

JUSTICE LAW AND ORDER SECTOR (JLOS)

FINANCIAL PERFORMANCE REPORT FY 2009/10

5.1 JLOS MTEF Performance in the National Budget (FY 2007/08 to FY 2009/10)

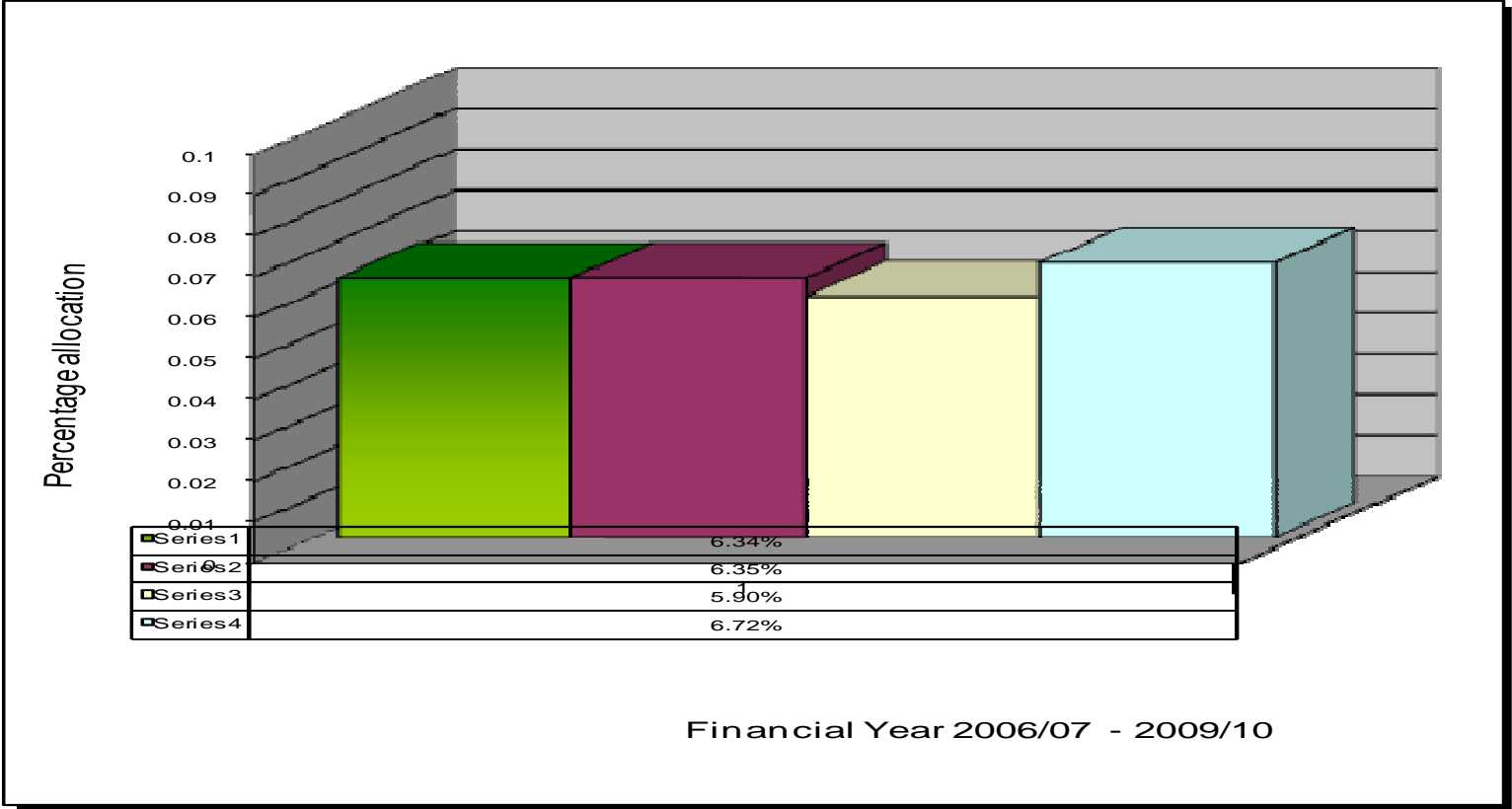
- JLOS MTEF ceiling increased by 50.3%
 - From Shs. 229 billion in FY 2007/08
 - To Shs. 344 billion in FY 2009/10
- National budget increased by 50.4% over the period:
 - From Shs. 3.55 trillion
 - To Shs. 5.35 trillion
- JLOS total share of national resource fluctuated around 6% annually, averaging 6.26% over the period
- JLOS SWAP Development grew by 21.5% with its share of national budget falling from 0.55% to 0.45%

