

***Speech by the Netherlands Ambassador,
Chair of the JLOS Development Partner's Group,
At the Annual JLOS Forum 2012 – 20-03-2012***

Right Honorable speaker of Parliament,
My Lord, the Chief Justice,
My Lord, the Principle Judge,
Honorable Minister of Justice and Constitutional Affairs,
Honorable Minister of Internal Affairs,
Honorable Members of Parliament,
Your Lordships,
Honorable traditional leaders,
Heads and members of JLOS Institutions,
Representatives from civil society,
Friends from the diplomatic community,
Ladies and Gentlemen,

On behalf of the JLOS Donor Group I would like to thank the organizers of this 6th annual National JLOS Forum warm-heartedly for the invitation to join this event. It is with great pleasure that I address you all at the beginning of these two days of interaction and discussion. Actually, it will be three days in total, as yesterday you already had a very successful Open Day at the Railway Grounds.

As development partners supporting the Justice, Law and Order Sector, we always have appreciated the open and direct way we have been able to discuss all kinds of issues with you, both at the technical and the leadership level, and the tight involvement into JLOS we always have experienced. This National Justice Forum however, broadens the participation of our interaction to include the civil society and the wider community of the users of the JLOS services both within and outside the government set up. JLOS organizes this Forum to interact with civil society and discuss the development of the sector with their representatives, to get external feedback on the sector's performance and weak points and how to better enable JLOS service users' access and enjoy the services which JLOS is mandated to provide. This is therefore a very important event, as all the efforts and undertakings of the Justice, Law and Order Sector in the end should be to the benefit of the citizens of Uganda. The theme of this years' JLOS Forum, 'a pro-people justice system' also reflects this viewpoint, and is warmly supported by the JLOS Donor Group.

Indeed, it is a very crucial insight that within the Justice, Law and Order Sector one should distinguish between the demand and the supply side of the legal system. That is, when talking about the development and improvement of the JLOS, not only the institutions and their infrastructure, the 'suppliers' of justice should be taken as point of

departure, but much attention should also be paid to the requests and demands that emerge from the wider society, representing the 'consumers' of justice.

Today, Uganda is free of active armed struggle, particularly the protracted LRA war in the North, and this has opened up opportunities to focus on reconstruction and development. The new focus however might give rise to the disproportionate tendency to concentrate on building physical infrastructure, especially in the war-affected areas while losing sight that the Justice, Law and Order Sector, like the other arms of national government, exist to serve the people. It is hence crucial for the Sector to direct its efforts according to the current needs of the Ugandan citizens, the most important of which is efficient and quality service delivery. This is backed up by feedback we gathered during some of the joint monitoring and evaluation trips in which we have noted that regardless of the state of infrastructure, accessing services in a timely manner, finding and being attended to by the service providers at the duty station and being informed clearly how systems and processes are working, progress of one's issue and when to check in again are key to client satisfaction with the JLOS services.

It is on that basis that the JLOS DPG warmly welcomes the initiative, coming from JLOS, to sign contracts with non-state actors, especially civil society organizations given their role and placement in the lives of the common people and their ability to bridge government's role and programmes and the real aspirations of many Ugandans. This way, JLOS will commit itself to listen carefully to how these organizations view the future direction of the sector, and grant many citizens the possibility of their voices being heard. At the same time, civil society organizations will have the opportunity to prove themselves to be reliable and cooperative partners, and to speak out even more loudly on issues of common interest.

In the same vein, I am glad to recognize the progress in the consultations and interaction between JLOS and the wider civil society especially over the last year. However, there is still room for improvement on involving and informing the civil society in a timely and integrating manner on the relevant JLOS policies and sharing information in order to tap their rich input.

Ladies and gentlemen, this Annual Forum is also a good occasion to look forward to the launch of the third JLOS Strategic Investment Plan, that will follow later this morning, covering the financial years 2012/13 up to 2016/17. This SIP III will be an expression of the sector's contribution to the National Development Plan and more importantly, the main document defining the objectives and investments for the coming 5 years. It is as important a tool for us, the development partners, as it is for you, the JLOS members, and for the JLOS service users some of who are represented here. Therefore please allow me to dig a bit deeper into the SIP III, and specifically to address the three Outcomes that have been defined to succeed the five Key Result Areas used in the former SIP.

