



enhancing
civic space

Annual Report
2007 - 2008

International Center for Not-for-Profit Law

Letter from the Chair



Measured by fiscal results alone, ICNL has continued to strengthen and has hit historic highs in funding and in the accumulation of a reserve which allows us to undertake at least some initiatives for which funding is not yet available. Of course, ICNL is not about money, but about work being done around the world to create a better legal environment for civil society. A review of the contents of this report shows how our activities have grown both geographically and in scope.

As chair, it is not my role to be involved in “hands on” activities. However, I was involved in some technical legal issues (which come closer to my own occupational experience) to facilitate working arrangements in areas where we had not been before. That being said, the lion’s share of the credit for the organization’s achievements lies with the staff. I shan’t try to single out all who have performed so well but I would be remiss if I didn’t publicly thank a number of the senior people such as Doug Rutzen and Steve Klingelhofer, Darla Mecham, our Vice President of Finance, Natasha Bourjaily, our Vice President of Newly Independent States, and Cathy Shea for her work in the Middle East. They and their colleagues have, as always, performed admirably and the Board could not

wish for more dedicated and competent workers and advisers.

I, like many of you, have come to look forward to the upcoming issues of the *International Journal of Not-for-Profit Law*, known familiarly as IJNL, a first rate publication which brings thoughtful articles to the public on topics of great interest to civil society. I would particularly like to thank Stephen Bates, the Editor, for his fine work. While on the subject of writing, a highlight of the year was the ICNL/Cordaid Civil Liberties competition which resulted in many high level papers, several of which have been published in the IJNL. The winning paper was by Mark Sidel, a Professor of Law, Faculty Scholar, and Lauridsen Faculty Fellow at the University of Iowa.

Finally, I want to thank Paul Nathanson who has, as a result of term limits, come to the end of his tenure as a Board Member and Treasurer of ICNL. Paul has been a wonderful colleague and has been a huge contributor to the organization both in terms of his technical expertise and on a personal level. To say he will be missed is an understatement.

The only bright side to Paul’s departure is the fact that he has been replaced on the Board by Filiz Bikmen, Manager of Institutional Development and Programs for the Sabanci Foundation in Turkey, and an Advisory Council member. Many readers will remember Filiz for her outstanding work in making the Global Forum on Civil Society Law summit held in Istanbul a huge success. I and the rest of the board look forward to working with her in the years to come.

I have no doubt that the next year will be one filled with challenges which ICNL will strive to meet with continued successes on all fronts.

Arthur Drache, Chair of the Board

Letter from the President

The political cartoonist Walt Kelly once wrote: “We are confronted with insurmountable opportunities.” In many ways, this captures my sentiment when I read the morning newspaper. We are confronted with economic decline, intolerance, human insecurity, poverty, climate change, health crises – and the list goes on. The challenges are so complex that they are beyond the capacity of any government to solve. But the magnificence of civil society is that we don’t cloister ourselves when faced with seemingly insurmountable challenges. Rather, we transform challenges into opportunities, utilizing civic space to improve the situation in which we find ourselves.

At ICNL, we have worked to safeguard civic space in over 80 countries, covering virtually every political, economic, and religious context. Last year, our projects involved countries as diverse as Afghanistan, China, Egypt, Ethiopia, India, Mexico, Russia, Rwanda, Uganda, and Yemen. Our cornerstone projects involve technical assistance on proposed legislation affecting civil society and civic space. Whether we are working in Honduras, Turkmenistan, Vanuatu or elsewhere, our goal is to promote a participatory process, led by local experts and informed by international perspectives.

But we do more than focus on the technical aspects of law reform; we also consider the context in which law reform takes place. In Afghanistan, for example, a truly enabling environment for civil society requires better public understanding of the role and purpose of civil society. To address this issue, we teamed up with Counterpart International and Afghan’s leading actor to produce a film about the role and value of civil society.

We also recognize the importance of developing the analytic basis for reform. Last year, ICNL and its affiliates undertook more than 40 research projects in conjunction with the European Union, UNDP, New Zealand AID, and other partners. ICNL and the World Movement for Democracy prepared a report under the auspices of Vaclav Havel, Saad Eddin Ibrahim, Archbishop Tutu and other civil society leaders. In addition, we launched the ICNL-Cordaid Civil Liberties Prize to promote scholarship on civil society and civil liberties.