5.1 JLOS MTEF Performance in the National Budget (FY 2007/08 to FY 2009/10)

- Most institutions showed below average growth:
 - MoJCA, UPS and JSC showing minimal increase
 - No increase for LDC
- Court Awards showed an increase of 226.6% arising from significant increase in FY 2009/10
- Only Judiciary and DPP showed increases above the sector and the national growth

Past Overall Budget Performance

- **JLOS Share of National Budget**



JLOS Recurrent (Wage and Non Wage) Performance FY 2007/08 - 2009/10

- Grew by 48.7% over the period, performing slightly below the overall growth of 50.3%
- MoJCA, MIA, UPS, ULRC and JSC showed much below average increases with no growth for LDC
- Court Awards grew by 226.6%:
 - following significant uplift in FY2009/10 from Shs. 2.6 billion to Shs. 10.91 billion
- Only Judiciary and DPP showed growth above sector average
- UPF and UHRC budgets grew only slightly below sector average

Wage Performance FY 2007/08 to 2009/10

- Grew by 32% over the period, below the overall budget growth
- Significant growth for UPF over the years for extra personnel required to establish civilian authority in the PRDP region
- Lower than average growth for MIA, Judiciary and DPP
- Minimal growth for MoJCA, UPS, JSC and UHRC
 - arising from staff vacancies compared with their establishment
- No growth at all for ULRC, due to unfilled vacancies

Non-Wage Performance FY 2007/08 to 2009/10

- Grew by 68% overall, above the overall growth of 50.3%
- Significant growth for:
 - Court Awards (226%, FY2009/10)
 - Judiciary (348%, FY2008/09)
 - DPP (233% FY 2009/10) and
 - UHRC (106%, FY2009/10)
- MIA, UPF, UPS and ULRC showed below average growth
- There was little or no growth for MoJCA, JSC and LDC

GoU Capital Performance FY 2007/08 - 2009/10

- Only MIA, Judiciary, UPF and UPS had capital budgets of any significance
- DPP, ULRC, JSC and UHRC have only nominal provisions
- MoJCA and LDC have no capital budgets at all
- Total capital budget grew by 61.1% over the period
- MIA showed significant increase in 2008/09 and in 2009/10 (811%) which distorted overall growth
 - (Reason – funding of the national ID system)
- UPF showed significant growth in 2009/10 (arising out of outstanding CHOGM commitments)

