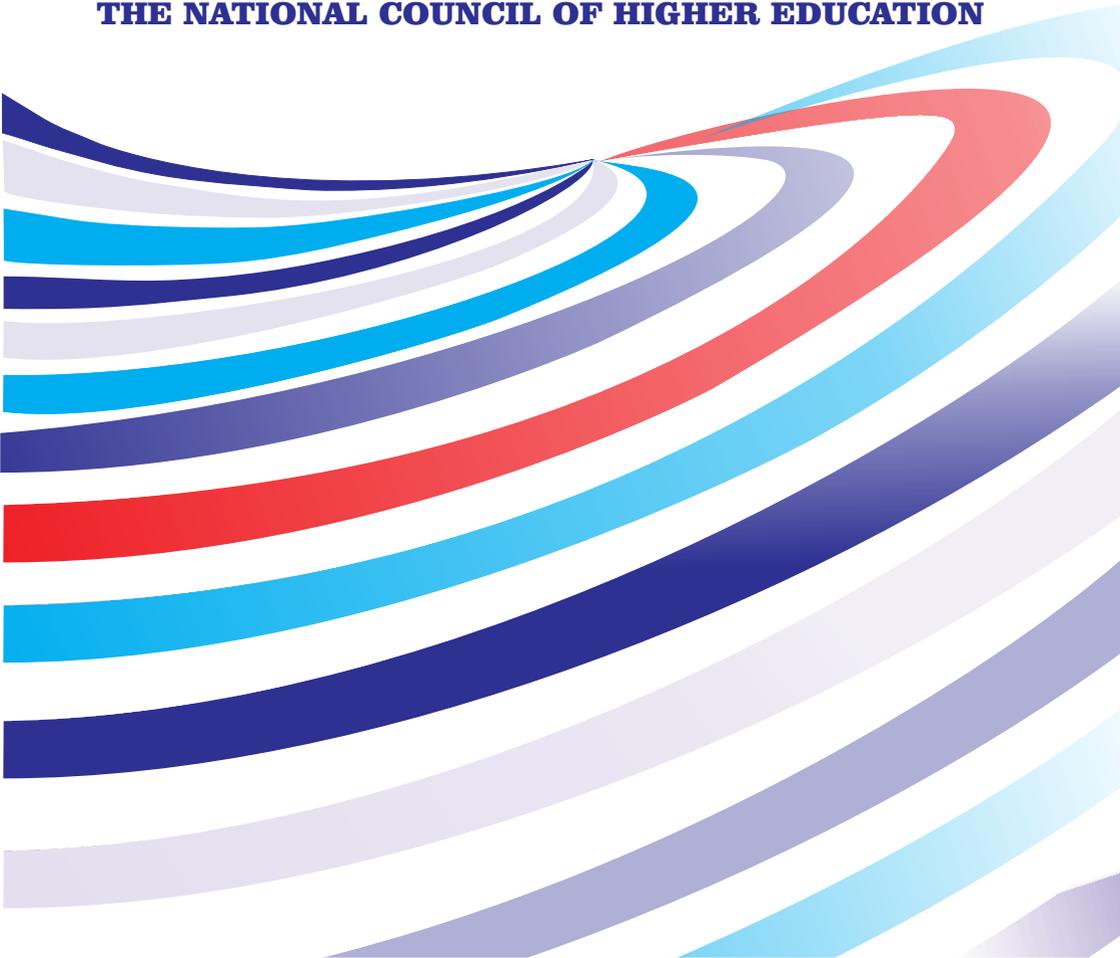




**DRAFT STUDY REPORT  
ON THE  
HARMONIZATION  
OF  
LAW DEVELOPMENT CENTRE  
WITH  
THE NATIONAL COUNCIL OF HIGHER EDUCATION**





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## **ACRONYMS**

1. CLET – Committee on Legal Education and Training
2. LDC – Law Development Centre
3. NCHE – National Council for Higher Education

# CHAPTER ONE

## 1.1 Introduction

In every society, there should be clear, well thought and streamlined guidelines that regulate all aspects of the society's governance. When such guidelines are in place, they will ensure social cohesion, and consequently the progression of society from one level to another even as it diversifies. If however, such aspects of governance are not in place, there will be unruliness birthed by disjointed processes and in the long run, the society will only have superficial growth. The same can be affirmed of every profession, as it relates with the society, and more so, the legal profession which is considered the vanguard of justice.

Legal education in Uganda is at two levels; aspiring lawyers/advocates start by undertaking four years of university undergraduate legal education. Upon graduation, they may apply to enrol for the Post Graduate Diploma in Legal Practice – offered by the Law Development Centre (LDC) having sat and passed the pre-entry exam administered by the Law Council. Legal education in Uganda continues to liberalise as it expands to fit the needs of the society. Therefore, there is increased need for systematic governance.

The regulation of legal education in Uganda is conducted by two different bodies, the National Council for Higher Education (NCHE) as mandated by the Universities and Other Tertiary Institutions

Act,<sup>1</sup> and the Committee on Legal Education and Training (CLET) of the Law Council as mandated by the Advocates Act, 1970<sup>2</sup> and the subsequent amendment of 2002<sup>3</sup>.

This study is twofold; first to explore whether a conflict exists between the laws establishing the two regulatory bodies or not and second to make recommendations to harmonise the laws if any conflict or to establish a mechanism through which the roles of each of the bodies can be streamlined.

## **1.2 Background to supervision and regulation of legal education and training in Uganda**

Undergraduate legal education in East Africa commenced in 1961 with the establishment of a Faculty of Law at the University College of Dar-es-Salaam after an agreement among the three East African countries (Uganda, Kenya and Tanzania) to avoid duplication of training in the professions of law, medicine and engineering.<sup>4</sup> They agreed that the University of Dar-es-Salaam was a constituent college of the University of East Africa conducting the law degree while other colleges Makerere in Uganda had been teaching medicine for over forty years and the Royal Technical College Nairobi in Kenya (now the University of Nairobi) took on engineering.<sup>5</sup> The colonial government discouraged the study of law because lawyers had proved to be champions of liberation

1 Act N0. 7 of 2001 as amended in 2003 and 2006

2 Cap 267, Laws of Uganda

3 Advocates (Amendment) Act, N0. 27 of 2002

4 J.M.N Kakooza, Uganda's Legal History in a Nutshell, 1 Makerere Law Journal 11 (1993).

5 Ibid, Kakooza

from colonial rule everywhere in the British empire. Thus whereas medical personnel were produced very early in the days of the Empire, the first East African lawyer in Uganda was admitted in 1953, nine years to independence.<sup>6</sup>

Before independence, the legal profession was small and regulation of standards was easy to reach. The degree from the college of Dar-es-salaam were recognised with no question as they were pegged to the University of London and in fact degree awards of the first few years were of the University of London. Regulation of the profession was therefore not a pre-occupation of the law. However, after independence of the three countries, they continued to offer degrees as the University of East Africa.<sup>7</sup> This continued until about 1967 when the Kenyan Parliament expressed their misgivings over perceived political indoctrination in Tanzania that had found its way into the teaching methods at Dar-e-Salaam University College.<sup>8</sup> Thus by 1970, the University of East Africa had disintegrated and national universities with their law faculties established in each of the states.<sup>9</sup>

In Uganda, 1952, the then Chief Secretary of the Ugandan Government had issued a Notice entitled 'African Pupils –Crown Law Chambers' which was to provide for the English Bar training of Ugandan citizens aspiring to join Colonial Legal Service in the

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6 Apollo Kironde was the first lawyer.

