

OROMIA JUSTICE SECTOR PROFESSIONALS TRAINING AND LEGAL RESEARCH INSTITUTE: MAJOR ACTIVITIES AND ACHIEVEMENTS¹

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Introduction

Justice organs, in all countries, are given the authority to settle on the issues concerning liberty, property, etc of the persons under their respective jurisdiction. Conversely, these issues are becoming intricate, with change in time, demanding highly qualified professionals. To discharge such responsibility efficiently and effectively, justice organs need to be primarily backed by legal training and research. The quality of justice organ professionals is mainly evaluated in terms of qualifications, experience, and integrity. Agreed these criteria, one can appreciate the existence of inherent relationship between legal training and the efficiency of justice organs. Complicated laws and legal issues, increasing caseloads, changes in judge's and prosecutor's recruitment, etc have also increased the demand and need for justice organ professionals training.

The need for institutional training of judges and public prosecutors had long been reflected in different countries. It is now, far and wide, accepted that institutional training of judges and public prosecutors helps litigants from confronting undue delays, excessive costs, and uncertainty in the disposal of court proceedings, and to facilitate easy access to justice. This feeling

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¹ Source: OJSPTLRI reports and other relevant documents.

accelerated with the course of time as the justice organs came to be seen as an instrument for strengthening democracy and establishing the rule of law. Legal research, on the other hand, is also given great concern in the development of law and legal institutions in particular and socio-economic development of countries in general.

Legal training and research are, therefore, serving the following purposes when they befall part of a reform program: building a reform coalition within the judiciary and ancillary institutions, introducing new methods, practices, values, outlooks, and attitudes, identifying problems that may have to be resolved by other reform interventions, and building solidarity and a sense of common objective.

Moreover, to keep swiftness with socio-economic developments in the national and international spheres, the justice organs need to be dynamic, sound, and capable of meeting the requirements of the time. In order to achieve these objectives, it was alleged necessary to train justice organ professionals and to conduct researches related to the administration of justice, as an activity that deserves topmost priority in the reform initiatives. Thus, performing justice organs' professionals training and legal research do have their own contribution to build efficient and effective justice system and to bring sustainable development of a country.

Furthermore, the value of legal training and research can be related to greater public confidence in judiciary and other justice organs. In particular, training of judges, these days, is considered as an essential element of judicial independence, as it lends a hand to ensure the competency of the judiciary. In addition, justice organs professionals are also required to have profound

practical legal skills and understandings to solve the increasingly complex and sensitive issues society leaves to be settled by litigation. Besides, justice organs professionals are required to have the appreciation of the role the justice system plays in the political, social and economic spheres. Hence, in an age that is increasingly demanding more judicial independence and excellence in professional skills, the need for justice organs professionals training is perceived to be greater than ever.

These and other similar initiatives have caused the awakening of justice reform in Ethiopia. Consequently, reform of the justice system became a priority and justice organs professionals training and legal research were considered the primary vehicle for advancing reform in Ethiopia after year 2003 when the country urgently needed to adapt its justice system to the demands of the globalized and changing world.

Under the auspices of the Ministry of Capacity Building the Justice System Reform Program was charged with designing a comprehensive reform plan. In February 2005, the Centre for International Legal Cooperation (CILC) had undertaken a baseline study of the Ethiopian justice system and made recommendations for its reform. Introduction of the justice organs' professionals training and legal research and publication centres were among the major recommendations. Rooted in the recommendations, justice organs professionals training and legal research centres were established both at federal and regional level. Oromia Justice Sector Professionals Training and Legal Research Institute /hereinafter called OJSPTLRI/ is established as a regional implementing agent of the above mentioned justice reform program.

This paper aims at discussing the major activities and achievements of the Institute from its establishment to the present (2007-2011 G.C). For this, it

is divided into different parts which include: establishment, management and operation, functions, reforms, achievements, partnerships, challenges and the conclusions. Now, let us see step by step.

1. Establishment of OJSPTLRI

OJSPTLRI was established in 2007 by regulation as an autonomous institution financed by Oromia regional government. The Institute is accountable to the Oromia Supreme Court. The Institute is a young institution established with a view to alleviate the complex problems of the region's justice system.