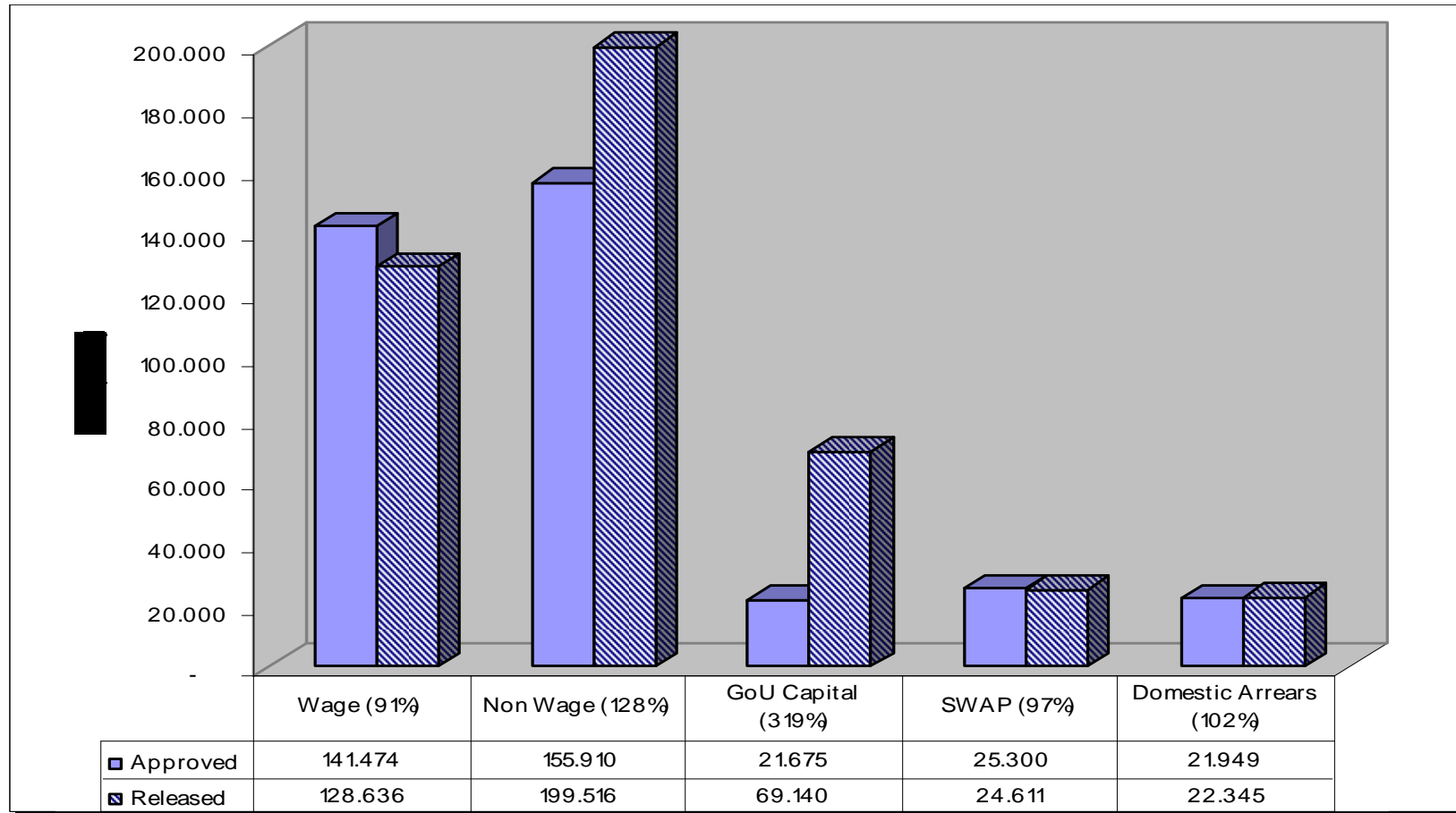
GoU Capital Performance FY 2007/08- 2009/10

- UPS also had a significant increase (111%)
- Judiciary showed decline of 29.1%
- While DPP, ULRC, JSC and UHRC showed minimal or no growth at all
- JLOS SWAP grew by only 26.1% over the period

5.2 2009/10 Performance

- Total JLOS budget for the year amounted to Shs. 366 billion consisting of:
 1. Wage Shs. 141.5 billion (38.6%)
 2. Non-wage Shs. 155.9 billion (42.6%)
 3. GoU Capital including JLOS SWAP Shs. 46.98 billion (12.8%) and
 4. Domestic Arrears Shs. 21.95 billion (6.0%)
- Total release amounted to Shs. 444.25 billion, performing at 21% above the budget, with
 - MoJCA, MIA, UPF and UPF performing above 100% arising from supplementary releases