Our projects were made possible by our increasingly diverse donor base. ICNL and its affiliates receive funding from over 45 multilateral institutions, development agencies, foundations, NGOs, and corporations. Thanks to this generous support, our budget has doubled in the past three years, and last year’s budget was the largest to date.

ICNL also benefits from an exceptional Board of Directors and Advisory Council. It is an honor to welcome Filiz Bikmen to our Board, and Diana Aviv, Kumi Naidoo, Feliciano Reyna, Harriet Namisi, and Ziad Abdel Samad to our Advisory Council.

Finally, I extend my deep appreciation to ICNL’s staff and project partners. As I enter my fifteenth year at ICNL they remain an inspiration, as they consistently demonstrate how to transform challenges into opportunities. In the pages that follow, I invite you to learn about ICNL’s activities to enhance civic space around the world.



Douglas Rutzen, President

Who is ICNL?

We are people dedicated to the promotion of a legal environment that strengthens civil society, advances freedom of association, and enables public participation around the world. We come from virtually every continent, but we share a common vision – one in which individuals are empowered to improve their everyday lives.

In all our work, we keep the following core values in mind:

- Reform should result from an indigenous and transparent process;
- Our assistance should be professional and non-partisan;
- Programs should incorporate public participation; and
- Our activities should support, and not displace, local expertise.

The following pages highlight some of our activities from July 2007 – June 2008.



ICNL and its partners at the Global Forum, November 2005

“First there was Communism, then there was Talibanism and now there is NGOism.”

Or so it was said in the early days of post-Taliban Afghanistan in 2001-02. Whether intended as a joke or serious comment, these words captured the suspicion and distrust that pervaded public views of non-governmental organizations (NGOs) operating in Afghanistan. The Initiative to Promote Afghan Civil Society (I-PACS) faced a daunting challenge to work effectively in such an environment. As a partner of the I-PACS consortium, ICNL provided assistance with drafting laws and published educational materials. But ICNL Legal Advisor Aemal Sanjeeda felt that more needed to be done; he proposed focusing on one of the root causes of a disabling environment: popular attitudes.



The solution was found in using what is perhaps the most popular media form in Afghanistan: dramatic film. Packaging issues relating to civil society in a dramatic and comedic setting, and putting it all on film with famous Afghan actors would certainly attract public attention. One such actor, Ghulam Nabi Tanha, plays the character Bulbul on the series “Bulbul and friends;” a popular show in Afghanistan that addresses a range of social issues from drugs to politics. ICNL contracted with Jawan Sheer Haidary Film Company to produce a part of the series; the topic: civil society, the legal framework for NGOs, and gender issues.

The film tells a story of search and discovery. As the film opens, Bulbul is listening to his friend, a teacher, question the children in his classroom about the meaning of civil society. Intrigued by the conversation, thus begins Bulbul’s own journey of discovery into civil society, the laws supporting civil society, and gender issues. Throughout the film, journalists report on how civil society impacts aspects of society and the film culminates with a village competition on who best understands civil society in Afghanistan.

On June 9, 2008 the film Bulbul and Civil Society was broadcast on the National TV of Afghanistan. Viewers responded enthusiastically to the film and the messages it contained:

It is very effective for the people’s knowledge; I did not know about the differences between NGOs and social organizations and the UN, but now I know. (Saayed Habib, an electrician)

The film was really good. I was surprised when I watched the film to see the actors explain the registration process. I can say it was great. (Abdul Rahman, Head of the provincial department of the Ministry of Economy in Balkh province)

The release of the film triggered substantial media coverage and in the days following the film’s airing, DVD versions of the film appeared in the retail markets and video shops. As a great sign of how far Afghanistan has come, there was a rush to buy the film; one video-store reportedly sold 200 DVDs of the film in a matter of days.

Addressing Poverty

When many think of famous actors, they think of *glamour* and *wealth*, not people *struggling to survive in poverty*. Unfortunately, that is precisely what is happening to the movie stars from Soviet times.



Borislav Brondukov and Semen Farada, beloved actors of the Soviet times.

These actors were once beloved and admired by the people of the Soviet Union, but they were rewarded with awards and honors, instead of decent pay. Nowadays, the average pension for these elderly actors equates to just 100 dollars per month. In Moscow, the most expensive city in the world, that isn't even enough to buy basic food items for a week.

Recently, one icon of Soviet cinematography, Borislav Brondukov, who performed in leading roles in over 115 films, passed away from complications arising from extreme poverty. Another famous actor, Semen Farada, is struggling to find money to pay for his medical care after suffering a heart attack. Yet another actress, whose handprint can be found on the famous Crozet Avenue in Cannes, France, is starving, barely able to survive on her pension.

