

**SCHOOL OF LAW**

**MAKERERE UNIVERSITY**



2016/17

**ANNUAL<sub>0</sub>REPORT**

## Table of Contents

Forward.....	2.
Background.....	2.
Objectives of the School of Law .....	3.
Progress in meeting Annual Targets.....	4.
Curriculum Review in the School of Law .....	5.
Research and Publications.....	6.
The Regional Training hub in water law and policy.....	8.
Short courses in the School of Law .....	10.
The Amicus Curiae.....	11.
Training social justice lawyers .....	12.
Moot Court Activities.....	12.
The 9 <sup>th</sup> Inter University Human Rights competition.....	14.
Alumni Relations.....	15.
Internships at the School of Law .....	16.
LL.D Public Defense. ....	16.
Research and Innovations.....	17.
Professor Sylvia Tamale inaugural lecture.....	17.
Professor Bakibinga, a TWAS Fellow.....	18.
Staff Publications.....	19.
Knowledge Transfer and Partnerships .....	19.
The Network of Public Interest Lawyers (NETPIL) .....	20.
Community related Activities.....	23.
The Refugee Law Project .....	24.

## Forward

On behalf of the entire staff of the school of law of Makerere University, I am pleased to present to you the school annual report 2016. The report highlights the achievements and key focus areas for the calendar year 2015/2016 respectively. A number of aspects including inaugural lecture by Prof. Sylvia Tamale, Curriculum Review, partnership agreements, research and innovations among other key areas of focus are included in this report.

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Dr. Damalie Naggita- Musoke

Ag. Principal

School of Law

## **Background**

The School of Law now with College status evolved from a department in the then faculty of social sciences way back in 1968. It has over time evolved and grown to the current five departments that include The Human Rights and Peace centre, The Public and Comparative Law Department, The Environmental Law centre, The Commercial Law Department and The Law and Jurisprudence department. Unlike in other Colleges in the University, the departments in the School of Law are majorly administrative in nature with the academic work cutting across the five departments.

## **The School Vision**

The vision of the School law is “To become Africa’s pre-eminent Law School with a rich tradition of excellence in the teaching of law, legal training and research”.

## **Mission Statement**

The Mission of the School of Law is; To impart quality legal knowledge and skills within an inter-disciplinary framework inspired by legal scholarship, outreach and a commitment to justice for all, and produce graduates well equipped to deal with new and emerging legal problems who will serve their clients and the community with integrity and excellence.

## **Core Values**

The School of Law is guided by a set of core values and they include the following;

**Excellence** – The School of Law seeks to excel in all it undertakes and to positively inspire its students to excel in their academic and career pursuits with integrity and the highest ethical standards. It strives to produce legal professionals who are well equipped to deal with new and emerging legal problems.

**Equality & Nondiscrimination** – The School believes in treating everyone with dignity and respect regardless of their sex, class, ethnic origin, race, religious affiliation, sexual orientation, and disability.

**Transparency & Accountability** - The School is committed to put in place systems to avail information regarding performance expectations, assessing results, internal operations and resource management to all its potential and current stakeholders. It strives to cultivate a culture of personal accountability in all its students and staff.

**Public Responsibility** – The School recognizes its obligation to the community and the greater public. It strives to stand up for the rights of citizens and all marginalized groups

## **Objectives of the School of Law**

The objectives of the School of Law are;

- To promote and engage in cutting-edge legal research on contemporary legal topics and issues as well as legal scholarship in interdisciplinary and analytical spheres,
- To develop and impart legal knowledge necessary for practical applications in national development, democratic governance and integrity in public and private institutions,
- To establish and maintain state-of-the-art infrastructure to facilitate effective legal teaching, training and research,
- To mobilize and secure adequate financial, human and other resources necessary for attaining the vision of the School of Law.

### **Progress in meeting Annual Targets**

The core mandate of the School of Law is to facilitate the teaching and learning of Law Students. The academic programs offered at the Law School include a three year Bachelor of Laws program (LL.B), a two year Master of Laws Program (LL.M) and a three year Doctor of Laws program (LL.D).

### **The learning outcomes of the School of Law**

The Program is aimed at producing law graduates who are able to carry out legal research and give advice on applicable legal principles to Government departments, the private sector and individuals. Secondly, the School aims at producing products that are academically prepared to undertake practical legal training in preparation for legal practice. The School further aims at producing a graduate conversant with the principles relating to the rule of law and protection of individual and society rights and freedoms. It aims at a career person who is adaptable to the work environment and one who can debate and articulate legal issues and contribute to law reform.

### **Post graduate programs at the School of Law**

The School of Law offers the LL.D as well as the LL.M programs to students that successfully undertook graduate tests. Apart from the usual Master of Laws program, the School of Law in Partnership with the University of Pretoria conducts a Master's degree in Human Rights and Democratization in Africa. This is co administered with five other African Universities. In the period under review, three students were hosted at the School of Law, where they undertook their research as well as lectures, before proceeding for graduation at the University of Pretoria.

## **The school of Law embarks on Curriculum Review**

The School of Law embarked on a curriculum review exercise with a view of making the Law course more relevant to the needs of the society. The process began with the orientation of the academic members of staff where they were given tips on the process of undertaking a curriculum review and asked to make valuable contributions in order to make the Law program more relevant to the needs of society. Through the respective departments, staff identified what was still relevant in the current syllabus, the gaps, what has been overtaken by events and pointed out other desired



***Staff and other stakeholders discussing the proposed content in the Disability Rights syllabus in the School Boardroom***

changes. During the curriculum review retreat, it was agreed that there was need to review various aspects of the law program noting that the content of the program accrues from areas like national reports, democratic governance, nation building, rule of law, democratization and constitutionalism. It

was however noted that there has been institutional collapse and equally the legal profession is collapsing hence the need to review the program.