7 K.E Makubuya, Introduction to Law: The Uganda Case, Makerere University Kampala 6 (1983), reproduced in B.J Odoki, A Guide to the Legal Profession in Uganda, Law development Centre 6 (1994).

8 Prof. J.M.N Kakooza who was involved in the establishment of the Faculty of Law at Makerere in 1968.

9 Ibid Makubuya, B.J Odoki note 7.

Attorney General's Chambers.<sup>10</sup> In 1961, this eventually led to the establishment of the Nsamizi Law School in Entebbe (a precursor to the Law Development Centre established in 1970). Nsamizi Law School instructed only native judges who administered the African Courts and also started a course for students who were reading part 1 of the English Bar Examinations. Upon successful completion, the students read part 11 of the examinations in the Inns of Court in London where after the exam, they qualified as barristers.<sup>11</sup>

With a vision of establishing a fully-fledged law school in Uganda, the Gower Committee<sup>12</sup> was set up by the Attorney General in 1968 to carry out a study and make recommendations on the status of legal education in Uganda. The report was received by the Attorney General in January 1969. Among its recommendations was that legal education should be imparted at two separate institutions; the university carrying out training on substantive (undergraduate) legal education and professional post-graduate training being handled by a separate institution.<sup>13</sup> In 1968, a department of Law was established under the Faculty of Social Sciences at Makerere University, offering a three year course leading to the Bachelor of Laws Degree of the University of East Africa. This department became a fully-fledged faculty in 1970 and this later became Makerere University, following the disintegration of the University of East Africa.

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10 Ibid Kakooza, note 8

11 Ibid, Kakooza, note 8

12 The Committee was comprised of Professor L.C.B. Gower of the Law Commission of London, Prof Quintin Johnstone, the Dean of Faculty at Haile Selassie University, Prof R.B Stevens of Yale University. See Supra n3

13 Pamela Tibihikkira-Kalyegira, *Liberalization of Legal Education In Uganda; Policy Considerations*, (Law Africa, 2010) 12

The Gower Committee was influenced by the needs of post-colonial Uganda to “Africanise” the civil service. Legal personnel were to be trained to serve the interests of the nation, and not with a perspective of preparing them for private practice, civil society organisations or any other field of law. The prevalent view then, even from the government, was that a law degree would be sufficient legal education for a lawyer. Those who intended to venture into private legal practice would need to go through professional training at the Law Development Centre that had taken over the roles of Nsamizi Law School. This was under the supervision of the Ministry of Justice.

It was this separation of legal education that was the genesis of the “two pronged” regulation and supervision of legal education in Uganda.

This meant that upon obtaining the Law Degree from Makerere University, the students interested in legal practice proceeded to LDC for the Bar Course. There was no apparent discord between the supervising authorities.

In the early 1990’s, universities in the region began to fund their own activities. The World Bank that had been a major source of funds had policy changes and thus could not extensively fund universities as before. Universities thus opened their doors to privately sponsored students. However, because public universities could not satisfy the increasing demand for university education despite admitting privately sponsored students, private universities were allowed to

open up and commence operations.<sup>14</sup>

In 1995, the Government of Uganda embarked on a comprehensive program to reform the legal education and training sector and appointed a Committee under the head ship of Justice Benjamin Odoki. The Committee, in its report (hereinafter called the “Odoki report”) established that given the liberalisation trend in the country, more law schools were bound to open up. It was therefore expedient that a Committee on Legal Education and Training be set up under the Law Council to handle issues of accreditation and quality assurance. It was recommended that one of the functions of the Committee would be to institute a system of accreditation for universities and institutions that may offer LLB programmes or professional Post-Graduate Bar Course in the event that such institutions are permitted to offer such courses and programmes and also to carry out supervision of universities conducting the law degree.<sup>15</sup> This was to be through an amendment to the Advocates Act, (Cap 267). In implementing the report, the Advocates Act was amended in 2002 to provide for the establishment of the Committee on Legal Education and Training (CLET) under the Law Council, and it was to act as a medium to exercise general supervision and control over professional legal education in Uganda for persons qualified to practice law in Uganda among other functions.<sup>16</sup>

Furthermore, as part of the programme to reform the education sector and in light of the liberalisation trends, government enacted

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14 *Ibid*

15 *Supra* n5, 13

16 S.6, Advocates Amendment Act, 2002, Laws of Uganda

the Universities and Other Tertiary Institutions Act in 2001 to govern the establishment and regulation of higher education. The Act established the National Council for Higher Education (NCHE), mandated to accredit academic and professional programs of such institutions in consultation with professional associations and regulatory bodies.<sup>17</sup>

However this brought confusion between the two bodies as to who is to accredit the universities' law degree which led to some law suits as early as 2005.<sup>18</sup> In a bid to create harmony and easier coordination, NCHE entered MOUs with several professional bodies including one with Law Council so as to align the duties and responsibilities of the two bodies in accrediting and supervising law programmes and institutions that train lawyers<sup>19</sup>.

Consequently, private universities would obtain an interim charter from the NCHE while their law schools had to seek additional approval from the Law Council before commencing operations and getting the final charter.<sup>20</sup>

However, some law schools opted to offer law programmes and confer degrees without clearance from Law Council through its Committee on Legal Education and Training under the Advocates Act and the rules made thereunder. The graduates from such law schools were denied admission to LDC for that reason, the case

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17 S. 5(d) Universities and Other Tertiary Institutions Act, 2001 (as amended)

18 Pius Niwagaba Vs Law Development Centre, HCMA N0 589/2005

19 Memorandum of Understanding between National Council for Higher Education and Law Council, 1 (2006)

20 Supra n5, 17

of **Pius Niwagaba v Law Development Centre**<sup>21</sup>. The applicant sought judicial review of LDC's decision of refusal to admit him because he was a graduate of a university that had not been accredited by the Law Council. The trial judge gave the following orders, *inter alia*,

- (1) A declaration that the applicant (as indeed his fellow classmates) is the holder of a degree in Law granted by a university in Uganda for a purpose of legal education in Uganda.
- (2) A declaration that the side lining of the applicant on account of his school of origin without considering the same equally along with the other applicants was discriminatory, unfair and biased and without justification”.

The decision has since created misperceptions as to the role of the NCHE and the Law Council in the supervision of legal education in Uganda. This is despite the fact that both bodies have statutory mandates over legal education. There is need, therefore, to undertake a study to ascertain if there is a conflict in the laws that create the two bodies and clearly spell out the role of each body or the procedural collaboration between the two or create links to ensure quality assurance of the profession.

