

Virtuous building of a training institution in the Balkans: the Academy for judges and prosecutors in Macedonia.

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1. Introduction: developing capacity-building institutions in the Balkans

Over the last ten years the development and the improvement of the judicial training has been one of the key issues addressed by the the European Union policy of rule of law promotion in the third countries. Starting from 2000, the EU, jointly with the Council of Europe (CoE), and in some countries in collaboration with USAID, organized many projects and financed several programmes devoted to the promotion of the training for judges and prosecutors (Judicial Studies Alliance 2007). In fact, in the majority of the Central and Eastern European countries the creation of judicial training centres was supported by external actors among which the EU performed as a dominant player.

The relevance for the judicial training of judges and prosecutors for the whole functioning of the judicial system is quite obvious; only with an adequate level of professionalization a judges could contribute to the correct enforcement of the laws, to the implementation of a fair trial and, more generally, to the respect of the rule of law (Piana 2009).

As stated in the very important Communication from the Commission to the European Parliament and the Council of 29 June 2006 on judicial training in the European Union [COM(2006) 356 final] *“Judicial training is a vital issue for the establishment of the European judicial area. Included in the Hague programme, common judicial training has to focus on knowledge of the legal instruments of the Union and the judicial systems of the Member States and on improving language training for better communication”*.

As Piana (2007) underlines, the EU activity to promote judicial training has been exercised throughout the advice on judicial reforms and providing guidance to define the content and the delivering mechanisms of the training programs. In the case of candidate and potential candidate countries, the EU advised the formulation and the design of the judicial reforms throughout the

monitoring exercise, on which pivoted the European enlargement policy¹; while the organization of EU judicial training programmes has been provided throughout different networks and projects. First, through the European Judicial Training Network (EJTN), the independent body, supported and officially recognized by the European Commission, comprising the institutions specifically responsible for the training of the professional judiciary within the European Union (EU) and the CoE Lisbon Network devoted to the development of the judicial training in Europe. Second, the initiatives like Grotius and the framework programme on fundamental rights and justice (2007-2013) seeking to strengthen judicial training in the European space. In addition to these tools, there are mechanisms set up to help cooperation, such as the Judicial Network in Civil Matters, Eurojust and the Judicial Network in Criminal Matters, playing an important role in the dissemination of information. There are also many European institutions that regularly organise training for judges, practitioners, barristers; the most known are the European Institute of Public Administration (EIPA) in Maastricht, the European Centre for Judges and Lawyers and the European Law Academy (ERA) in Trier.

Similarly to the Central and Eastern European countries in the context of the pre-accession policy, also in the Balkans the training of judges was one of the key priorities the EU and the CoE included in their programmes and assessment. Although the Balkans countries (Croatia, Serbia, Macedonia, Bosnia and Herzegovina, Montenegro and Kosovo) are potential candidates (with the exception of Croatia that in 2005 acquired the status of candidate) for the EU membership, the same tools and programmes implemented in the first group of candidates to improve judicial reforms are today applied to those countries. For example, only to mention one of the most comprehensive projects including provisions on training of judges was the CARDS 2003-2007 Regional project, titled *“Establishment of independent, reliable and functioning judiciary and enhancing the judicial cooperation between the Western Balkan countries”*. This project provided support to the Western Balkan countries in key areas of the judiciary reform, in particular: development of the judiciary, approximation of the legislation, application of the European standards, definition of regional priorities, and promotion of the regional cooperation. The project incorporated many countries in the region organized in a consortium composed of representatives from the Ministries of Justice from Austria, Bulgaria, Germany, Italy, Romania, Slovenia and the Council of Europe.

This article will focus on the development of the Academy for the Training of Judges and Prosecutors in Macedonia. The Academy is considered one of the best examples of training institutions in the Eastern Europe as it is perfectly in line with the international standards and

¹ The countries involved in the EU pre-accession process are regularly monitored by the Progress Report that the European Commission prepares both for candidate and potential candidate countries. One of the sections of the report is regularly devoted to the judicial system reform. For more information see http://ec.europa.eu/enlargement/how-does-it-work/progress_reports/index_en.htm.

actively involved in the selection of judges and prosecutors. First, the article describes the role of the EU and the other international organizations in the creation of the Academy. Second, it illustrates the different steps that brought to the establishment of the Academy in 2007. Third, the organization and the functions of the Academy will be presented, paying particular attention to the contents of its programmes. Finally, we will discuss the reason why this institution building process was so successful.

