

Local Empowerment Global Impact



International Center for Not-for-Profit Law
Annual Report | 2010-2011



ICNL President Douglas Rutzen, second from left, with 2006 Nobel Peace Prize winner Muhammad Yunus, InterAction President Sam Worthington, and Peace Corps Chief of Staff Stacy Rhodes.
Photo: Graham Marsden/courtesy of InterAction.

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We are people dedicated to the promotion of a legal environment that strengthens civil society, advances the freedoms of association and assembly, fosters philanthropy, and enables public participation around the world.

We come from virtually every continent, and we share a vision in which individuals are empowered to improve their everyday lives.

In our work, we are committed to the following core values:

- 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.



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Message from the Chair

Once again, the past year has been one of remarkable accomplishment for ICNL. As evidenced in this report, ICNL has continued to grow financially and extend its global reach.

Perhaps even more remarkable was the success of the Global Forum. More than 200 people from 80 countries attended the conference in Stockholm, Sweden in late August. I was struck by the high level of interaction among experts on a wide range of civil society issues experienced in numerous countries. Sometimes, difficulties facing civil society were common across borders, and other times they seemed almost unique. Everybody with whom I spoke at the Global Forum and afterwards had nothing but praise for its seamless organization and fostering of stimulating interchanges over three days of meetings.

For most, an unforgettable highlight of the Forum was to watch recorded welcome remarks by Daw Aung San Suu Kyi, Archbishop Emeritus Desmond Tutu, and US Secretary of State Hillary Rodham Clinton. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, chose to hold his first international NGO consultation with many of the delegates in attendance. In addition, keynote remarks were delivered by Sweden's Ambassador-at-Large for Democracy, Maria Leissner, and closing remarks by Swedish Minister of International Development Cooperation, Gunilla Carlsson.

I cannot overstate ICNL staff's achievement in putting together the Global Forum. Though having watched this group operate on a day-to-day basis in pursuit of ICNL's mandate, I was not surprised by their level of competence.

On a personal note, this will be my last such message in our annual reports. I have been a director and officer of ICNL for seventeen years. As chair for the past six years, term limits have caught up with me, though of course I will remain on the Advisory Council. ICNL has become a major part of my life. The friendships that have developed over the years are too numerous to list, but ICNL staff know how profoundly I value their friendship and admire their achievements.

Lindsay Driscoll, a friend for almost two decades, was elected during the Global Forum to be ICNL's next Chair of the Board. I have no doubt in my mind that she will do an outstanding job and serve the organization exceedingly well in this position.



ARTHUR B.C. DRACHE
Chair of the Board

In his welcome remarks to participants of the Global Forum on Civil Society Law 2011, Archbishop Emeritus Desmond Tutu stated:

[C]ivil society is at the core of human nature. We human beings want to get together with others, live together, eat together, laugh together, cry together, play music together, dance together, work together, and act collectively to make our lives better.... Through strong civil societies, enjoying the freedoms of association and assembly, we encourage and empower one another to shape our societies and address issues of common concern.

ICNL seeks to advance this vision at the international, regional, and national levels. At the global level:

- ICNL led efforts to create a UN Special Rapporteur on the rights to freedom of peaceful assembly and association. The UN Human Rights Council adopted a resolution creating this mandate in September 2010.
- ICNL organized a Global Forum, which opened with remarks by Archbishop Tutu, Hillary Rodham Clinton, and Daw Aung San Suu Kyi.
- ICNL is part of a multilateral initiative to assist embattled NGOs, supported by the governments of Australia, Benin, Canada, Chile, the Czech Republic, Denmark, Lithuania, the Netherlands, Norway, Poland, Sweden, the United Kingdom, and the United States.

At the regional level, ICNL launched an Arab Freedom of Association Network to share knowledge on civil society law. ICNL supported an OAS resolution promoting the freedoms of assembly and of association in the Americas. We also participated in two Pan-African civil society conferences, including the inaugural meeting of the Africa CSO Platform for Principled Partnership.

At the national level, ICNL worked on projects encompassing nearly 100 countries, in nations as diverse as Afghanistan, Brazil, Egypt, Hungary, India, Iraq, Malawi, Russia, Rwanda, and South Sudan.

To deepen the analytic basis for reform, we published over eighty country reports as well as papers on the freedom of assembly, the Arab Spring, and laws affecting global philanthropy. We also enhanced our online library, which now contains 1,600 documents from 120 countries searchable by language, country, and keyword.

