



**REMARKS BY HIS EXCELLENCY, THE PRESIDENT OF THE
REPUBLIC OF ZIMBABWE,**

DR. E. D. MNANGAGWA

**ON THE OCCASION OF
THE OFFICIAL OPENING OF THE COMMERCIAL DIVISION OF
THE HIGH COURT
BRISTOL HOUSE**

2022

SALUTATIONS,

Distinguished guests, ladies and gentlemen we are here to witness and be part of a very important day in the administration of justice in Zimbabwe, one that will be entrenched in the annals of history as a paradigm shift in our justice delivery system.

We gather here today to commemorate a milestone achievement in our legal calendar, a metamorphosis of the justice delivery system from paper-based systems to modern electronic systems.

The commissioning of the Commercial Division of the High Court is a significant event in our strategic trajectory as a nation, particularly as it relates to our drive and commitment to improving the **ease of doing business** in our beloved Country. It is therefore a profound honour and a great pleasure to be speaking at such an illustrious event.

What we are witnessing here today is the apogee of a lot of industry, dedication and commitment that has been going on in the background, involving a lot of input from an array of stakeholders. The Chief Justice and the Judicial Service Commission have demonstrated an appreciation of the

trajectory that the Second Republic has embarked on to have an upper middle class economy by the year 2030 and they have also taken heed of the obligations imposed upon them as the Judiciary which are clearly laid out in the **National Development Strategy 1**; that is to enhance access to justice and improve justice delivery in the Country. This aligns with regional and international standards and goals, as envisaged by **Agenda 2063**, the African Union's fifty (50) year Vision and the **United Nations' Sustainable Development Goals** spanning from **2016 to 2030**. It is my fervent hope that this step will surely build the trust and confidence of the public in the justice delivery system.

Distinguished Guests, Ladies and Gentlemen, the magnificent building, whose commissioning we are witnessing here, demonstrates the dedication to infrastructure development that has been unwaveringly committed and invested by the stakeholders. The industry and commitment which produced these sterling results, no doubt, required the collaboration and synergy of different departments and Ministries. It is this consciousness to national duty and agility to action, when so required, that will unmistakably propel our nation to the highest echelons of

prosperity. The infrastructure that houses the Commercial Court is a beautiful building that is a marvel and which measures up admirably to modern buildings of this era. That such magnificent designs and modern equipment and furniture that occupy the court house were done and manufactured in the Country by our local talent indeed brings joy to my heart.

Distinguished Guests, Ladies and Gentlemen, the establishment of this Commercial Court could not have come at a more opportune time. It comes, rhythmically, as a welcome addition to the reforms that have been put in place by the Government of Zimbabwe to improve the overall ranking of the country on the **Ease of Doing Business Index**, which ranks countries based on how their regulatory environments are conducive to the operations and growth of businesses. Zimbabwe moved up **fifteen (15)** places in **2019**. We have notably improved online company name searches and streamlined plan approvals, among other reforms. The overall goal, in our trajectory, is to establish an economy and economic policies par excellence that have friendly regulations for business growth and development.

The ranking aggregates information from **ten (10)** areas of business regulation which range from starting a business through to enforcing contracts and resolving insolvency. From these areas of business regulation, the courts play a fundamental role in the enforcement of contracts, the resolution of insolvency as well as resolving other disputes expeditiously without delays.

The **Ease of Doing Business Index** takes into account judicial efficiency and expediency in its ranking procedure because it is important that both foreign and domestic investors have confidence in the judicial system and are assured that where there is a commercial dispute, it will be dealt with fairly and resolved without delays. Engendering investment and employment creation is a priority for the Second Republic. The laws and legal institutions should eminently reflect this, and go on to provide an environment which is conducive and fertile to this imperative economic endeavour. With the addition of this feather to our metaphorical cap as a nation, we hope to only continue to rise in the ranks.

Distinguished Guests, Ladies and Gentlemen, Vision 2030 sets out what the new Dispensation is working towards. That is,

building a new Zimbabwe with a thriving and open economy that is able to create opportunities for investors and its citizens and employment for everyone who needs it, regardless of age, gender, social class or any other dividing factor. We can only achieve this by ensuring that we respect human and property rights, as well as the rule of law; redressing economic challenges; and championing investment and business development.

I am advised that the Commercial Court is a specialized court that will be charged with handling complex and high value national and international business disputes. The complexity will demand a higher level of personal accountability on the part of the presiding Judges. Zimbabwe is not alone in this endeavour of setting up a stand-alone commercial court as it will be joining a community of various States that have specialized Commercial Courts in one form or another. Some were established by dedicating a stand-alone court, others as a specialized commercial section within an existing court or specialized judges within a general civil court. Having a commercial court as specialized courts or division therefore is not a new feature on the international plane, that is, within

the different domestic legal systems. They are borne out of a desire and a need to offer bespoke processes, procedures and solutions for business related disputes. It will undoubtedly be one of the leading fora for commercial dispute resolution and thus be an asset contributing to a good business climate in Zimbabwe.

