



Ref: G/NAM/063

JOB DESCRIPTION

Post Title: Legal Adviser, the Magistrates' Commission, Namibia
Nature of the Project: Advisory and Capacity Building
Duty Station: Windhoek, Namibia
Duration: Two Years
Responsible to: Chairperson, Magistrates Commission or nominee

Background

Organized crime, transnational and cross-border crimes, corruption, money laundering and new crimes like economic and environmental crimes have increased the complexity of criminal, civil and commercial cases thereby placing new and hitherto unknown demands on criminal and civil courts. As a consequence, long delays in the criminal justice area are now being experienced, particularly in the magistrates' court system which looks after more than 90% of which are heard by the magistrates' court.

The need to increase the capacity of the magistrates and the magistrate's court system has therefore been identified as a national development priority by the Government of Namibia.

Purpose of Project

The purpose of the project will be to provide mentoring to magistrates and to strengthen the operations of the magistrate's court system in Namibia.

Scope of Work

The project will provide a full time Legal Adviser to the Magistrates Commission, which controls the work of the magistrates, for a period of two years in order to mentor the magistrates and advise on improving the efficiency of the magistrate's court system.

The Legal Adviser will act as a mentor and adviser to the Magistrates Commission and ultimately the magistrates. A work plan will be developed in consultation with the Magistrates Commission which will include the mode of delivery of the mentoring and the development and delivery of training programmes for the magistrates. Court staff may also be included in training to help resolve problems identified in areas such as case flow management. Mentoring will include being available to all magistrates to give advice on;

- Substantive law
- Procedural law
- Human rights norms
- Management of court lists
- Management of counsel
- Management of court staff

Activities

- Identify capacity weaknesses in the magistrates and offer remedial advice, individual mentoring and group training where necessary. This should encompass training on legal skills, the adjudication of evidential material and court management, with a view to relieving the backlog of cases and to improving the standard and quality of adjudication.
- Undertake a review of the current magistrates court system and make recommendations on the improvement of that system. With the agreement of the Chairman of the Magistrates Commission, undertake the implementation of these recommendations. It is expected that this will specifically address the following:
 - Case management, including monitoring of the court roll
 - Court management to bring the number of cases heard per court per month to a manageable level (target of around 150. Current level is over 200)
 - Resource management to ensure that relief judges are available should a backlog occur
- Conduct a review of the current status of NAMSIS implementation in the country and subsequently develop, agree and oversee a work-plan to ensure that the remaining implementation is undertaken effectively.

Expected Outputs (Deliverables)

- Strengthened operations of the magistrates court system
- Trained and more knowledgeable magistrates
- Effective implementation and understanding of the NAMSIS court administration system throughout Namibia

Expected Outcomes

The ultimate outcome is to develop a well trained and efficient group of magistrates and a magistrate's court system able to deliver timely judgements in a competent manner. In time this will create a stronger, more effective judicial process in Namibia

Implementation Arrangements

The Adviser will be based at the Magistrates Commission in Windhoek, Namibia for a period of two years.

Reporting

The Magistrates Commission is a body independent from the government and as such the adviser will report directly to the Chairperson. The Ministry of Justice and the Primary Contact Point (PCP) will also be kept informed of progress during project implementation and given the opportunity to provide feedback during the mid-term project review.

The project will be managed by a GIDD Adviser, supported by a programme Officer and with assistance from the Justice Section of LCAD. A monitoring mission will take place after one year of implementation. The Adviser will be required to provide an inception report followed by six-monthly progress reports to the Commonwealth Secretariat.

Person Specification

The candidate should possess the following:-

Educational Qualifications

Essential

- Possess a law degree or law-related courses or similar discipline with at least 10 years post admission practice experience as a lawyer;

Desirable

- A master degree in law or similar discipline with over 10 years experience, of which 5 years was with an international organisation in an in-country environment.

Professional Experience

1. Admitted to practice as a barrister and solicitor for a minimum period of 10 years.
2. Working knowledge and experience in Roman/Dutch law (desirable).
3. Experience in designing and delivering legal education programmes.
4. Experience in the management of courts preferably including oversight of the installation of case management software.
5. Excellent English language skills.
6. Experience of the legal system in Namibia would be an advantage.
7. Proven experience in providing professional training and development and mentoring to magistrates.

Closing Date: Monday, 15 February 2010

Submission of Applications

Applicants who are nationals of Commonwealth member countries and who meet post criteria are invited to apply with a detailed CV including names and contact details of three referees and the Personal History Form* to:

**Mr James Lek
Human Resources
Commonwealth Secretariat
Pall Mall
London UK
SW1Y 5HX
j.lek@commonwealth.int
Fax: + 44 20 7747 6520**

*The Personal History Form (PHF) may be downloaded from the Secretariat Website on the Employment / Vacancies / Long term Assignment (Overseas) page, along with the Skill Codes booklet required to complete the PHF. The form is available only in PDF format.

The application should be forwarded to the contact officer as an attachment to an email / by post / by fax.

(JL/18-Jan-2010)