Our international approach is made possible by our staff, Board, and Advisory Council, who come from 40 countries and speak 35 languages. Arthur Drache and John Clark have reached their Board term limits, and I appreciate their distinguished service. I will miss Arthur's leadership as Chair, and I look forward to working with Lindsay Driscoll as our new Chair. I also warmly welcome Lais Lopes and Geoff Prewitt as new board members.

I thank our funders for the generous support that makes our work possible. Finally, I express my appreciation to our remarkable staff and partners, who serve as a continuing source of inspiration as we work to create an enabling environment for civil society around the world.



DOUGLAS RUTZEN
President and CEO

ICNL's projects encompass every political, social, and economic context:

ICNL's Global Reach

- 
- Afghanistan
 - Albania
 - Algeria
 - Argentina
 - Armenia
 - Australia
 - Azerbaijan
 - Bangladesh
 - Belarus
 - Bolivia
 - Bosnia-Herzegovina
 - Brazil
 - Bulgaria
 - Burma
 - Cambodia
 - Canada
 - China
 - Colombia
 - Croatia
 - Cyprus
 - Czech Republic
 - Ecuador
 - Egypt
 - El Salvador
 - Estonia
 - Ethiopia
 - France
 - Georgia
 - Germany
 - Ghana
 - Guatemala
 - Guyana
 - Honduras
 - Hungary
 - India
 - Indonesia
 - Iraq
 - Ireland
 - Israel
 - Japan
 - Jordan
 - Kazakhstan
 - Kenya
 - Kosovo
 - Kyrgyzstan
 - Latvia
 - Lebanon
 - Libya
 - Lithuania
 - Macedonia
 - Malawi
 - Malaysia
 - Mexico
 - Moldova
 - Mongolia
 - Montenegro
 - Morocco
 - Namibia
 - Nepal
 - Netherlands
 - New Zealand
 - Nicaragua
 - Nigeria
 - Pakistan
 - Palestine
 - Panama
 - Paraguay
 - Peru
 - Philippines
 - Poland
 - Romania
 - Russia
 - Rwanda
 - Senegal
 - Serbia
 - Sierra Leone
 - Slovakia
 - Slovenia
 - Somalia
 - South Africa
 - South Sudan
 - Sri Lanka
 - Sweden
 - Tajikistan
 - Tanzania
 - Tunisia
 - Turkey
 - Turkmenistan
 - Uganda
 - Ukraine
 - United Kingdom
 - USA
 - Uzbekistan
 - Vanuatu
 - Venezuela
 - Vietnam
 - Yemen
 - Zambia
 - Zimbabwe



Participants at the Global Forum on Civil Society Law 2011

In August 2011, ICNL convened the Global Forum on Civil Society Law 2011 in Stockholm, Sweden to strengthen the legal environment governing civil society worldwide. The Forum brought together over 200 global leaders from 80 countries, including civil society organization representatives, members of government, multilateral institutions, and the donor community.

Video welcome remarks by Nobel Peace Prize Laureates Archbishop Emeritus Desmond Tutu and Daw Aung San Suu Kyi, as well as US Secretary of State Hillary Rodham Clinton. Sweden's Ambassador-at-Large for Democracy, Maria Leissner, delivered keynote remarks, while closing remarks were delivered by the Minister for International Development Cooperation, Gunilla Carlsson. In addition, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, held a global consultation with delegates to discuss his mandate and upcoming priorities.

Participants at the Forum explored a diverse range of civil society issues. Illustrative topics included information and communication technology and its connection to freedoms of assembly, association, and expression; the legal framework for philanthropy; strategies to engage governments and legislatures on civil society law reform; counter-terrorism and civil society law; and aid effectiveness.

To learn more about the Forum, watch video of the welcome remarks, or learn about follow-up activities, please visit www.icnl.org/globalforum2011.

"I have been to many international civil society conferences in the past 25 years. The ICNL Global Forum in Stockholm was the best one I have ever attended. Efficient, action-oriented, and forward looking. The professional representatives from 80 countries really made this conference a great success."

~Tomas Brundin
Senior Adviser, Swedish Ministry for Foreign Affairs



For years, the Ben Ali regime imposed severe restrictions on the freedom of Tunisian citizens and civil society organizations (“CSOs”). Among other harsh measures, the government could inspect CSO offices at will and dissolve them with little cause. The secret police were often sent to harass CSO members who refused to join the ruling party.

