



A REPORT ON

**THE EXTERNAL TRAINING ACTIVITIES CONDUCTED DURING
THE YEAR 2012 PRESENTED TO THE 15TH ANNUAL JUDGES'
CONFERENCE HELD FROM 14TH TO 17TH JANUARY, 2013**

BY

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CHAIRPERSON, JUDICIAL TRAINING COMMITTEE, (JTC.)**

AT

**THE HOTEL AFRICANA,
KAMPALA.**

Topic: The External Training Report

1. By external training it is meant participation in any form of training (such as Diploma or graduate, Masters and PHD studies) outside Uganda. It also covers participation by our judicial or non-judicial members of judiciary staff in conferences, workshops, etc., outside Uganda whether sponsored fully or partially by the Uganda Judiciary or by Donors. Indeed it covers such activities even if the participants fully or partially foot the cost as long as he or she is a member of the staff of the judiciary and, therefore, the judiciary or judicial service commission (or indeed the PSC. in the case of non-judicial personnel) have to grant the participant leave of absence from judiciary work. Leave should normally be granted after the Judicial Training Committee or its Sub-committee has considered and approved or recommended the application by the participant to go away and undergo the study/ course. Approval is necessary because of many things. These include the fact that by being away, an officer creates a vacancy in his / her place of work and the Judiciary is unable to make appropriate replacement immediately and this affects performance.

CHALLENGES:

The Judiciary Human Resource Development Policy and the Public Service Training Policy set out the operational policies regarding both external and internal training. I have alluded to some of them in my opening remarks during the opening of the conference. The main challenges include:—

- a) There is big demand by the staff for external training for obvious reasons.
- b) External training is very costly especially where the **Judiciary has to fully sponsor a participant**. Full sponsorship usually includes cost of air ticket, per diem for maintenance of the participant, the fees, etc. Even where donors sponsor a participant, the sponsorship could be limited, for instance, the participant may be required to get air ticket, or meet some costs such as accommodation or indeed whatever the donor gives the participant may not be adequate enough.
- c) Some participants do not keep the judiciary updated on the progress of the course.

- d) Some members of staff have the wrong attitude of wanting to participate in almost every external course.
- e) Some members of staff first get admissions and then ask the judiciary within a very short time hurriedly to approve and provide funds. They appear to forget that funds for the Judiciary are limited or even exhaustible and require planning.

THE WAY FORWARD:

- a) Judiciary Personnel should be familiar with training policies particularly the Judiciary Human Resource Development Policy and the Public Service Training Policies. I have always ensured that during any induction course, participants are provided with a copy of the Judiciary Human Resource Policy. My experience shows that members of staff never bother to read this policy. In fact the HRD Policy is one of the documents which are on our judiciary website / intranet.
- b) Also we in the training have made it a point that during conferences like this one we point out some of the problems we face in management of the training function. This is a form of educating staff.
- c) I urge participants to give reports after training.
- d) It appears it is necessary for the judiciary to come up with clear plan of areas where training may be necessary and where Judiciary itself will be able to sponsor staff. This worked well in the 1960s and 1970s and has advantages. You may call it old things. We can improve that. This does not mean that whatever is planned must be implemented.

* The Judiciary Human Resource Policy.

PARTICIPANTS IN EXTERNAL TRAINING:

Because of lack of some reports, I am unable to mention all those personnel who attended some external training. They are there; and they do not wish to be mentioned!

April, 2012.

- Hon. Justice J.W.N Tsekooko, Hon. Justice Lawrence Gidudu and Mr. Tom Chemutai attended an EAJEC Meeting in Arusha from 2nd to 3rd April, 2012. Like in all the five partner states of the East African Community, participation in the EAJ Education Committee is only by members of the local committees.
- The Hon. the Chief Justice attended the Biennial Meeting of the Commonwealth Judicial Educators in Seychelles from 23rd to 25th April, 2012. The Hon. the Chief Justice represented Uganda.
- The Hon. Principal Judge, Hon. Justice J.W.N Tsekooko, Hon. Justice Lawrence Gidudu and Mrs. Dorcas W. Okalany, Secretary to the Judiciary, attended a Financial Management Training Workshop for non financial managers of public institutions. It was funded by Danida.

