



OPENING REMARKS BY HON. BART M. KATUREBE, CHIEF JUSTICE OF UGANDA, AT THE 13TH EAST AFRICAN MAGISTRATES AND JUDGES ASSOCIATION CONFERENCE [EAMJA], AT MUNYONYO, KAMPALA, UGANDA, ON 1ST NOVEMBER 2016.

The Rt. Hon. Prime Minister of Uganda

My Lords, the Chief Justices of the EAMJA Member States present

My Lords the Deputy Chief Justices of the EAMJA Member States present

The President of the East African Court of Justice

The President of the East African Magistrates and Judges Association

My Lords, the Justices and Judges from the EAMJA Member States present

Registrars and Magistrates from the EAMJA Member States present

The Secretary General of the Commonwealth Magistrates and Judges Association

Distinguished Speakers at the Conference

Invited Guests

Ladies and Gentlemen.

On behalf of the East African Magistrates and Judges Association, on behalf of the Uganda Judiciary, on my own behalf, and on behalf of all the invited guests here present, allow me to welcome The Rt. Hon. Prime Minister of Uganda to this Conference. Rt. Hon. Prime Minister, you are most welcome. Let me also take this opportunity to welcome the Delegates and all Invited Guests in your respective capacities to this annual East African Magistrates and Judges Association [EAMJA] Conference.

The theme for this Conference is ***“Transformation of Judiciaries in East Africa for Improved Service Delivery: Strategies, Successes and Challenges.”*** This theme calls upon all Judiciaries in the region to work towards achieving transformation in the way we do our business so as to suit the needs and expectations of the people in the region. We need to develop a Judiciary that relates to the ordinary person that we serve. We need to assess the relevance of our services from the point of view of how we respond to the demands of the citizenry in the region. The major way in which we can do this is by enhancing access to justice for all persons through adoption of modern and cost effective methods of adjudication and by developing and implementing people-centric approaches to justice.

It is at a forum like this that we remind ourselves of our calling to answer the justice needs of our people. We must always be in constant search for the best strategies that are capable of delivering judicial services in the most efficient and effective way. With a gathering like this one, we have before us an opportunity for benchmarking both at regional and international level so as to share experiences and come up with the best practices that will improve not only our methods and processes of justice delivery but also the quality of our judicial services. We also need to use this opportunity to work towards the development of agreed minimum standards for purpose of fostering uniformity and consistency in the administration of justice within the region.

One apparent realization is that, world over, corporate governance is gradually permeating all institutions and such institutions are focused at re-engineering their methods of work and transforming their service delivery mechanisms. As Judiciaries, we cannot afford to lag behind since we have the mandate to safeguard, promote and ensure adherence to the rule of law. The rule of law is an essential ingredient of any development efforts any country may make. As such if we don't move at the same pace as other sectors of our respective governments, no meaningful development will be achieved and any gains will be lost.

In Uganda, we have had our focus on a number of pillars for transformation, namely:

- ❖ Building a functional Judiciary: The Judiciary cannot be in position to transform if it is dysfunctional. Institutional independence and a sound legal and regulatory framework

- are pre-requisites to a Judiciary undergoing transformation. This pillar has been prominent in our Strategic Investment Plans over the years. As a result, we have realized a number of legal reforms with an emphasis on simplifying legal processes and strengthening the administration of justice generally. We have done our part and we are doing continuous lobbying to facilitate the passing of the Administration of the Judiciary Bill which is currently awaiting final consideration by Parliament. This law, when passed, will go a long way in strengthening the independence of the Judiciary in Uganda and streamlining its operations.
- ❖ **Building Integrity:** We have made efforts to improve integrity both at institutional and individual levels as Judicial Officers. Our efforts are geared at transforming from a corrupt institution, both real and perceived, to a corrupt-free Judiciary. In this regard, we have strengthened the Inspectorate of the Courts which is now headed by a Justice of the Supreme Court. We have put in place communication channels to enable the public address their grievances to us and for us to address them more effectively. Just last week, we launched the Justice, Law and Order [JLOS] Sector Mid-term Review Report which indicated that the image of the Judiciary among other JLOS institutions in Uganda has improved from 26% in 2012 to 48% and satisfaction level with our services has increased from 59% to 72% in the same period. This may not be excellent but it is sufficient to show that we are on course in the transformation process.
 - ❖ **Increasing access to Justice:** We have invested in strengthening Alternative Dispute Resolution mechanisms [ADR] particularly mediation; introduction of Plea Bargaining; establishment of the Small Claims Procedure; creation and operationalization of specialized Divisions of the High Court and other specialized Courts. We have developed a Civil Bench Book and a Gender Bench book which are meant to assist Judicial Officers deliver justice in a more people-centric way. We were involved in the development and launch of the Commonwealth Judicial Bench Book on Violence against Women and Girls in East Africa which was launched at the end of June 2016 in Nairobi. We have put in place measures to fight case backlog to ensure that people spend less time in our court system when pursuing their cases. At the end of 2015, we conducted a Court Case Census which revealed the number, categories and other circumstances surrounding pending cases in our system and we now know what to do and where to go.