The professionals noted that the products from the law institution are increasingly getting unemployable due to lack of requisite skills and therefore saw a need for changing the education system which emphasizes less on memory but more on skills, which can only be realized if people are encouraged to think, solve problems by doing things. The training as it is theoretical aimed at passing exams and does not reflect the changes in the law sector hence the insufficient motivation to learn by the students. The team recommended among other things the revival of tutorials for the first year students as well as taking on courses like development studies, social research, internships, in order to fulfil the purpose of linking law to other fields of knowledge and the study of reality. More practical ways of teaching were recommended and they include the moot courts, Information and communication technology, oil and gas among others. It was noted that the current way of teaching has revealed that the staff and students are fatigued with examinations and that even the law teachers are in most cases more like part time lecturers and lack pedagogical skills generally. It was further noted that the law teachers have been left to work and grow individually with no more staff seminars at hand. Other areas of

concern were the need for acquisition of soft skills like interpersonal relationships, critical thinking skills in order to create a versatile law students

The discussions were also directed at identifying ways through which students can be prepared for the market, how to help students learn, how to assist the lecturers with the required skills to help students get interested and to demonstrate relevance of the courses, legal writing, analytical skills as well as a review of the entry requirements set for the law program.

A number of new courses were proposed. In the environmental law centre, proposed courses included Comparative environmental law policy and LL.M, Environmental law and policy for natural resources and energy industries. Under the Human rights and peace centre, it was stated that emphasis would be put on increased research and advocacy. Proposed courses included Human Rights courses in the domestic perspective, international and regional Human Rights, civil society law. The other proposed course is the interdisciplinary program in law and finance to be jointly conducted by the School of law and the College of Business and management, LL.M in Petroleum and energy law

## **Research and Publications**

Research is one of the core activities in the School of Law. A number of such activities were undertaken for instance at the Human Rights and Peace centre which serves as a research hub in the area of Human Rights both at local and international levels. In this period, the centre undertook studies on contemporary issues of national and international importance for instance the recently concluded National Elections. The studies resulted into papers that were published namely; *The Road to 2016: Citizen's Perceptions on Uganda's forthcoming Elections- A synopsis report commissioned by HURIPEC and Kitua Cha Katiba*.

HURIPEC also runs The Religion, Rights and Peace Fellowship, which is a multi-disciplinary academic programme designed to establish an intellectual space within which to promote pedagogic opportunities for diverse perspectives on the centrality of religion in promoting human rights and governance in Uganda. It seeks to create linkages between Academia, Religion Institutions and Leaders, Policy Makers and Students for the promotion of a constructive discourse; Stimulate a fresh culture of critical engagement and discussion by academics and religious leaders and ensure that various perspectives and approaches to Religion, Rights and Peace can be shared, advanced and popularized throughout society with special attention to the youth;

The overall purpose of the Fellowship was to contribute to reviving and restoring the historical place of Universities as centers for research, innovation and enduring solutions, focusing in particular on the religious dimensions to human rights, peace and good governance.

The target audience of students, Civil Society, state and political actors were reached through advanced Seminars; which targeted post-graduate students and interested undergraduate students. These are intended to contribute to deepening intellectual discourse on the role of Religion and Faith in promoting Human Rights and Peace in Uganda. There are a number of activities that have been undertaken through this program, and they include; **Public Lectures;** These focused on the themes of Religion, Human Rights, Politics, Governance and Peace; targeting Academia, students and the wider University community, Public Lectures were convened at different universities and institutions. The institutions covered included Makerere University, Nkumba University, Uganda Christian University among others.

**Radio Talk-shows;** under the program, 4. Radio talk shows were conducted. These provided an opportunity to draw the wider public into the discourse and debate related to the themes addressed in the public lectures through holding discussions on radio.

**Dissemination of monographs and other literature;** As one of its key activities and for purposes of documentation, the program is in the process of putting together all the presentations made at the Seminars, public lectures and conference into monographs that will be published, shared and distributed at other institutions of learning including universities where the public lectures were not be held. Such publications include **Volume 2. NO. 1**, which has the following papers; *The Role of Religion and Culture in Peace Building: Identities’, Conflict Management and Resolution; The Role of Culture and Religion in Peace Building; St Thomas Aquinas’s Political Philosophy shed Light on Uganda’s Political Ideology Vacuum ;The Role of Religion in Sustainable Development Goals Agenda; Migration as an African Norm* **Volume 2, No.2.** is comprised of papers like; *Academia, Religious leaders and the Working Class in the Political Arena: The Case of Uganda; The Human Rights Implications of Youth Un employment in Uganda; Controlling Women’s Fertility in Uganda: Perspectives on Religion, Law and Medicine; Religion, Social Identity and Culture: The Church and Social Transformation in Uganda; Commercialization of electoral Politics and its implications in Uganda’s Democracy.*

Further in this program, Advanced Seminars and Public Lectures were conducted in Makerere and other Universities and religious institutions across Uganda. Through this Project, the School of Law is keen on impacting the knowledge, attitudes and practices of the target audiences through the above activities as a move towards the creation of a platform for engaging on the diverse perspectives on the centrality of religion and faith in promoting human rights, peace, social justice and equity in society as well as in governance in Uganda.