Aware of these difficulties, ICNL sought to establish a dialogue with Tunisian civil society on the freedoms of assembly and association. As but one example, ICNL worked with UNESCO Club of Bardo in December 2010, a Tunisian CSO seeking our support to mobilize youth engagement.

In January 2011, frustrated, unemployed youth and other sectors of Tunisian society took to the streets in revolution against the Ben Ali regime, forcing him to flee the country. Amid the sudden momentum toward greater citizen freedoms, ICNL was in position through our previous engagements to further support youth and CSO leaders.

ICNL convened a discussion in which CSOs, previously working under severe government restrictions, held direct talks with interim government officials over the drafting of a new *Law on Associations*. The process was described by Tunisian CSOs as “the first time NGOs have taken part in discussing a law in the history of Tunisia.” ICNL then worked to provide CSOs with substantial feedback on consecutive drafts of the law.

In September 2011, the *Law on Associations* was finally passed, followed by the country’s first open elections. As civil society flourishes in the new Tunisia, ICNL continues consultations with CSO leaders to build capacity around the new law and ensure its proper implementation.

Continuing an engagement which began in 2008, ICNL worked throughout 2010 with Iraqi Kurdish civil society and key stakeholders in the Kurdistan Regional Government of the Republic of Iraq to draft and achieve consensus on a new NGO Law. In addition, Kurdish civil society leaders worked with ICNL’s support to educate Members of Parliament and government officials about best practices in NGO law. In April 2011, with civil society leaders participating in the parliamentary debate, the Parliament of Kurdistan approved a new *Law on Non-Governmental Organizations Operating in the Kurdistan Region of Iraq* which sets a new standard for enabling CSO laws in the Middle East and North Africa.

In March 2011, a seven-year effort by the Honduran civil society umbrella organization FOPRIDEH and a diverse coalition of non-governmental organizations (“NGOs”) finally culminated in Congress’ passage of an enabling law governing the sector.

The achievement is remarkable in post-coup Honduras, where President Manuel Zelaya’s overthrow brought a deeply divided citizenry to the brink of civil war. In addition, two separate draft laws were promoted in 2009 and 2011 that would have imposed severe restrictions on freedom of association.

In large part, the Honduran NGO Law is the result of a cooperative strategy that fostered trust over many years between NGOs from all sides of the political spectrum and key allies in the Executive branch, the Congress, academia, and the press. ICNL’s technical assistance emphasized such a cooperative strategy, while also providing FOPRIDEH and the NGO coalition with a solid grounding in international law and a methodology of participatory legislative reform.

The new NGO law, based largely on a draft written by the sector coalition, substantially clarifies registration requirements and does not include any of the highly restrictive provisions present in the 2009 and 2011 draft laws. As a result, this comprehensive and clearly written legal framework will help NGOs improve compliance and prevent oversight abuses of the past.



In the past year, ICNL engaged with CSOs across Latin America, including local partners in Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, and Venezuela. Through these initiatives, ICNL has provided civil society leaders with technical assistance on issues ranging from public participation and foreign funding to public benefit status and tax deductions. As a result, local CSOs have become more skilled in addressing ongoing threats to civic participation, and their actions have influenced governments to withdraw or not fully implement a series of restrictive draft laws.

Across Africa, ICNL's partners are strengthening the legal framework governing civil society.

In **Rwanda**, the government has made considerable efforts to reform laws governing civil society organizations in an effort to encourage national healing and greater participation of local citizens in policy-making.

Since 2007, ICNL has provided feedback to the government and a coalition of civil society on successive drafts of an NGO law. ICNL provided comments on the draft law and also provided assistance that fostered civil society's participation in advocacy activities. Under the new law, finally passed in September 2011, not only will the registration process be simplified and clarified, but also citizens' organizations at all levels will be able to participate in local and national policy-making decisions affecting their members' daily lives.

In addition, ICNL engaged in **Uganda, Kenya**, and the new state of **South Sudan**. ICNL also provided a grant to a local expert to conduct an assessment of the legal framework governing civil society in **Somaliland** and **Puntland** — two autonomous regions of Somalia where much work is required to build democracy and governance. Our research projects allowed for further engagement in **Burundi, Ghana, Mali, Nigeria**, and **Sudan**.