2. The role of the international organization in reforming Macedonian judicial system

As we already mentioned, besides the EU (EC Delegation/EAR-CARDS and IPA) and the CoE, many other international organizations were actively involved in reforming the Macedonian judicial system, primarily World Bank, USAID, OSCE, US Embassy. All these organizations have organized assistance projects in the area of judicial system reform. In Macedonia, similarly to Serbia, the World Bank, USAID and the US Embassy were, in terms of funds and projects leading, among the major donors². Since January 2003, USAID has funded the Macedonia Court Modernization Project (MCMP) one of the most comprehensive project in the judicial field, implemented by DPK Consulting³. An option period has been exercised by USAID, and the project has been extended through September 2007. One of the three project components was specifically addressed to “legal training” with the aim of providing a comprehensive educational program for judicial officers and court personnel; providing expertise to improve the skills of those involved in judicial branch education; assessing the educational needs of judges and staff.

Concerning the EU, the political relations between Macedonia and EU started already in the middle of the 90s with some commercial and economic agreements. Later on, in 2000, Macedonia entered the Stabilization and Association process⁴ and in 2004 it applied for the membership.

In 2005 Macedonia acquired the status of candidate country. Nowadays, it is one of three candidate countries, together with Croatia and Turkey, after the accession of Romania and Bulgaria. Among current obstacles to full membership is the ongoing conflict with Greece over the country's name⁵,

² See Government of the Republic of Macedonia, Ministry of justice (2007), *Monitoring report on the implementation of the projects in the judiciary*, Skopje.

³ For more details see <http://www.courtmodernization.com/index.htm>.

⁴ The Balkans are involved in the Stabilisation and Association process that is the framework for EU negotiations with the Western Balkan countries, all the way to their eventual accession. It has three aims. Each country moves step by step towards EU membership as it fulfills its commitments in the stabilization and association process, as assessed in annual progress reports. Source:

⁵ The country is officially addressed by the European Union with the provisional appellation "Former Yugoslav Republic of Macedonia", rather than employing its constitutional name "Republic of Macedonia" because Greece doesn't recognize the country with this name that would be the same of a province of Greece.

the partial results in the reform of the democratic institutions (among them the judiciary) and the ethnic problems not completely resolved.

Starting from 2005 the EU asked Macedonia to fulfill some specific criteria in each field of policy to go ahead in the path towards the membership. Concerning the specific criteria regarding the judicial system they can be singled out from Progress Report and from European Partnerships. The European Partnership are documents issued with the Progress Report in which the Commission lists areas where further reforms are needed. Among the priorities that the EU listed each year we found references some mentions to the training of judges. Table 1 shows only the priorities related to the training of judges.

Table 1: EU priorities in the field of the judicial training in Macedonia.

2004 EU partner ship	Strengthen the institutional capacity to train judges and prosecutors and prepare the setting up of a national school for magistrates. Provide for adequate initial and vocational training schemes.
2006 EU access partner Ship	Key short term priorities: strengthen the training system for judges and prosecutors. Short term priorities: Ensure a timely implementation of the strategy and action plan on judicial reform with a view to strengthening its independence, improving the efficiency of the courts, and strengthening the overall capacity of the judicial system.
2008 Access partner ship 2008	Key short term priorities: Establish a sustained track record on implementation of judiciary reforms and strengthen the independence and overall capacity of the judicial system. Implement the reform of the prosecution and finalize the appointment of the Judicial Council. Short term priorities: Further develop initial and continuous training in the academy for judges and prosecutors. Complete the setting-up of the new court structures and allocate appropriate resources to ensure that they are fully operational and enhance their efficiency. Ensure proper and full execution of court rulings.

Source: EU SAA reports on Macedonia, EU partnership with Macedonia, EU partnership with Macedonia (own elaboration).

The creation of the Academy for judges and prosecutors was listed as one of the priorities for Macedonia starting from 2004. This was a crucial lever for the establishment of the Academy and for its further development. Before analysing in details the “history” of the Academy and its organization, we will briefly describe the main steps of the judicial reform process in Macedonia.