The Institute is established with the following major objectives; (i) producing sufficient and qualified legal professionals who have a firm stand to defend the constitutional order; (ii) enabling the justice system of the region to build up itself with legal professionals of high competence and professional ethics and who will win public confidence for their commitment to serve the public; (iii) bringing about co-ordinated and uniform service in the justice system based on the principles of rule of law, transparency, and accountability; (iv) bringing about fair, efficient and effective system of justice in the region.

2. Management and Operation of OJSPTLRI

As laid down in its establishment regulation, the Institute has a governing board² (council) composed of 9 members headed by the Regional Supreme Court President. The Board is responsible for determining the Institute's

² Pursuant to article 11 of the regulation, the Management Board is indeed high profile and comprises: (a) the President of the Regional Supreme Court, who is also Chairman; (B) Head of Regional Justice Bureau who is the Vice-Chairman; (C) The Regional Capacity Building Bureau Head; (D) The Regional Supreme Court Research Head; (E) The Regional Justice Bureau Research and Law Affairs Head; (F) One Zonal High Court President recommended by the Supreme Court (G) One Zonal Justice Bureau Head recommended by the Regional Justice Bureau; (H) One Law Faculty Dean from the University recommended by the Board and (I) The Director of the Institute who is also an acting Secretariat.

training and research policy, approving long-term policies, annual programs, and budgets, reviewing its activities and enacting necessary rules and regulations for its smooth functioning.

In addition to the Governing Council, the Institute is administered by a management Committee of seven members headed by the Executive Director. The Director is the Institute's full-time chief executive official and responsible for implementing the decisions of the board. He manages the day-to-day administration of the Institute and ensures that the Institute achieves its mission and vision effectively and efficiently. The director also designs, implements, monitors and evaluates a strategic plan, training and research policies and annual programmes that will help OJSPTLRI to attain its vision. The director also supervises the preparation and sensible implementation of the annual budget of the Institute and lead in resource mobilization for the Institute. He is also required to prepare and submit a quarterly report on the programmes and activities of the Institute to the Board and to discharge other functions of OJSPTLRI, as per the instructions of the Board. The director of the Institute is assisted by one deputy director. The Board appoints the Institute's director and deputy director up on the recommendation of the head of the board. The Institute is also empowered to organize and employ key personnel so as to staff and conduct its functions to the full scale³.

³ Until the first quarter of 2012, OJSPTLRI staff members are 130, out of which 27 are core process employees (legal trainers and researchers).

3. Functions of OJSPTLRI

The regulation which established OJSPTLRI also provides an outline of the major activities of the Institute, which can be broadly categorized into two core processes: legal training and consultancy services on the one hand and legal research and publication services on the other hand. The training core process is aimed at helping the justice sector professionals adhere to the highest standards of personal and official conduct and acquire the skills, knowledge and attitude required to perform their responsibilities fairly, correctly and efficiently.

This process has two forms of training programs: initial /pre-service/ training and in-service training. By the initial training, which presupposes a technical training mainly of practical skills, the Institute trains judges and prosecutors who will be operational on leaving this initial training program. Beyond that, the training program also focuses on the essential ethical and attitudinal underpinnings the judges and prosecutors are to be steeped in to hold the position of judge or prosecutor. Practical training is also an integral part of OJSPTLRI's pre-service training. OJSPTLRI Trainee-judges and public prosecutors practice in courts, justice offices and in other government institutions on district level. Beyond developing necessary skills, practical trainings are intended to make trainees aware of the activities of these organizations and help them gain knowledge of other important issues beside the law.

On the other hand, the Institute gives in-service trainings. The goals assigned to in-service training include: refreshing or updating knowledge and skills, keeping abreast of changes in legislation and practice, preparing for the performance of new duties, sharing good practices and promoting self

development, providing a forum for reflection on important issues, etc. In-service training is considered as ethical responsibility of judges and prosecutors. The in-service training programme is of two kinds: short term in-service training which lasts for five days and long-term in-service training which extends up to five months. In-service short term training is short program that typically used to increase understanding of and generate enthusiasm for a reform program (e.g. introduction of new laws, new conventions, new practices, etc.).

Regardless of their types, OJSPTLRI training programmes are mainly designed to improve justice organ professionals' performance by: preparing judges and prosecutors for performing their duties, updating them in new methods, laws and other knowledge and guaranteeing greater consistency in judicial decisions.