May, 2012.

- The Hon. Lady Justice A.E. Mpagi-Bahigeine, Retired DCJ lead a Uganda delegation of Women Judges to an international Women Judges Conference held in the UK from 02nd to 05th May, 2012.
- The Hon. the Chief Justice attended The World Congress on Justice, Governing and Law for Environmental Sustainability from 15th to 21st June, 2012 in Rio de Janeiro, Brazil.

June, 2012.

- H/W Wolayo Henrietta, the Inspector of Courts, H/W Margaret Mutonyi, Deputy Registrar, Family Division, H/W Nakibuule Kisekka Gladys, Deputy Registrar, Mbale, H/W Tom Chemutai, Ag. Registrar Research and Training, and Mr. Tuhimbise Valerian, Training Officer, attended a Seminar on Talent Management at ESAMI, Arusha, Tanzania.

July, 2012.

- The Hon. Lady Justice Dr. E. Kisaakye attended a course in **judicial writing** at National Judicial College, Reno, USA.
- Didas Muhumuza, Assistant Registrar, Gulu, Festo Nsenga, Assistant Registrar, Land Division, Wanume Deborah, Chief Magistrate Nakasongola and Mukanza Robert Magistrate Grade I attended a Seminar on Competitiveness and Business Development at ESAMI, Arusha from 2nd to 6th July, 2012 under the funding of DANIDA.
- Hon. Justice Bart Katureebe, Justice Paul Mugamba, Judge High Court, and H/Wor. Sayekwo Emmy Geoffrey, Magistrate Grade I, Lyantonde, attended A Summer Workshop at the University of Haifa Israel from 15th July to 4th August, 2012. This was essentially funded by that University.
- Hon. Justice Remmy Kasule, Hon. Justice Kibuuka Musoke and Hon. Justice Lawrence Gidudu participated and facilitated at a one day's Seminar on Managing Appeals and Complicated Trials in Naivasha, Kenya funded, by the International Commission of Jurists, (ICJ), & Kenyan Judiciary
- Hon. Justice J.W.N Tsekooko, Hon. Justice Lawrence Gidudu, Hon. Justice Percy Night Tuhaise and Mr. Tom Chemutai attended an EAJEC Meeting in Bujumbura from 23rd to 27th July, 2012 to plan for EAJEC activities.

Forum in Maputo, Mozambique, from 25th to 28th July, 2012.

August, 2012.

- Hon. Justice J.W.N Tsekooko, JSC., Hon. Justice Lawrence Gidudu and H/W Tom Chemutai attended EAJEC continuation meeting in Nairobi from 31st July to 1st August, 2012 to finalise proposals and plans proposed at their meeting in Bujumbura in July.
- The Hon. the Chief Justice participated in the Annual African Judges' Workshop at Trinity College, University of Dublin, Ireland and A Judicial Conference in Hong Kong.

September, 2012.

- Hon. Justice D.K.Wangutusi, Hon. Lady Justice Monica Mugenyi & Hon. Lady Justice Bamugemereire attended a Judges' Forum on AMI / CFT Measures, Asset Recovery, Forfeiture and Proceeds on Crime in Pretoria, South Africa from 27th to 29th September, 2012.

October, 2012.

- The Committee in conjunction with ILI organized a seminar for the Judges of the Civil Division of the High Court and two Registrars on Oil and Gas Contracting in Dubai UAE from 14th to 25th October, 2012.
- From 22nd to 24th October, the Hon. the Principal Judge, Justice Katureebe, JSC. and Heads of Divisions of the High Court attended a course on Judiciary Leadership Skills in Dar es salaam, Tanzania.

- H/Wor. Eremye James J.M., Senior Principal Magistrate Grade I travelled to Japan on a training activity.

November. 2012.

