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## Support for Strengthening the Rule of Law in Kosovo Information campaign on Mediation

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Monday, 6<sup>th</sup> of March 2017

### Statement by the Royal Norwegian Ambassadaor, Mr. Per Strand Sjaastad

- Let me first thank the UNDP and Iliria College for arranging this outreach campaign on Mediation as part of efforts to strengthen the rule of law in Kosovo.
- Norway has many years been a strong supporter of the strengthening of rule of law, anti-corruption and human rights.

Any nation that wants progress should make rule of law priority nr. 1. Otherwise, it is not possible to achieve a true democracy, sound economic development and a fair society for everyone.

- As law students at Iliria College, you represent Kosovo's future lawyers, prosecutors, judges and mediators. It will be part of your responsibility to ensure justice for all.
- Norway has been committed to working with the Government of Kosovo towards reforms that will lead to an efficient, transparent, independent, and accountable legal system.

To give you one example: One important project financed by Norway is the establishing of a Case Management Information System (CMIS) in Kosovo courts and prosecution offices. This is an important step towards improved efficiency, accountability and transparency of the Kosovo Judiciary and the Prosecution Service.

- Strong legislation and advanced judicial system is however not enough – justice must be accessible for everyone, on equal terms.

Today, the judicial system faces challenges such as backlog of cases, decentralized courts and few judges. Furthermore, trying a dispute in court will often be challenging for the parties involved, *psychologically* and *economically*. These considerations may prevent people from seeking and getting justice.

- It is therefore important that we focus on alternative dispute resolutions, which may be good for society and individuals.

**This brings me to today's main topic: Mediation.**

- The basic structure of mediation is that the parties themselves find a solution to their conflict using a trusted mediator – this arrangement is usually a faster, cheaper and friendlier process than dispute resolution in courtrooms.
- **CSSProject:** Since 2012, Norway has been a great supporter of the CSSProject for Integrative Mediation Kosovo. The project has, among other things, included training and certification of mediators in Northern Kosovo, and the formation of mediation centers. The project aim to create a network and a space for problem solving in Mitrovica and North Kosovo.
- Norway itself has a long tradition with mediation and it plays an important role in Norwegian procedural law. In fact, the law on civil law procedure is called “Law on *mediation* and procedure in civil disputes”.

Today there are several mediation institutions in Norway, which are all an integral part of the justice system. Some of these are:

- Mediation in the Conciliation Board (Forlikrådet)
- Mediation in the Conflict Resolution Council (Konfliktrådet)
- Dispute Resolution Committees (Tvisteløsningsnemnder)
- Mediation in court (Rettsmegling)
- Extrajudicial mediation (Utenomrettslig megling)
- Arbitration (Voldgift)
- An important lesson learned from Norway is that regardless of the institutions, mediation must be an integral part of training in all legal professions, whether it be lawyers, prosecutors or judges. By focusing on mediation, rather than only legal arguments, the procedures get more efficient, with less case backlog, better results, and lower levels of conflict in society.
- An ideal mediation result has no «winner» or «loser». The whole purpose is that both parties' benefit with this form of dispute resolution and that the process facilitates the acceptance of the result – whichever it may be.

- Conflict resolution outside the court is not a modern way of solving disputes. Mediation has been a part of many cultures, also in the past. Here in Kosovo or instance, you have had the use of “*Pleqtar*”. With the “Kanun” as foundation, “pleqtaret” served as mediators in disputes at the villages.

This stout tradition is built upon the same principle as modern mediation: Finding a just and fair resolution for all parties.

**I trust that mediation, in its modern form, will also be an important part of the Kosovo system for the future.**