The School of Law through PILAC has undertaken research and published two working papers namely, PILAC Working Paper No. 4. *The Perceived Protection of Tenants on Registered Land against Evictions: An Assessment of the Legal Challenges*



*faced by Victims of Land Evictions in Kampala and Wakiso Districts conducted by Dr. Rose Nakayi and PILAC Working Paper No. V. Disempowering the already marginalised: Persons with mental disabilities in the criminal justice system. A Study Commissioned by Public Interest Clinic School of Law, Makerere University by Dorah Caroline Mafabi*

## **The School of Law as the Regional Training hub in water law and policy**

The environmental Law centre is the latest Department formed at the School of Law that has started bearing fruit right from the start. Through the centre, the School of Law is now a regional training centre in water law and policy. It has hosted a couple of trainings to date that include international water law, negotiation and conflict resolution. Similar short courses are in the pipeline.

### **Training in international Water Law**

The School of Law as the practice is annually convened a Training on International Water Law (IWL) for improved transboundary water management in Africa 5-12 June 2016, at hotel Africana in Kampala, Uganda.

The training was organised by Global Water Partnership (GWP), together with the African Network of Basin Organisations (ANBO), Intergovernmental Authority on Development (IGAD), Makerere University, and Centre for Water Law, Policy & Science, University of Dundee (CWLPS). It was a follow up of a successful pilot training course that was held at Botanical Beach Hotel, Entebbe, Uganda 3<sup>rd</sup> – 5<sup>th</sup> August 2015. Dr. Emmanuel Kasimbazi, Chair, Environmental Law Centre, Makerere University together with a team of other experts in the field and the academia were part of this event which attracted 65 applicants from across institutions in Africa upon a call for expression of interest in the training.

The participants included experts that ranged from mid- to high-level practitioners and professionals who have a role in negotiating, drafting or reforming treaties and legislations (regulation, control), planning, decision-making on transboundary water. These in their day to day activities are engaged in issues of transboundary water resources management specifically water management/development practitioners in positions to and sometimes even make the decisions affecting transboundary resources.

The course was aimed at strengthening capacities of water in addressing issues related to



advice,  
water  
experts

transboundary water resources management through enhancing knowledge and skills necessary for promoting cooperation among African countries and also enhancing negotiation skills and resolving transboundary water disputes in Africa.

During the training, it was noted that although good water governance requires International water law (IWL) which is implemented by people, effective and coordinated management of transboundary water resources and cooperation across borders are among the major challenges faced by national governments, regional economic bodies and organisations throughout Africa. This is in part due to inadequate capacity within countries and basins in Africa. In order to address this challenge, the training on International Water Law was essential to provide the tools that would enable transboundary water resources to be managed efficiently, sustainably and equitably.

It was noted that for International water Law to be effective there is a critical need to ensure that those involved in transboundary water resources management (both lawyers and non-lawyers) have a sufficient understanding of its role, relevance and content. This requires a concerted effort to train water resource experts in IWL, and offer enabling platforms whereby experts with different experiences can come together to share lessons learnt.

At present, across Africa, like in many other regions of the world, knowledge and understanding of IWL amongst key experts is extremely limited. At the transboundary level, this can often give rise to misunderstandings and tensions between State representatives as they advocate different interpretations of the legal rights and obligations that pertain to Transboundary River, lake and aquifer systems; or misrepresent the function of IWL in fostering cooperation between States. Only through advancing a *shared* understanding amongst experts across sovereign borders will IWL be able to effectively contribute to ensuring that transboundary waters are used, development and protected in a sustainable and equitable manner.

In light of the aforementioned challenges, the regional training programme took on the laudable and much needed task of strengthening the capacity of individuals and institutions within countries and basin organisations across Africa to address issues



related to the legal aspects of transboundary resources management. In so doing, the programme had two core functions, namely a) to enhance the knowledge and skills of IWL amongst experts working within Africa; and b) to provide a platform whereby those experts can share their practical experiences in the development and implementation

of IWL within a particular country and basin contexts.

The programme covered key areas of IWL, including the role and relevance of IWL, and its contribution to global policies, such as the Sustainable Development Goals; ii) the key rules and principles that apply to transboundary rivers, lakes and aquifers across Africa; iii) contemporary challenges and good practice in the implementation of IWL across Africa; and iv) negotiation skills. These areas were tackled through series of activities, including lectures, information exchange case studies, group exercises and a field trip. As a way of improving and taking the training further, it was recommended that the organisers of the program Consider accreditation of the training course to institutions like Makerere University, and it be given academic accreditation.

It was also recommended that the organisers Improve collaboration with related initiatives and institutions that are working on IWL related activities across Africa such as GIZ, SIWI, IWMI, IUCN's Environmental Law Programme, which institutions might be willing to offer experts as facilitators and/or share case studies.

During the training, participants got an opportunity to see IWL in practice, and network with colleagues in a more relaxed setting when they visited included the Bujagali Hydropower Dam, the Nalubaale Hydropower (formally known as Owen Falls) Dam and the source of the Nile.

### **Short courses in the School of Law**

In addition to the usual classroom teaching and learning, the Department of Public and comparative Law runs a two months Short Course in Administrative Law that was started way back in 2009. It came up after a realization of a need for the course for public service. The Certificate is recognized for entry, confirmation and promotion of Administrative Cadres in the Public Service. It is conducted at the Makerere University Main Campus and various Centers upcountry. During the quarter sessions were conducted in Mbale, Arua, Soroti , Gulu, Jinja, Masaka, Mbarara, Tororo, Kiboga, Mityana, Luwero, Hoima, Masindi, Kyenjojo and Kabale. Other new Centers are being established in Mukono, Mpigi, Kayunga, Kamuli and Fortportal.



