

Activity Report for Internal Assessment

Activity: BM21-019: Training of Local Council Leaders in Okere (Understanding LC1 Court)

Date: 11.04.2021–12.04.2021

Location:
Country:

Okere City, Otuke
Uganda

1 Objective(s) of the activity

1.1 Subject matter of measure/Theme of the activity

According to the 1995 Constitution of the Republic of Uganda, governance begins at the village/cell level. The constitution also provides for the creation of Local Councils courts ("LCC") as part of the decentralization of power. LCCs are the lowest units with administrative, legislative, and judicial powers on behalf of central governments. LCCs are established under the Executive Committees (Judicial Powers) Act and there are three levels of the Committee courts – "sub county" (level 3), "parish" (level 2) and "village" (level 1). The courts are generally composed of five members of their jurisdiction chosen by the respective executive council of that village. At least two of the members of each of these courts should be women.

1.2 Significance within the overall project context

It is difficult for majority of population in Uganda to access justice in the formal court system because they cannot afford the costs of litigation. Thus, LCCs are one of the most accessible justice mechanisms in contemporary Uganda. Indeed, LCCs are much more trusted by local population, since they are heavily inclined towards reconciliation and dispute resolution. However, there is still a lot of efforts needed to ensure that the LCCs operate effectively to continue being at the forefront of promoting rule of law at the grassroots level.

It is upon this background that Okere City with support from the Konrad-Adenauer-Stiftung conducted a training workshop targeting LC1 and LC2 Chairpersons and two representatives from their Court Committees to attend a two day's workshop to sensitize and equip the local councilors with fundamental constitutional aspects as clearly articulate in Local Council Courts Act, 2006. Generally, the activity contributes towards KAS' overall objective of advancing democracy and promoting rule of law in Uganda.

1.3. Intended outcome

The intended outcome of the workshop was to strengthen the capacity of LC1 authority in Okere Parish to effectively adjudicate and provide impartial judgment as a mechanism for promoting justice and rule of law.

Specifically, the workshop sought to;

- 2 Equip LC1 authorities in Okere Parish with knowledge so that they can have a clear understanding of the Local Council 1 Courts.
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3 Enable LC1 authorities work towards ensuring and promoting fairness and justice while hearing cases presented to them by the local community members.

4 Implementation

4.1 Actors financing and organizing the programs

The activity was organized and implemented by Okere Community Development Project (Okere City).

2.2 Target group and actual participants

- 54 LC1 Chairpersons, youth and female representative from the LC Committee participated in the training.
- There were **38 male** participants and **16 female** participants.

2.3 Sequence of the activity

The opening remark was made by Ojok Okello, the convener of the training and also the Chairman of Okere City. In his remarks, Mr. Ojok noted Okere City and the Konrad-Adenauer-Stiftung are investing in the local council training to reinvigorate the constitutional mandates of LC1 authority as clearly articulated in the law. He however castigated the constitution which delegate duty bearers but does not provide provisions for building the capacities of such duty bearer to effectively perform their tasks and obligations as mandated. As such, Ojok Okello noted that the training would enable local councilors to not only understand how a local council court should operate in its entirety but also equip the local leaders with the skills to examine cases and be able to mediate and provide impartial judgments thereby promoting rule of law and social justice.

Before the commencement of the workshop training, an evaluation exercise was conducted to assess the level of knowledge, attitude and practices of local councilors on the Local Court Courts. Among others, the participants noted that all of them (100%) were aware of the existence of the LC1 Courts and had participated in such court sessions. However, only 1% of the participants had had the opportunity of being trained and/or reading about the operations of such courts as provided for in the Local Council Courts Act of 2006. It is thus apparent that whilst the participants are aware and desirous to use Local Council Courts as a constitutional instrument to promote justice and rule of law as local leaders, most of them lack the concrete knowledge, understanding and awareness to do so due to lack of exposure to the law and other capacity building opportunities.

Nonetheless, Local Council leaders in Okere use the Local Council Courts to provide hearing on cases ranging from theft, domestic violence, abuse and slander, land disputes, debt settlement, witchcraft, trespass among others. Asked whether such cases are effectively concluded at the local court level, the participants agreed that up to 95% of cases reported to them are successfully heard and concluded. 5% of the cases that are appealed and transferred (mostly to LC3 Courts) are around land disputes which usually becomes complex and requires higher-level legal authoritative interventions. It is also important to note that Local Council Courts are not mandated to hear criminal related cases.

