

LEX-LEAD

An interview with Justice Francis M. Ssekandi

Q. Please describe your general background and 1-2 highlights of your career:

I was born in Uganda, where I also spent the early part of my student and working days, as an Attorney, administrator and Judge. My first trips abroad were in 1963 when I spent time at the School of Oriental and African Studies in London and 1965 when I travelled to New York for my LLM degree at Columbia University. The highlight of my working career in Uganda was my appointment to the Court of Appeals (now the Supreme Court) of Uganda and before that as Director of the Law Development Centre where, among other things, I established the Post-Graduate Bar Course, which is now (2019) running into its 37th year. I have now lived abroad close to 40 years, working mostly in New York, but also travelling extensively on official business. My international civil service began in the United Nations where I spent close to eighteen years in the Office of Legal Affairs followed by work as General Counsel of the African Development Bank. One of the most significant achievements of my International Civil Service career was working on the early drafts of the resolution establishing the United Nations Compensation Commission (UNCC) in 1991. UNCC, a great innovation, was created that year as a subsidiary organ of the United Nations Security Council, under Security Council resolution 687 (1991) to process claims and pay compensation for losses and damage suffered as a direct result of Iraq's unlawful invasion and occupation of Kuwait in 1990-91. The second was, as General Counsel of the Bank, spearheading the Fifth Capital Increase of the African Development Bank, in 1998, involving major changes in the Bank's Statute to increase to 60% the shareholding of regional countries and reduce to 40% the shareholding of non-regional countries. The capital increase helped to return the bank to financial health and increase its lending activities to poor African countries. As a Legal Consultant following my retirement from active civil service in 2000, I spent almost six years as Judge of the World Bank Administrative Tribunal, while also continuing to do legal consulting work for the United Nations and teaching at Columbia University. Two major assignments during this time come to mind, the first being the appointment to lead of a United Nations High-Level Mission to Kosovo, to investigate and report to the UN Secretary-General on the events surrounding the armed riots in Mitrovica resulting in the death of a number of UN peacekeepers in 2008. The other was working a Legal Advisor to the newly independent State of East Timor

(Timor-Leste), in 2003 a consulting position that stretched over a 5-year period to 2008, working, initially, on drafting and negotiating Development Cooperation Agreements for the Government with multiple donors and international financial institutions and multiple other tasks, all devoted on the economic development of East Timor. My academic career was intermittent, starting in Uganda in 1968 when some of us in the Attorney General's Chambers were coopted to assist in establishing a new Faculty of Law at Makerere University, followed by my secondment to head the Law Development Centre. Then I had a short stint as Visiting Professor of Law at Wayne State University and, a longer stretch, teaching at Columbia University, since 2001.

Q. What in your life has led you to an interest in development and how do you think law can shape positive development trends? What do you think are the most important law and development trends currently?

I was born in a relatively poor family and for much of my life I saw my mother toil hard on the land to support the family of over 6 children at any one time. I always strived to better living conditions for my family especially my siblings and their children to live a better life by supporting them through school as far as their abilities could take them. The difference has been enormous for most of them. As a lawyer, I have spent my time in this profession puzzling over the role of the rule of law and in advancing economic and social development in Africa. My first order of business at the Law Development Centre was to organize, with financial support from the Ford Foundation, an East and Southern Africa Conference on the Role of Law and Development in Africa, with enthusiastic participation from legal scholars from as far afield as Ghana, Ethiopia, Zambia and other the East African countries. The outcomes of the conference were the driving force of the research and development work undertaken by the Centre in coming years. On a visit to the United States and Canada in search of models for the Post-Graduate Course, I met with the heads of Law and Development Centre in New York and recruited an Attorney with funding from that Centre to head a Law and Development Unit at the Law Development Centre which included a Legal Aid Clinic. My main work in the United Nations was devoted to providing legal support to the United Nations Development Programme (UNDP), designing Technical Cooperation Agreements and

Project Documents for delivery of development programmes wherever UNDP had Officers and programs. It is this work that led to my interest in working at the African Development Bank, where I provided legal support to the Boards of Directors and Governors, as Director of the Legal Department and General Counsel, in vetting projects for Bank financing. My writings on this subject include a policy paper entitled *Good Governance: The Way Forward*, prepared for the Board of Directors of the African Development Bank to commence financing projects on Good Governance and published in “The Future of Africa (2003), by The New York Society for International Affairs” and a seminal article published in the Columbia Human Rights Law Review on *Protection of Fundamental Human Rights in the Constitution of Uganda*. Finally, development forms a central piece of the classes I teach at Columbia Law School. Without doubt, law plays a critical role in advancing development. Without the rule of law, investors and investments cannot prosper and individuals cannot maximize their energy in advancing themselves and their country. Right now of course the scourge of corruption with impunity is a basic cause of stagnation in the economic development of many African countries. The euphoria over good governance and diversion of technical assistance through civil society, abandonment of multilateralism in favor of bilateral aid, ostensibly, to evade corruption in the public sector have all paled, as numerous cases of misuse of funds continue to surface and donors react by curtailing technical assistance. It is time to retool and rethink development models and tap into the technological advances of the new millennium, which should provide new tools to advance development, not through aid and financing projects but through education and empowerment of the new generation to equip them to generate scientific inventions and be self-reliant as entrepreneurs and not depend on finding labor in the public sector.

Q. When were you first introduced to Lex:lead and what are your thoughts on the initiative?

I was first introduced to Lex:lead in 2016 and continue to find its innovative work admirable. The identification of brilliant young professionals and open avenues of advancement outside their narrow domestic environments ties into my own perception of the new ways to advance development: the empowerment of future generations to think and work outside their box.