*Dr. Mayambala, Coordinator Admin. Law Short Course handing over Certificates in Tororo*

## The Amicus Curiae

Nine Academic staff of the School of Law successfully engaged the Supreme Court in an amicus curiae application. The law allows courts to listen to persons who may not be parties to the case but who have expertise to advise the court on how best to resolve the case. The Court underlined the fact that justice, according to the Constitution, is administered in the name of the people and people should be allowed to participate in judicial proceedings. The Court also acknowledged the team's internationally-renowned expertise on matters of democracy, human rights and elections. The persons who applied included Associate Professor Christopher Mbazira, Prof Oloka-Onyango, Prof Sylvia Tamale, Dr. Ronald Naluwairo, Dr. Rose Nakayi, Dr. Kabumba Busingye, Dr. Daniel Ruhweza, Dr. Ronald Naluwairo and Mr. Dan Ngabirano. The team sought to be admitted as friends of Court in the ongoing Presidential Petition. The decision to apply was informed among others by the conviction of their civic obligations as legal academics to provide our expertise for the benefit of the public. The team saw that they could point out to the Court some issues that were relevant to the proper adjudication of the Petition and to be an example to law students that about the practicability of the theories they teach.

## Training social justice lawyers



*Dr. Damalie Naggita receiving a Moot trophy from ICRC*

The Public Interest Law clinic PILAC continues to strive towards training a new generation of Lawyers with interest in public interest litigation through since 2012, arising out of the need to re-engineer the training of law students to produce law graduates with public interest lawyering that will involve protection of the

rights of the vulnerable members of the community. PILAC has since grown beyond its Clinical Education and internship activities to include community legal literacy and legal aid activities. PILAC is also progressively positioning itself as research hub on access to justice issues in Uganda. Additionally, the Clinic has embarked on a process of building public interest litigation in Uganda through capacity building and creating the Network of Public Interest Lawyers (NETPIL), inaugurated in 2015.

### **Clinical Legal Education**

The CLE class has expanded in size and currently there are 25 students. A number of activities were undertaken and they include guest lecture, internships, and moot courts among others.

### **Guest Lectures**

In the Guest Lecture Programme, a number of personalities were invited to talk to the Students on different thematic Areas. Some of them are Mrs. Ruth Sebatindira, then President Uganda Law Society, who talked about Professional Ethics, Mr. Don Rukare, Mr. James Nkuubi, Dr. Livingstone Sewanyana and Dr. Florence Ndagire from Uganda Human Rights Commission, Professor Sylvia Tamale, Mr. Gimara Francis and Ms Eunice Owiny among others.

### **Moot Court Activities**

The School of Law officially received the trophy of the winning team comprising Simon Ssenyonga, Anne Tendo and Rachel Kobusinge, who won the 15th All Africa International Humanitarian Law Moot Court Competition held in Arusha, Tanzania last November. The trophy was handed over by a team from the International Committee of the Red Cross (ICRC) led by Ms. Judith Kiconco the Communication Officer. Dr. Ronald Naluwairo the Ag. Deputy Principal, while receiving the trophy on behalf of the School of Law commended ICRC for the support rendered towards Moot court competitions as well as the teaching of International Humanitarian Law.

### **The international humanitarian law moot court.**

The School of Law was the Second runners up in the 2016 International Humanitarian Law Moot Court held at the Silver Springs in September 2016. The Moot was organized by the International Committee of the Red Cross (ICRC). The winning team that comprised of Mr. Edwin Mugumya LLB IV, Daniel Nasasira LLB.IV and Gloria Mutesi LLB III presented the Trophy to the Ag. Principal School of Law Dr. Damalie Naggita Musoke at an event witnessed by Dr. Zahara Nampewo, who was the coordinator of the moot. On their part the students commended the School of Law for enabling them take part in the Moot. Mr. Nasasira Daniel who emerged the best oralist said he had benefited from the moot in terms of sharing knowledge, gaining exposure to the practical aspects of the law that helped him apply some of the substantive elements of Law in a procedural manner. He said throughout the competition, the Makerere University team was viewed as a pace center despite coming second.



In PILAC, with the support of the Moots Coordinator, Mr. Dan Ngabirano, students



*The 4<sup>th</sup> African disability rights moot. (6<sup>th</sup>-11<sup>th</sup> November 2016)*

are continually guided and in the process they acquire research skills, master human rights systems and norms. The activity empowers young law students with practical skills to engage, present and argue human rights cases before competent national, regional and international human rights bodies/courts

Law students participated in the 4<sup>th</sup> Africa Disability Rights Moot held in Pretoria-South Africa from the 6<sup>th</sup> to 10<sup>th</sup> of November 2016. The competition attracted participation of 9 teams comprising of a boy and a girl from countries that included Uganda, Malawi, Botswana, Zimbabwe, Zambia, Mozambique, Kenya and Tanzania. Makerere University was represented by Ms. Atim Miriam Okello and Mr. Aaron Joel Kaleeba accompanied by Ms. Diana Ahumuza. The team also attended a conference organized by the Center for Human Rights in the University of Pretoria.



The team was able to emerge as runners up in the competition. The team engaged in finals against the University of Malawi. Further yet, the team also emerged as best oralists with Mr. Aaron Joel Kaleeba being the best oralist and Ms. Atim Miriam Okello as fifth best oralist. The team received plaques for runner up team as well as best oralist position and certificates.

