

# Development and Establishment of Mediation System

Tungalag Dagvadorj

Chairperson of the Mediation Council under the Judicial General Council of Mongolia

I have worked as a judge for 35 years. From 1993 to 2015, I developed my career at the Supreme Court of Mongolia and have been also serving as the Chairperson of the Mediation Council under the Judicial General Council of Mongolia since 2013.

In order to help improve the Mongolian legal system, JICA, in cooperation with the Ministry of Justice, conducted research several times between 2004 and 2009 regarding mediation, which was not yet established in Mongolia at the time. JICA supported the establishment of the Legal Consultation and Mediation Center as an institution under the Association of Mongolian Advocates. The center adopted operational programs to handle its basic operations and to train mediators. These programs had been continued and turned into the Project for Strengthening Mediation System, which was supported by JICA in collaboration with the Supreme Court of Mongolia between 2010 and 2015. I worked as the head of the working group for this project.

During the first phase, we selected the First Instance Court of Bayanzurkh District and Darkhan-Uul Aimag Province as model courts. These courts successfully adopted mediation rules and designed how mediation should be operated, in addition to establishing the training programs for the mediators. During the second phase, the State Great Hural (Parliament) of Mongolia passed the Law on Mediation. This law is the legal basis for settling disputes through mediation and outlines the involvement of the courts, government, non-governmental organizations and professional mediation associations. Since the law became effective, 670 mediators have been trained in the 19 training programs. The training is designed to provide new knowledge and skills to develop reconciliation contracts,



mediator ethics and more, aiming to increase the number of mediators.

The project developed the 'Commentary on the theory and methodology of the Mediation Law'. This can be used in the study and research, contributing to the uniform understanding and implementation of the law among mediators. I hope the commentary will enhance the development of mediation in Mongolia. The Judicial General Council also developed Mediation Database as a consolidated part of the civil case database. Its operation started in 2015 and it enabled us to manage, monitor and produce the reports and data on mediation cases efficiently.

The project created a legal environment favoring settlements through mediation of disputes on matters such as labor or family issues, reducing the workload of the courts. Individuals and legal bodies filed a total of 15,437 cases in 2015 for court mediation. Among these, 11,854 cases were actually handled by mediation, including 7,881 cases successfully settled. This number of settlement by mediation consists as much as 22.2% of all the primary civil court cases (35,493 cases) in the nation. Mediation legislation has become an important part of the Mongolian national judicial system.

The Japanese Terminal Evaluation Team came to Mongolia in March 2015. The team concluded that the project had been successfully implemented and produced fruitful results. We are very proud of our success. I am convinced that the contributions of the Supreme Court, the Judicial General Council and the Mediation Council were essential for the effective and smooth implementation of the project. The development of a new part of the national judicial system was a challenging task. We renewed our confidence as we quickly overcame the obstacles and achieved the expected goals.

**JICA<sup>WORLD</sup>**  
is published by JICA

**Publisher:**  
Masahiko Tanaka  
Office of Media and  
Public Relations

Nibancho Center Bldg  
5-25, Niban-cho  
Chiyoda-ku  
Tokyo 102-8012 JAPAN

**Tel:** +81-3-5226-6660  
**Fax:** +81-3-5226-6396  
[www.jica.go.jp/english/](http://www.jica.go.jp/english/)

**Cover:** Laws and manuals which were developed with Japan's assistance  
(Photo: Shinichi Kuno)

**Photo on pages 2-3:**  
The Hanoi People's Court in Viet Nam, built during the French colonial period  
(Photo: Mika Tanimoto)



The Japan International Cooperation Agency (JICA) is the world's largest bilateral development organization, operating in some 150 countries to help some of the globe's most vulnerable people.