



DUTCH RUSSIAN LAW ASSOCIATION

Leiden, December 2020

Introduction

On 5 November 2018, the Dutch-Russian Law Association (“DRLA”) was established with a founding meeting in the Historical Reading Room of the Peace Palace in The Hague. Founding fathers were Professor Mischa Wladimiroff, professor emeritus of Economic Criminal Law at Utrecht University and retired criminal law attorney, and Ruth van der Pol, judge of the Court of Appeal Arnhem-Leeuwarden. Some 30 persons attended the inaugural meeting.

The official incorporation took place on 23 October 2018 by Juliëtte Schueler, civil law notary at Messrs. Heussen, attorneys and civil law notaries at Amsterdam.

Goal of the DRLA is the promotion of “fair justice, the rule of law, and the observance of fundamental rights in The Netherlands and the Russian Federation.” It seeks to achieve those goals by “the organization of seminars, educational practices, courses, traineeships, meetings, and publications”

The importance and relevance of the DRLA was acknowledged by the Dutch Government in its so-called “Russia Letter” (“Ruslandbrief”) of December 2019 which stated at p. 13:

“Het kabinet blijft de Dutch Russian Law Association, een samenwerkingsverband van Nederlandse en Russische experts en juristen, steunen. Om de kennis over Nederland, de Nederlandse cultuur en maatschappij in Rusland te versterken zal het kabinet gebruik maken van het instrument van publieksdiplomatie.”
(Kamerbrief December 2019, p. 13)¹

On Monday 28 September 2020, the Second Chamber of the Dutch Parliament discussed the Russia Letter and accepted its main findings. Mr Sjoerdsma, an MP of D66, one of the four coalition parties forming the government, made the proposal to enhance exchange between Dutch and Russian citizens.

¹ “The Cabinet will continue to support the Dutch Russian Law Association, an instrument of cooperation of Dutch and Russian experts and lawyers. With a view to strengthen the knowledge of The Netherlands, Dutch culture and society in Russia, the Cabinet will make use of the instrument of diplomacy by the public.” (Letter to the [Second] Chamber of December 2019, p. 13)

In a press release of 2 October 2020, **DRLA** expressed support for this proposal stating, inter alia, that “*it is essential remaining in a mutually respectful dialogue with Russia and Russian citizens.*”

Administrative Issues

In its initial composition, members of the executive board were Maxim Ferschtman, judge of the District Court Utrecht, as the chairperson, Maria Voskobitova, an official of the American Bar Association based in The Netherlands, member, and Ekaterina Nikonova, Russian attorney, also based in The Netherlands, and secretary of the board.

At the General Meeting held on 19 December 2019, Dr. Wim Timmermans, attorney at law and a retired lecturer of Russian law at Leiden University, was appointed chair.

In the course of 2020, both Maria Voskobitova and Ekaterina Nikonova communicated that they wished to lay down their official functions due to study and happy family circumstances, respectively. New board members were found in the persons of Marit van Zandvoort, attorney at law with De Brauw Blackstone Westbroek, attorneys, civil law notaries and tax advisers at Amsterdam and Rens Groen, attorney at law with Köster Advocaten at Haarlem. They will act as secretary and treasurer, respectively. Both have a fair command of the Russian language. We hope that they will be appointed as such by the general meeting in December 2020.

Under Article 15 of the Charter of DRLA, an advisory board may be established, which effectively took place. Currently, the advisory board consists of the following persons:

- Professor Mischa Wladimiroff, professor em. of economic criminal law at Utrecht University and retired attorney at law;
- Arkady Gutnikov, director of the St. Petersburg Institute of Law named after Prince P.G. Oldenburgsky;
- Prof. Dr. Masha Federova, professor of criminal law at Radboud University;
- Liudmila van der Pol, a Russian trained lawyer.

We hope that the general meeting will appoint the following person member of the advisory board in December 2020:

- Dr. Rimma Antonova, assistant director Russian State University of the Judiciary.

Cooperation with Russian Partners

In 2020, a Memorandum of Understanding (MOU) for cooperation with the Russian State University of the Judiciary (“RGUP” by its Russian abbreviation) was signed by the chairperson of DRLA and Professor V.V. Ershov, rector of RGUP. Goal of the MOU includes, inter alia, rendering assistance in the development of the curriculum; exchange of academic knowledge; organizing conferences, symposiums, seminars, etc.; exchange of academic staff; cooperation in raising the standards for legal professionals; etc.

Obviously, DRLA does not have the staff to deal with all of the abovementioned fields of cooperation. However, DRLA has a broad network among Dutch law schools and

the judiciary, which it can tap to direct relevant requests from its Russian partners to their Dutch counterparts.

Furthermore, DRLA maintains close ties with various Russian universities, including the private Prince P.G. Oldenburgsky Institute of Law based in St. Petersburg. Also, contacts have been made with the law faculties of Moscow State University, the Moscow State Institute for International Relations (MGIMO), the All-Russian Academy for Foreign Trade (VAVT) and other institutions of higher learning.