*The team receiving an award at the final round.*

## **Makerere University Law School leads the 9<sup>th</sup> Inter University Human Rights competition.**

Makerere University students under their umbrella organization Makerere Human Rights Association (MUHRA) were declared winners in the competition that was held



from 4<sup>th</sup> to 5<sup>th</sup> March 2016 at Ndejje University. The event was organized by Foundation for Human Rights Initiative (FHRI) under the theme; *Towards democratic Consolidation in Uganda: Counting the gains.*

The event was witnessed among others by the Director FHRI Mr. Livingstone

Sewanyana and Sophie Racine, component Manager, Rights, peace and Justice at the Democratic Governance Facility (DGF). The students represented by Mirembe Ruth LL.B IV presented a paper entitled “Judicial independence in Uganda; challenges and opportunities”. Makerere University was winner for the first time in nine years with 83.3%, followed by Ndejje University with 77.3% and Ugandan Martyrs University in third position with 77%

## **Alumni Relations**

Although efforts to revive the networks with alumni were initiated, there is still need to step up these efforts in order to tap from the products of the School in terms of expertise in the legal profession as well as creating an enabling environment to enable those interested to give back to their alma mater. This process was initiated in PILAC where an alumni association was formed in 2013. The group continues to be involved in PILAC activities such as the publication of an Alumni Newsletter named PILAC Today, being resource persons in various forums as well as working as staff of PILAC. The Third issue of the said Newsletter has been published. It's a forum to share the whereabouts of the alumni of the program and to establish how much the knowledge imparted to them while at PILAC has been put into practice.

## **Student Learning through CLE.**



*The CLE students who took part in the Moot before real Judges in 2016*

Students under the Clinical Legal Education program were privileged to have a moot before real judges at the High Court. The moot courts as a teaching methodology empower young law students with practical skills to engage, present and argue human rights cases before competent national, regional and international human rights bodies/courts.

### **The ELSA Moot Competition**

Makerere University took part in the African Regional Round of the European Law Students Association (ELSA) Moot competition from the 29 March to 1 April 2016. The ELSA Moot Court Competition on WTO held its African Regional Round at Rhodes University in Grahams town, South Africa. The competition is student-run, organized annually by The European Law Students' Association (ELSA) in co-operation with the World Trade Organization (WTO). It is designed to enhance knowledge of international trade law and WTO dispute settlement procedures, with a view to enhancing capacity for meaningful engagement in multilateral trade in the long term. It has a global reach and its participants come from every continent.

### **Internships at the School of Law**

As mandated by the University, the School of Law undertakes internships for all students in their third year. The objective of the activity is to give the students an



opportunity to apply the theories learned in class as well as gain exposure in office etiquette. There are a number of organizations that host the students both in the government as well as in the informal sector, Government ministries and agencies, law firms, NGOs among others. The students spend eight weeks and they are assessed. Learning from their reports, the students gain in terms of skills, such as legal drafting, interpersonal relationships and a host of other benefits.

In addition, PILAC identified partners and organizations to host student in the Internship program. A number of organizations both new and old were been contacted and the students asked to express their preferences. The internships afford the students the opportunity to put to apply the public interest lawyering skills they had acquired and resulted into the acquisition of practical skills.

### **LL.D Public Defense.**

Dr. Godard Busingye one of the LL.D candidates in the School of Law made his public defence the first of its kind in the School of Law and according to Dr. Damalie Naggita Musoke, this was a land mark achievement and that many more are expected given that the number of persons seeking to undertake the LLD program is on the rise.



*Dr. Godard Busingye (R) consults at his LLD Public defence*

Dr. Busingye examined the Law and Gender relations in Land decision-making processes in Uganda on a case study of Ibanda Town Council. The study examined the law and gender relations in land decision making in Uganda. Professor Joe Oloka-Onyango and Prof. Sylvia Tamale were his supervisors, while Prof. Ben Twinomugisha was the discussant.

The members of the doctoral committee included comprised of Dr. Ronald Naluwairo, the Deputy Principal and Chair, Dr. Ronald Kakungulu Mayambala, Dr. Zahara Nampewo, Dr. Sarah Ssali from CHUSS. The Director of Research and Graduate Training Professor Buyinza noted that as the administrators of graduate training in the University, it is always a pleasure to host such events which is a measure of performance.

## Staff Presentations, Performances and exhibits

### Professor Sylvia Tamale inaugural lecture.



Prof. S .Tamale once again became the first. This was when she made her inaugural lecture on the 28th of October 2016 on “Nudity, Protests and the Law in Uganda” in the Main hall of Makerere University.

The Deputy Vice Chancellor in charge of Academic Affairs Associate Prof. Ernest Okello Ogwang, acting on behalf of the Vice Chancellor, Professor

John Ddumba-Ssentamu handed over a plaque to Prof. Sylvia Tamale in recognition of her effort in fulfilling her obligation of delivering an inaugural lecture as required of any Professor world over. Professor Sylvia Tamale, who was described as “the first” in a number of respects becomes the first woman to deliver her inaugural lecture.

The Vice Chancellor’s procession together with the Guest of Honour-Prof. Sylvia Tamale was ushered into the Main hall with dancing and the sound of the drums from Nyange Performing Artists gracefully strolling in alongside the Vice Chancellor Academic Affairs, the Ag. Principal-School of Law, law dons and the academia from other fields of study all donned in their prestigious academic gowns.

Congratulating Professor Sylvia Tamale, the Deputy Vice Chancellor Academic Affairs of Makerere University who represented the Vice Chancellor Prof. John Ddumba-Ssentamu welcomed the audience comprising invited guests that included High Court Judges, members of the Diplomatic corps, the family of Prof. Sylvia Tamale, intellectuals/scholars, staff, students, members of the legal fraternity and well-wishers. The entire Oloka family was commended for the support rendered towards Professor Tamale, citing a pledge by Professor Oloka Onyango on the 12th of November 2015, when he said his wife Professor Sylvia Tamale would be the next in the row to deliver an inaugural lecture. In reference to the Topic of the inaugural lecture Nudity, Protest and the Law in Uganda, the Vice Chancellor reiterated Prof. Sylvia Tamale’s observation that the past few years in Uganda have witnessed

several incidents of women stripping naked as a way of protesting what they perceive as gross injustice.

