

REPUBLIC OF KENYA



JUDICIARY

SPEECH BY HON. JUSTICE DAVID K. MARAGA, CHIEF JUSTICE AND PRESIDENT OF THE SUPREME COURT OF KENYA, DURING THE OFFICIAL OPENING OF THE HEADS OF STATION FORUM ON MARCH 9, 2020.

(Protocols)

Good morning colleagues.

I am delighted to join you for this forum, which helps us to share our experiences, learn together and work out ways of improving the management of our courts.

I must say at the onset that I highly appreciate the role you all play in the Judiciary. As heads of station, you are required to straddle between your core duties as judicial officers and the added responsibility as the overseers of court administration.

I know this places a significant burden on you, not least because it calls on you to acquire and apply competences

that are as different as day and night: As legal practitioners, for example, you are not expected to be strong in financial management; yet this is one of the key attributes of a good head of station.

You have done quite well so far, and the key indicators tell us you are applying yourselves very well to the assignment at hand.

For example, we have seen a dramatic improvement in revenue collections from our courts, pointing at better controls of the revenue functions within your stations. In the last financial year - 2018/2019 – you collected Sh700 million more than the previous year, bringing the total to Sh2.7 billion. This was as a result of better controls, widespread adoption of non-cash payment platforms, better reporting and banking practices and so on.

But we still have some challenges in as far as financial management of our stations is concerned. That is why the theme of this year's forum, **“Empowering Judicial Officers to Enhance Financial Accountability in the Judiciary”**, is so important to all of us. Please take this forum seriously, and treat the sessions lined up over the next four days as an important opportunity not only to understand the intricate mechanics of good financial and procurement management but also to pick up practical guidelines about how best to improve your stations.

This is going to be a hands-on session that gives you practical tips about dealing with day-to-day financial administration issues. We have lined up key subject-matter experts led by Dr Edward Ouko who, as the immediate former Auditor-General, has interacted first-hand with the issues we are going to be discussing and has a lot to share.

As you are aware, we continue to strengthen the systems that entrench individual as well as court-level performance measurement, evaluation and accountability in line with our commitment in the SJT blueprint. This is done through a multi-directorate approach, with the Directorate of Planning and Organizational Performance (DPOP) providing continuous analysis of court activities and periodic summaries of trends in Case Clearance Rates, Court Productivity Rates, Court User and Employee Satisfaction index, Corruption Prevalence and so on. On the other hand, the Judiciary's audit function constantly conducts comprehensive assessments of how you are handling your fiduciary responsibilities to ensure your stations are fully compliant not only with our internal requirements but also with specific public sector financial management perquisites.

Let me talk a little about the common problems that we have noticed in the financial administration, and which

you are well advised to start working on as soon as you return to your stations.

The first one is the constant misuse of AIEs, and a related problem of failure to review financial records by AIE holders. In numerous audit missions, we have also seen prevalence of such obvious mistakes as failure to carbonise receipt books, under-banking of collected cash, poor deposit management and under-surrender of revenue. These are obvious signs of efforts to steal money from the Judiciary and as you well know, we have zero-tolerance for this kind of behaviour. Everyone we have caught has ended up facing the law, as it should be.

Some stations such as Maua, Molo and Nyahururu have been afflicted by clear cases of fraud, while others such as Butali have persisted in non-review of revenue collection and surrenders, something that is clearly anathema to good accounting practices.

We cannot allow this to continue. We cannot allow a few corrupt fellows to give our critics grounds for justifying the low funding to the Judiciary.

It is not for me to tell you exactly how best to manage the financial operations of your stations, that you will hear in ample quantities in the course of this forum. However, you must always be guided by the appreciation that the buck stops with you, and that you must endeavour to keenly oversight everything that is going on in your stations.

In the new court structure that we are now implementing, some of the routine administrative duties that have been bogging you down have now been designated to Court Administrators. This should allow you more time to concentrate on the core judicial duties and help us move faster in our case backlog clearance campaigns. But I must emphasize that it remains your duty to follow up on all aspects of Expenditure, Deposit and Revenue Management. If you notice that, for example, there is a reduction in revenue collection and yet you are not aware of a corresponding drop in court activities, call your accountant and ask him or her what is happening, why the trend is changing. This you must regularly do; otherwise why are you head of your station?

Here is another tip: Automation of cash collection and disbursal processes is your friend, embrace it wholeheartedly. Where you see any of your staff members showing a reluctance to embrace JFMIS and other automation initiatives, that should alarm you. I have given clear instructions that there should be no cash collection at all. You will be held personally liable for disregard of this rule. Decline the position of head of station if you are not able to supervise its operations.

Another thing you could do is to try and benchmark with some of your colleagues whose stations are performing well in financial and overall management. We have noted, for

example, how Nyeri, Shanzu, Karatina and Mombasa have improved in their performance, and no doubt you can learn something from them. Make use of your time here to network with your colleagues and learn what is making them shine.

You must also pay very keen attention to memos and circulars that regularly come either from my office, or from the CRJ and others involved in the management of our courts. This is the only way you can improve your competence in court administration, particularly in areas that are not within your professional competences. Remember, as I said, you are straddling two diametrically opposed professions. Therefore, even as you update yourselves within the legal profession, you must simultaneously keep abreast of the changing requirements in your other adopted profession. This means along with the Constitution, the law books and other important reference materials you must always keep by your side, you should also be keeping the relevant finance policy and procedure manuals by your side.

Ladies and gentlemen,

As I said earlier, we are now implementing the new Judiciary structure following the extensive Organisational Review process that we concluded last year. You are central to this exercise not just as the essential change agents but also because you are the people to assure your

staff that the changes will make the Judiciary a better place for them to grow their careers. For one, we now have clear job descriptions with clear career paths, with everyone knowing what they must do in order to move to the next level in their careers. I believe you have by now been sensitised about the proposed changes, some of which are already being implemented. This includes the recruitment of accountants with priority being given to staff who have studied accounts but are serving in other capacities. The important thing to note here is that you will be supported by the right number of people with the correct mix of skills in order for you to deliver.

Some of you are heading the designated Model Stations. We hope you will play your part to ensure you are models of excellence in all ways so that others can learn from you.

Ladies and gentlemen,

As I conclude, let me request you to constantly take note of new initiatives and programmes that regularly emerge from Judiciary leadership; be the first adapters and support us ardently so that we can move faster in our efforts to transform our Judiciary.

I am happy, for example, with the support many of you have given to our campaigns for increased use of Alternative Dispute Resolution (ADR) mechanism, which have the potential to not only drastically reduce our case

load burden but to also reduce tension in our societies by settling matters within the win-win philosophy of ADR.

There is also a raft of ICT-based innovations that are either ongoing or are forthcoming, many of which should in fact have been implemented by now but have remained at pilot stage due to our persistent budgetary constraints. These include automation of registry and court processes, case tracking systems (which are already in many courts), and so on. I urge you to embrace these new processes as they are rolled out. The future is digital, you cannot avoid it.

With those many remarks, it's now my pleasure to declare this forum officially open and wish you fruitful deliberations.

God bless you.

**HON. DAVID K. MARAGA, EGH,
CHIEF JUSTICE AND PRESIDENT OF THE SUPREME
COURT OF KENYA.**