## **1.2 Problem statement**

Whereas the legal profession in the early 60s and 70s had small numbers, it was easy to regulate. The degrees from the University

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21 Ibid

of Dar-es-Salaam were accepted without any questions since they were pegged to the University of London.

With the continued privatisation and looming liberalisation of professional legal education, the changing market demands across the East African region, the regulation of the profession is not stringent and if not well regulated, quality will decline by the day. Attempts to harmonise the roles of the Law Council and NCHE have not seen the light of day because the amendment of the Advocates Act has not yet yielded results.

The rapid liberalisation of legal education was not commensurate to the measures put in place to regulate the industry. At the moment, the human resource may not be sufficient to have constant and continuous evaluation of the universities conducting the law degree. The Law Council does not have enough capacity to carry out regular supervision of all universities.

Currently, there is no clarity as to the extent of the roles of both the NCHE and the Law Council, in the field of legal education and training. This has led to duplication of effort as both bodies seem to have the same roles over regulation of the legal profession in Uganda. The decision in **Pius Niwagaba v Law Development Centre**<sup>22</sup> also cast doubt as to the role of the Law Council in approval and supervising university legal education.

There is no standard system of accreditation of institutions offering law programmes at different levels. This has created doubt as to the

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22 Ibid

capacity of some of such institutions to effectively offer the law programme, despite their accreditation. Furthermore, the guidelines and procedures followed by the Law Council are not as detailed while accrediting universities but instead reference is made to the Advocates Act and the UTIA.

In addition, due to the wide mandate of the NCHE, closer scrutiny has not been given to law schools/law faculties during supervision. NCHE has a host of roles with over 50 institutions to supervise. This may not enable it to sufficiently supervise legal education. Universities have thus shown misgivings about the general standards for admission set by the NCHE by setting up their own pre-entry examinations for entry to pursue a degree in law despite the standard admission requirements of undergraduates from the Advanced Level of Education (senior six).

Flowing from this, there is need to ascertain whether there is a need to review the laws so as to streamline accreditation and supervision.

#### **1.4 Justification for the study**

Legal education continues to liberalise as more universities are getting accredited to meet the needs of the society. Legal education has turned into a business venture.

The lack of streamlined supervision on legal education and training has been to the detriment of all stakeholders involved including students. The lack of a systematic regulation of legal education has led to the ailing standards in legal education.

There is need for review of the regulatory framework governing the

licencing of universities and for accrediting professional courses by the Law Council.

Whereas a reading of the relevant statutes as highlighted above shows that both the NCHE and the Law Council have supervisory and regulatory authority over matters concerning legal education, the lack of clarity has led to duplication of efforts, poor supervision and consequently ailing standards.

To avoid the effects that come with the increasing liberalisation of the profession, it is imperative that this study looks into the laws that set up the two institutions and the possibility of harmonising them.

### **1.5 Objectives of the study**

The overall objective of the study was to critically analyse the roles of the NCHE and the Law Council with a view of establishing whether there is a conflict in the roles of these bodies and provide recommendations on how to harmonise the same.

The specific objectives of the study were to:

- a) Examine critically the laws establishing the Law Council and National Council for Higher Education to harmonise the two.
- b) Consider the roles of each of the bodies in regulation of legal education and how best to streamline them.
- c) Establish the effect that has been caused by the ambiguity between the provisions establishing the Law Council and

the National Council for Higher Education.

- d) Make proposals on how to harmonise the relevant laws and the bodies if necessary.

### **1.6 Scope of the study**

The study covered issues raised by stakeholders in the supervision and regulation of legal education in Uganda.

The study examined the detriments of having two separate bodies with almost similar mandates, but with no organised structure between them thus creating loopholes in regulation of legal education.

The study would if there is a conflict, make recommendations for the harmonisation of the Universities and other Tertiary Institutions Act and the Advocates Act.

# CHAPTER TWO

## Methodology

### 2.1 Study design

The study was undertaken using the qualitative method of data collection. This was done through desk research, consultative meetings and individual interviews that enabled the researchers to collect facts, views, opinions and concerns of the stakeholders to identify the gaps and anomalies in the statutes and the extent to which the glitches in the Acts have affected the implementation of the law.

### 2.2 Study population

The research gathered views from various key stakeholders concerned with legal education in Uganda and in the East African region. These included officials from the Ministry of Education, Ministry of Justice and Constitutional Affairs (First Parliamentary Counsel), Law Council, National Council for Higher Education, Uganda Law Society, Uganda Law Reform Commission, East African Law Society, legal officers from the East African Community, Justice Law and Order Sector and Heads of Law Departments/Faculties at universities accredited to teach law and private practitioners, inter alia. The study was conducted amongst selected respondents who either had knowledge about the laws or had expertise in the area of the regulation of legal education and training.

### 2.3 Study sites

This study was conducted in three selected districts of Uganda i.e Kampala, Wakiso, Mukono, and in Arusha, Tanzania which hosts the EAC secretariat.

The Areas were distributed as follows:

Item	Study Area	Selected District	KIs	Total Number
1	Uganda	Kampala, Mukono, Wakiso	30	30
2	Tanzania	Arusha	2	2

### 2.4 Criteria for selection of study areas

The proposed areas were chosen based on the following criteria;

- Kampala (Uganda). This is where most of the law schools in Uganda are located. The offices of various stakeholders and implementers of the statutes are also in Kampala.
- Mukono (Uganda). This is where the first private law university (Uganda Christian University) to be accredited to teach law is located.
- Arusha Tanzania. The Secretariat for the Sub Committee on Education of the East Africa Community is located in Arusha. There has been research conducted by the EAC and reports written by the EAC on legal education in East Africa and, on the future of cross border legal practice in the EA region. It was necessary to seek their opinion on how to standardise the

regulation of legal education in East Africa as the community paves way for integration.

## 1.5 Data Collection

### a) Desk research

Data was collected through review of all literature relating to the subject of study including text books, reports, journals, interviews and different statutes.

### a) Key informant interviews

Interviews were conducted to gather views of different stakeholders on the regulation of legal education, verify earlier information received during consultations with stakeholders on the task force, help gather views and opinions on the regulation of legal education based on their knowledge and experience.

### b) Taskforce Meetings

A task force composed of representatives from different institutions that are directly or indirectly involved in legal education and training was constituted in order to give support to the Centre through discussion and validation of the issues paper, questionnaires and study report.

The Centre worked with a taskforce that provided the technical expertise required for the accomplishment of the objectives of the study and throughout the study. The task force was composed of

individuals and representatives from the following institutions;-

- (a) Judiciary
- (b) Law Council
- (c) Ministry of Justice and Constitutional Affairs (FPC)
- (d) Uganda Law Reform Commission
- (e) Uganda Law Society
- (f) Deputy Director, LDC
- (g) Head Post Graduate Legal Studies and Legal Aid, LDC
- (h) Head Department of Law/CLE, LDC
- (i) Head, Law Reporting, Research and Law Reform
- (j) Manager Publishers, LDC
- (k) Head, Library Department, LDC
- (l) Legal Officer-Law Reform, LDC
- (m) Research and Publications Officer, LDC

**(c) Data analysis and Entry**

Data was analysed using the qualitative method and was deductive in nature, the responses were interpreted and backed up by use of verbatim responses recorded during the study to provide evidence and proof of views and opinions of the respondents.