As for the first of these Outcomes, Legislative, Regulatory and Policy environment for JLOS operations, I would like to stress the importance of implementation of laws as the most important aspect of a more mature justice system in any given country. During earlier SIPs, mere drawing of the bills and tabling in Parliament was stressed, often rightly so because the legal framework was not always sufficient with regard to the problems that were encountered. However, we now have many laws in place, accompanied by certain court rulings that were to solve specific issues both of which are providing some substantial framework for implementation. There are many cases in which these legislative and judicial pronouncements are not being observed on the ground, for instance the trial of civilians in court martial, many victims of sexual and domestic violence not receiving justice because of delay in the conclusion of the case. We acknowledge the steps being taken to remedy these but recommend the implementation of this framework so that justice is done, and seen to be done.

Coming to the second Outcome in the SIP III, the enhancement of Access to JLOS Services, I would like to focus on the importance of rationalizing this process. Since the number of administrative districts in Uganda has rapidly increased in the last years to 112, if I was informed correctly. There has been a tendency to extend the physical infrastructure of the JLOS institutions in the same pace, reasoning that every district should have its own police district's headquarters, its own district level court, and so on and so forth. However, apart from the fact that resources to realize this tight network of district offices are lacking, it is not necessary to do so. A sufficient access to legal institutions could be defined by creating a maximum distance to a police department, for example, or the number of people that should be served by one court. In this way, special JLOS districts could be created to ensure access to JLOS services for all Ugandans without depleting the available funds.

There is yet another way in which access to justice could be enhanced by rationalizing the current efforts, and this is a joint responsibility to the District Chainlinked Committees, civil society and the citizens who are the ultimate consumers of the justice system: in a short period of time many facilities have been put in place by JLOS efforts across the country, but not all of them are used efficiently, and/or in the way they were meant to use. Examples of this include a police car that breaks down and is stalled alongside the road for a long time although a simple reparation would get it back on the road again, a magistrate who has a house at his station up-country to ensure he is able to operate even in hard to reach areas, but in fact still resides in Kampala most of the time, and a judge who hears many cases, but never concludes them by issuing a judgment; or who goes out on a session, but returns after a couple of days, leaving many cases pending, while the funds for the session have been exhausted. Although these things may be not uncommon to a country in transition, It is very important that all stakeholders combine to monitor if the JLOS facilities are being used in an efficient way, that benefits the people JLOS is meant to serve, and to report back if this may not be the case. In this respect, the Development Partner Group is encouraged by the fact that this year the judicature has started the process of piloting on Performance Based

Management. I think this is an important and brave step, and I'm expressing the hope that more JLOS institutions will follow. But monitoring the JLOS service delivery in the end is a task to all of us, including government, donors and civil society, as JLOS itself is owned by all of us.

The last Outcome, Human Rights and Accountability, may be the most important of the three. If we want to reach our aim of increasing the number of people that has a positive opinion on JLOS services, we should address all officers, whatever rank they possess, that are corrupt or commit human rights violations. These officers are personally accountable for their actions, and there are systems in place to correct their behavior if necessary. In this respect, I think it is an important step that JLOS is working on the improvement of the inspectorate systems, including the coordination amongst them.

Let me move to the next topic - Transitional Justice, that probably only will gain attention in the coming years. A good start has been made in this field, but before further directions can be indicated, the issue of the Amnesty Act that will expire in May has to be addressed. Transitional justice mechanisms such as truth telling and reconciliation are very crucial to be looked into when discussing the future of the Amnesty Act.

Partly in the same context, Traditional Justice is an important theme within JLOS too, and will undoubtedly remain so the coming period of time, if only because traditional justice systems, like LC courts and clan tribunals, are the one of the most common systems the Ugandan people adhere to in case of conflict. It is essential to link those traditional systems to the formal ones, for instance by appointing magistrates to supervise the traditional jurisdiction, and uphold a thorough administration system for cases of traditional justice. In particular, many cases that involve land or family justice are being settled in the traditional courts. Sometimes, vulnerable groups like children and women are victims of these courts if principles of law and human rights are not followed, so it is imperative for all of us to remain attentive to these issues and try to incorporate the traditional justice mechanisms into the formal ones in a way that is compatible with our ideas about human rights and dignity.

Right Honorable Speaker, ladies and gentlemen, I would like to conclude by thanking you again for this opportunity to share some thoughts on the theme of this event, namely the development of a pro-people justice system in close collaboration with civil society. I think last year some important steps were taken in this direction, and the SIPIII offers the possibility to finalize those and at the same time to take some even bigger steps, to come even closer to our final objective: an increased number of Ugandan citizens that are satisfied with the level of provided JLOS services. Thank you very much.