

JUDICIAL SERVICE COMMISSION

“A Zimbabwe in which world class justice prevails!”



**KEYNOTE ADDRESS BY
THE HONOURABLE MR JUSTICE LUKE MALABA,
CHIEF JUSTICE OF ZIMBABWE**

**ON THE OCCASION OF THE STATION
ADMINISTRATION WORKSHOP**

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**HELD ON 16 JUNE 2023
AT RAINBOW TOWERS HOTEL, HARARE**

**THEME: IMPROVED QUALITY OF SERVICE THROUGH
COMMITMENT TO DUTY AND SERVICE DELIVERY**

SALUTATIONS,

Distinguished Guests, Ladies and Gentlemen, it is a pleasure to present the keynote address at this two-day occasion of the Station Administration Workshop. The meeting draws together the key personnel and structures in the administration of justice within the judicial sector. The singular goal of the workshop is to facilitate a meeting of minds and to take account of areas which can be improved upon as a means of enhancing the delivery of justice. It also offers the opportunity to reaffirm commitment to the Judicial Service Commission's cause as the administrative arm of the Judiciary. The objectives of the workshop are not pursued in a vacuum but with the intention to ensure that the Judicial Service Commission ("the JSC") dispenses its public duty function to the citizenry as required under the Constitution.

It is the recognition of the importance of the agenda at hand that has also influenced the allotted two-day timeframe for the workshop. This ensures the proper ventilation of the JSC's guiding principles, which are derived from the Constitution and offers management a moment of introspection in assessing the performance of their respective departments or stations. Self-examination is a critical component in the life of officials that wield judicial authority or facilitate the exercise of judicial authority. Its significance is amplified particularly in the justice administration sector where the protection and enforcement of fundamental human rights and freedoms become relevant considerations.

In light of the importance of the role given to persons responsible for the administration of justice, it is necessary to recognise the participation of representatives from our sister jurisdiction of Malawi at the workshop. It is worthwhile to note that the delegation, headed by Mrs Chikagwa, will

provide insight into their own experiences and perspective in the administration of justice at various court stations in Malawi. Their contribution to the agenda on hand will be invaluable.

The participation of our Malawian counterparts is buttressed by the fact that their active involvement offers us an opportunity to measure our progress in facilitating justice in the light of their own experiences and to also assimilate best practices that enhance and complement our efforts as an organisation. It is also an opportunity to export the values that underpin our conduct in the administration of justice. The core ideals of justice cannot be limited by the national boundary lines that separate Harare from Lilongwe. Thus, we welcome the Malawian delegation to the workshop.

THE IMPORTANCE OF THE PROPER ADMINISTRATION OF COURT STATIONS

Having regard to the purpose of the workshop, it is important to analyse and comprehend why particular focus has been devoted to the administration of court stations. The starting point is to recognise that the administration of court stations is an activity that is backed by the Constitution. Reference is to be made to the founding provision of section 190 of the Constitution, with particular emphasis being placed on subsection (2) which guarantees the following:

“The Judicial Service Commission must promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice in Zimbabwe, and has all the powers needed for this purpose.”

From the above provision, it is evident that the mandate of the JSC is anchored on the fulfilment of a constitutional standard and expectation. Amongst its other duties, the JSC is expected to ensure the efficient, effective and

transparent administration of justice in Zimbabwe. In a country that is founded on a Constitution such as our own, the fact that the JSC is required to facilitate the administration of justice demonstrates that it has an important obligation.

It is very important to note that not only does the Constitution expect the JSC to guarantee the administration of justice, but it also tells the JSC how it expects the administration of justice to be done. The JSC must be efficient, effective and transparent in carrying out the administration of justice. The function of the JSC to ensure the efficient, effective and transparent administration of justice is basically what the administration of court stations involves. Any person who is given the duty to manage a station must ultimately ensure that the station is run in an efficient, effective and transparent manner.

The JSC is a creature of the Constitution. It can only act through its members. The values of efficiency, effectiveness and transparency expected of the JSC in the administration of justice can only be given effect to by the members of the Judicial Service. This is where the importance of the drivers of the process comes into play and the role of officials in the various stations dotted across the ten Provinces in Zimbabwe becomes relevant. This understanding is critical because it highlights the importance of the administration and the management of stations. The understanding of what the administration of a station involves also influenced the theme for the workshop, which is **“IMPROVED QUALITY OF SERVICE THROUGH COMMITMENT TO DUTY AND SERVICE DELIVERY”**.

The theme of the workshop itself is an extension of this Legal Year’s theme. During the official opening of the 2023 Legal Year, it was said that:

“The theme, therefore, speaks not only to conformity with the legal requirements of the performance of duties in the provision of service to the court users in a manner that meets legitimate expectations; it also speaks to the need for constant management and monitoring of service provision to ensure that outcomes meet the standards of quality promotive of public confidence in the Judiciary.”