Again, most cases that are reported to the LC1 Offices/authorities do not proceed to a court hearing session. Indeed, only about 10% of the reported cases do. This is striking considering that on

average, each of the LC1 authority in all the 15 villages in Okere Parish receives an average of 10 cases per month. If only 1 in 10 cases reported to the LC1 Office are brought to the Local Council Court, where do all the rest of the cases reported end-up?

“Whenever cases are reported, we try to provide an impartial hearing between the complainant and the defendant and where possible encourage the parties to settle their differences to avoid dragging and wasting time” said Otim George, the LC1 Chairperson of Okere Mom-Kok village.

“Because we live closest to our people, we are quick to understand the nature and magnitude of cases report to us so we are equipped with information and also contextual details to quickly find amicable solutions to cases report to us” Robert Odany, the LC1 Chairperson of Ayiloi village noted.

Indeed, for most rural dwellers, appealing or preferring to take a case to a higher court comes with many layers of costs and disadvantages. Firstly, when cases are referred to another level (maybe parish, sub-county or district – magistrate), a lot of financial costs are borne by both the plaintiffs and the defendants. Secondly, the cases could drag for long leading to delays and quite-often-than-not a miscarriage of justice. Truly, this is not unfamiliar in Okere. “I once tried to encourage a plaintiff and a defendant to find an amicable settlement to a case of animal trespass that was reported to me. The plaintiff wanted more as compensation for crops destroyed in his garden and requested for the case to be transferred to the sub-county court. The case dragged for two years and he got lesser money in compensation than what we had initially suggested” re-echoed another local council leader.

Whilst LC1 authorities and their courts are indeed key for dispute resolution and dispensing justice at the grassroots level in Uganda, they are not without significant challenges. For instance, they are many times despised especially by the educated and wealthier village residents. “They treat and regard us as uneducated and ill-equipped to provide a fair hearing and informed adjudication of their cases so instead of reporting anything to us, they quickly run to the sub-county, Police Headquarters and even to the Chief Magistrate’s Office” lamented an LC1 Officer. “Sometimes, the cases are brought back but many times, they aren’t” he said.

Perhaps the grassroots elites are not completely wrong to prefer a higher level court system to hear their cases considering the fact that the capacities of the local councilors aren’t built to effectively handle court cases and they are not facilitated with any resources – including mere stationary to enforce their legal mandate. As such, the operations of the court and haphazard and sometimes devoid of rigor, reflections, order traditionally required in court proceedings and operations. This is a clarion call not only to the Ministry of Local Government but also to other civil society organizations working in the justice, law and order sector to consider possibilities of investing in LC1 authorities because they are key engines for facilitating justice, ensuring rule of law and promoting development at the local/grassroots level.

5 Assessment

5.1 Monitoring

We monitored the training through:

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- Attendance sheets
 - Asking participants to express their expectations before the workshop began.
 - Pre-training interviews of participants
 - Post-training evaluation of the participants

Based on the evaluation,

- **100%** of the participants were satisfied with the training
- **100%** of the participants had not previously participated in a training on local council courts.
- **100%** of the participants' expectations for the training were met
- **100%** of the participants said that the participatory and engaging format of the workshop enabled to learn and reflect better on the topics being discussed.
- **100%** of the participants said that the workshop helped them expand and enhance their knowledge on the operation of the Local Council Courts.

Participants' key takeaways from this training:

- "We need to have access to the Local Council Court Act 2006 in a version translated in the local language".
- "This rare opportunity to receive the training on local council court operations has equipped me with relevant knowledge and skills to promote practice and promote the law from a knowledgeable point of view".
- "The training has enabled me to appreciate the role of the local council court and my role to make it function more effectively as a local leader"

3.3. Conclusions

Overall, as illustrated above, all of the objectives of the training workshop on understanding the Local Council Courts as part of the Okere Political Lab project was successfully achieved. Once again, the training demonstrated that the need to equip the Local Councilors with the knowledge and skills to deliver on their constitutional mandates is more crucial if local governance in Uganda is to improve for the better. The trainings which were conducted by a highly qualified local government officer also added a significant boost to the delivery of the content as it resonated with the participants. The venue, conducted within Okere village provided a homily environment which created space for an open and free exchange of ideas and perspectives. Most importantly, the training also included role plays which is a proven feasible format especially for rural adult learners.

Report compiled by: Ojok Okello, Okere City