### **Professor Bakibinga, a TWAS Fellow**

On 15<sup>th</sup> November 2016, Professor D. J Bakibinga was among the World Academy of Sciences (TWAS) 40 new Fellows following an election of the TWAS Fellows that took place at the Academy's 27th General Meeting in Kigali, Rwanda. The forty new Fellows bring the total TWAS membership to 2004. Twelve new members are women. Twenty-six members hail from Brazil (4), China (12) and India (10). One each (12 total) live and work in Argentina, Australia, Canada, Ecuador, Ethiopia, Germany, Jamaica, Jordan, Mexico, South Africa, Tunisia, Uganda. Two live in Finland and Kazakhstan, where TWAS membership was not represented up to now. Professor Bakibinga and others will be inducted at the Academy's 28th General Meeting in 2017.

BAKIBINGA, David Justin (Uganda): (M) DPhil, Professor, School of Law, Makerere University, has made contributions to company law and governance in Commonwealth countries with focus on Uganda, UK, Ghana, Canada, Australia; analysis of equity, property and trusts law focusing on Uganda and Nigeria; revenue law and taxation focusing on income tax in Uganda since 1997 and Intellectual Property law in East Africa. Member of the Uganda National Academy of Sciences and the African Academy of Sciences, he is also member of the Uganda Law Society, East African Law Society.

### **Professional networks for staff**

Prof. J.D Bakibinga attended the 4<sup>th</sup> Global Conference on Intellectual Property and Public Interest in New Delhi India in December 2015, following an award of the of the Carnegie Grant. He participated in the proceedings that included Agricultural and Plant Variety protection, traditional Knowledge, geographical indicators and indigenous rights, the theory and practice of Intellectual property and economic development and presented a paper on Recent Developments in Intellectual property in Uganda.

### **Staff Publications**

The Human Rights and Peace center publishes the East African Journal of Peace and Human Rights. IN Volume 22, Number 1 of June 2016, some of the staff

published articles and they include; Dr. Zahara Nampewo; Uganda's Local Council Courts and Access to Justice for Local users: Reality or Rhetoric?

### **Knowledge Transfer and Partnerships**

The School of Law through PILAC hosted the 3<sup>rd</sup> economic, social and cultural rights conference held at main hall Makerere University from the 14th to 15th of September 2016. It was organized in partnership with The Centre for Health Human Rights and Development (CEHURD), The Initiative for Social and Economic Rights (ISER), The Uganda Consortium on Corporate Accountability, (UCCA), The Human Rights Network-Uganda (HURINET-U), The Global Rights Alert (GRA) and the Ugandan Human Rights Commission (UHRC). The theme was ***Business and Human Rights in Uganda: Accountability Vs Social Responsibility for corporate abuses***. The key note address will be delivered by Dr. Michael K. Addo, a member of the UN Working Group on Business and Human Rights.

At the event, the Vice Chancellor Makerere University was proud of the School of Law for attracting such a discourse and identifying the University as the host given the research agenda that it is proud of. The event drew participation from persons and organizations that have roles to play such as Government Agencies, Non-Governmental Organizations, Community based organizations', the academia, students, members of the Diplomatic Missions, Development Partners, corporate entities, the business community, communities affected by actions/omissions of Corporations and the general public. The outcome of the conference will inform the policy makers.

### **The Network of Public Interest Lawyers (NETPIL)**



*Netpil Thematic group meeting*

The Network of Public Interest Lawyers (NETPIL) was officially launched in May 2015 with the aim of promoting public interest lawyering and the pro bono spirit in Uganda, spearheaded by the Public Interest Law Clinic (PILAC) at Makerere

University, School of Law to foster greater engagement of lawyers in public interest litigation and advocacy towards achieving social justice and greater protection of fundamental rights for all. It is supported by two funders: The Democratic Governance Facility – DGF and Anonymous.

DGF also supported Legal Brains Trust (LBT), a member of NETPIL through NETPIL on the *Legal Brains Trust V Hassan Basajjabalaba & 19 Others Constitutional Petition No. 4 Of 2012* case project (September 2015 - June 2016) which was a project aimed at promoting accountability and combating corruption in Public Procurement and Public Finance Management Systems. The overall objective of the Project was “to leverage the opportunity provided by Constitutional Petition No. 4 of 2012 to enhance the role of civil society organisations to promote accountability and combat corruption in public sector institutions through public interest litigation”. NETPIL was expected played an oversight role as a conduit for the funding.

NETPIL handles a number of issues organized under the thematic groups: Education group headed by Fiona Orikiriza; Labour group led by Maria Nassali; Civil & Political group led by Isaac Ssemakadde; Disability rights group by Joseph Walugembe, the Health group led by Dorah Kiconco and Land group by James Muhindo. PILAC staff serve as focal persons for the groups, namely: Education group - Arthur Nsereko; Labour group - Sandra Oryema; Civil & Political group - Chris Mbazira; Disability rights group - Patricia Atim; and Health group - Veronica Kange; and Land: Ahumuza Diana.

The NETPIL secretariat was launched formerly on Friday 27th May 2016 at Makerere University House at an event presided over by The President of the Uganda Law Society, Mr. Francis Gimara, who is also a member of the network.

### **The NETPIL Website**

NETPIL is working in collaboration with Action4Justice (A4J), a group of NGOs united to support public interest litigation worldwide as a means to advance social justice. The members include Oxfam, Avocats sans frontier, Greenpeace, IHRDA and Transparency International. A4J runs a website on <http://jonesli.wix.com/a4j-version2> against whose template NETPIL is to develop a website. The idea is that NETPIL serves as a spokes-site for public interest litigation in Africa region.