Rwandan voters, 2010. Credit: Reuters/CORBIS

In Kenya, ICNL has provided ongoing support to a coalition of civil society leaders seeking to reform antiquated laws governing civil society. This technical assistance to government and civil society leaders culminated in the drafting of a new NGO law. ICNL remains engaged with Kenyan partners as Parliament sets out to review the draft NGO law and implement it within the framework of the 2010 Constitution.



Children suffering from Leukemia are accompanied by family members and Fighting Leukemia volunteers

Fighting Leukemia is a small organization in Azerbaijan that provides assistance to children suffering from leukemia and their families. Operating on a shoestring budget, it has helped over 80 children since its founding.

Under a recently passed law, civil society organizations (“CSOs”) like Fighting Leukemia must submit lengthy financial reports each year to the Ministry of Finance (“MoF”). Though Fighting Leukemia has done its best to keep diligent records, completing such a report requires advanced financial and legal knowledge from its mostly volunteer staff.

Failure to submit forms accurately can lead to a fine of up to 2,000 manat (2,500 USD). For CSOs operating on small grants and fixed budgets like Fighting Leukemia, such a fine could come at the expense of program activities or cause them to shut down altogether.

In 2011, the MoF rejected Fighting Leukemia’s financial report, along with those of nearly 380 other CSOs, citing errors or incomplete entries.

To address these concerns, ICNL worked with the MoF to agree to a two-month grace period allowing CSOs a chance to address issues. The MoF asked ICNL and its local partner, the Young Accountants Union, to assist these CSOs with re-submission. In response, ICNL and the Young Accountants Union provided technical assistance to Fighting Leukemia and a majority of the other 380 CSOs to re-submit their reports, and co-developed a user-friendly guide for completing financial reports that will help them avoid penalties in future years.

In July, Fighting Leukemia was pleased to learn that the MoF accepted their financial report and waived the fine. Fighting Leukemia plans to use the guide for next year’s submission and will share it with other CSOs working throughout Azerbaijan.

During the past year, the European Center for Not-for-Profit Law (“ECNL”), based in Budapest, Hungary, engaged in every country of Central and Eastern Europe. In addition, ECNL developed a *Comparative Overview of European Standards and Practices in Regulating Public Participation* under a project supported by the Macedonian branch of the Organization for Security and Cooperation in Europe (“OSCE”) and the Macedonian Center for International Cooperation. To view the *Overview*, please visit www.ecnl.org.

UN Special Rapporteur | In 2006, ICNL was invited to meet with Presidents and Prime Ministers attending the United Nations General Assembly. We were then tasked with preparing next steps to safeguard civil space globally. One of our primary recommendations was the creation of a UN Special Rapporteur on the freedoms of association and assembly. Notably, these are the only freedoms

enumerated in the Universal Declaration of Human Rights that did not yet enjoy broad protection under the UN's human rights framework.

Over the years, ICNL continued to try to mobilize support for this initiative among governments, civil society, and other key stakeholders. In September 2010, the resolution was introduced at the UN Human Rights Council to create this mandate.

On September 30th, ICNL proudly welcomed the Council's decision to create the position of Special Rapporteur on the rights to freedom of peaceful assembly and of association. The resolution was co-sponsored by 63 countries and passed by a consensus vote.

ICNL then worked with CIVICUS, World Movement for Democracy, and Article 19 to nominate candidates for the Special Rapporteurship. We were particularly pleased that Maina Kiai, a preeminent human rights activist, was appointed to this position in March 2011.

Mr. Kiai is a well-known Kenyan lawyer, human rights defender, and film-maker. For over twenty years, he has worked to defend human rights and campaign for constitutional reform in Kenya.



UN Special Rapporteur Maina Kiai

At this year's ICNL Global Forum in Stockholm, Sweden, Mr. Kiai held a consultation with delegates, and ICNL will host a research fellow to support of his work, commencing in 2012.

For the seventh year, ICNL served as the Project Manager for the 2010 NGO Sustainability Index (NGOSI) for Central and Eastern Europe and Eurasia. The publication reports on seven dimensions of NGO sustainability, including the NGO legal framework, financial viability, and organizational capacity, in 29 countries across the region. For the second year, ICNL also served as Project Manager for NGOSI sub-Saharan Africa, measuring the same dimensions throughout 19 countries in East, West, and Southern Africa. In addition, the upcoming year will see an expansion of the NGOSI with two new indices for the Middle East/North Africa and for Afghanistan and Pakistan, as well as an expansion of the Africa index.