The reform of the judiciary was officially initiated in 2004 with the adoption of the strategy for the judicial system reform. As Marceta (2009) states, the impetus for the reform mainly derived from the external pressures that can be traced back to the reports issued by different international organizations. All the organizations identified the lack of the reform of the judiciary as the main obstacle to the full democratization in the country⁶. “After years of neglecting the question, in 2004, the year of the Macedonian application for the EU membership, the judiciary reform was urgently faced in the hope of a positive answer from Brussels” (Marceta 2009). The strategy for judicial

⁶ EU SAA 2003/2004 reports, World Bank report on the Judiciary system in countries in transition, NATO recommendations for membership. See also Gaber – Damjanoska and Jovevska, 2004.

reform adopted in November 2004 foreseen a number of changes seeking to enhance the efficiency and quality of the judicial system. The training, appointment and the career procedures were brought in line with the international standards by the introduction of structural changes in the composition, selection and competences of the Judicial Council and by the introduction of the state-financed academy for training the judiciary staff. The CARDS 2003 project (mentioned earlier) followed the implementation of the Strategy for reform of the judiciary of the republic of Macedonia 2004 from the very beginning. It delivered assistance in drafting the reform laws, particularly: the Constitution Amendments, Law on courts, Law on Court Council, etc.

In fact, the reform of the judicial system began with the constitutional amendments, approved in 2005, that modified also the rules for the adoption of the relevant laws for the organization of the judiciary⁷. These laws reforming the judicial system were finally approved in 2006, during the electoral campaign. These laws were: the Law on Courts Official Gazzette of the Republic of Macedonia N.58/06), the Law on the Judicial Council (Official Gazzette of the Republic of Macedonia N.60/06) and the Law on the Academy for training of Judges and Prosecutors (Official Gazzette of the Republic of Macedonia N.13/06). During 2007, after the adoption of these laws some other important changes were introduced, mainly in relation to the Prosecutor Office power and organization. With these additional changes concerning the Prosecutor office the new legislative framework for the reform of the judiciary was completed. This framework was positively evaluated by the European Commission in its 2007 report, although also stressed that the implementation of such a framework would have been the major challenge for the Macedonian government. In line with these warnings, during 2008, the implementation of the reform was seriously delayed in particular because the problems in appointing the members of the new Judicial Council. The election of the new Council members was seriously undermined by the withdrawal from the Parliament of the Albanian party DUI because of a political crisis in the majority. The Parliament, that for the election of the Judicial Council members required the Badinter majority⁸, was unable to appoint the members until the end of the 2007 when the DUI re-entered the Parliament.

⁷ The new Constitution envisaged A 2/3 majority for laws on the judiciary and the public prosecution, while the election of the members of the council of judges and council of prosecutors required, in accordance with the Ohrid Agreement, simple Badinter majority (meaning the veto power to the minorities, but not necessarily the political consensus of all parties in the election of judges). The Ohrid Agreement, signed in 2001 to assure the equal representation of the Albanian minority in Macedonia, provides for a double-majority principle in the parliament on issues that affect the minorities (the so-called "Badinter majority"). These are laws related to culture, the use of languages, education, personal documentation, and use of symbols. For these issues – directly affecting minorities – both a majority of all MPs as well as a majority of all minority MPs is required. The agreement also provides a veto power to minorities in the election of a third of the judges of the Constitutional Court, three of the seven members of the Judicial Council, and of the Ombudsman (see http://www.esiweb.org/index.php?lang=en&id=311&film_ID=4&slide_ID=22).

⁸ See Footnote 7.

Afterwards, in 2008, the first appointment of judges was made by the Judicial Council and it was suddenly criticized by the media and by the international agencies for the politicization and for the pressure that the parties exercised over the Council members.

During the second half of 2008, the Prosecutors Council was established and the process for the election of its member was started. In the meanwhile, an important reform concerning the organizational structure and of the territorial competences of the basic courts was put in place.

At present, the legislative framework for the reform of the judiciary is really completed and in this task Macedonia was quicker and more efficient than others countries in the Balkans. However, concerns remain about the implementation of these changes. A powerful device in the first implementation phase was, and still is, the new Academy for Judges and Prosecutors (AJP) officially in place from November 2006.

