

## TERMS OF REFERENCE

- A. Job title:** Consultants for the Center for Mediation of Montenegro
- B. Type of position:** National, short-term (three positions)
- C. Post Reference:** MNE-10-043
- D. Duty Station:** Podgorica, Bijelo Polje and Kotor Montenegro
- F. Duration of appointment:** 5 months
- G. Contract type:** Special Service Agreement
- H. Deadline for Application:** by Sunday, 4<sup>th</sup> July 2010, CoB

### i. Background

Law on Mediation in Montenegro was adopted in 2005. In 2008 the Government of Montenegro, represented by the Ministry of Justice, co-established, with the Central Bank of Montenegro and the NGO Association of Mediators of Montenegro the National Mediation Center in the capital Podgorica. In February 2008 the Mediation Center opened territorial units in Bijelo Polje, for the northern part of the country and in Kotor, for the southern part of the country. These territorial units act as branches of the National Center for Mediation. In this way the country is covered geographically with regard to ensuring a modern dispute resolution form, annex to the regular court system. Also, with this infrastructure in place, the country is in line with the EU policy to establish an area of freedom, security and justice.

Implementation of alternative dispute resolution so far has shown some progress regarding the institute of mediation, especially owing to the synchronized engagement of the Ministry of Justice and Mediation Center. Considering the fact that the Law on Mediation regulates the rules of procedure in civil cases, appointment and dismissal of a mediator, mediation procedure and other issues of importance for mediation, mediation in criminal matters should be included in legal framework by means of amendments to the existing Law on Mediation, with the provision of special mediation procedure in criminal cases.

Better access to justice, in which individuals and businesses should not be prevented or discouraged from exercising their legal rights by the incompatibility or complexity of the legal and administrative systems in their countries, is one of the key objectives of this policy. The concept of access to justice should, in the EU context, include promoting access to adequate dispute resolution processes for individuals and business, and not just access to the judicial system. The European Union is promoting the usage of mediation since 2002. Mediation is an established phenomenon in Montenegro since 2005, when, upon the initiative of the Ministry of Justice, 20 individuals received basic mediation training in Slovenia (the first of the former Yugoslav Republic countries to introduce mediation) under the EU CARDS programme. Further, mediation is part of the Ministry of Justice's Action Plan for the Implementation of the Strategy for the Reform of the Judiciary 2007-2012. The legal and regulatory framework concerning mediation, including a Code of Conduct for Mediators, is in place. Montenegro currently has 138 trained and certified mediators and 11 mediation trainers. It is necessary to strengthen the capacities of the Mediation Center as a coordinator of activities, increase the capacities of its territorial units, invest in human capacities and provide new trained mediators.

Although mediation has taken foot in the country, it is necessary to work on further promotion of this method of dispute resolution and the creation of conditions for the conduct of mediation proceedings. This will not only significantly contribute to the ongoing judicial reform, but will also put the country forward on its EU accession. According to the EU Progress Report 2009 Montenegro has made progress in the judicial reform process, a key European Partnership priority. However, efficiency of the judicial system needs to be further enhanced. Judicial enforcement procedures remain inefficient while lengthy court procedures remain a cause for concern. Mediation would therefore provide a desirable alternative.

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Having in mind the importance of the development and promotion of the institute of mediation, UNDP Judicial Reform Programme has launched the project *Strengthening the Capacities of the Center for Mediation of Montenegro*, which is being implemented alongside the other three projects in the area of judicial reform, and these are:

1. Strengthening the Capacities of the Ministry of Justice of Montenegro project;
2. Reform of the Legal Aid System in Montenegro: Creating an Effective and Sustainable System of Providing Legal Aid project, and
3. Strengthening the Capacities of Judiciary to Fight Corruption and Organized Crime project.

These four projects correspond to the areas of intervention in the judiciary, defined by the Strategy and Action plan for the reform of judiciary (2007-2012) - Access to justice, Independence of judiciary, and Anti-corruption policies.

In accordance with the above mentioned and in order to support the judicial reform in Montenegro, as the key area of all further reforms, UNDP in Montenegro intends to engage three Local Consultants for the project *Strengthening Capacities of the Center for Mediation of Montenegro*. The engaged Consultants would be working on a full working time basis, each of them being assigned to one of the offices of the Center for Mediation in Podgorica and its two branches in Bijelo Polje and Kotor.

## **ii. Duties and Responsibilities:**

Under direct supervision of the Executive Director of the Center for Mediation and Programme Manager of UNDP Judicial Reform Programme, Local Consultants for the Center for Mediation with its offices in Podgorica, Bijelo Polje and Kotor will perform the following activities:

1. Perform day-to-day activities of the project:
  - a) Prepare project's implementation action plans containing specific activities to be performed in the respective offices of the Consultants in line with the existing project document;
  - b) Identify specific needs in terms of the capacity development of the Mediation Center's respective units and report on them to the supervisors in the aim of addressing the defined issues;
  - c) Assist in identifying relevant sources of expertise for project/activity implementation;
  - d) Review official documents and communications;
2. Coordinate the preparation of meetings with the main project partners: authorities at the appropriate level, representatives of the Government, judiciary, NGOs and Donors; prepare meeting minutes and conclusions as a follow-up to the held meetings.
3. Ensure quality and timeliness of reporting and data production:
  - Monitor implementation progress and ensure quality and timely reporting to donors;
  - Ensure the establishment and maintenance of complete accounting records of all project activities (budget, commitments, expenditures, income) per source of funds and expenditure, line item.
4. Support efforts in facilitating the promotion of justice in Montenegro with an emphasis on alternative dispute resolution tools, and in particular, contribute to the development of the UNDP Judicial Reform Programme.
5. Perform any other duty as may be assigned by the supervisors.

## **iii. Competencies:**

- Demonstrates integrity by modeling the UN's values and ethical standards
- Ability to collect and analyze data from a quantitative and qualitative perspective;

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- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Focuses on result for the client and responds positively to feedback and different points of view
- Consistently approaches work with energy and a positive, constructive attitude
- Remains calm, in control and good humored even under pressure;
- Demonstrates openness to change and ability to manage complexities

#### **iv. Qualifications and experience:**

- University degree in law, political or social sciences would be an asset; one year of relevant professional experience;
- Experience in project and administrative work;
- Knowledge of the judicial reform process in Montenegro;
- Knowledge of the current Montenegrin governing institutions and practices and demonstrated capacity to approach them creatively and promote change;
- Extensive knowledge of the UN, EU and CoE standards;
- Experience in judiciary service reforms and/or donor-funded project management;
- Basic knowledge of alternative dispute resolution tools, such as mediation and alternative sanctions would be an asset;
- Excellent information technology skills, including word's processing, database applications, presentation software, and Internet;
- Excellent knowledge of written and spoken English language and language.

#### **v. Application Process**

*Interested applicants are requested to submit their applications to UNDP Office in Podgorica by e-mail to [consultancy.me@undp.org](mailto:consultancy.me@undp.org) by Sunday, 4<sup>th</sup> July 2010, CoB.*

The application should contain:

1. Duly completed Personal History Form (P11) can be downloaded from <http://www.undp.org.me/files/jobs/index.html>
2. Cover/Motivation Letter

*The short-listed candidates only would be requested to submit a letter of interest including a price quotation indicating the lump sum (in EUR) requested for the work envisaged in the section "Duties and Responsibilities".*

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