On November 27, 2007, the first independent endowment was registered under the new law on endowments – an endowment for the Central House of Actors. The income generated by this endowment will be spent to provide support to these elderly actors that shined during an earlier era.

While the new law on endowments provided the opportunity to set up endowments, many of its provisions were not sufficient to establish an endowment in practice. To improve this, ICNL's Moscow office worked with the Central House of Actors and with the Russian government officials in charge of the registration of endowments to ensure that all involved parties had a full understanding of the provisions of the new law.

As of September 1, 2008, the endowment had already gathered contributions totaling over four million rubles. The income generated from the endowment of the Central House of Actors will help to take care of those actors whose names are written into the history of Soviet and Russian cinematography.

ICNL supports local reform initiatives. And initiatives can begin with one person and a perceived need.

One such person is David Lidimani, a young lawyer in the Solomon Islands.

Raised in an isolated village on the island of Malaita, distant from the capital Honiara, David wanted to do something to improve his village. He thought the study of law would give him that chance, so he enrolled, and excelled, in the University of the South Pacific, where ICNL has been teaching a course on civil society law in the Pacific.

ICNL staff were introduced to David as a candidate to assist in preparing country reports for the South Pacific. David undertook the job and, under ICNL supervision, he eventually published six reports – the first such compilation in the region, under a project funded by the New Zealand Agency for International Development.

Taking it one step further, the academic exercise stimulated David to look at his own country's civil society. The Solomon Islands have experienced severe social and political turmoil during the past decade. This environment has placed stress on the fledgling civil society sector and inhibited the provision of essential services, particularly in the outer islands.

In 2008, David initiated work with a local umbrella organization that represented several civil society organizations (CSOs). Together, they tried to convince government ministers to draft a new government-civil society Memorandum of Understanding. This document outlined a more harmonious relationship between the government and the sector, and also contained important work plans for legal reform and for replacing outdated colonial laws.

After vetting the draft MoU with all significant government ministries as well as a number of CSOs, David led a three-day, nationwide workshop in Honiara attended by provincial government and CSO leaders, as well as representatives from the capital. After considerable dialogue, more than 60 participants signed the draft. In addition, a multi-sectoral task force was established to work on drafting new legislation for parliamentary action in 2009 – legislation that is expected to meet the needs of the widespread population of this small developing country.



David Lidimani (center) in discussion with the Deputy Minister of Home Affairs

Engaging The Next Generation

How can I, as a law student, contribute to civil society?

This was one of the first questions posed at a conference on civil society law. The day-long conference for law students, held in Tegucigalpa, Honduras, was part of an ICNL initiative to introduce instruction on the laws affecting civil society organizations (CSOs) in Honduran law schools. ICNL teamed up with its local partner, the Federation of Development Organizations of Honduras (FOPRIDEH), to help address this issue.

In October 2007, two distinguished academics joined ICNL to participate in a fellowship program - Maria Antonia Navarro, Law School Dean at the National Autonomous University of Honduras, and Aracely Zuniga, Curriculum Coordinator at the Catholic University of Honduras' Law School. The goal was to develop a plan for incorporating civil society law into law curriculums in Honduras.



Law professors and invited experts in Tegucigalpa, Honduras

Their plan calls for professors to introduce instruction on the laws affecting CSOs into their lessons, which is then matched with opportunities for legal internships with CSOs. Assembling packets of international and national laws and analyses was the easy part; their next challenge would be to convince possibly reticent professors to alter their lesson plans, and to demonstrate to students the importance of the subject.

Since then, Navarro and Zuniga have rolled out their plan in three major conferences open to professors, students, government officials and the media. The program has even attracted international acclaim, as a delegation of law professors and students from neighboring El Salvador took part in a conference held in San Pedro Sula.

It may be too soon to determine the impact of this initiative on the student who asked how he could contribute to civil society, but the response thus far has been overwhelmingly positive: 11 Honduran law schools across the country have participated in the conferences, and in the first semester of implementation, over 20 trained professors are teaching civil society law to 2,000 students.

For the past two years, ICNL's President has taught *International and Comparative Civil Society Law* with Advisory Council member Adam Kolker at the University of Pennsylvania Law School.



