle, eligible for financing under a Bank project; also, design consultants are not precluded from being appointed for construction supervision subject to the procedures set forth in the above-mentioned consultant guidelines.

We hope the above is useful in responding to your inquiries and look forward to your continuing support for legal reform in the West Bank and Gaza. Please rest assured that AILR and the Bank share the common objective of assisting the Palestinians on their path to creating a society based on the rule of law.

Very truly yours,

Odin Knudsen
Country Director and Resident Representative
West Bank and Gaza Resident Mission