### **Litigation support under NETPIL**

The network has engaged in a couple of Litigation support activities that includes the **Land Evictions PIL Case**. A litigation workshop to identify and prepare a PIL case was conducted to impart the needed skills in PIL case preparation. Thereafter, a number of events were organized including a press conference culminating into filing in the High Court on 21st June 2016 as ***Muhindo James & 4ORS v AG Misc. Cause 127 of 2016***. The matter has been allocated a judge, and we awaiting a hearing date.

The Second PIL case filed in one concerning Secondary Education Financing PIL Case. The Education working group has been engaged in processes to support the

ISER (*Initiative for Social and Economic Rights V AG HCCS Civil Suit No. .... OF 2016.* ) The matter is yet to be filed. This is in line with the network's proposal of supporting its members to engage in public interest lawyering, by way of facilitating engagements that entailing conceptualizing and strategizing for cases.

The third one is the Hoima case. This followed a request in February 2015 the Public Interest Law Clinic (PILAC) Legal Aid Unit received a request for legal assistance from the Lake Albert Indigenous People Survival Movement (LIPSUM), in which they inter alia prayed for the clinic to petition court in public interest for the protection of the land rights of the Batiaba, Bakibiro, Bakobya and Bagungu indigenous communities. Upon further discussions, the matter was referred to NETPIL.

The fourth was the *Amicus Curie* application in Amama Mbabazi v Museveni & Ors Presidential Election Petition No. 1 of 2016. Through the Co-ordinator PILAC, the secretariat was approached, to support nine(9) Makerere University law dons that successfully applied to be admitted as *amicus curie* in the Presidential Election Petition. The support was by way of the needed logistics towards filing of the application and later the brief. Through this initiative the law dons were able to influence new jurisprudence, an avenue the network is going to utilize to push for the social justice further.

On Wednesday 20th April 2016, the Public Interest Law Clinic (PILAC) in conjunction with NETPIL held a public dialogue on the theme: '***Beyond The Ivory Tower: Academics as Agents of Change in Contemporary Uganda***'. This engagement was an off-shoot of the law don's *amicus* experience. Makerere University academics drawn from various disciplines, assembled at the School of Law, Makerere University, to deliberate on the place of academics in influencing change in contemporary Uganda. This activity drew specifically from the *Amicus Curiae* experiences of the 9 law dons from the School of Law. This engagement was attended 212 participants.

There was the Katosi Women Development Trust. On 13th Apr, 2016, a request was received by the PILAC from a one, Rehema Bavuma, on behalf of Katosi Women Development Trust. The organization is engaged in a study on access to land and water in the fishing communities of Mukono. From the emerging issues so far, the group thinks that it is important for them to get in touch with someone that can offer some legal advice on how the local communities can be supported to deal with the challenges emerging from the land and water wrangles. A request was made that the group be linked to NETPIL. The Trust has shared a workplan and we are to consider how we can get involved.

### **DGF Addendum- Legal Brain Trust (LBT) grant**

In the **(Sep) Oct - Dec quarter** under the activity of [Gathering of supporting evidence for the case] 1 investigation report was secured (Auditor General's report on findings on the independent assessment of claims submitted by the HABA group.); 2 research documents that is the Petitioner's conferencing notes and the Legal memoranda on whether the petition raises any questions for constitutional interpretation were generated; legal officers reviewed 13 correspondences and legal memoranda received from the Respondents and the court. The Radio & TV talk shows to sensitize the public about the case were not held as per work plan. On the whole the NETPIL/LBT partnership has had challenges caused by court related delays affected the progress of the case Legal Brain Trust vs Hassan Basajjabalaba & 10 ors. The case was filed however no hearing date has been fixed to date.

**Osukuru - Tororo Phosphate case;** the network was approached by Global Rights Alert for intervention in land and labour issues in the Osukuru community. The Co-ordinator of the network visited the community between 20th and 21st June on a fact finding mission.

There are disputed lease agreements between the community members and an investor following the issuance of a mining License to Guanngzhou Dongsong Energy Company Ltd. The land in question covers 26.5square Kilometers, spanning 14 villages in Osukuru and Rubongi Sub-counties in Tororo. It is the acquisition of this land that culminated into the current situation, where currently only 122 out of 4800 project affected household have since signed the Surface rights lease agreement for 99 years, as opposed to the 21years which they thought they were signing. The matters are to be referred to the Land and Labour group for a decision on whether to engage or not.

In the area of Capacity Building, NETPIL organized a two-day residential Advocacy Strategies & Community Mobilization skills training in Mukono ZARDI. The training was informed by the strong belief that advocacy and community mobilisation, as complementary tools to litigation, can go a long way in causing the desired broad systematic changes. The training had 48 (22male & 26 female) participants of which 20 were CLE third year law students. The reason for the students' participation was to provide them with a practical experience of public interest processes and the necessary skills for legal practice. It was also meant to allow them an opportunity of engaging with lawyers already in the field as mentors.

The Co-ordinator of NETPIL attended this Conference which was intended to honour Ed O'Brien and Celebrate the 30th Anniversary of the First International Street Law Programme established at the University of KwaZulu-Natal South Africa at the School of Law, University of KwaZulu-Natal, Durban between 28th March to 4th April 2016. At the conference presented a paper entitled '*Student Platform: Empowered to Take the Lead on Social Justice*'.



A base line survey on the developments in Public Interest Litigation (PIL) in Uganda has been conducted. The object of the survey is to use the findings to push for growth of public interest litigation and thus foster respect of human rights and push for social justice. Francis Mwesige, a member of the network has taken lead on this. The Secretariat recruited a research intern, Prisca Nagujja on a six (6) months contract running from February to July 2016 to support the team working on the manual. She has been delivering on the task. A draft report has been availed by the team.

