

# REPUBLIC OF RWANDA



**MINISTRY OF JUSTICE  
P.O. BOX 160 KIGALI**

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Minister of Justice/Attorney General

Coordination meeting for GoV Legal Advisors

# LEGAL AND JUDICIAL REFORMS/CHANGES

- Legal officers are at the forefront and need to get updated on the new laws so they can effectively advise;
- Our common goal should be to ensure that all those laws are well implemented and achieve
- The new laws include:
  - Organic Law n°002/2018.OL of 04/04/2018 establishing the Court of Appeal;
  - Law n°30/2018 of 02/06/2018 determining the jurisdiction of courts;
  - Law n° 22/2018 of 29/04/2018 relating to the civil, commercial, labour and administrative procedure;
  - Law n°012/2018 of 04/04/2018 determining the organization and functioning of the Judiciary
  - Law n°62/2018 of 25/08/2018 governing Public Procurement

# Let's take stock

- **Our meetings / workshops have, so far, covered the following:**
  - Practical ways of recovering Government funds through an agreed coordinated and practical strategy for recovery;
  - Effective management of public servants & contract management;
  - How Procurement Process Impacts on Contract Drafting and Management;
  - Taxation and Insurance;
  - International supply of goods contracts, etc
- **Emphasis was and will always be put on accountability and public asset recovery**

# Accountability

- Accountability means:
  - obligation to render an account for a responsibility conferred.
  - the liability assumed by those who exercise authority to account.
  - obligation to demonstrate that work has been conducted in accordance with agreed rules.
  - Public managers are held accountable because of their relationship with the public resources.
- They have a relationship of trust with these resources. The Public would like to know how they discharge their responsibility with regard to this trust.

# Why the need for accountability

- the challenges of contract management in public entities are still persistent:
  - Some of Government projects and facilities are underutilized or operating below required capacity: WASAC and EDCL had projects worth Frw 75,580,527,522 that were underutilized or operating below the expected capacity
- Loss of public fund is still prevalent:
  - A total of 109 contracts (Frw 206,817,279,066) delayed or abandoned:
  - Loss of Public funds resulting from bad contracting and poor contract management should not be tolerated by any Public office.

# Why the need for accountability

- Court Litigation assessment 2017-2018
- Total of cases : 543
  - Won cases: 267
  - Lost cases: 101
  - Pronounced judgements : 368
  - Cases pending before courts: 175
- Settlement out of court : 10 out of 19 received
- Holding officials Accountable
  - Administrative Action
  - Civil Action
  - Criminal Action

- Public Fund recovery

- Situation of public fund recovery as of 30 June 2018:

- 657.351.657 Frw. Cumilatively, the public funds recovered as of 30 June 2018 was **1.898.321.400 Frw and 6.943 USD**

- However, amount to be recovered as of 30 June 2018 was amounting to **1.972.428.679 Frw and 29,904 USD**

# TRANSACTION COMMITTEE (Why the committee)

- Many disputable cases that arise between the Government and other parties indicating that the Government is liable
- backlog of unnecessary court cases that lead to payment of unnecessary and excessive damages
- delaying the administration of justice to the other party;



# Factors to consider when opting for a transaction

- Utmost administration of Justice to the public
- The probability of success in the litigation
- The complexity of the litigation involved & Predictability
- Good faith and clean hands

# ABUSES AND CHALLENGES

- GoR Institutions committing professional mistakes or violations of Law that cause loss to GoR and shelter under the veil of transaction
- Turning transaction committees into Courts of law
- Failure to seek advice before/at the time of decision making (contract management...)
- Running to the transaction committee due to lack of evidence and compelling the committee to resolve a case without any justifying basis

# Statistics of transaction cases

## Transaction Committee meetings from the date of establishment January 2016

<b>Nimero</b>	<b>Itariki</b>	<b>Transactions</b>	<b>UBWEMEWE</b>	<b>UBWANZWE</b>
1	4/22/2016	7	2	5
2	8/31/2016	7	5	2
3	3/29/2017	4	2	2
4	6/26/2017	1	1	0
5	9/28/2017	8	5	3
6	2/9/2018	4	2	2
7	4/27/2018	7	3	4
8	20/9/2018	8	1	7
	<b>TOTAL</b>	<b>46</b>	<b>21</b>	<b>25</b>

# Conclusion

- We have many expectations from legal officers during this fiscal year. We expect you:
  - To be well versed with the mandate of your institutions;
  - To be actively involved in your institutions' projects so you can provide legal guidance from the project s' initiation to their completion;
  - to be independent-minded and always put on record your opinions;
  - to properly scrutinized contracts before they are signed and take part in contract management where need be;
  - to ensure that Attorney General Opinions are compiled with;
  - to minimize Government loss;
  - Own and render your support in the pursuit of those who manage poorly and cause Loss.
  - Watch out for and report danger signs
  - Protect your Institution
  - Stand up and be counted.



THANK YOU