3. The path towards the Academy for Training of Judges and Prosecutors⁹

Until November 2006 the training of judges was organized by the Macedonian Association of Judges through the Center for Continuous Education (CCE). The CCE was established in 1999 to provide continuing legal education for judges and courts staff. The center began its activity in 2002 providing training for judges and prosecutors. The activity of the CCE was delivered throughout seminars that in its initial phase were mainly directed to computer skills, in accordance with the recommendations of the USAID Macedonia Court Modernization Project that during those years was the major donors working on the CCE development. As the ABA-Ceeli JRI 2003 report states, “Most of the CCE’s funding has come from Open Society Foundation Institute Macedonia, which provided \$213,000 over the past four years (1999-2003). The Stability Pact, OSCE, and the US Department of Justice’s Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) have also sponsored CCE trainings. In addition, ABA/CEELI provided \$60,000 of funding for the CCE.” (ABA-Ceeli 2003, pp.7).

Thus, the CCE was completely dependent from international donors funds. This aspect was highlighted in the international organizations reports¹⁰ evidencing the need for a new public institution financed by the state and independent from the international aids training institution (Prokopenko 2005).

As we already mentioned, since the beginning of the SAA process the EU also started to implement some technical assistance projects in Macedonia. In 2001, the first specific CARDS project

⁹ This section is mainly based and drawn from the Annual report on the work of Academy for Training of Judges and Prosecutors for 2007.

¹⁰ See ABA-Ceeli JRI 2003 Report (http://www.abanet.org/rol/publications/macedonia_jri_2003.pdf) and FYR Macedonia Annual programme 2003 (<http://ec.europa.eu/enlargement/archives/ear/fyrom/fyrom.htm>).

addressed to the judicial training was implemented. The project aimed at providing vocational training for Judges and Prosecutors (target: 150-200 persons in total) covering national private, public and penal law as well as Community law. The programme included also the development of a training curriculum for judges and prosecutors¹¹. After the first stage, the project was extended to a second phase with the aim of establishing a new institution for the training of judges in Macedonia. The two phases of the project were fundamental in the process of institution building of the nowadays Academy because it was in the context of this project that the *Law on Academy for Training of Judges and Prosecutors* was drafted and all the other preparatory activities organized.

With the occasion of the judicial reform strategy in 2004 the issue of a new training institution became salient and the creation of the Academy became one of the political priorities.

The Law on Academy for Training of Judges and Prosecutors was finally adopted in January 2005 regulating organization and conduction of the initial training of the candidates for judges and public prosecutors and continuous professional advanced training of judges, public prosecutors and court and public prosecution administration. After the adoption of the law, an attempt was made towards the adoption of the basic and bylaw acts of the Academy for Training of Judges and Prosecutors (ATJP).

ATJP started working on 22 November 2006. On September, 17, 2007, after the founding of the bodies of the ATJP, the initial training for the first generation commenced with 27 candidates for judges and public prosecutors. The Academy, besides the Director and the Executive director, 13 people are employed (8 in permanent and 6 in temporary employment).

Of crucial importance was the Report issued by the European Commission on the progress of the Republic of Macedonia for the year 2007, where the initiation and the work of the ATJP was assessed as a successfully realised priority of the Republic of Macedonia towards fulfilment of the political criteria for progression of the Republic of Macedonia towards the membership in the European Union. In 2007, 42 seminars and workshops have been held, with approximately 950 participants, namely: 471 judges, 67 expert associates, 99 public prosecutors and 58 other participants.

Today, the Academy is an autonomous institution, with its own budget, equipment and human resources, managed by a Management Board in which the most relevant judicial institution of the country are represented. According to the Director of the Academy, this step marks the introduction of a new concept of management, a system of shared control and responsibility between the judiciary and the executive for the performance and the development of the Academy's capacities, the selection of candidates, the creation and the delivery of training programmes.

¹¹ See <http://ec.europa.eu/enlargement/archives/ear/fyrom/fyrom.htm>.

The Management Board of the Academy consists of 11 members. By their function, its members *ex officio* are four: the President of the Judicial Council, the President of the Supreme Court, the Public Prosecutor and the Minister of Justice. The other members are appointed by the institutions represented in the Management Board, including the Associations of Judges and Public Prosecutors. The Director of the Academy participates in the work of the Management Board, without the right to vote.

