

SPEECH OF THE PRESIDENT OF UGANDA JUDICIAL OFFICERS ASSOCIATION (UJOA) AT THE OPENING OF THE NEW LAW YEAR 2016 HELD ON FRIDAY 22ND JANUARY 2016 AT THE HIGH COURT BUILDING, KAMPALA

On behalf of the Uganda Judicial Officers Association (UJOA), I warmly welcome you to this New Law Year Day which is under the Theme

“Promoting the Rule of Law in Uganda through Judicial Accountability and Excellence”.

This message is also motivated by Vision 2040 and Goal 16 of the Sustainable Development Goals 2015 which provides for peace, justice and strong institutions. The Late Martin Luther King Jr had this to say:

“Our lives begin to end the day we become silent about things that matter.”

Permit me to wish you a Prosperous 2016 and God’s blessing in whatever you undertake. I also would like to congratulate the Honourable Chief Justice of Uganda, Bart M. Katureebe and Deputy Chief Justice Steven Kavuma for being appointed to those high offices.

BACKGROUND AND MANDATE

The Uganda Judicial Officers Association (UJOA) is an umbrella professional body that brings together Justices, Judges, Registrars and Magistrates. It was founded in 1970. According to her Constitution, the Association is mandated to among others:

- Advocate for better welfare of judicial officers especially terms and conditions of service.
- To maintain and promote the independence of the Judiciary as enshrined in the Constitution of the Republic of Uganda.
- To promote better cooperation and understanding among judicial officers and to network with other sister judicial and legal associations in promoting the Rule of Law.

- To promote legal studies and undertake the publication of the Uganda Journal of Judicial officers and other publications.
- To partner with the Judiciary Administration in the identification of the Judiciary's priorities and ensuring productivity.

The Association is led by and elected Executive Representatives of strata of Judicial cadre with the Honourable Chief Justice as Patron. The following are the Executive members:-

1.	HW Kaweesa Godfrey	President
2.	HW Hellen Ajio	Vice President
3.	HW Elizabeth Akullo	General Secretary
4.	HW Janeva Natukunda	Assistant General Secretary
5.	HW Kabugho Byakutaga Carol	Treasurer
6.	HW Mbabazi Edith	Assistant Treasurer
7.	HW Mary Kaitesi	Editor
8.	HW Moses Nabende	Assistant Editor

REPRESENTATIVES

9.	Hon. Lady Justice Stella Arach – Amoko	Supreme Court
10.	Hon. Lady Justice Catherine Bamugemereire	Court of Appeal
11.	Hon. Lady Justice Jane Kiggundu	High Court
12.	HW Julia Acio	Registrars
13.	HW Flavia Nabakooza	Chief Magistrates
14.	HW Ocen Simon	Magistrates Grade I
15.	HW Othieno Christopher	Magistrates Grade II

OBITUARY

On a sad note, 2015 was a very tough year for the Judiciary and the Association because we lost a number of Judicial officers and non Judicial officers. Permit me to request that we observe a moment of silence in their memory. May God Almighty rest them in eternal peace.

My Lord Chief Justice, UJOA congratulates you upon having taken the initiative to conduct field visits so as to identify with the people at that level and with the Judicial officers (Foot soldiers). We further congratulate you and your team on the initiative of the just concluded case census. There is no doubt that it will inform proper planning and frugality in the Judiciary.

In a special way, permit me to salute the Judicial Service Commission that has so far massively recruited Magistrates and promoted a number of officers. The majority have been serving officers (Sitting Tenants).

Promoted to the Supreme Court are Justice Augustine Nshimye who has also been appointed Chief Inspector of Courts, Justice Faith Mwendha, Justice Opio Aweri, Justice Eldad Mwangusya and Prof. Lillian Ekirikubinza. The President also elevated 6 Justices from the High Court to the Court of Appeal and another from the Attorney General's Chambers. These are: Justice Alfonse Owinyi Dollo, Justice Elizabeth Musoke, Justice Paul Mugamba, Justice Simon Byabakama, Justice Catherine Bamugemeirere, Justice Hellen Obura and Justice Cheborion Barishaki. Congratulations. Also appointed were 21 Deputy Registrars, 6 Assistant Registrars, 22 Chief Magistrates and 58 Magistrates Grade I. Congratulations once again. Please work hard to make the Judiciary vibrant. To those that did not make it, don't lose heart, aim higher for the next opportunity.

