LEGAL ADVISOR

DUTY STATION: Sarajevo

CONTRACT TYPE: National Consultant (duration of contract: 4 months)

THE INDEPENDENT JUDICIAL COMMISSION (IJC)

The Independent Judicial Commission (IJC) has three main responsibilities:

1) Functioning as the Secretariat for the High Judicial and Prosecutorial Council of the Republika Srpska, the High Judicial and Prosecutorial Council of the Federation of BiH and the High Judicial and Prosecutorial Council of BiH (HJPCs).

2) Serving as Disciplinary Prosecutor;

3) Being an advisory and implementing body on matters related to judicial reform.

The IJC is composed of the following four departments: (i) Investigation and Verification (IVD); (ii) the Disciplinary Prosecution Unit (DP); (iii) Restructuring (RD); and iv) Administration and Finance Department.

The support provided by the IVD to the HJPCs includes receiving and verifying applications for judicial and prosecutorial office, advising the HJPCs on all matters relating to the appointment of judges and prosecutors, and assisting the Disciplinary Prosecutor in the processing of disciplinary actions.

The support provided by the DP to the HJPCs includes receiving and investigating complaints against judges and prosecutors, and as necessary, initiating disciplinary proceedings before the appropriate disciplinary panels of the HJPC.

RD primarily provides advice and assistance in all matters relating to the restructuring and efficiency of the court system in BiH.

The Administration and Finance department provides the financial and administrative support necessary to maintain the on-going operations of IJC and the HJPCs.

PURPOSE AND SCOPE OF THE PROJECT

When the re-invigorated judicial strategy was initiated, Ministries of Justice were already established at Cantonal and Entity level. At State level, all competence traditionally entrusted to a Ministry of Justice was performed by the BiH Ministry of Civil Affairs and Communications. With the entry into force of the new BiH Law on Council of Ministers and the BiH Law on Ministries and other Institutions, this state of affairs was remedied with the establishment of a proper BiH Ministry of Justice, which became operational in summer 2003.

Even though significant competence previously performed by the Ministries of Justice are now within the realm of the HJPCs, the mandate of these Ministries has not been altered.

This situation will be further developed with the establishment of a single BiH HJPC as of the end of the transitional process. This single BiH HJPC is likely to receive a broad mandate, which will not be limited to the selection, appointment and discipline process of Judges and Prosecutors but will entail significant competence over the management, budgeting and organisation of Courts and Prosecutors Offices.

Accordingly, the Project shall review the current public administration function within the BiH justice sector and produce a final report recommending justice sector reforms that will rationalize and re-organize justice sector competencies. The primary target groups shall be the BiH Ministry of Justice, the RS Ministry of Justice, the FBiH

Ministry of Justice, the Department of Justice within the Mayor's administration in Brcko and selected Cantonal Ministries of Justice.

Separate reviews for each ministerial level shall focus on all essential ministerial functions ranging from policy formulation and strategy to specific competencies related to legislative formulation, enactment, implementation and enforcement. For each ministry review, the project team will conduct a comprehensive analysis of all ministerial functions in light of the surrounding administrative and economic environment. Recommendations should be in accordance with EU best practices and prevailing government expenditure constraints.

The desired work product will provide a vertical functional review of the Ministries of Justice of sufficient depth and quality to influence the direction and prioritization of the reform process and to focus resources accordingly. The project will represent a comprehensive completion of the reinvigorated strategy for judicial reform and will link the reform of the Judiciary with the overall Public Administration Reform in BiH.

The Project Plan can be found on www.hjpc.ba/ijc

PURPOSE AND SCOPE OF POSITION

The Legal Consultant shall perform the research, analysis, and drafting of a final Report to the IJC. The Legal Consultant will work under the general supervision of and report to the Project Leader.

DUTIES AND RESPONSIBILITIES

· To provide national legal expertise and to participate in the production and finalisation of functional review report as outlined in the Project Plan and as agreed with the IJC;

· To work with local authorities, especially the Ministries of Justice on all matters related to these issues;

· To prepare legal opinions related to the legislative changes necessary for changes of the current ministerial structure and to draft legislation as required;

· To draft legislation as required and to comment on draft legislation;

· To maintain close observation of the BiH justice sector, including new developments;

· To liaise with other international organizations;

· To undertake other duties as required.

PROFESSIONAL REQUIREMENTS/QUALIFICATIONS

· Law degree;

· Extensive professional experience (minimum of five years) required in a practical legal setting, preferably within a Ministry of Justice in BiH;

· Knowledge and practical understanding of the operation of public administration and mechanisms of government in BiH;

· Good knowledge of the current status of the justice sector in BiH preferred;

· Previous experience working with EC-funded projects preferred;

· Experience with or knowledge of European systems and norms preferred;

· Ability to work and draft legal documents in Serbian, Croatian and Bosnian languages;

· Ability to work both within the framework of a team and independently;

· Mature judgment and flexibility;

· Able and willing to travel extensively within BiH;

· Computer literacy.

Any personnel with the above qualifications should provide (in English) a CV with a one-page cover letter including references to:

Personnel Department
Office of the High Representative
Emerika Bluma 1, 71000 Sarajevo
Fax: +387 (0) 33 283 771 E-mail: application@ohr.int

Reference number: 2003/437 must be quoted
Closing date for applications: 10 November 2003

Only short listed candidates will be contacted
No telephone inquiries please