The research process, on the other hand, is aimed at conducting researches to bring and preserve a systematic, uniform and effective justice delivery system in the region.

On the whole, OJSPTLRI is responsible for the following major functions: (a) conducting training, orientation, and workshops for judges, public prosecutors, legal officers, and public advocates and etc; (b) undertaking research and publications pertaining to law and justice; (c) Providing consultancy services to the government and justice organs on any matter relating to the justice system; (e) arranging and conducting regional conferences, workshops, and symposia to improve the justice system and the quality of justice organs professionals work; (f) determining the subjects of study, curriculum, and all other matters relating to training programs; (g)

awarding certificates to those trained by OJSPTLRI; (h) Orienting to new technology and practices in the field of law and justice; (i) linking training with efficient, speedy, and accessible justice; (j) introducing programs to make the legal profession competitive, service oriented, and effective; (k) working as a liaison with similar institutions and other international organisations or associations in other countries to improve the quality and effectiveness of legal training and research in the field of law and justice; (l) carrying out any work, as determined by rules, to activate the justice administration system.

To sum up, the Institute works to improve the administration of justice, to ensure access to justice and to enhance public trust and confidence in the justice organs. In other terms the Institute strives for an impartial, competent, inexpensive, speedy and accessible justice in the region.

4. Reforms

Since the launch of reform programs in 2009, efforts have been underway to bring about a fundamental change in the way that OJSPTLRI serves its stakeholders and clients with regard to accessibility, quality, efficiency as well as effectiveness. In this respect, different change management programs, projects and implementation strategies have been designed and implemented consecutively. For the realization of the reform programs' objectives, different reform sub-programs and projects were designed and are being implemented. The Institute is thriving in managing these change programmes and measuring their progress and results. The Institute has also been trying persistently to identify performance gaps and take relevant remedial measures. With this regard, the effort made to introduce and implement BPR and BSC are the major deeds geared towards establishing workable performance management and measurement systems. BPR has

been introduced in 2009 in which OJSPTLRI has redesigned its processes. In addition to BPR, the Institute has launched and entered into full scale implementation of the BSC project in 2011, which is a management and measurement system and communication tool.

The Institute is implementing these two change management tools in harmonious manner so that the final desired outcome of both change management tools could be achieved. The Institute is also trying to align up BPR with BSC which plays a fundamental role for effectively executing the strategy. OJSPTLRI have also been trying to reshape and adjust its business processes by recalibrating BPR. With regard to these efforts, the Institute could be said to have achieved cheering outcomes which renders it the leading institution compared to other governmental agencies in the region. Therefore the substantial amount of work done in introducing reform tools (BPR and BSC) and the development of strategic plan may be considered as one of the OJSPTLRI major achievements.

The reforms have re-set the vision⁴ and mission⁵ of the Institute. Based on the vision and mission set, the Institute has developed a five-year strategic plan (2011-2016) emphasizing on solving the justice system problems through training and research programs.

⁴ Vision: ‘by 2020 our competency in the legal training and research will have secured us to be a preferred centre for justice organ professionals training and legal research in Ethiopia and a recognized one in Africa’

⁵ Mission: ‘giving an un interrupted training to ensure the competency of our justice organ professionals in protecting the constitutional and legal order; and conducting legal research to identify and to resolve problems of justice system in order that bring about continuous justice reform.

5. Achievements of OJSPTLRI

The efforts and achievements of OJSPTLRI, despite its young age, are noteworthy. The Institute commenced operations in the same year it was established. In particular, the Institute has trained over 875 law professionals in the initial training from the year 2007-2011, who have joined the justice sectors as appointee judges and prosecutors. Similarly, more than 10,346 professionals including judges, public prosecutors, public defenders, police investigators, custom's authority prosecutors were trained in the short term in-service training programs from the year 2007-2011. By the long-term in-service training, which was first launched in 2010, 817 judges and public prosecutors were trained. The impact assessments conducted previously have also demonstrated that the Institute, since its commencement, has contributed meaningfully, in capacitating professionals and in promoting sense of professionalism in the justice system of the region.