The JSC performs the administrative functions of the Judiciary, thus, the obligation identified above is also placed upon court registries and other service departments that interact with litigants. Internal processes such as accounting, procurement and information technology services also have a bearing on the administration of justice at court stations, as their functions directly affect service delivery to litigants.

The role of the ICT and the Records Departments continues to grow exponentially within the organisation since the advent and the increased utilisation of the Integrated

Electronic Case Management System in courts. Thus, the work and processes of these departments as well as their responsible personnel at stations must be subjected to scrutiny if the substantive goals pronounced at the commencement of the Legal Year are to be realised.

Additionally, the focus devoted to the administration of stations during the Workshop is informed in part by the JSCs Strategic Plan for 2021 – 2025. Service delivery, performance management and capacity building form part of the key result areas of the JSC. The identification of these key result areas informs the activities that are undertaken by the administrative arms of the JSC. The administrative arms of the organisation comprise both court and corporate administration services offered under the stewardship of the JSC Secretariat.

Thus, it is in keeping with the principles identified by the Strategic Plan that the JSC, through the Judicial Training

Institute of Zimbabwe, has come up with programmes that institutionalise accountability and promote excellence in virtually all of its structures both in corporate and court spheres. An improvement in the quality of service offered has a direct bearing on the efficacy of specific goals and objectives. Access to justice and the promotion of public confidence and trust in the rule of law are central to the mandate of the JSC.

The Judiciary, through its administrative arm, has witnessed encouraging success in the commissioning of court stations to improve access to justice for all people in the country. Most recently, the infrastructural development and capacitation drive resulted in the commissioning of the Epworth Magistrates Court in the first quarter of the year. Further infrastructural developments are expected in various locations such as Mabvuku, Tafara, Cowdry Park and Emganwini. As such, it is evident that efforts to capacitate the JSC's administrative structures have begun

to realise tangible benefits for citizens who interact with the justice delivery system.

The commitment of the JSC's staff to duty and service delivery provides the greatest avenue for effecting improvement in the administration of justice. Resultantly, the programme for the workshop has been compiled to provide a holistic analysis of the key competencies expected of the JSC workforce that is involved in the administration of justice.

The presentations encompass a bottom-to-top approach, that is, starting from the basic function of the JSC Support Services at stations to specific senior management roles. The administrative roles of key personnel such as Resident Magistrates, Registrars and Heads of Department within the organisation will be canvassed with the view of reiterating the relevant obligations and their significance to the greater cause of the effective, efficient and transparent

administration of justice. This is because there invariably exists a range wherein some officials perform below the expected standards whilst others adhere to or even exceed the expected norm.

However, the object of the workshop is not a fault-finding exercise. It is aimed at providing cogent solutions to the problems encountered by officials in the execution of their mandate. To this end, the panel of seasoned experts, in collaboration with the Judicial Training Institute of Zimbabwe, will proffer solutions to the pitfalls that beset staff at their respective stations of duty.

There will also be scope for interactive sessions to generate home-grown solutions to some of the identified challenges. All in all, the goal of the occasion is foster positive reinforcement of the need to be efficient, effective and transparent in matters concerning the administration of justice.

It is necessary to emphasise that the goal of the administration of justice is not solely the fulfilment of a constitutional obligation. There is also the underlying issue of public interest. Both public and private citizens petition the justice delivery system with the legitimate expectation of appropriate client care. Although judicial officers, comprising Judges and Magistrates, are considered to be at the forefront of the justice delivery system, it is always important for people to consider the members who provide support services to judicial officers in the administration of justice.

Attention must be drawn to the fact that the Judiciary retains a monopoly on judicial authority by reason of section 162 of the Constitution. As such, its orders and judgments have far-reaching implications on the rights of the parties who appear before it. Notwithstanding the far-reaching effects of the work of the Judiciary on the lives of litigants, judicial officers do not generally interact with

litigants except within the confines of the courtroom where they sit as independent and impartial arbiters.

The limited interaction between the bench and litigants does not form the public's only avenue for accessing the justice system. Processes in the registries and the Sheriff's Office continue to provide an interface between the justice delivery system and litigants. Thus, members of the public have a legitimate expectation that the various departments at court stations will carry out their duty with due diligence.

The JSC has also recognised the public's expectations, as manifested by the various notices in court stations that implore the public to report incidents of malpractice amongst officials. Therefore, officers in administrative capacities must exercise both personal and institutional accountability in the execution of their public duties.

With these observations, the foundation for the workshop has been set. Members of the Judicial Service who are responsible for the administration and management of stations must always remember that they do not carry out their functions for their own benefit. The administration and management of court stations are an important duty, impacting the overall administration of justice. That duty must be faithfully fulfilled to ensure the efficient, effective and transparent administration of justice. For this reason, everyone here must actively participate in the workshop. It is important for everyone to internalise and implement the lessons learnt during the following two-day programme.

I THANK YOU.