However, UJOA proposes that the Judicial Service Commission develops a tailored policy on Judicial promotions for purposes of transparency and certainty in career advancement, taking into consideration Performance Efficiency Audits. Feed back sessions from the JSC are also recommended to ensure improvement.

UJOA also in special way, would like to register her appreciation to the President of the Republic of Uganda and Government for the directive that all Judicial officers should retire with their benefits and the new policy to

start constructing houses for Judicial officers and vehicles to all Registrars and Magistrates in the country.

We cannot forget to thank the Donor community, JLOS stakeholders, Uganda Law Society and our Sister Associations, the National Association of Women Judges Uganda whose President is Hon. Lady Justice Dr. Esther Kisakye of the Supreme Court and the Denmark Alumin Association of Uganda whose President is Her Worship Lillian Mwendha, Deputy Registrar. UJOA would like in a special way welcome back our Secretary to Judiciary Mrs. Dorcus Okalany.

My Lord, UJOA is cognizant of the fact that the people of Uganda are wary of the Judiciary due to slow disposal of cases at a rate of 22.7%. According to the Statistics from the National Development Authority. If we are to improve on the administration of justice in Uganda and restore public confidence in the Judiciary, the following interventions need to be implemented:

The Judiciary as an equal Arm of the State.

According to a French Philosopher Barron de Montesqueu in his tripartite arrangement of governance, in any modern democratic state, the Judiciary is one of the three co-equal arms of the State together with the Executive and the Legislative. Article 126 of the 1995 Constitution provides that Judicial power is derived from the people and shall be exercised by the Courts established under the Constitution in conformity with the law, values, norms and aspirations of the people. The people ***desire and demand*** a strong and vibrant independent Judiciary. However, the Judiciary in its current state is incapable of effectively checking the excesses of the Executive and Legislature due to the problem of chronic underfunding.

For example, in the current Financial Year 2015/16, whereas the Judiciary had budgeted for about 286 Billion Uganda Shillings, only about 105 Billion was approved, meaning that there is a funding gap of about 180 Billion Uganda Shillings. It therefore means that the Judicial Service delivery will

still be affected. For instance, elections in Uganda are just right by the corner and Judicial officers have not yet been refreshed in handling such matters through training. There is no doubt that the Administration of Justice is central to good governance and good governance is central to the development of any country.

Other East African Judiciaries like Kenya and Tanzania which have adopted the practice of a Special Judiciary Fund of their National Budgets charged directly from their Consolidated Fund appear to be enjoying better financial allocation than the Uganda Judiciary. For instance, in FY 2014/2015, the Kenyan Judiciary Budgetary allocation short from 68.8 Billion Ugx to 584.3 Billion Ugx since the launch of its Judiciary Transformation Framework. In the United Republic of Tanzania, the Judiciary Budget increased from 92.48 Billion Ugx in FY 2012/2013 to 143.8 Billion Ugx in F/Y 2015-2016. We propose that Uganda adopts this model of a Special Judiciary Fund if its not to lag behind.

However, we thank the Government of Uganda for the supplementary Financial Support to the judiciary of Ugx 5 Billions and hope that it will be captured under the medium term expenditure framework as a recurrent item.

UJOA further commends you my Lord Chief Justice and the Judiciary Administration for spearheading the judiciary fundraising strategy which saw you interacting with stakeholders like the Legal and Parliamentary Affairs Committee of Parliament, Officials from the Ministry of Finance, Planning and Economic Development, our Donor Partners and His Excellency the President of the Republic of Uganda.

UJOA proposes that there should be a Chapter on the State of the Judiciary in the Annual State of the Nation Address by the President so that Parliament can be able to debate the same. The Chief Justice as Head of the

Third Arm, should annually address the Nation on performance of the Judiciary.