Distinguished Guests, Ladies and Gentlemen, I am informed that the establishment of the stand-alone Commercial court coincides with the launch of the **Integrated Electronic Case Management System** by the Judiciary. I am further advised that this system, which has been deployed in the Commercial Court, the Constitutional Court and Supreme Court makes the courts paperless courts. The filing of court processes and documents can now be done from your home or office, you do not need to be at the court physically. The hearing of matters may also now be done virtually without the need for parties participating in the hearing being at the court physically. This is a phenomenal achievement that will make our courts transparent and efficient. I also hope that this will mark the end of an era where court files and documents would disappear because of corruption. This should make our justice system cleaner as real and substantial justice can

only be dispensed of in clean halls of justice. The use of **ICT** in the court processes will therefore go a long way in terms of drastically extinguishing the corruption scourge, while simultaneously enhancing transparency and accessibility of the courts.

This revolution that is taking place in the courts can only succeed with adequate material and human resources support. I am glad to hear that adequate support in the form of equipment like computers, laptops, scanners and printers amongst others has been provided. We need to properly equip the courts so that they carry out their constitutional mandate of dispensing justice without difficulties. At the same time, there should be in place a well thought out skills development plan for members of staff who will use the system. This is important because we want members of the public, including those in rural areas, to be able to benefit from the system through the assistance of skilled staff.

The digitization of the courts also comes at the most opportune moment in these times of the Covid19 pandemic. During the height of the pandemic, courts would be closed

to avoid physical contact amongst members of the public and even amongst court officials. With this electronic system, there is no more such physical contact as hearings are now done virtually. I expect, **Chief Justice**, that this process of digitizing the courts be cascaded to all the courts without delay.

The digitization of courts is also a welcome transformation of the justice delivery system generally and the judiciary in particular. The integration of other stakeholders like legal practitioners, the Zimbabwe Republic Police, the Zimbabwe Prisons and Correctional Service and others in the implementation of the system benefits the entire justice sector and not the Judiciary alone. It is therefore important for all the other players in the justice sector to embrace this electronic system and to use it for the benefit of the public and the smooth dispensation of justice.

Distinguished Guests, Ladies and Gentlemen, since the emergence of the Second Republic, we prioritized the need for justice to be accessible to our people. There can never an efficient justice delivery system in a Country when justice is not easily accessible to the ordinary members of the public

and when the public is made to travel long distances to access the nearest court. It is pleasing to note however the various initiatives that have been taken to improve access to justice in the justice sector especially the Judiciary. The expansion of the regional magistrates' bench that has happened in the last three years is a pleasing development because serious cases in the magistrates' courts especially those involving sexual abuse of women and children will be dealt with and the convicted perpetrators are punished in terms of the law without delays. The public needs not travel long distances in order to access the nearest regional court. The decentralisation of the High Court is also a pleasing development. For over fifty years the High Court was located in two cities only in Harare and Bulawayo. But within a few years we now have the High Court located in Masvingo, Mutare and Chinhoyi as well. The ultimate objective of my government is that the High Court must be located in every Province so that our citizens have access to this very important court without the need to travel hundreds of kilometers. I now challenge the Judicial Service Commission to accelerate the programme of decentralizing the High Court. I am also happy to note that the JSC is now

establishing courts in the townships. This is a milestone achievement as justice is now being taken right to the doorsteps of our people. The distance that the public must travel to access the nearest court must be as short as possible. Magistrates' Courts must have a presence in every district in the country and in every township in our major cities. This is the essence of access to justice and taking justice to the people.

Distinguished Guests, Ladies and Gentlemen, my government is well aware of the requirements of the doctrine of separation of powers between the Executive, Legislature and Judiciary. Our Country is a Constitutional democracy in which our democratic government is regulated by the Supremacy of the Constitution. The three arms of the State must perform functions of providing checks and balances of each other. We expect the Judiciary to perform its function of applying our laws and the Constitution independently without any form of interference. The creation and establishment of the Judicial Service Commission is one of the actions we have taken as a Government to ensure that our Judiciary is truly independent as it is now running its own affairs with its own separate administration. We will not as

Government interfere with matters of the Judiciary. This is what the Constitution demands of us. I am however concerned with the rising cases of misconduct of Judges that are brought to me in terms of section 187 of the Constitution. Within a short period of three years we have had four tribunals set up in terms of the Constitution to deal with alleged cases of gross misconduct of Judges. Three judges have been discharged from service and one other judge has a case pending before the tribunal. This rise in cases of gross misconduct by judges is a cause for concern. It however demonstrates the transparency of our processes in our Constitutional democracy. The courts through our judges and magistrates are the last line of defense in terms of protection of fundamental human rights for our people. We expect impeccable and ethical conduct from our judicial officers. This is the only way that our citizens who visit our courts for protection are assured of fairness and quality justice.

The establishment of the stand-alone Commercial Court and making the court paperless including the Constitutional Court

and the Supreme Court has taken the administration of justice in this jurisdiction to another level. I wish to congratulate you Chief Justice, the Judiciary and indeed the Judicial Service Commission as a whole for this historic achievement. I now exhort you and all your judges to apply this electronic system to deal with backlog of cases in the courts. This can only be done if our courts are efficient, effective and deal with cases expeditiously. We expect to see the positive results coming out of the use of this electronic system.

It is now my singular honour and Privilege to declare the Commercial Court of Zimbabwe duly open.

I thank you.