- Hon. Justice D.K. Wangutusi, Hon. Justice Percy Night Tuhaise and H/W Tom Chemutai attended a seminar on ADR & Case Management in Arusha, Tanzania organized by EAJEC. Actually Hon. Justice Wangutusi presented a paper on Case Management.
- The Hon. the Chief Justice attended a Judges' Workshop on " The Constitution and Justice Delivery" in Arusha, Tanzania from 13th to 15th November.
- The Judicial Officers of the Anti Corruption Court Division of High Court, The Principal Judge, The Secretary to the Judiciary and Registrar High Court Attended a Seminar on Oil and Gas Contracting Offences, Advanced Methods of Corruption and Cyber Crime Management from 18th November to 1st December, 2012 in Dubai, UAE. The Principal Judge produced a very elaborate and useful report after participation. From the contents of the report, it is obvious that many more Judicial Officers need this training now that Uganda is an oil producing country.

December, 2012.

- Mr. Tom Chemutai attended a Training Needs Analysis and Evaluation Course at ESAMI, Arusha from 3rd to 7th December, 2012. This course was for trainers.

Good Reading.

Thank You.

Justice J.W.N. Tsekooko.

To circulate to Judges
J. Rook

ANNEX VI

A General overview of leadership skills in the Judiciary in the 21st Century: a paper presented by Solomy Balungi Bossa to the Training Workshop on leadership skills for Chief Justices, Judge Presidents, Principal Judges, Heads of High Court Divisions and all Judges with administrative responsibilities in Dar es Salaam Tanzania from 22-24 October, 2012ⁱ

Introduction

The Role of Courts

The adjudicatory role of the Courts as the primary dispute settlement mechanism is very well established recognized. Courts ensure security by upholding the rule of law as opposed to anarchy, set standards for the enforcement and observation of human rights as well as ethos by which the government and public have to conduct business and themselves in a democratic society. In performing their functions, courts have increasingly faced challenges stemming from the dynamic environment in which they operate.

Contextual backdrop

Among the common challenges faced by courts are inadequate and sometimes dwindling financial and human resources. They have to cope with a deluge of information and ever changing technology. The public expectations that courts should discharge their responsibilities in a speedy, transparent and judicious manner have not diminished. Courts are bogged down by heavy dockets, often resulting in huge backlogs. The prisons are congested. Suspects spend a long time on remand awaiting trial. Access to justice and the courts remains limited by illiteracy, poverty and legalese. Those able to access justice often times do not get timely decisions.

There are new threats to peace epitomized in the relatively new and horrific but thriving crimes of terrorism, human and drug trafficking, internet fraud, not to mention genocide, crimes against humanity and war crimes. Corruption, a pervasive evil, continues to haunt the courts and has led to a crisis of confidence in the administration of justice, leading to lynching of suspected criminals, and frustrated litigants fed up of long waits for justice taking the law in their own hands.

This is clearly a dynamic and challenging environment for the courts that warrants a rethink of what leadership of the courts should be and do to address effectively the situation. Courts therefore need leaders and managers who are capable of dealing and coping with existing and evolving challenges. This calls for leaders with necessary technical knowledge, qualities and skills who can reform and transform the Courts into effective organizations that command the respect of the public and the government.

Responsibilities of Judges

Judges in this forum have been vested with responsibility for leadership at various levels including, including at the apex of judicial echelon. They derive this power from Constitutions and other legislations. Among the functions they perform are leadership and direction, liaison with the Executive and the legislature, securing adequate funds for Courts, training, manpower management and deployment, allocation of cases and ensuring their efficient disposal, arrangements for training, career development, mentoring, discipline, and liaison with stakeholders. Many of these roles require leadership and/or managerial capabilities. They raise many questions, for example whether;

- Judges can effectively provide leadership and manage fellow judges, who are independent and of equal status or should this be left to administrators?
- When allocation of cases is to be made, whether adoption of a common approach to delays or inefficiency can be made, without affecting the independence of Judges?
- Whether administrators are up to the task of effectively managing the Courts/Judiciary

Leaders and/or managers?

The National Association for Court Management of the United States has identified leadership among the 10 Core Competence Curriculum Guidelines and explains the importance of leadership thus,

“Leadership is the energy behind every court system and court accomplishment....Absent leadership excellence, courts and court systems cannot take or maintain effective action.”

It distinguishes management from leadership and describes it in the following terms;

“Management deals with complexity. Leadership deals with change and growth. Managers oversee and use control mechanisms to maintain predictability, and to ensure coordination, follow-through, and accountability. They know how to get things done. Leaders think about, create and inspire others to act upon dreams, missions, strategic intent, and purpose. Courts have an obvious need for both the management and leadership.”