5.2 2009/10 Performance



5.2 2009/10 Performance

- Wages performed at 91% with
 - MoJCA, Judiciary, DPP, JSC, ULRC & UHRC performing below the sector average, owing to unfilled vacancies
- Non wage performed at 128% owing to supplementary releases for
 - MoJCA (Compensation payments) and
 - Shs. 7.2 billion to UPS for feeding prisoners
- Capital performed at 200% arising from supplementary release of:
 - Shs. 27 billion to MIA for purchase of equipment for national ID information system
- Domestic arrears performed at 102% owing to a small over performance by MoJCA

JLOS SWAP DEVT. ALLOCATIONS AND RELEASES FOR FY 2009/2010

- Performance stood at 97.3%
- Most institutions performed at 100% except for:
 - MoJCA
 - CADER
 - DCC's
 - Cross cutting sector-wide activities and
 - Programme management

CASE BACKLOG ALLOCATIONS AND RELEASES FOR FY 2009/10

- Was allocated 28% of JLOS SWAP Devt. budget
- Registered an outturn of 97.9%
- This was in line with undertaking to reduce backlog by 30% and to facilitate implementation of the Quick Wins Programme

Case Backlog Quick Wins Programme

- JLOS undertook to implement new Case Backlog reduction programme under the Quick Wins strategy
- Shs. 5.228 billion was allocated for this activity over initial 6 months from April to September 2010, funded from:
 - Q4 allocation for FY 2009/10 and
 - Q1 allocation for the next FY 2010/11

Case Backlog Quick Wins Programme

- Programme targeted criminal matters in Western Uganda (Mbarara & Masaka) to reduce prisoner congestion and civil matters in Kampala & Jinja areas
- Programme was launched by Chief Justice in Kampala and in Mbarara in April 2010
- Training of judicial officers was undertaken in Kampala by the Judicial Studies Institute (JSI)
- To date, all budgeted funds have been disbursed to different institutions to undertake activities under the programme

5.3 JLOS Interventions under PRDP

- JLOS received off-budget support of Shs. UGX 17.9 billion from JLOS Development Partners (Netherlands, Ireland and Austria) in FY 2008/09 to enhance JLOS presence in PRDP and KIDDP region, focusing on:
 - Strengthening chain of justice in the region by rationalizing the presence of the different institutions.
 - Co-sharing resources by building regional and mini-JLOS offices to accommodate multiple institutions under the same roof to enhance coordination and service provision
 - Provision of staff accommodation for Judiciary, DPP and other staff based in remote and difficult parts of the country
 - Strengthening Family Justice institutions by provision of registration materials for deaths/births & rolling out services of the Administrator General.
 - Civic education on rights, alterative justice systems, national community service programmes

5.3 JLOS Interventions under PRDP (cont'd)

- Only Shs. 4.95 billion had been utilised by end of 2009/10
- Most activities related to construction of mini-JLOS houses, courts, DPP offices, prisons, border posts and staff quarters in different locations in the region
- Most constructions were delayed pending acquisition of land for construction and finalization of plans and technical drawings for different buildings under the consultancy undertaken by COWI Uganda Limited
- Table on page 78 gives update of outstanding projects under each component

5.3 JLOS Interventions under PRDP - Highlights of major outstanding activities

- MoJCA (Moroto JLOS House and residential buildings Shs. 2.16 billion)
- MIA (border posts in Lia, Suam, Amudat and Atiak Shs. 1.46 billion)
- Judiciary (Kotido, Apala, Oyam, Dokolo, Amolatar, Amuria and Ngora Shs. 2.68 billion)
- UPF (police stations/barracks in Moroto, Lotha, Iriri, Matany, Apac, Dokolo, Amolatar, Kaberamaido, Amuria, Katakwi, Paidha, Amuru & Pader Shs. 2.32 billion)
- UPS (Gulu, Pader, Dokolo, Paidha, Adjumani, Kumi, Amuria, & Soroti Shs. 2.54 billion)