The Management Board adopts the Statute and other acts of the Academy; it appoints and dismisses the Director and the Executive Director; it appoints the members of the Programme Council; it constitutes the Commission for Qualification and Admission of Candidates and the Commission for the Final Exam; it decides on the list of permanent and temporary trainers; it establishes all training programmes, the programme for appropriate and equitable representation of the citizens belonging to all communities in the Republic of Macedonia in the programmes of the Academy on the proposal from the Programme Council; it secures the funding for the operation of the Academy; it manages the asset of the Academy; it adopts financial programmes, etc. The term of office of the members of the Management Board, with the exception of the members appointed *ex officio*, is four years, with the right to a second term.

The Director carries out managerial functions in the Academy. To be appointed as Director, a person is required to have at least 10 years of working experience as a judge or prosecutor and to command one major world-spoken language. The appointment is made for a four year term of office, with the right to a second appointment to this function. The Executive Director carries out executive functions. To be appointed as Executive Director, a person is required to be a graduate of law with a passed bar exam, to have command in one major world-spoken language, to have eight years of working experience in legal matters and organisational abilities. The appointment is made for a five year term of office, with the right to a re-appointment.

The Programme Council is the “expert body” of the Academy which devises proposals for the training programmes. It comprises two members proposed by the Supreme Court, and one member is proposed each by the Public Prosecution, the Judicial Council, the Council of the Public Prosecutors and the Ministry of Justice.

Other bodies forming the ATJP are: the Commissions for Qualification and Admission of the candidates and the Commission for the Final Examination. The latter is to be constituted by the Management Board with a one year term of office; they are both comprised of seven members of which four proposed by the Judicial Council, two at the proposal of the Council for the Public Prosecutors and one by the Minister of Justice.

Figure 1. Structure of the Academy



Source:

Annual report on the work of Academy for Training of Judges and Prosecutors for 2007.

The trainers are experts who deliver the training programmes. They come from the ranks of judges and public prosecutors as well as distinguished experts in specified areas. The list of permanent and temporary trainers is defined in accordance with the principles of competence, public visibility of the application procedure, gender, regional and equitable representation and also participation of judges and prosecutors from all instances. The educational process of the Academy is directly implemented by a total of 108 trainers, of which 58 permanent trainers verified by decision of the Management Board upon the proposal of the Director of the Academy; of them 43 are judges and 15 are public prosecutors. The remaining 50 are temporary trainers, of whom 5 are retired judges, 25 are university professors, 4 are attorneys at law and 16 are various experts. In accordance with the regulations, seven *ad hoc* experts (domestic and foreign) were engaged to cover diverse topics and areas.

3.1 Power and competences of the Academy within the judicial system governance¹²

With the creation of the Academy, a new system for the selection of future judges and public prosecutors is being introduced in Macedonia, with the aim to alleviate the political pressures in the process of the first selection of candidates for judges and public prosecutors.

The main goal in respect to the initial training is being achieved through the creation of an objective system for selection based on precise and measurable criteria for admission to the Academy through a double filter (qualification test and entry examination). Then, once entered the Academy, the

¹² This section is mainly based and drawn from the Annual report on the work of Academy for Training of Judges and Prosecutors for 2007.

candidates are assessed in the course of the training, evaluating the knowledge and the level of involvement of participants (on the basis of the credit transfer system of the Bologna Process); after that, at the end of the training, they are required to pass a final examination.

As stated in the Academy official documents¹³ when creating the basic principles of the training strategy the members of the Academy took into account international standards, the principles affirmed in the Council of Europe documents (the CCEJ Opinions No. 4 and No. 9), the documents and acts adopted by the Lisbon Network for Cooperation between Training Institutions in the Council of Europe, as well as the documents of the European Commission, especially the European Judges Training Network (EJTN).

The Academy is completely integrated in the process of selection and choice of the future basic judges and deputy public prosecutors; moreover, its work is part of the package of laws which represent an introduction of a new system of selection and promotion of judges and public prosecutors based on the system of merit, namely: the Law on Courts, the Law on the Judicial Council of the Republic of Macedonia, the Law on the Public Prosecution and the Law on the Council of the Public Prosecutors.