(d) **Validation and consensus building workshop**

At the end of the review, a consensus building workshop was held to discuss the findings and build consensus on recommendations on the study.

# CHAPTER THREE

## Issues considered

In this chapter, critical analysis was given to the different legislations that establish the two bodies (NCHE and Law Council), related laws, the role of each of the bodies, establish whether there is any conflict in roles and the effect of such conflict if any on legal education and training in Uganda.

### 4.1 Clear guidelines and procedures for accreditation of universities intending to conduct law programmes

The study sought to establish the views of different stakeholders on whether there was need to have clear guidelines and standards set by the Law Council for accreditation of universities conducting the law degree.

*From the findings, some respondents suggested that there is need to have the procedure laid out because law is a professional course and as such there is a belief that Law Council should be involved and standards should be upheld from the point of accreditation.<sup>23</sup> The other reason was that it is necessary to regulate legal standards. At the moment there is a lack of clarity between the roles of Law Council and NCHE. The NCHE accredits the university and publishes a list and states accredited but awaiting Law Council approval.<sup>24</sup> It is good that the Law council is consulted during the accreditation of universities that have a law program. However, the law*

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23 An interview with an official at St. Augustine University, Kampala, September 2016

24 An interview with a member of staff, Cavendish university

*should clearly state that NCHE shall not accredit without the approval of law council.<sup>25</sup>*

*On the other hand, the other respondents contacted stated that there was no need to have such procedure because law schools do not act independent of a university. It would be ideal but given the nature of universities, the shared facilities, classrooms and general infrastructure, their accreditation should fall within the general rules of universities.<sup>26</sup> That if there is need for extra standards, it should be applied to every academic programme. There is no justification for preferential treatment. One standard is enough. Doing so would water down other professions.<sup>27</sup> The focus should be in working jointly with the Law council. It is a professional body. Accreditation should be done by NCHE in consultation with the regulatory body because they know better the standards that they hope to uphold.<sup>28</sup>*

*It is good that NCHE acknowledges the need to consult Law Council as regards the law degree. The parameters used by national council are sufficient but only need strict compliance. The law ought to be clear that NCHE shall not accredit a university with a law programme without the approval of Law council.<sup>29</sup>*

*The procedures are sufficient in as far as Law council is to be consulted. NCHE is the proper authority to do this. However, NCHE has never consulted us and this is the reason we have these problems. So the problem is not the procedure*

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25 An interview with a legal officer at the Uganda Law Reform Commission (ULRC)

26 An interview with a senior higher education officer, NCHE

27 An interview with a higher education officer

28 An interview with the Director, Quality Assurance and accreditation, NCHE, September 2016

29 An interview with an advocate, Kampala Uganda

*but its enforcement/compliance.<sup>30</sup>*

*The act of providing assurance that the program in which you are enrolled is engaged in continuous review and improvement of its quality, that it meets nationally endorsed standards in the profession and that it is accountable for achieving what is set out to do should be enough, this the NCHE does, and because of the requirement for consultation with the Law Council, its approval is always being awaited.<sup>31</sup>*

## **Analysis**

The law council is the body legally mandated to regulate professional legal education in Uganda, as provided for under section 2(1) of the Advocates Act.<sup>32</sup> Its roles are stipulated in section 3 inter alia, to exercise general supervision and control over professional legal education in Uganda; to approve courses of study and to provide for the conduct of qualifying examinations for any of the purposes of this Act. With the amendment of the Advocates Act in 2002, the Law Council's Committee on Legal Education and Training (CLET) was established under section 3 to carry out general supervision and control over professional legal education in Uganda including continuing legal education for persons qualified to practise law in Uganda.<sup>33</sup>

The NCHE is mandated under section 5 (d) (i) and (ii) of the Universities and Other Tertiary Institutions Act (hereafter called

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30 An interview with the chairperson, CLET of the Law Council, September 2016.

31 An interview with a professor at the School of Law, Makerere University

32 Advocates Act, Cap 267, Laws of Uganda

33 Section 3, Advocates (Amendment) Act, N0.27 of 2002.

UTIA) to receive, consider and process applications for:-

- (a) The establishment and accreditation of private tertiary institutions, private other degree awarding institutions and private universities; and
- (b) The accreditation of the academic and professional programmes of those institutions in consultation with professional associations and regulatory bodies.<sup>34</sup>

Previously, the issuance of a licence by NCHE implied to some universities that they were allowed to conduct whatever degree programme (including the law degree) even before the accreditation by the Committee on Legal Education and Training (CLET) of the Law Council.

This loophole led to law suits such as ***Pius Nuwagaba Vs Law Development Centre***,<sup>35</sup> where the applicant sought to challenge the decision of the LDC's refusal to admit him to the Bar Course having graduated from Uganda Pentecostal University whose law program had not yet been accredited by Law Council yet had been accredited by NCHE.

At the moment, according to an official from the Law Council, when NCHE receives applications from universities, it sends them to Law Council which writes to the university (ies) on the requirements for approval. Law council will then give feedback to the NCHE on

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34 Section 5 (1) (i) and (ii), The Universities and other Tertiary Institutions Act, No. 7 of 2001 as amended in 2003 and 2006.

35 HCCA NO. 589/2005 and CACA No. 3 of 2006

whether to licence the university or not.<sup>36</sup>

This implies that the two bodies both have a role to play in accreditation though the law requires that NCHE consults the professional bodies. The consultation is not peculiar to only law but to other professional courses such as medicine and accountancy and this is the basis of the consultation that NCHE carries out with the bodies and thus the Memorandum of Understanding signed with the bodies.

Law Council as the law is has control over professional legal education not undergraduate legal education. This means that the Law Council ideally should intervene at the time when graduates who wish to join the bar course have applied for admission. The law could not have intended that Law Council has control over the standards of universities. In Uganda, most graduates seek to join the Bar Course, hence Law Council cannot just wait for them to complete the undergraduate phase without looking into the contents of the degree, how it is taught, who teaches it and the tools used because the degree is the foundation upon which the standards are developed.

The licensing and accreditation of a private university goes through a process.

Provisional licence; the licence is acquired upon application to the NCHE as prescribed under section 96 and 97 of the UTIA. The

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<sup>36</sup> Brief interview with an official from Law Council, March 2015

licence lasts for three years from the date of publication in the Uganda Gazette pending satisfaction to the Law Council to recommend the University for Accreditation. After three years of provisional licence, the university may apply to the NCHE for the grant of a charter and accreditation, this is supported by performance and evaluation reports.<sup>37</sup> The NCHE then sets up an inspection committee to verify the information about the university and upon satisfaction of the required conditions, it sends its recommendations to the Minister who within 90 days from the receipt of the recommendation, submits the application and recommendation to the president. The president will then grant a Charter in the form submitted and the Minister shall then issue a legal notice in the Gazette and public print media.<sup>38</sup>

The grant of a Charter implies that the university is authorised to conduct academic programs and confer academic awards in relation to the same and is recognised as of comparable and equivalent merit with those of other accredited and public universities.<sup>39</sup> The details of application are stipulated in the Universities and Other Tertiary Institutions (Establishment and Operation of Private Universities and Private Tertiary Institutions) Regulations.<sup>40</sup>

Much as NCHE accredits all academic programs, it may not have the capacity over professional courses thus the need for the input of professional bodies. The consultative, collaborative and quasi-formal relationship ensures that each institution's mandate is

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37 Section 100, UITA.