## **Notable Service Activities to the University and the Communities**

### **The Community Law Program and Mobile Clinic (CLAPMOC)**

In line with the need to promote the University's commitment to promoting community outreach activities and to train students in a practical and hands-on manner, PILAC introduced the Community Law Programme and Mobile Law Clinic (CLAPMOC). CLAPMOC is intended to harness the legal knowledge of law students for the benefit of indigent and vulnerable communities through legal education. This is in addition to providing communities with legal services through legal advice and referrals. On the side of the students, the programme is intended to provide students with hands-on training and to expose them to the legal needs of the vulnerable and marginalized. The programme involves taking students to communities as facilitators in legal education seminars. The legal aid component involves the use of qualified advocates who supervise CLAPMOC students and give legal advice to community members in need of the same, it also involves PILAC managing vulnerable clients' cases by way of Alternative Dispute Mediation (ADR) and litigation in courts of law. In the period under review, the program has conducted a number of training and awareness sessions targeting the indigent communities of the catchment areas of Katanga, Kikubamutwe, Kivulu and Kikoni. Sessions are held where communists are helped to identify and address legal issues. Thereafter, cases are referred to the legal aid unit which was accredited as a legal aid service provider by the Law council.

### **The Refugee Law Project**

While 2016 was characterised by uncertainty and surprise around the world, it was also a very successful year for Refugee Law Project. In addition to consolidating existing activities in our five thematic programmes, we also expanded into new areas, new methodologies and new funding. To highlight just a few successes:



The **Media for Social Change Team**, in addition to establishing live streaming of the first steps of the Kwoyelo pre-t



Source: RLP website

rial at the International Crimes Division of the High Court of Uganda, also developed and delivered a highly successful and comprehensive video advocacy training for refugees, as well as establishing new collaborations with STEPS, South Africa.

Our **Access to Justice Team** established two new field offices in Nakivale and Kyangwali refugee settlements, with the support of the Democratic Governance Facility and Office of the Prime Minister. Kyangwali refugee settlement was gazetted as a magisterial area, a development that promises to bring legal services closer to the refugee population. Furthermore, 3 out of 4 refugee rights related recommendations made by RLP and partners to the Universal Peer Review process were accepted by the Government of Uganda. Our English for Adults Programme, "Speak Your Rights", continued dramatically to enhance refugees' capacities to deal with current realities and increase their options for the future.

For the **Gender & Sexuality Team**, 2016 saw the building of stronger referral systems with partners including KCCA, ACTV, Interaid, Reproductive Health Uganda, AIDS Information Centre. We also took new steps in research with refugee support groups, won British Foreign & Commonwealth Office support for the dissemination of the International Protocol on Investigation of Sexual Violence in Conflict to UPDF peace-keepers and Uganda Police Force, and a grant from the Global Disaster Preparedness Centre to implement screening for experiences of sexual violence amongst new arrivals from South Sudan.

In addition to continuing the distribution of the *Compendium of Conflicts* across the country, the **Conflict, Transitional Justice & Governance Team** delivered our sixth and most successful *Institute for African Transitional Justice* to date as well as collaborating closely with the National Curriculum Development Centre to introduce the study of transitional justice into the secondary school curriculum. The National Memory & Peace Documentation Centre in Kitgum drew increasing

numbers of visitors and delegations eager to understand in depth some of Uganda's multiple histories of conflict.

The **Mental Health and Psychosocial Wellbeing Team**, as well as working with more than 500 survivors of torture presenting with depression and/or Post-Traumatic Stress Disorders, advanced their advocacy on refugee mental health issues, both in the review of the draft Mental Health Bill, and in ensuring refugee recognition in the commemoration of World Mental Health day. On the psychosocial side, the team took important steps in working with the Kampala City Council Authority for affirmative action for refugees pursuing their livelihoods as urban refugees.

The **Operations & Programme Support Team** continued to provide unflagging support in the areas of Assessment and Intake, Human Resources, Training Coordination, Finances, Procurement, Security and Logistics. As all the above was being moved forward, staff were actively pursuing opportunities for further study: We are proud that three of our colleagues successfully competed for full scholarships to pursue masters and PhD level studies: Eve Achan (Kings College, London), Onen David (SOAS, London), and Moses Onyoin (University of Hull).

### **RLP support groups**

Support groups have become an integral part of RLP's intervention strategy. Alongside individual and household support. The groups provide space in which to build new support systems within refugee communities to replace the lost traditional ones, and are thus a source of empowerment, self-esteem and self-reliance. They ensure continued healing when organizational services, which are often donor funded, cannot meet the demand, and they frequently become a source of new referrals to our services. Over the years, RLP has helped establish 15 support groups that are directly and indirectly affiliated to Different thematic programmes.

Through such groups, RLP helps in preparing the associations' constitutions and registration processes, Provides mentoring to group leadership structures, Offers training for the groups on issues relevant to their needs, Oversees election of leaders and does general monitoring of their activities, Sources funding for group activities and, where necessary, offers fiscal sponsorship to groups that are yet to be registered to open their own bank accounts, Provides accompaniment, upon request from the group leadership, to key group activities (e.g. outreach activities to community leaders and other service providers), Offers technical support such as proposal writing, constitution development, editing reports, editing videos. The groups include; Association of Persons with Disabilities in Kampala, Somali PWDs Group, PWDs in Nakivale, Elderly Refugees in Kampala, Peer Counselors Associations, Refugee Youth Associations, Child Right Groups, Association of Torture Survivors – Kampala and Nakivale settlement, Association of Refugee Professionals, Men of Hope Refugee Association Uganda (MOHRAU), Women Refugees Association in Africa

(ASSOFRA), Living with Hope (LWH), Families with children born out of rape, Men of Peace and Men of Courage