Prioritization of scarce resources in the Judiciary

My Lord, a recent survey by NTV Uganda showed that 86% of the respondents felt there was wastage of scarce resources in government Ministries, Departments and Agencies. We are grateful that you subscribe to the notion that the majority of the Judiciary budget should be expended on the Judiciary's core activity of case adjudication.

We are grateful that you have issued a circular restricting unplanned foreign travel abroad in a bid to save resources. UJOA offers to partner with you in this regard. We propose that UJOA be incorporated into the planning, budgeting together with monitoring and evaluation framework of the Judiciary to ensure more judicial productivity.

Administration of the Judiciary Bill 2013

UJOA requests Government to enact this Bill into Law without any further delay so that the Judiciary can be better administered. However, we propose that the President UJOA or his/her Representative be included on the proposed Judiciary Administration Council.

Strategic Management of Courts

The different hierarchy of courts in Uganda have different inputs, outputs and challenges. Therefore each court level should develop its vision, mission strategic objectives, work plans, budgets together with M&E frameworks which should feed into the Judiciary Overall Vision.

Performance Contracts

UJOA appreciates that performance targets have been developed for individual Judicial officers. For instance Supreme Court to dispose of 80 cases per annum, Court of Appeal / Constitutional Court 600 cases, High

Court Judges 300 cases, Registrar's 400 cases, Chief Magistrate's 600 cases and Grade I Magistrates 280 cases. However, there is guarantee that such targets will be met. There is need for Judicial officers to execute performance contracts with employer so that clear obligations are imposed on each party. For instance the employer will be under duty to provide the resources like adequate operational funds, transport etc. and the Judicial officers will be expected to deliver tangible outputs.

Cascading Court Sessions at all levels

In order to increase Judicial output, we propose that every Judicial officer be afforded a Court session per quarter per year in addition to their day to day work loads. There is no doubt that more cases will be cleared and the image of the Judiciary will improve due to public satisfaction. We should borrow best practices from the International Framework for Court Excellence to calculate the unit cost of any given case so that operational funds are based on empirical statistics.

Motivating Judicial and Non Judicial staff

My Lord, in the Management studies we learn that the most important factor of production is the Human Resource. If this resource is not adequately motivated, then programs however good, may fail. The Late President of Singapore Lee Kuan Yew once said

“You pay peanuts, you get monkeys”.

The Minister in Charge of the Presidency, Honourable Frank Tumwebaze while justifying why K.C.C.A staff should be paid high salaries, reasoned that it was meant to motivate them and to shield them from the temptation of corruption. These reasons also apply to the Judiciary staff. Our staff seem to be earning the least compared to the Regional Judiciaries. We propose that the Judiciary staff be rewarded like their counterparts in the Executive and the Legislature being equal co-arms of the state.

The Salaries and Allowances (specified officers) Act Cap 291

Section 2 of the aforementioned Act provides that Parliament may by resolution amend the first schedule to the Act. UJOA would like to purpose that this Act be amended in order to include members of the lower bench (Registrars and magistrates) among entitled officers to avoid discrimination in the area of resource allocation in the Judiciary.

Policy development in the Judiciary

UJOA shall continue to partner with the Judiciary Administration through the office of the Chief Registrar to contribute to the development of policies in the Judiciary. Policies here include a deployment policy a policy on security for all Judiciary officers, counseling, mentorship, review of training policy, development of the Judiciary ten year transformation plan, the forth strategic investment plan etc.

Rebranding UJOA for relevance

My Lord, another reason that is affecting Judiciary services delivery in Uganda is the fact that Judicial officers need empowered in a number of aspects including against financial stress. We appeal to government to fund the Judiciary SACCO as promised by the H.E. the President. UJOA is also to rebrand to become relevant to its members and stake holders. There are to profile the Association develop a strategic and business plan together with proposals to donors for addition funding. Contact has been made to the National Agricultural Advisory Development Services (NAADS) for supply of seedlings to members to enhance farming. The National Forest Authority has been contacted to supply tree seedlings to members in a bid to conserve the environment. We have plans to profile experiences of all Judiciary staff so that stakeholders can fully appreciate the third Arm of the State.