Toobli Bay is an inshore coastal area situated in the northeast of Bahrain, known for its rich marine and bird life, its freshwater springs, and for being a major breeding ground for shrimp and fish. However, for the past 20 years, the bay has been under threat from human activity and has suffered from illegal land reclamation, which has caused the size of it to decrease by more than 50% since the 1960s. The situation was so dire that in 1997, the bay was designated a site of international importance under the Ramsar Convention on Wetlands.

Several villages have suffered from this situation, including Jurdab, which has a long coastline. Not only have jobs been lost and access to food been limited, but celebrations and traditions have been restricted. More importantly, there has been no access to the coast and most of the land has been seized by the government and is now owned by government officials or private citizens.

With most of the land on the coast in private hands, land prices increased dramatically and the citizens of Jurdab were left without public access to their traditional areas and without compensation from the government. To address the issues surrounding this land, a national NGO was formed - the Jurdab Charity Fund. The main objectives were to reclaim part of the land, make the coast accessible for the villagers and their families, and establish some entertainment projects.

Hussain Madan, President of the Jurdab Charity Fund, decided to start by collecting information and building broad-based cross-sector coalitions, particularly with the villagers, members of parliament and elected municipal council members. A local educational campaign was created with the use of the national press to make villagers aware of their rights. The Fund wrote to the Municipal Council and attended a municipal affairs conference at which they presented their requests.

In May 2008, members of the Fund attended a workshop in Bahrain organized by ICNL and the Ministry of Social Development on effective advocacy techniques. Participants learned about the best methods of formulating strategies, crafting messages, building coalitions, successfully conducting media outreach, and effectively engaging the parliament and government of Bahrain. All of these skills would further help the NGO members to continue the struggle to defend their rights and win back their bay.

The results that the Fund has achieved are encouraging for future successes, as an official recommendation has been issued to provide access to the bay, and reclaim a traditional natural water spring called "Ain Alhakeem." The Jurdab Charity Fund plans to build upon these initial successes by continuing to press for the passage of comprehensive legislation on this issue.



The natural spring "Ain Alhakeem"

Civil Society Challenges in Africa



ICNL's Global Fellows 2008: Ana Castro, Guatemala; Gloria Tengera, Rwanda; and Arthur Larok, Uganda.

A **severe political crackdown** in Zimbabwe began with civil society activists driven into exile or prison and culminated in the fraudulent elections of 2008. Signs were evident in countries such as Ethiopia and Rwanda that governments were reacting against what they perceived as threats to their authority posed by organizations established for self-help and public service. Exercise of the freedom of association was threatened or restricted, despite the guarantees provided by international covenants and many constitutions.

In **Ethiopia**, civil society leaders had been imprisoned earlier in the decade for suggesting an alternative to proposed laws designed to restrict activities of people's organizations. In early 2008, a leaked government-proposed "Proclamation" materialized. It was designed to clamp down further on civil society organizations' (CSOs) activities and funding from abroad, threatening the sector once again.

Local organizations, made cautious by the earlier persecution of opposition leaders, discretely asked for international comment. In response, ICNL provided the first analysis of the law and continued to provide comments on subsequent drafts. Despite the fact that later versions contained a number of restrictive provisions, ICNL's analyses contributed to the modestly successful effort to gain important modifications to the draft Proclamation.

In **Rwanda**, the legacy of fear and distrust from ethnic violence of the 1990s resulted in restrictive legislation governing civil society. To assist efforts to combat these developments, ICNL provided comments on several draft laws, including a draft law on domestic NGOs, a draft law on international NGOs, and a draft "Organic Law Governing Organizations Working in the General Public Interest in Rwanda" designed to support all laws enacted to affect public benefit CSOs in Rwanda. In addition, ICNL also hosted a fellow from Rwanda for several weeks; Gloria Tengera, a policy analyst and legal advisor for the Rwanda Initiative for Sustainable Development, used her fellowship to analyze currently pending CSO laws in Rwanda and learn how to encourage civil society participation within the legislative process.

ICNL's Global Technical Assistance Program (GTAP), funded by the United States Agency for International Development, provides for interventions to: counter host-government laws and regulations that would negatively impact civil society, strengthen local capacity through initiatives such as fellowship programs, and otherwise support NGO legal reform. During the past year, GTAP enabled ICNL to provide assistance in Rwanda, Peru, Ethiopia, and Ecuador, among other places.