In order to be effective and outcome evaluative, the Institute conducts needs assessment before launching its in-service trainings at the end of every year and the overall training impacts on two year basis in collaboration with the research process, which can also be cited as a cause for the success of most of its training programs. Thus the functions of the two core processes are run in an integrated way so that they can feed each other and minimize cost and duplication of efforts. In line with training delivery function, OJSPTLRI conducted more than 15 research projects and presented to workshops from the year 2008–2011 in its research process. The researches have had a great contribution in improving the justice system and the quality of OJSPTLRI training. The process has also conducted researches on and drafted appropriate training, consultancy and research policies of the Institute. The

Institute has also begun publishing a yearly Law Journal- entitled *Oromia Law Journal*.

6. Partnership

Apart from its regular activities, OJSPTLRI has also successfully organized training programs in partnership with different regional and international organizations. Several donor and governmental agencies have provided capacity building supports to OJSPTLRI which focuses on: (a) professional assistance; (b) development of training curricula, development and implementation of training courses for the target groups of OJSPTLRI, (c) management, financial and institutional development; etc. These supports are aimed at enabling the institution to provide well-structured professional training and research, thus increasing the justice organ professionals efficiency and enhancing these organs to understand their roles and responsibilities. Among these International agencies, the major are international senior lawyers project (ISLP), American Bar Association (ABA), and PSCAP. The Institute is also working in collaboration with Addis Ababa University Law School senior lecturers to build the capacity of its trainers and researchers.

OJSPTLRI, recognizing the importance of experience sharing and exposure, is also participating in some international conferences related to the justice system reform. For instance, the Institute has sent its director to France-Bordeaux at the fifth international training conference of the judiciary in 2011, for exposure to the justice organs professionals training programs and experiences of different countries. OJSPTLRI has also sent some of its core staff members for academic up grading to some reputed universities in the country and outside.

7. Major Problems

There is no doubt that OJSPTLRI has played an important role in advancing the region's justice system reform movements and improving specific aspects of justice organs professionals' performance. Although initial results have been relatively positive, the overall performance of the institution has not been optimal. These non-optimal results should not, however, come as a surprise. Because, this institution is still new and in a phase of initial trialling.

There are seen challenges such as: over-reliance on classroom training, insufficient field follow-up, absence of adequate and systematic training evaluation, and a failure to introduce complementary changes that would encourage participants to apply their new skills and outlooks. The development of a quality curriculum has also been a challenge for the Institute, as it must take into account the needs and problems, as well as the practical ground realities of various target groups.

There also existed challenges related to quality of the training especially with respect to the teaching methods and aids used. The teaching aids available to trainees are mainly handbooks and case studies. The role of modern teaching aids like digital media (websites, discussion forums, e-learning platforms, audio and video materials, etc.) are not yet properly and effectively integrated in our training methods. In some theoretical training, trainees are also learning in impersonal lecture halls than in small groups. The work practice trainings in courts and various partner institutions is not a full-scale work experience with the trainee performing judge's or prosecutor's duties. Judges or prosecutors who should follow up and act as training supervisors of the trainees' are also not formally represented.

Centralisation of training is another awkward for OJSPTLRI which is covering a large geographic area including substantial rural or remote areas. The difficulty in getting away from remote rural locality and the financial costs and time wastage of travelling to OJSPTLRI central location for training are major barriers for some judges and public prosecutors in the region. The professionalization of trainers and researchers is also another problem of OJSPTLRI. There are no adequate training and education opportunities to these core staff members. Accordingly, it is not difficult to appreciate the aforementioned challenging areas, working methods, styles, and/or approaches etc are where transformation measures would seem urgent.

8. Conclusions

In denoting the importance of training, *Alvin Tofflers* once wrote, "the illiterate of the 21st century will not be those who cannot read or write but those who cannot learn, unlearn and relearn." He wrote this as he understood that training significantly determines the professional competence, integrity and ethics of these personnel who will in turn help to persistently win greater public confidence. Legal research also plays a great role in making justice system uniform which again improves the efficiency and effectiveness of justice delivery. It is cognizant of this that training and research became focal areas of OJSPTLRI.

So far, OJSPTLRI has accomplished several training programmes and research projects. In spite of the aforementioned challenges, the impacts of these accomplishments are also encouraging in reforming the justice system of the region as a whole. Hence, every support from government, NGO's and any other concerned body nationally and internationally to the Institute is highly recommended.