The debate about whether a leader can be manager or whether the two roles can be combined into one is a live one.

For the purpose of this paper it suffices to note that what emerges from the above exposition is that Courts need leaders, both Judges and administrators with management and leadership skills in the 21st century. Courts need leaders who possess a strategic vision, have the capacity and capability to reflect and review the situation and

direct the necessary changes with a view to improving significantly the Courts' performance and image. Inherent in the reforms is the designing of appropriate strategies and programs to address deficiencies if reforms are to result into a visible and positive transformation.

This leadership must be present at both the Judges' leadership level and the administrative level. It is not enough to have a title as in and of itself, it cannot confer leadership skills. ⁱⁱ

Alexander B Aikman, in his article on The Need for Leaders in Court Administration argues that there are three facets to leadership, namely leadership qualities and skills that should be possessed by leaders, whether leadership is inherent or can be learned, and the consequences of having a leader or leadership in court.

Qualities and skills of a leader

Those identified by the NACM, include the following:

- Be credible in action
- Create focus through vision and purpose
- Manage interdependencies; work beyond the boundaries
- Create a high-performance work environment
- Do skillful and continual diagnosis

On this helpful list may be added others identified by another writer on leadership. Ronald Stupak has said of a leader that;

- creates futures
- sets directions
- does the right thing
- is strategically driven

- motivates people,
- is value anchored
- is a boundary crosser
- positions from imagination
- Is opportunity driven
- Uses positive power
- Communicates meaning
- Is performance anchored
- Is a change-maker
- Is an option generator
- Cultivates networks.

The Judicial Studies Board of England and Wales in their guide entitled Managing Judicial Leadership have stated that:

“The need to participate fully in a working relationship with other judges and administrators, and the importance of influencing others to this end is the essence of judicial leadership and management.”

The weight of these qualities and skills is not the same. Some writers have accorded more weight to emotional intelligence and the ability to match leader’s values and the needs in such a way that followers see the leaders’ values as congruent with their own and thus work with the leader for change.

While other skills like intellect and ability to think big and long-term are considered important. Its components have been identified as

being; self-regulation, motivation, empathy, and social skill. Thus a leader should know and control his emotions, discern other people's emotions and harness and manage them for the betterment of the individuals concerned and for the organization. Leaders cannot walk the talk of reform and transform action by them selves. He/she should command moral authority, influence, direction and inspire confidence in those he/she lead espousing the same values and goals, and exerting self to effect meaningful change e.g. like getting rid of the backlog. This way, the commitment of the Judges and administrators to their roles and functions will become visible and cease to be questioned.

Can leadership be learned?

Some may be born leaders. Inherent leadership qualities include vision and character. Others are made. Whatever the situation, lessons learned from experience cannot be underrated. As the saying goes, experience is the best teacher. However, many skills such as management, technical skills, understanding roles, communication skills, , team building, can be imparted to Judges and administrators through training to ensure transformational change in all judicial echelons and that administrators move in tandem with Judges. To site one both practice reference guide to support judges to fulfill their responsibilities has been made for Judges with administrative responsibilities in England and Wales entitled Managing Judicial Leadership.

It should be recalled that unlike commercial entities, courts cannot change course and abandon their core function of adjudication and dispute settlement. But they can think about what they do and how they could do it differently, and in a more effective way. Judges, especially those with administrative or managerial responsibilities need to lead the way. They cannot abdicate this role and leave it to administrators.

As Alexander Aikman has noted

"It is very hard for administrators to be leaders in courts. Administrators be the visible leaders of significant change. Judges need to be seen by most important stakeholders as involved and committed before stakeholders will believe that a court is committed to a significant change. Judges need to see that judicial leaders in their court are committed and involved before the others will come on board

How leadership can facilitate change

A manager has been described in the following terms by him:

- A problem solver
- Asks what are the best ways to achieve results
- Asks people to contribute to the organization

His examination of a manager continues thus;

- Persistent
- Tough-minded
- Hardworking
- Intelligent
- Tolerant
- Has good will
- Views work as an enabling process
- Involves some combination of people and ideas to establish strategies and make decisions
- Calculates the interest in opposition

- Reconciles differences
- Seeks compromises and
- Establishes a good balance of power.