- ❖ Building Bridges between the Judiciary, the other arms of the State and other stakeholders. We have a strong linkage built along the Justice, Law and Order Sector framework which has strengthened the sector institutions operating under the three principles of Communication, Co-ordination and Co-operation. We have also benefited from the close involvement of Civil Society Organizations who have made tremendous contribution to the administration of justice.
- ❖ Modernization particularly in terms of implementing new technologies and developing more efficient and effective work methods. We have introduced video link technology by which persons can testify without being physically present in the courtroom. We are in the process of introducing e-filing and management of cases. We are finalizing the development of a modern performance management tool. We are continuously benchmarking with other Countries on modernization as one of our pillars of transformation.

The foregoing however is not to say that we have overcome all challenges. We still face very critical challenges that impede our capacity to deliver justice to the people's expectations. Such challenges include the following:

- ❖ Insufficient resourcing of the Judiciary: Transformation requires sufficient financial and human resources. We are greatly constrained in that regard since, currently, only one third of the Budget proposed by the Judiciary gets funded. We have less than optimum number of Judicial Officers at all levels of the Judiciary.
- ❖ We are still faced with low technology levels. Court recording technology has not been installed in majority of the courts in Uganda which slows down court processes. We are still struggling to operationalize e-filing and management of cases.
- ❖ Low empowerment of the population: We are faced with the problem of a public that is ignorant of the law on the one hand and a weak legal aid service provision on the other. This greatly hinders effective access to justice on the part of the common Ugandan.
- ❖ Unfavorable legal environment: We still suffer from non-prioritization of legislation that is meant to strengthen administration of justice. Such laws take

too long to be passed which slows progress. A clear example is the Administration of the Judiciary Bill which has remained un-passed for the last over 5 years.

The question is, what are we doing to address those challenges?

- ❖ We are working on developing social capital for the Judiciary. The State has an obligation to sufficiently fund the Judiciary. The Judiciary should then transform its operations and be in position to attract other partners to invest in and support the institution.
- ❖ We have put emphasis on the elimination of corruption and institutional inefficiencies. We are strengthening mechanisms for improving overall integrity. I know that all Judiciaries in the region are accused of corruption. My view therefore is that we should start with self-examination. We should unite our efforts in the fight against corruption. We are also focused at delivering justice at affordable rates by eliminating unnecessary costs and inconvenience.
- ❖ Increased use of informal systems to decongest the judicial system. We need to operationalize the Local Council Courts and to empower tribal systems to be able to handle local disputes that would ordinarily not need to come to the formal courts.
- ❖ There is need to invest in appropriate technology that is easy to use within our respective environments. E-registration and management of cases, and digital court recording have great potential for improving the performance of the Judiciary.
- ❖ There is need to build strong partnership with other government structures and Civil Society Organizations to be able strengthen legal aid, anti-corruption campaigns, training and other advantages associated with being closer to the people than us. We have made a strong co-operation with the bar in Uganda by forming a bar bench forum.
- ❖ We need to promote continuous professional training to judicial and non-judicial staff. We must be alive to the fact that we are running a knowledge-based industry; what is an invention today may easily be redundancy tomorrow.
- ❖ At regional level, we are looking forward to enhanced judicial co-operation. We shall need to pick a leaf from more developed jurisdictions like some countries in Europe on cross border practices like enforcement of judgments and decrees beyond local borders, extra-territorial service of process, e-library services, among others.

The above are just a few proposals on what each of us needs to do in advancing the process of transformation. There is no uniform way of doing it but the bottom line is that we need not only to embrace the goal of transformation but also to put in place comprehensive monitoring and evaluation mechanisms to ensure consistency and uniformity of judicial processes and products.

It is my hope that this conference will facilitate meaningful discourse and lead to substantive deliberations on key cross-cutting and contemporary issues on the theme of transformation. My emphatic message to you all therefore is that we need to move with the tide of transformation or else we get lost and sink in the sea of globalization.

On this note I wish to appreciate the Local Organizing Committee headed by Hon. Justice Stella Arach Amoko, JSC, for putting your act together and deliver this Conference. I thank my Lords Chief Justices who have managed to make it to this Conference and indeed all the delegates particularly those of you who have travelled from outside Uganda.

It is now my singular honour and privilege to invite the Rt. Hon. Prime Minister to address this honorable gathering and thereafter to officially open the Conference.

For God and My Country

Bart M. Katureebe
CHIEF JUSTICE OF UGANDA