NGO Law Monitor | Thanks to the generous support of the John D. and Catherine T. MacArthur Foundation, ICNL is pleased to produce the NGO Law Monitor. The NGO Law Monitor seeks to provide up-to-date information on legal issues affecting not-for-profit, non-governmental organizations (NGOs) around the world. A network of individuals and organizations works with ICNL to monitor legal developments affecting civil society in 33 countries as well as the activities of 8 multilateral institutions. The reports can be viewed at www.icnl.org/ngolawmonitor.

Global Trends | Launched in Spring 2009, Global Trends in NGO Law synthesizes key developments affecting the legal framework governing civil society. In the past year, we published seven issues. Volume 3, Issue 1 takes an in-depth look at the laws affecting the rights to association and assembly in post-revolution Tunisia and Egypt. Volume 3, Issue 2 interviews Maina Kiai about his newly appointed role as UN Special Rapporteur on the rights to the freedoms of peaceful assembly and of association. All issues can be viewed at www.icnl.org/globaltrends.



International Grantmaking | ICNL is in its eleventh year of partnership with the Council on Foundations on the United States International Grantmaking Project. In total, 35 “Country Notes” assist grantmakers and their advisors to meet IRS requirements when making grants abroad. To learn more about the project and to view the Notes, please visit www.usig.org.

Education | ICNL’s President Douglas Rutzen continues to teach international and comparative civil society law at the Georgetown University Law Center. The course covered topics including introduction to civil society, international law, comparative law, counter-terrorism and civil society law, the backlash against civil society, and the process of advancing NGO law reform. ICNL engages in additional educational initiatives in Europe, Eurasia, Latin America, and elsewhere to integrate civil society law into university curricula.

IJNL | The thirteenth year of ICNL’s *International Journal of Not-for-Profit Law* focused on a broad array of issues, including: an overview of the effects a post-9/11 global security framework has had on NGOs and global aid; a summary of the legal framework governing global philanthropy; and an analysis of varying obligations and challenges facing civil society in democratic countries. All articles are available at www.ijnl.org.

Global Philanthropy | ICNL published a paper entitled *Legal Framework for Global Philanthropy: Barriers and Opportunities*. The report was prepared for the Global Philanthropy Leadership Initiative (GPLI), established by the Council on Foundations, the European Foundation Centre, and WINGS. The paper surveys legal constraints on cross-border philanthropy and presents options to address these constraints. The paper was presented at a GPLI meeting in Brussels and at a WINGS conference in Italy. You can view the paper in the April 2011 issue of IJNL at www.ijnl.org.

2010 - 2011 Board of Directors & Advisory Council

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Harriet Namisi — Uganda
Paul Nathanson — USA

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Venezuela
David Robinson — New Zealand
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Bindu Sharma — India/
Singapore
Hassan Shire Sheikh — Somalia
Mark Sidel — USA
Ramesh Singh — South Africa
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Eduardo Szazi — Brazil
Jeff Thindwa — Malawi
Victor Thuronyi — USA
W. Aubrey Webson — Antigua

Financial Overview

Statement of Activities and Changes in Net Assets For the Years Ending December 31, 2010 and 2009

	2010		2009	
	Unrestricted	Temporarily Restricted	Total	Total
PUBLIC SUPPORT AND REVENUE				
U.S. and Other Government Grants	-	5,366,314	5,366,314	4,452,876
Foundation and Corporation Grants	-	632,517	632,517	754,483
Individual contributions	5,330	-	5,330	1,000
Interest Income	1,585	-	1,585	4,836
Other revenue	4,889	-	4,889	5,251
Net assets released from restrictions	4,683,879	(4,683,879)	-	-
Total public support and revenue	4,695,683	1,314,952	6,010,635	5,218,446
EXPENSES				
Program Services	3,579,585	-	3,579,585	3,687,095
General and Administrative	992,658	-	992,658	943,921
Total expenses	4,572,243	-	4,572,243	4,631,016
OTHER ITEMS				
De-obligation of Funding	-	(117,386)	(117,386)	(228,968)
Changes in net assets	123,440	1,197,566	1,321,006	358,462
Net assets at beginning of year	448,509	6,918,436	7,366,945	7,008,483
NET ASSETS AT END OF YEAR	571,949	8,116,002	8,687,951	7,366,945

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