This underscores the need for judges and administrators to possess both leadership and management skills.

The choice of administrators

If I may cite the Ugandan situation with which I am more familiar, there are two heads of the administration for judicial and non-judicial function. The Secretary to the Judiciary heads financial administration, while the Chief Registrar head the professional management side of administration. This paper will not delve into the pros and cons of such an arrangement. Suffice it to say whatever arrangements exist in the various countries there is need for such officers to be not only technically competent but to possess the necessary leadership and managerial skills. This should enable them to share the vision of the leader, complement it, and mould and bring on board all staff in line with it.

On their part, Judges need to respect the boundaries of administrators' authority and accord due respect and deference to their decisions taken in good faith. This is not to underrate the importance of consultation of Judges by administrators in decision making should it be necessary.

Management challenges in the judicial role

Judges in England and Wales have asked themselves the following questions. According to the Judicial Studies Board's publication on Managing Judicial Leadership;

- What are the particular areas of management behavior or practice that is becoming more important to judges?
- What are the most challenging aspects of managing responsibility?
- What have been your most recent successes in the role of judge as manager?

These and many more questions need to be asked and answered by this forum.

But the more fundamental questions for a judge as manager have been identified as follows;

- What are the boundaries of management and how can they be recognized?
- How should changing relationships be managed?
- How can the manager exert influence effectively?
- What communication needs can be identified?
- What should be done when everything has been tried and failed?

My addition to the questions would be;

- How can the Courts/ Judiciary be transformed into a modern and effective service delivery entity in the 21st Century?
- How should Judges manage the information deluge?
- How can change technology be managed?

This forum should Endeavour to answer these questions and more.

Facilitation of tools, human and financial resources

Having competent and effective leadership is certainly important but it can not be the only tool. It is only the beginning on the long and arduous journey to reform and transformation. Many other resources are required and need to be availed by the Governments for the undertaking to succeed, for example money to deal with backlog, hiring of judicial officers in sufficient numbers, hiring of legal assistants for each judge, continuous judicial training and carrier development, and establishment of a technology savvy judiciary with recording and all necessary equipment. This would not only free judges and magistrates from the recording evidence by hand, Also but electronic records that can be accessed by all would ameliorate the situation of misplaced files and the corrupt practices by registry staff that go with locating/finding such files. This is not to mention the availability of all necessary information at the click of a button.

Corruption

Corruption needs special mention, not least because of the damage it inflicts on those adversely affected by it and to the image of the courts. Judicial officers and administrators or administrative staff found to be corrupt or incompetent should quickly weeded out following established procedures and due process.

Conclusion

Strong leaders/managers and administrators will ensure the independence of the Courts and their effective management through inspiration of confidence and trust from those they lead by inculcating in them the same mind set of a vision, mission and goal of achieving a reformed, transformed and effective judiciary. Given the challenges that clearly point to the need for reform, transformation can only be achieved through molding such leaders and honing their skills as managers, and providing them with the necessary tools.

ⁱ Judge Bossa is a Judge of the United Nations International Tribunal for Rwanda (UNICTR) and High Court of Uganda. She is also a former Judge with the East African Court of Justice. She has held many leadership positions in East Africa, including founder President of the East African Law Society and Kituo cha Katiba, and President of the Uganda Law Society

ⁱⁱ Various writers have written about the qualities and skills necessary to effect change. They include the National Association for Court Management's Core Competency Guideline, Ronald Stupak, Alexander B Aikman, in his article on The Need for Leaders in Court Administration, Daniel Goleman Co-Chair of the Consortium for Research in Emotional Intelligence, , John D Mayer, a Professor of psychology at the University of New Hampshire, James MacGregor Burns in his book on leadership, Abraham Zelenisk formerly of the Harvard Business S, and the Judicial Studies Board in its guidelines on Managing Judicial Leadership. This paper largely reflects their ideas on judicial leadership and court management.

ⁱⁱⁱ National Association for Court Management (NACM), Core Competency Guidelines, pp. 17-21