38 Section 101 and 102, UITA.

39 Section 103, UITA.

40 SI NO. 80 of 2005

recognised and duplication of rules and practices avoided.

Some challenges faced with this kind of relationship include the ambiguity that comes with the consultation. Questions arise as to what the consultation entails, how is it done and when. In the past some universities have proceeded to teach law as if they are oblivious of the final approval and who has the power. Furthermore, where there are delays in the accreditation process, the programme cannot be conducted. A university is only approved when Law Council is satisfied that it is capable of offering the law programme but does not depend on the licence or charter by NCHE. This has been the main cause of delays.

There may be several options to harmonising the roles of the two bodies as such;-

The possibility of having a simultaneous approval of the institutions may not be achieved in the nearest future considering the various inadequacies of the professional bodies hence NCHE that has got the necessary financial and human resources cannot wait for the approval of the professional bodies before granting the licence.

The other option to amend the Advocates to expand the role of the CLET to have control and supervision over undergraduate legal education and training in Uganda so as not to restrict its mandate to only professional training. As had been earlier noted by the Odoki Committee, there were two options to regulating legal education. First, CLET would have control over both undergraduate and professional legal education. Second, they recommended dual

accreditation and that of CLET would be limited to only legal education.<sup>41</sup>

This recommendation would be subject to changing the status of the Law Council from a department to an independent body to boost its operational and financial independence. The legal profession is expanding at a fast rate and CLET would need to be empowered to carry out its functions and for it to effectively participate in licensing and quality control over legal education in general.

### **Recommendations**

- i) The Universities and other Tertiary Institutions Act should clearly elucidate the meaning of ‘consultation’ carried out with professional bodies in accreditation of universities.
- ii) Alternatively, the UTIA could be amended to require that a university shall only conduct the professional course after the professional body (in this case Law Council) has approved the university as competent to offer the course.

## **4.2 Comprehensive checklist/standards for approval of law programs by the Law Council**

The study sought to collect the views of stakeholders on stipulating a comprehensive checklist/standards for approval of law programs by the Law Council.

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41 Para 274, Odoki report. Page 95

The NCHE has got stipulated procedures on the set standards for all private universities and tertiary institutions in the Universities and Other Tertiary Institutions (Institutional Standards) Regulations.<sup>42</sup> The regulations among other things provide for the things to consider while approving institutions and these relate to library services, staffing, curriculum and programmes, assessment of students, moderation of exams, physical facilities, catering and accommodation and utility services.

The Law Council while granting Certificate of Approval to conduct a law degree applies the Advocates (Professional Requirements for Admission to Post-Graduate Bar Course), Notice 2007.<sup>43</sup> The Notice is in reference to the professional requirements for admission to the Post Graduate Bar Course. The Law Council considers among other things the student staff ratio, full time vs part time staff, physical facilities, library services, IT compatibility, curriculum and the core courses and staff qualifications among others. Although these are in conformity with the parameters set by NCHE, there has risen criticism that the Rules are written in general terms and cross-referenced to the Advocates Act and the UTIA and borrows most of the provisions of the two acts relating to the establishment and operation of a university and private tertiary institution and qualifications necessary for admission to the Roll of Advocates.

The Odoki Committee had recommended that CLET sets standards and procedure for accreditation. They would cover matters like qualifications of academic staff, publications, teaching load,

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42 SI NO. 85 of 2005

43 Legal Notice, NO. 17 of 2007

classroom space, library etc. They further stated that other aspects of accreditation would consider the steps that an institution has to take as it seeks accreditation from CLET. This would include the composition of the organs involved in the process to ensure the independence and transparency of the process. The other aspects envisioned would be the procedure for application, provisional approval, site evaluation, annual evaluation of the provisionally approved faculty, appeals and withdraw of the accreditation.

When the law was amended and the regulations drafted, the recommendations made herein above were not included in the law and to date there is no detailed procedure for accreditation and other issues like having no process of appeal like the rules of natural justice require. According to an official from Law Council, it has as much as possible tried to avoid duplication and the main conditionality for accreditation is that the institution continues to comply with the standards set by NCHE.<sup>44</sup>

## **Comparative analysis with other jurisdictions**

### **United States of America**

The accreditation standards and rules of procedure in the US have their history as far back as 1879 when the American Bar Association established a Standing Committee on Legal Education and Admissions to the Bar as one of its first committees. Later, the Section of Legal Education and Admissions to the Bar was

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<sup>44</sup> Key note address by Prof. Edward Ssempebwa at the validation and consensus building workshop for the harmonization of the Advocates Act and the UTIA, held on 18th April 2017 at Hotel Africana, Kampala



affirm the Committee’s decision or recommendation, amend the Committee’s decision, reverse the decision or remand the matter to the Committee for further proceedings.<sup>49</sup> Decisions of the Council are appealable to the Appeals Panel Authority in regard to denial or withdrawal of provisional approval, full approval.<sup>50</sup>

The Appeals Panel may affirm the decision of the Council, reverse and enter a new decision, amend the decision or remand the decision for further consideration and decisions of the Appeals Panel are final and not appealable.<sup>51</sup> Where the Appeals Panel remands a decision of the Council for further consideration or action, the Council shall proceed in a manner consistent with the Appeals Panel’s decision.<sup>52</sup>

The Rules can only be amended by the Council through adoption, revision, amendment or repeal of the rules with approval of the ABA House of Delegates in accordance with the House Rule 45.9.<sup>53</sup> It is important to note that the Rules and Standards also govern the J.D degree which is the professional degree in law granted upon completion of a program of legal education.<sup>54</sup>

The Rules relate to the admission and student services, legal programme, learning outcomes of the curriculum, academic standards, library and information resources, facilities, equipment and technology among others.

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49 Id, Rule 25

50 Id, Rule 4

51 Id, Rule 41

52 Id, Rule 26

53 Id, Rules 56 and 57

54 Id, No. 11, page ix

## Kenya

The Legal Education Act of Kenya establishes the Council of Legal Education under section 4 of the Act.<sup>55</sup> The Council among other functions is mandated to regulate legal education and training in Kenya offered by legal education providers; licence legal education providers and supervise legal education providers.<sup>56</sup>

With respect to legal education providers, the Council has the role to set and enforce standards relating to accreditation of legal education providers for the purposes of licensing, curricula and mode of instruction, mode and quality of examinations, harmonization of legal education programmes and monitoring and evaluation of legal education providers and programmes.<sup>57</sup>

Section 18 empowers the Council to consider applications of institutions that intend to carry out legal education programmes for the award of degree, diploma or certificate as a professional qualification.<sup>58</sup>

On the other hand, the Universities Act of Kenya that provides for the Commission of Higher Education that is mandated to among others promote the objectives of university education, advise the

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55 The Legal Education Act, N0 27 of 2012, Laws of Kenya.