In 2007-2008, of the total of 77 applicants who fulfilled the conditions, 71 took the qualification test, with 50 of them passing the test with an achievement rate of 70% or over. Of them, 27 candidates were accepted to the Academy, with the two additional openings being filled with two candidates from the communities which are not the majority in the Republic of Macedonia who had the highest score at the entrance examination¹⁴.

The selection of judges and prosecutors starts with the list of candidates submitted by the Academy to the Judicial Council of the RM and the Council of the Public Prosecutors that make the final selection according to the success of the candidates during the training.

A person may be elected judge if they meet the following criteria: to be a citizen of the Republic of Macedonia; to be fluent in Macedonian; to have working capacity and satisfy the general health conditions; to have a university diploma for a law graduate in Republic of Macedonia or an acknowledged diploma from a law faculty from abroad; to have passed the bar exam in the Republic of Macedonia. Special conditions for election of a judge are: for a basic court judge, a person that finished training in the ATJP; for a judge in an appellate court, a person that has at least 5 years working experience in a court, with recognized results, or 8 years working experience in legal matters after passing the Bar exam; for a judge in the Administrative Court, a person that also has at least 5 years working experience in a court, with recognized results, or at least 8 years working experience in legal matters after passing the Bar exam, or he/she is a university law

¹³ Annual report on the work of Academy for Training of Judges and Prosecutors for 2007.

¹⁴ As a Consequence of the Ohrid framework for the equal representation of the minority in the public administration.

professor with a PhD; for a judge of the Supreme Court a person that has at least 8 years working experience in a court, with recognized results, or 12 years working experience in legal matters after passing the Bar exam.

Concerning other activities, the Academy aims also to introduce a compulsory professional training, financed from its own budget, for other target groups than judges and prosecutors; particularly legal associates and administrative staff in the courts and public prosecution (including managerial officers), civil servants from the Ministry of Justice and, in general, other target groups from the judiciary.

3.2 Programmes and CV¹⁵

The initial training is organized as follows:

- 5 months devoted to theoretical instruction in the Academy,
- 9 months devoted to practical training under the mentorship of judges and public prosecutors in the courts and public prosecution and other institutions,
- 1 month for the preparation of the final examination.

According to the Academy, the main goal of the initial training lies in the acquisition of the basic abilities and skills for an efficient, independent and impartial decision-making; a use of clear and understandable language in drafting relevant acts in the cases; the readiness for application of the European dimension of the law; the openness towards comparative experiences and cooperation; the pluralistic understanding of the social environment and the multicultural nature of the society in which they will pass decisions and judgments.

In the course of the 2007 theoretical instruction (5 months), the total number of 659 lessons were held as part of the regular instruction. The number of lessons by subject was as follows: 112 on civil law; 98 on criminal law; 22 on administrative law; 44 on commercial law; 19 on ethics; 42 on IT; 42 on criminology; 12 on rhetoric; 12 on legal research; 11 on non-discrimination; 11 on access to justice; 11 on forensic medicine; 19 on court psychiatry; 11 on court psychology; 21 on constitutional law; 46 on English language; 19 on mediation; 26 on methodology of work; 22 on Communication skill; 36 on EU law and 43 on International law.

¹⁵ This section is mainly based and drawn from the Annual report on the work of Academy for Training of Judges and Prosecutors for 2007.

The theoretical instruction for the candidates for judges and public prosecutors is followed by the practical part of the initial training with 9 month duration.

The practical part of the initial training is conducted under the guidance of mentors - judges and public prosecutors. The final mentor list of 70 mentors and 19 deputies was endorsed by the Judicial Council and the Council of Public Prosecutors of the RM. The candidate can receive a maximum of 30 points by the mentor team in the practical training. The objective of the practical training is, under the guidance of the mentors, to equip the candidates with training and professional abilities and skills necessary for a successful execution of the judicial or prosecutorial function, respectively.