Health Insurance Schemes

A number of Judicial Officers suffer from work related health matters. UJOA encourages members to routinely secure medical check up so that they can benefit from the provisions in the Public Standing Orders 2010 on

health. We have also made contact with Health Insurance bodies like IAA, AAR etc. We appeal for government support in this regard. Regional Health Clubs for Judicial officers could also be considered.

Corporate Social responsibility

In order to give back to the community and to improve on the image of the judiciary UJOA shall mobilize resources from her members and other stake holders at the end of every year to benefit the vulnerable and less privileged

Integrity in the administration of justice

UJOA undertakes to urge her members to abide by the Judicial Code of Conduct corruption in any form is condemned. We undertake to contribute towards increasing public confidence in the courts.

Regional and International Conferences

My Lord, Uganda is slated to host this year's East Africa Judges and Magistrate Conference. The Annual Common Wealth Judges and Magistrates Conference is slated for the Caribbean from the 18th to 22nd September 2016. We shall appeal to your support.

Lastly, Judicial officers through their representatives on the Executive Committee have expressed the following specific views:-

Supreme Court

- It should be adequately funded

Court of Appeal /Constitutional Court

- Currently its quorum of 12 Justices is significant but the recent appointments have not been matched with resource mobilization
- The court lacks basic tools of trade like adequate reading materials, cabinets etc.

- There need to sensitise stake holders and general public about operation of collegial courts in order to dispel the perception of bias.
- The very issues which militate against good governance, such as poor public image, false perceptions of impartiality, lack of equal opportunity and mandates also conspire to defeat the constitutional court.

The High Court

- Currently the High Court has only 41 Judges. There is need to raise the number to at least 82 Judges.
- Provision of criminal sessions at least one in a quarter and regular allocation of operational funds.
- Priotise core activities of the Judiciary.
- Reform the Estates and Transport Departments of the Judiciary to minimize wastage of scarce resources.
- Improve communication channels in the Judiciary.
- Make a radical transformation in the management of registries so that they are professionally run. This would curb corruption and management of backlog.
- Provide accommodation in up-country circuits.
- Training of up-country support staff especially in up country courts/circuits. Most are employed even before they are oriented and this affects the quality of service delivery.

Registrars

- There are 47 Registrar in Uganda
- Jurisdiction of Registrars should be enhanced so that they can substantively handle most interlocutory matters in both civil and criminal cases.
- Adequate funding should be provided.

Chief Magistrates

- There are 44 Chief Magistrates in Uganda.
- Chief Magistrates are at the level of Commissioners as per the Government Standing Orders 2010 entitled to certain benefits like vehicles but some don't have.
- Chief Magistrates supervise large Magisterial Areas some with about 7 district and over 20 Members of Parliament. There is a huge disparity in resource allocation to Chief Magistrates compared with other political heads within their jurisdictions.
- There is urgent need to increase operation funds including State Brief Funds.
- There is urgent need to organize sessions to dispose of cases in C/M Courts.

Magistrate Grade One

- Currently there are 285 Grade One Magistrates in Uganda.
- Allowances and operational funds should be enhanced and paid on time.
- The proposed deployment policy should categorise hardship areas and hardship allowance paid.
- Information and communication technology should be embraced to boost productivity through provision of Laptops to all Magistrates.
- Need for court recording equipment to reduce on time taken to listen and record evidence by hand.
- Security to all Judicial Officers
- Provide decorum (Judicial dressing) for Magistrates.
- Provide adequate office equipment in the courts.
- Erect adequate court structures and housing for Judicial staff.
- Revive performance evaluation workshops.
- Enhance jurisdiction of local council courts, magistrate courts and make higher courts have only appellate jurisdiction this will tackle the problem of case backlog and lack of job satisfaction.

- Transfer and promotion of judicial officers should be certain based on experience hard work expertise and fairness.
- Operational funds should be disbursed to the courts on quarterly basis to facilitate proper planning and budgeting.

Magistrates Grade Two

- There are 58 Grade Two Magistrates in Uganda.
- Positions of Senior and Principal in this rank should be filled even though there is a policy to systematically phase this cadre out.
- Adequate funding should be provided.

I submit for God and my country.

Much obliged

Kaweesa Godfrey

PRESIDENT UJOA