56 Section 8 (1) (a) to (c), Legal Education Act, Kenya.

57 Ibid section 8 (2).

58 Ibid section 18(1)

Minister on the establishment of public universities and to accredit universities.<sup>59</sup>

This accreditation is subject to an annual renewal based on any new developments and requirements for an institution to earn the status of a fully chartered legal institution.<sup>60</sup>

The primary importance of accreditation should be premised on the fact that law schools are a gateway to the legal profession. They should be the minimum requirements to guide the provision in sound legal education.

The several studies that have been undertaken regarding the standard of quality of legal education in most private universities reveal that the quality of law teachers is not at its best, with most of them having many jobs (part time in more than one university and also private practice). Other complaints that have been raised are that most of the lecturers are young and fresh from the university yet teaching core subjects, the teachers have not even produced any publications.<sup>61</sup> Outcry has been made to CLET to regulate the sector by ensuring that the law teachers provide adequate time for students.

Despite the increasing decline in the quality of legal education in Uganda, the CLET has not developed detailed criteria for a system of accrediting law schools. The guidelines that CLET uses (provided

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59 Section 6 of the Universities Act, Cap 210B, Laws of Kenya.

60 This mandate saw the denial and even withdrawal of most universities charters and or accreditation. The year 2014, CLE gave a grace period for the institutions which had not fully satisfied its requirements to run as legal institution to enable compliance.

61 Liberalisation of Legal Education in Uganda policy considerations, Dr. Pamela pages 67-68

by the Advocates (Professional Requirements for Admission to Pots-Graduate Bar Course) Notice point out a few parameters such as those relating to qualifications of staff, staff to student ratios, and full time to part time staff ratios, library and IT compatibility are picked out of the parameters already set by NCHE and applied with modifications. In addition, the curriculum is always assessed for its compliance with NCHE parameters, as well as, the inclusion of the core courses prescribed by CLET.

As was stated by the judge in Pius Nuwagaba Vs LDC, *there were no clear rules providing accreditation of law schools or universities specifically for legal education... what seems to be the case is the satisfaction of the given resources...*<sup>62</sup>

The judge further noted that *it would be expensive and a duplication if law schools had to endure another procedure altogether...it would appear that for considerations such as academic freedom of universities, the legislature was content on providing for recognition of universities and other tertiary institutions without again having to establish more bodies to deal with one out of many faculties in a university.*<sup>63</sup>

The current accreditation procedure focuses on the emergence of new law schools and their capacity to conduct the programme that will enable the graduates to enter the Bar Course as opposed to maintaining the quality of legal education.

The enactment of clear guidelines for accreditation will ensure that the process is democratic, transparent and not subject to personal

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62 Ibid Pius Nuwagaba at page 10-11

63 Ibid Pius Nuwagaba at page 11

or institutional influence. The procedures should be well stipulated to enhance transparency in Law Council's activities. This will go a long way to ensure quality programmes at under graduate level. There is a tendency of having external pressures especially political influence on the CLET's activities, for example, in the year 2005 when Uganda Pentecostal University (UPU), Kampala International University (KIU) and Islamic University In Uganda (IUIU) were seeking accreditation from Law Council, there were allegations that there was lobbying from various government officials and Members of Parliament to prevail upon the Law Councils' CLET to grant them accreditation.<sup>64</sup>

### **Recommendation**

- i) Law Council does not have detailed rules and standards for the accreditation of law schools thus should consider enacting the same. Reference may be made to issues like transparency, staff profiles and academic qualifications and the appeal process and review of the Rules and Standards among others.

### **4.3 The role of the two bodies in quality assurance**

The study sought to collect the views of different stakeholders on how best the two bodies can ensure quality through inspection of law faculties.

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64 Interviews with various administrators and students of the two Law Schools, in Kampala, Uganda, (Dec. 2007, April to August 2008), page 24, Liberalisation of Legal Education in Uganda Policy Consideration, Dr. Pamela.

*From the findings, some stated that Law Council has been coming for supervision. They do physical inspection on the facilities, library and classes. They conduct interviews with management. They require submission of documentation, curriculum, reading lists, external exam reports.<sup>65</sup> Supervision of law schools at the moment is generic. We do an annual inspection of law schools. We focus on the facilities, governance and finance without going into specific legal professional issues. It is highly dependent on finances and public response in form of complaints.<sup>66</sup>*

*We do monitoring and evaluation of the universities. We choose institutions at random. Alternatively, we respond to problems raised by public. We look into the staffing, library, financial issues, how students are admitted, the staffing and adherence to the programme.*

*Should we visit and find them below standard, we can revoke a licence.<sup>67</sup> It is inspections that reveal whether an institution continues to be compliant in all respects. The universities are always fore warned of the requirements and provided with a checklist before inspection. What is lacking is a printed booklet of guidelines such as that disseminated by the Kenya Council of Legal Education. With adequate financing, the guidelines can be printed out and reviewed periodically.<sup>68</sup>*

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65 An interview with the Dean Faculty of Law, St. Augustine University, Kampala

66 Interview with a Senior High Education Officer in charge of programme accreditation, NCHE.

67 As per a Higher Education Officer, NCHE.

68 As per Prof. Ssempebwa in his opening remarks at the validation workshop for this study held on 18<sup>th</sup> April 2017.

## Analysis

Quality assurance is the mechanism put in place to guarantee that institutions have appropriate and effective internal structures and mechanisms for monitoring its quality control procedures to ensure quality.<sup>69</sup>

Quality control is the process of ensuring compliance with standards and procedures set to maintain and enhance quality.<sup>70</sup> Quality control and supervision over professional legal training is a role that was assigned to the CLET upon the amendment of the Advocates Act in 2002. This was because the review committee thought that the Law Council was ineffective in conducting supervision over legal education.<sup>71</sup> Furthermore, CLET was supposed to institute a system of accreditation for educational establishments that may offer LLB programs or the Bar course in the event that such institutions are permitted to offer such courses and programmes.<sup>72</sup> This was one of the measures put in place to ensure quality in legal education after liberalisation of the LLB program.

Quality control and assurance is done through inspection of the institutions to ensure that the required standards are maintained. Paragraph 7 of Legal Notice, 2007,<sup>73</sup> provides that the CLET will from time to time carry out such inquiries or inspections necessary to ascertain that a university or institution, whether in or outside

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69 NCHE Quality Assurance Framework and Licensing process for Higher Education Institutions, January 2014, page 1.

70 Ibid, page 2

71 Odoki Report, page 78

72 Odoki Report, page 79.

73 Ibid

Uganda complies with the standards of Law Council. The Committee has powers to revoke or suspend the Certificate of Approval if the institution is found to have breached the requirements.

NCHE is also mandated under section 5(g)<sup>74</sup> to monitor, evaluate and regulate institutions of higher learning. It carries out periodic inspections of the institutions. Thus it is meant to ensure that all the institutions have got a level of performance, integrity and confidence of the public they serve.