5.3 JLOS Interventions under PRDP (cont'd)

- DPP (Abim, Nakapiripirit, Amuru, Dokolo, Bukedea, Kaberamaido, Adjumani, Paidha, & Amuru Shs. 1.65 billion)
- MIA in the process of acquiring land to build border posts in the different regions
- Expected that the resources will be fully utilised by end of current FY 2010/11
- Need to extend MoU's to 30th June 2011 to complete on-going & outstanding construction
 - Netherlands Shs. 10.765 billion
 - Ireland Shs. 1.017 billion
 - Austria Shs. 1.181 billion

5.4 Support to Anti-Corruption Division (ACD) of High Court

- JLOS received off-budget support of Shs. 3.79 billion to support a number of ACD activities
- Funds were received from
 - DFID Shs. 2.727 billion
 - USAID Shs. 350 million
 - DANIDA Shs. 162 million and
 - GoU Shs. 550 million
- Support from DANIDA & USAID were in kind and were fully utilised for training and equipment
- GoU funds were rolled over from Shs. 1 billion special release made in 2009

5.4 Support to Anti-Corruption Division (ACD) of High Court

- Funds from DFID (Shs. 2.176 billion) & from GoU (200 million) remained un-utilised
- Outstanding procurement of vehicles, computers, court recording equipment and legal reference materials in process and expected to be completed by Dec 2010
- Rent was prepaid for 6 months and 2nd payment is due in 1st quarter of 2010/11

5.5 Support for operationalisation of Transitional Justice Mechanisms

- Off-budget support of Shs. 767.7 million was received from Austrian Development Cooperation for TJ activities following Juba Peace Talks and cessation of conflict in northern Uganda
- Training facilitated by IILJ was organised to take forward interventions under the TJ initiative
- Funds were disbursed to Judiciary (War Crimes Division), UPF (CID), UPS, DPP and GAL for training of investigators, for carrying out investigations and for court hearings which have now commenced

5.6 Value for Money Audit

- Draft report from consultants was circulated to Accounting Officers for comments and feedback
- Exit meetings were held jointly with Consultants & Auditor General to discuss institutional responses
- Process of engraving assets throughout the country was completed
- Model designs and drawings for JLOS buildings were discussed and submitted to the sector

5.6 Value for Money Audit

- Sub-committee of technical officers drawn from sector institutions were incorporated in finalizing model designs
- Final report will be submitted by Auditor General to Parliament

5.6 Value for Money Audit – Issues Raised/Lessons Learnt

- Need for:
 - Proper contract enforcement by implementing agencies
 - Adequate project definition, tender documentation, valuation, certification and cost control (e.g. Engineer's Estimates, contract variations and addenda)
 - Provision of facilities for disabled and toilets for the public
 - Adequate provision for maintenance of buildings
 - Control workmanship & quality especially through use of Force on Account (UPF and UPS)

5.6 Value for Money Audit – Issues Raised/Lessons Learnt (cont'd)

- Adequate contract supervision and management, including expediting payment of contractors
- Minimise institutional bureaucracies to avoid delay in utilization of completed facilities
- Safeguard procurement records management & retrieval
- Engrave all assets
- Comprehensive coding system for identification
- Adequate documentation on transfer of assets

5.7 Audit of JLOS SWAP Devt Fund

- PKF were appointed to audit JLOS accounts for 2007/08 and 2008/09
- Audit reports were finalized and submitted by Auditor General to Parliament
- Audit status of JLOS SWAP Fund is now up to date and
- Annual audit for FY 2009/10 will be undertaken by Auditor General, due to commence in October
- Although opinions for both years were unqualified, following issues raised by the auditors:

5.7 Audit of JLOS SWAP – Issues Raised

- Partial or no implementation of audit recommendations
- Inability to set standards for proper Monitoring and Evaluation
- Delays in payment processing
- Lack of evidence of JLOS SWAP Development funding on construction projects
- Institutional borrowing of JLOS funds
- Dual financing of activities at Uganda Law Society
- Non disbursement of funds to CADER