During my fellowship, ICNL staff's great experience showed through the various discussions, and gave me a visual insight to other countries' NGO issues.
- Gloria Tengera, Rwanda -



Scholarship | In October, ICNL and Cordaid announced a prize competition dedicated to encouraging research and scholarship within the field of civil liberties and civil society. The contest was the first of its kind and drew award-winning manuscripts from Africa, Asia, Latin America, the US, and Europe. The winners were announced at the CIVICUS World Assembly in Glasgow, Scotland and the winning manuscripts were published in the *International Journal for Not-for-Profit Law*.

International Grantmaking | ICNL is in its eighth year of partnership with the Council on Foundations on the United States International Grantmaking (USIG) Project. In total, 34 “Country Notes” assist grantmakers and their advisors to meet IRS requirements when making grants abroad.

IJNL | ICNL’s *International Journal for Not-for-Profit Law* focused on recent trends within civil society, civil society in complex environments and in post-conflict settings, as well as on ethics and civil society. Examples include a piece on philanthrocapitalism and its limits, an article on how young people can help contribute to rebuilding civil society in a conflict’s aftermath, and how counterterrorism measures impact charities.

Defending Civil Society | In conjunction with the World Movement for Democracy, ICNL prepared a report on the barriers impeding civil society around the world. During the report’s drafting, five regional consultations were held and grassroots activists, human rights leaders, journalists, scholars, and other civil society representatives provided critical guidance throughout this process. In addition, the Report is being endorsed by a group of internationally-recognized civil society leaders, including Vaclav Havel, Saad Eddin Ibrahim, and Anwar Ibrahim. To view the report, which is now available in Spanish, French, English, Arabic, Chinese, and Russian, please visit our website at www.icnl.org.

Backlash against Civil Society | In April 2008, ICNL participated in the Fifth Assembly of the World Movement for Democracy in Kyiv, Ukraine, which over 500 civic activists attended. ICNL made a plenary presentation on the Defending Civil Society report. ICNL also moderated a press conference with a panel comprised of Saad Eddin Ibrahim (Egypt), Carlos Ponce (Venezuela), Siok Chin Chee (Singapore), and Advisory Council Member Yuri Dzhibludze (Russia).



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June 2008 - June 2009

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ICNL's projects encompass every political, social, and economic context. Our global engagement includes:



Afghanistan	El Salvador	Latvia	Rwanda
Albania	Estonia	Lebanon	Samoa
Algeria	Fiji	Lithuania	Saudi Arabia
Argentina	France	Macedonia	Serbia
Armenia	Georgia	Malta	Slovakia
Australia	Germany	Mauritius	Slovenia
Azerbaijan	Ghana	Mexico	Solomon Islands
Bahrain	Guatemala	Moldova	South Africa
Bangladesh	Honduras	Mongolia	Tajikistan
Belarus	Hungary	Montenegro	Tanzania
Bosnia-Herzegovina	India	Morocco	Turkey
Brazil	Indonesia	Namibia	Turkmenistan
Bulgaria	Iraq	New Zealand	Uganda
Canada	Ireland	Nicaragua	Ukraine
China	Israel	Nigeria	United Kingdom
Colombia	Japan	Oman	USA
Croatia	Jordan	Palau	Uzbekistan
Cyprus	Kazakhstan	Peru	Vanuatu
Czech Republic	Kenya	Philippines	Venezuela
Ecuador	Kosovo	Poland	Vietnam
Egypt	Kyrgyzstan	Romania	Yemen
	Laos	Russia	

Financial Overview

Statement of Activities and Changes in Net Assets For the Years Ending December 31, 2007 and 2006

	2007			2006
	Unrestricted	Temporarily Restricted	Total	Total
PUBLIC SUPPORT AND REVENUE				
U.S. Government and pass-through grants	-	5,245,513	5,245,513	5,174,098
Foundation and corporation grants	2,700	137,722	140,422	2,011
Individual contributions	4,146	-	4,146	7,900
Interest	13,799	-	13,799	9,171
Other	3,000	-	3,000	1,267
Net assets released from restrictions	3,850,975	(3,850,975)	-	-
Total public support and revenue	3,874,620	1,532,260	5,406,880	5,194,447
EXPENSES				
Program services	3,136,829	-	3,136,829	2,140,388
General and administrative	679,418	-	679,418	547,339
Total expenses	3,816,247	-	3,816,247	2,687,727
De-obligation of funding	-	(171,129)	(171,129)	(501,813)
Changes in net assets	58,373	1,361,131	1,419,504	2,004,907
Net assets at beginning of year	238,860	4,908,321	5,147,181	3,142,275
NET ASSETS AT END OF YEAR	297,233	6,269,452	6,566,685	5,147,182

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