Furthermore, the Quality Assurance Framework for Universities and the Licensing Process for Higher Education Institutions established by NCHE<sup>75</sup> among other things is aimed at creating collaboration with professional bodies. NCHE signed an MOU with different professional bodies that have regulatory control over professional studies. These include: Law Council, Uganda Medical and Dental Practitioners Council, Allied Health Professional Council and the Uganda Institute of Professional Engineers.

However, the MOU has come under criticism for its generality. According to an official from the Law Council, a workshop was held between the NCHE and professional bodies regarding the MOU. Each professional body has got its own regulations and procedures of approving courses and regulation of quality of the profession. Thus having one umbrella document is rather restrictive to the bodies. At the moment, the MOU is under review to encompass all these issues and create distinct MOUs peculiar to each profession.<sup>76</sup>

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74      Supra

75      Ibid, page 13

76      Workshop held between the 25th to 27th May 2015.

Inspection is carried out in phases i.e initial inspection carried out at the inception of an institution, regular or on spot inspection which is done anytime to check the standards of an institution, annual inspection which is done annually and surprise inspection. The institutions pay for the initial inspection while the other kind of inspection is done at the initiation of NCHE.<sup>77</sup> At the moment, it is unclear as to how often a law school is evaluated by CLET. Most of the evaluation takes place at a time when the school is seeking approval from Law Council. Once approved, it is re-evaluated every so often but the interval of the activity is not specified.<sup>78</sup> Whereas NCHE is able to undertake the regular inspection, Law Council cannot do all of them due to the inadequate financial and human resources. The inspection process of law schools at the moment is done by both the Law Council and NCHE by considering curricula, human resource and infrastructure among others.<sup>79</sup> There have been proposals from some stakeholders that inspection should be done jointly by the two bodies but the challenge is that the officials of CLET are not permanent employees of the Law Council and there would be a challenge of finances since Law Council is of a non-autonomous status. Reconciling the planning of activities or calendars of the two bodies would also be a challenge.<sup>80</sup>

The enrollment in the higher education sub sector since 2006 when

77 As per the statement of an official from NCHE at the validation workshop for this study.

78 Page 78, Liberalisation of Legal Education in Uganda Policy Considerations.

79 The Universities and Other Tertiary Institutions (Quality Assurance) Regulations, NO. 34 of 2008.

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NCHE first published “*The State of Higher Education and Training Report*” has continued to expand in terms of students’ enrolment and the number of institutions. These increases, however, have occurred in the face of declining or stagnant unit cost of funding for education facilities, infrastructure and academic staff.<sup>81</sup>

This inevitably has far reaching concerns on the declining quality of lawyers in the legal profession. This has led some universities to introduce quality measures such as a pre-degree exam for example in the universities of Makerere and Uganda Christian University Mukono. The increased enrollment, with poor quality measures has in the subsequent led to declining quality at the LDC.

As per the LPAC (Committee on Legal and Parliamentary Affairs), on

23<sup>rd</sup> August 2016, when LDC appeared before the Committee to discuss legal education and access to Justice, one of the members of parliament stated that the quality of legal education and the lawyers produced by LDC needs to be groomed right from the university.<sup>82</sup>

The role of CLET therefore is paramount in both public and private universities. The standards set for the accreditation of university law programmes should be observed with the highest level of strictness during the inspection process. The role of the Committee should go as far as evaluating the physical and human infrastructure regularly and the assessment of the curriculum.

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81 NCHE- The State of Higher Education and Training Report, 2011.

82 A member of Parliament sitting on LPAC

As noted above, CLET does not have regular and continuous supervision of law schools, this implies that a law school may have all the requirements as prescribed by Law Council at its inception but the Law Council may not be able to evaluate the decline in standards in time.

Furthermore, the quality of legal education should be emphasized through internal control mechanisms of the different universities and the two respective bodies.

### **Recommendations**

- i) There is no conflict if both bodies carry out inspection. There should be continuous monitoring and evaluation of universities by both NCHE and Law Council to ensure compliance with the standards expected of a university conducting the law programme.
- ii) Law Council should be facilitated in terms of staffing and funding to better its mandate through regular inspection of universities.
- iii) There is need for Law Council to check on other things such as the qualifications of teaching staff in order to ensure that they go through continuous legal education, pedagogy trainings and updated libraries among others so as to keep updated with the evolving trends in legal education.

#### 4.4 The role of NCHE and Law Council in equating foreign qualifications

The study sought to establish whether the two bodies conflict in the equating of foreign degrees particularly the law degrees. Whereas the NCHE equates degrees and certificates and other qualification obtained in Uganda and other jurisdictions for admission to university education, the Law Council carries out equation of the foreign degrees obtained from universities outside Uganda for the purpose of admission to the Post Graduate Bar Course. The study sought to establish as to whether there are established guidelines for the same role.

*I think the guidelines are necessary because of differences in laws in different jurisdiction. In order to maintain the standard of the profession the guidelines are key. They can do the remedial courses in universities here. It would be an injustice to clients to be misinformed by a lawyer.<sup>83</sup> As we go into regional integration and as the world becomes a global village, we cannot keep the criteria closed as is happening in the case of students coming from South Africa. As East African Community we are talking about free movement of labour, goods and services. In this case it should be opened up. If the issue is testing competence then pre-entry should serve the purpose. There are remedial courses as the law provides that such students can undertake in accredited university and proceed to join the bar course.<sup>84</sup> The guidelines used for entry into LDC are restrictive. They leave out very many people who have law degrees from abroad. They should be relaxed.<sup>85</sup>*

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83 Interview with the Dean of Law Cavendish University

84 Interview of the Director, Quality Assurance and Accreditation, NCHE

85 Interview with an advocate in Kampala, Uganda

*Law Council uses the guidelines set by NCHE in supervision and accreditation of universities which are in my opinion sufficient. We can only add a few things e.g library, IT and a few others. When it comes to entry into LDC, we add a few things which are meant to ensure that the students are on as close as possible the same footing and additionally because LDC is a professional training institution and cannot go back to teach like a university.<sup>86</sup>*

*Law Council is not doing enough with foreign degrees as things have now changed so they should not only look at the aspect of common law subjects, countries such as South Africa have both the civil and common law aspect but these are not readily acceptable in Uganda.<sup>87</sup>*

## **Analysis**

The law as is allows Ugandans who hold foreign qualifications to join the profession. The role of the Law Council to equate foreign degrees has its origin from the Gower Committee which suggested that the Council of Legal Education (as then was) would in addition to providing qualifications for entry to the profession also decide what foreign degrees to recognise and to what extent.<sup>88</sup> They further added that recognition of such a degree would depend on both the standards of the university concerned and the content of the course.<sup>89</sup>

The proposal was that for degrees from East African universities,

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86 Interview with Chairperson, CLET