Intensifying existing relations and entering into relationships with other Russian academic institutions will be pursued.

Cooperation with Dutch Partners

There are a number of Dutch organizations that also deal with or focus on Russia, like, for instance, the Clingendael Russia and Eastern Europe Centre,² the knowledge platform *Raam op Rusland*,³ the *Nederlands-Russisch Centrum voor Handelsbevordering*,⁴ the Ruslandtafel of the Amsterdam Industriële Groote Club,⁵ as well as the Nederland-Rusland Centrum.⁶ Although all of these organizations have their own specific focus, they all deal with Russia. Therefore, it would in the view of the board be appropriate to liaise with them and share knowledge and expertise, where necessary.

Network of lawyers with knowledge of Russian law

One of the goals of the DRLA is to create a network of lawyers who are well versed in Russian law and would be available for external parties seeking advice on Russian law. In practice, public law bodies such as municipalities, tax authorities, courts, prosecutors, etc. regularly are in need of advice on Russian law. The same is true for businesses, advocates, public notaries and other legal professionals who are dealing with Russia. In the vision of the board, it would be good to have a pool of lawyers with Russian law knowledge who would be available for providing advice.

Parallel to such a network, it would be a good idea to set up a – physical or virtual – Russian law knowledge centre. In the past, the Leiden University Institute of East European Law performed such a function but, unfortunately, said Institute was discontinued in the early 2000s due to budget cuts. The board will develop further thoughts on such a knowledge centre.

Exchange

So far, a couple of delegations from both the Prince P.G. Oldenburgsky Institute of Law and the Russian State University of Justice have visited The Netherlands. In the spring of 2020, a delegation from the Oleg Kutafin Moscow State Law University would have visited The Netherlands for an exchange program with law schools, attorneys, the judiciary, and the Ministry of Justice. But, due to the COVID-19 crisis, the visit had to be cancelled.

² <https://www.clingendael.org/research-program/russia-eastern-europe-centre>

³ <https://www.raamoprusland.nl>

⁴ <https://nrch.eu>

⁵ <http://ruslandtafel.nl>

⁶ <https://nrce.nl>

However, it remains the DRLA's intention to continue facilitating exchange in the form of study tours to The Netherlands and vice versa.

Symposia

Holding symposiums and conferences where hot legal topics can be discussed from a comparative law perspective is a top priority for the board of DRLA. Although live interaction between the speakers and participants is vital for discussion, we are glad to establish that online events are valuable, too. Fortunately, it is possible to hold online symposiums but it demands a great deal of assistance and support. Therefore, we are glad to have received promises from Dutch and Russian organizations to provide essential technical support.

Russian Law Course

DRLA has found that a general course on Russian law would certainly meet a demand from Russian studies students, law students, as well other persons with an interest in Russian law. Therefore, the DRLA seeks to join forces with the Russian studies department of Leiden University to offer a one semester course on Russian law. The course will be provided by various lecturers with merits regarding Russian law. If the Russian law course proves to be successful, other courses on specific fields of law (constitutional law, civil and commercial law, criminal law, etc.) could be offered, too.

Also, if there is a clear interest on the Russian part, DRLA could also consider setting up a Dutch law course for Russian lawyers.

Fundraising

Obviously, the above plans would require adequate funding. Therefore, fundraising would be essential. It is the intention that a new board member would be found with the task to seek external funds for the implementation of DRLA's program. Potential donors could be public law bodies, law firms, private funds, etc.

Membership

Membership is open for all persons and organizations. It is self-evident that interest in Russian law is advisable (but not required). In the view of the executive board, it is important to increase the number of its members to broaden its base. It is considering setting up a special action to acquire new members both in The Netherlands and Russia. Ideas to that effect will be developed.

Public Relations

A board member charged with PR tasks is something that the executive board is considering, too. Maintaining PR is vital for any organization and especially for an organization that seeks to establish and expand relations between Dutch and Russian lawyers. The executive board holds that proper and adequate external communication with a view to inform Dutch and Russian media of interesting developments in Dutch and Russian law is vital. But also, events organized by DRLA deserve proper attention in the relevant public framework. One of mechanisms for disseminating news on DRLA would be having a separate page on LinkedIn.

Newsletter

In the board's view, it would be appropriate to publish a Newsletter on a regular basis (preferably each quarter). Apart from news from the DRLA (cooperation,

exchange, incoming and outgoing delegations, etc.), a special section on legal developments in Russia could be a part of such a newsletter. As this is a rather time-consuming task, the board will look for volunteers to provide updates on Russian law developments.

Publications

Apart from publishing a newsletter, the board is also thinking of stimulating the publication of articles and books as the fruits of conferences, symposiums, and seminars. Joint publications by Russian and Dutch scholars, judges, and practitioners would be promoted, too.

Finally

The Board realizes that the above program is very ambitious but it is confident that the program is feasible. It does not need to be fulfilled already in the next year but it offers a fair perspective of the goals to be attained in the years to come. However, an essential *sine qua non* will be the input and support of all members. The board is counting on all of you.