The practical training has embraced the concept of regional mentorship, thus organising the practical training under the mentorship of judges and public prosecutors from the Basic Courts Skopje and Skopje II, Ship, Bitola and the Appellate Courts, and also from the Basic Public Prosecutor's Offices in Skopje, Ship, Bitola and the Higher Public Prosecutor's Offices, as well as from other state authorities and institutions in accordance with the needs of the programme and depending on the region where the candidate originates from. The objective of this organisational structure of the training is, through the development and promotion of mentorship in the form of interactive work between the mentor and the candidate, to develop and strengthen the capacities and efficiency of the judicial-prosecutorial system on the entire territory of the Republic of Macedonia.

In this way, training is realised through: solving of actual and hypothetical cases, participation in case simulations and court trials, essay writing, writing of case acts and other written assignments.

The Law on the Academy introduces an innovation in that the Academy designs and implements the continuous training of judges and prosecutors in the shape of compulsory minimum number of hours of training per year, depending on their respective working experience by topics and areas. This is realised through the design and delivery to each judge and public prosecutor of a detailed calendar of every training events. The content of the continuous training focuses on: the novelties in the material and procedural legislation in the fundamental areas of the law (criminal, civil, commercial); judicial-prosecutorial practice and jurisprudence; fight against organised crime and corruption, human trafficking; training for other complementary skills: ethics, deontology, court psychology, time and case management, communication skills, public and media relations, alternative dispute resolution - mediation; specific articles from the European Convention on Human Rights (ECHR) with the appropriate practice of the domestic courts, comparative practice of other states and the case law of the European Court of Human Rights (ECtHR) and of other international courts with the aim of correct application of the international standards for a fair trial within a reasonable time; the modules for the general and specific areas of international law and of the law of the EU (right to competition, intellectual property, consumer protection, international

bankruptcy, international humanitarian law, etc.); foreign languages (English and French), IT lessons and legal research.

The Academy maintains individual records for the judges, the prosecutors and the civil servants from the Ministry of Justice who have taken part in the activities prescribed by the Programme. It issues certificates for the hours spent in training to judges, prosecutors and civil servants from the MJ, and submits the respective data to the Judicial Council of the Republic of Macedonia, the Council of the Public Prosecutors and the Minister of Justice.

4. Conclusion:

The establishment of the Academy for training of judges and prosecutors in Macedonia is one of the most positive examples of training institution building in the Eastern Europe. Although problems remain concerning the implementation of the judicial reform and its effectiveness, the Academy, is nowadays one of the key institution in the Macedonian judicial system and it is becoming a sort of “study centre” in which conferences and official diplomatic meetings with international experts and authorities are organized. Which are the key elements of this success?

In my opinion, there are at least three factors that contributed in the success of this institution building experience: the direct involvement of national actors in the design of the Academy throughout the CARDS projects, the massive support that the training Academy received from the international actors both in term of funds and pressure on the political elite and, finally, the personal attitudes of the Director and her involvement in international organizations and committee. Concerning the first point, the contribution of the domestic experts during the preparation of the Law on the Academy was fundamental and it was delivered throughout a specific document titled “Basic thesis and guidelines for reform of the system for education and professional training of judges and prosecutors” prepared by the CEE. Thus, the basis for the new Academy were built on the basis of the suggestions delivered by the members of the previously existing institution. This is what the organizational analysts call “*institutional bricolage*” (Lanzara 1997; Weick 1993), that is to create order and to build something out whatever materials were at hand. The materials already existing are modified and changed into novel combinations that allow the institutional transformation.

Secondly, as it was underlined in the article, the Academy received a massive support from the international organizations working in Macedonia; this external support was fundamental in the first phase of the institution building as it contributes to establish and to legitimate the basis of the Academy. Then, it was a strategic choice to decide that, once it was established, the Academy

would have been more independent by external funds and more linked to the national institutions. This was a key step for the institutionalization of the Academy in the national domain. Finally, it has to be mentioned that a fundamental role in the creation of the Academy was exercised by the current Director. She supervised all the institution building process and she was particularly efficient in managing the relations between international organizations and national institutions. In this respect, she was in a very strategic position as she was well known in the international domain, for her participation in the Commission for the Efficiency of Justice (Cepej) and in the Consultative Council of European Judges (Ccje), both within the Council of Europe; at the same time she was known and appreciated also at national level for her career as judge. These strategic position both at national and international level allowed the Director to act as a *change agent* (Morlino and Magen 2009) promoting the creation of an institution perfectly in line with the international standards and, at the same time, accepted and legitimated at national level.

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