87 Interview with a lecturer at Makerere University, Kampala.

88 Para 76, page 44, Gower Report

89 Para 78, page 45, Gower report

they would be recognised as a complete substitute for the LLB of Makerere University. The Committee was eventually given discretion to determine the degrees on a case by case basis. However, it was to lean in favour of recognition and restraint in demanding that additional subjects be taken at Makerere University.<sup>90</sup> The Advocates (Professional Requirements for Admission to Post-Graduate Bar Course) Legal Notice<sup>91</sup> came as a result of the criticism drawn towards the restriction of the Advocates Act, 1970.<sup>92</sup> The Odoki Report pointed out the fact that the Law Council had failed to enact regulations to cater for the recognition of foreign degrees and qualifications beyond the ones mentioned in the Act.<sup>93</sup>

The earlier requirements for admission to the Bar Course were that one had to be a Ugandan citizen or normally a resident in Uganda; be a holder of a degree in law or other legal qualifications obtained from such other university or institution outside Uganda as may be recognised by the Law Council by regulations made by them.<sup>94</sup>

The Committee recommended that applicants with law degrees from accredited universities operating a common law system other than degrees obtained by correspondence ought to be qualified to be admitted to the Bar Course. They further recommended that core subjects be increased to include Constitutional Law or Administrative Law. Further that the element of citizenship should remain. However, Ugandan citizens or residents who were already

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90 Ibid, para 81, page 45

91 Legal Notice 17 of 2007

92 Cap 267, Laws of Uganda.

93 Odoki Report, paragraph 83 page 37

94 Section 7(5) (ii), Cap 267.

admitted to the Bar of the specified countries but who had not practised for a minimum of 12 months, be required to undertake the Bar Course of Uganda but without necessarily satisfying the core subjects requirement.<sup>95</sup>

Upon amendment of the Act in 2002, the Act provided that the CLET shall prescribe the professional requirements for admission to the Post-Graduate Bar Course and qualifications necessary for eligibility for enrolment as an advocate.<sup>96</sup> Subsequently the legal notice was enacted to provide for equation of the foreign qualifications.<sup>97</sup>

Paragraph 3(b) of the Advocates (Professional Requirement for admission to Post-Graduate Bar Course), Notice<sup>98</sup> exempts admission to the bar of students who have obtained degrees from foreign universities that are not common law system and recognized by Uganda. The university must comply with those set by NCHE and the Law Council may from time to time designate a country operating the common law system for purposes of admission to the Bar Course.<sup>99</sup>

Section 5(k) of the UTIA grants NCHE the mandate to determine the equivalence of all types of academic and professional qualifications of degrees, diplomas and certificates obtained elsewhere with those awarded by Uganda institutions of Higher education for recognition

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95 Odoki Report, para 84 and 86, page 38.

96 Section 6C (I) (c).

97 Ibid, note 91

98 Supra

99 Ibid, Paragraph 5(1) and (2) respectively.

in Uganda and it applies the the UTIA (Equation of degrees, diplomas and certificates) 2005.<sup>100</sup>

According to information obtained from Law Council, some holders of foreign degrees, case in point South Africa have been denied Admission to LDC on the ground that their qualifications were not obtained from a country operating the common law system. South Africa operates a multi-layer legal system that includes the Roman Dutch law as common law and the Roman law (*Corpus Juris Civilis*).<sup>101</sup> However, courses taught in South African universities are substantially based on common law.

The legal notice does not grant the Law Council any discretion to exercise its powers in circumstances where an applicant has obtained a degree from a country that is not entirely common law but has that element. "...a citizen of Uganda and is a holder of a degree in law obtained from a university or institution in a country operating the common law system and recognised by the Law Council" leaves the Law Council with no discretion to admit such students.

There have been earlier proposals for amendment to incorporate some discretion for the Law Council. The Joint Committee on amendments to the laws relating to the legal profession made proposals that the CLET could put factors into consideration such as; the criteria for licensing universities and approving academic

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100 SI 84 of 2005

101 The History of South African Law and its Roman-Dutch Roots, by Beat Lenel, Toeberstrasse 23a, 9425 Thal, Switzerland, [www.lenel.ch](http://www.lenel.ch), at page 7.

qualifications in the jurisdiction from which the degree is obtained is similar to that in Uganda and whether the content of the degree course is equivalent to the content recognized for accredited law degrees in Uganda.<sup>102</sup> The Committee further assessed the capacity of Law Council to equate foreign degrees and it was informed that CLET has been approving the qualifications on a case by case basis relying on the prospectus, profile of the university and the applicant's transcript and in case of doubt, an applicant is interviewed to assess the grasp of the basic principles of the law.<sup>103</sup> This equating is done in reference to the UTIA and consultation with NCHE.

## **Recommendations**

1. The Advocates Act and the Advocates (Requirements for Admission to the Bar Course) Notice should be amended to grant the Law Council discretion to consider foreign degrees that fall outside an entirely common law system.
2. Have clear procedural guidelines of application for equating the degrees other than cross reference to Legal Notice of 2010.

## **4.5 Outcomes of the overlapping of responsibilities by the Law Council and NCHE**

The Study further sought for the views of the respondents on the effect of the overlapping of roles and unclear procedures on both

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102 Report of the Joint Committee of the Law Council and the Uganda Law Society on Amendments to the laws relating to the legal profession, page 9.

103 Ibid, page 9

the universities and students.

The fate of the students is that for those who wish to pursue the Post Graduate Bar Course, they are denied such an opportunity. For instance, Law Council had a challenge dealing with Gulu University and Cavendish University. These two universities were accredited by the NCHE to conduct all programs including law however Law Council established that they did not qualify to teach law programs. When such universities continue to teach law despite the communication from Law Council, consequently, when the students complete, they are ineligible to join the LDC until they have been accredited by Law Council.<sup>104</sup>

For instance, at the time of carrying out the field research of this study, a total number of about 100 law students at Cavendish and Gulu universities were uncertain of the future of their career following failure by the two institutions to secure accreditation by NCHE and Law Council.<sup>105</sup>

If the university is not approved, the students affected lose time and resources, get frustrated as they do not know the accreditation status of their universities or by the time they know, it is too late to be eligible for admission to the Bar Course.

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104 Interview with an official from Law Council

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## **Memorandum**

Memorandum of Understanding between National Council for Higher Education and Law Council, 17<sup>th</sup> March (2006).

### **LIST OF PEOPLE INTERVIEWED**

1. Prof Fredrick Ssempebwa, Chairperson CLET, Law Council
2. Dr. Pamela Tibihikirra-Kalyegira, Director – Quality Assurance & Accreditation, NCHE
3. H/W Chemutai, Registrar, Courts of Judicature
4. Dr. Mayambala, Lecturer, School of Law, Makerere University
5. Mr. Wandera, Dean of Law St Augustine International University.
6. Mr. Kenneth Rutaremwa, Legal officer, Uganda Law Reform Commission
7. Ms. Monica Twesiime Kirya, Dean of Law, Cavendish University
8. Ms. Maria Nakachwa Semakula, Senior High Education Officer in charge of programme accreditation, NCHE
9. Mr. Robert Aine, Higher Education Officer, NCHE
10. Mr. Joseph Wandabwa, Advocate
11. Mr Stephen Niyonzima, EAC Secretariat
12. Ms. Brenda Nuhinyurwa, Legal Associate, EAC Secretariat
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