

REMARKS OF HER LADYSHIP JUSTICE GERTRUDE ARABA ESAABA
SACEY TORKORNOO, 15TH CHIEF JUSTICE OF THE REPUBLIC OF GHANA

On the occasion of investiture into the Office of Chief Justice

12th June 2023

Your Excellency, Nana Addo Dankwa Akufo Addo, President of the
Republic of Ghana, (PROTOCOLS)

It is with utmost humility and a sense of deep obligation to the nation that I stand here today to respond to the remarks of His Excellency the President of the Republic of Ghana. On this solemn occasion of being entrusted with leading the Judiciary, the third arm of Government pursuant to article 125 (4) of the 1992 Constitution, I receive the responsibility with commitment to give of my utmost to the Republic of Ghana.

I thank Your Excellency for nominating me for this responsibility pursuant to article 144 (1) of the 1992 Constitution. I thank the Council of State for favorably considering my nomination, and I thank the representatives of the people of Ghana in Parliament, for unanimously approving my nomination to this high office.

As the 15th Chief Justice of this great Republic since the independence of Ghana in 1957, the 27th Chief Justice since the formal judicial system was established with the enactment of the Supreme Court Ordinance of 1876 after the revocation of the 1853 Supreme Court Ordinance that established the Supreme Court of the forts and settlements on the Gold Coast, and the third woman Chief Justice, I am well aware that I stand on extremely tall shoulders.

From Chief Justice Sir Aku Korsah in 1957, the Judiciary of Ghana has been led by erudite judges who established Ghana's justice sector as a bastion of stability in different eras of nation building – from the early years of dismantling colonial domination and building of truly national institutions led by Ghanaians after 1957, to the disruption of democracy between the first Republican Constitution of 1960 and the fourth Republican Constitution of 1992. The strength of their leadership is evident from the fact that notwithstanding what type of political governance Ghana has been in, there has been no break-down of the justice systems of our country. As we have progressed as a nation, our constitutional arrangements have assured that the various groupings of our country can be heard, seen, and accounted for in political change, the building of social cohesion, economic prosperity and freedom of association.

Article 125(1) of the 1992 Constitution provides that *'Justice emanates from the people of Ghana and shall be administered in the name of the Republic by the Judiciary which shall be independent and subject only to this Constitution'*. The Judiciary therefore is a trustee of the carefully curated laws of Ghana, ranging in priority from the Constitution, enactments and statutes made by Parliament, orders, rules and regulations made under power conferred by the Constitution, the existing law before 1992, and the common law of Ghana, which includes the rules of customary law of all the peoples of Ghana.

In our role as trustees, we must be and are accountable for our stewardship of how we administer the body of laws handed to us through the evolution of rule-making bodies and norm development models of our country.

Your Excellency, it is clear that the Chief Justices of this country have carried the mandate and obligation placed on the institution. In the

recent past of the last two decades, I can refer to the leadership of Chief Justice Edward Kwame Wiredu, who is credited with the creation of the fast track courts as a pilot to enhance efficiency in justice delivery, and the setting up of what is now known as the Judicial Training Institute for career development of Judges and staff.

Between 2003 to 2007, Chief Justice George Kingsley Acquah, worked hard in the judicial reform agenda, which had by then become a global pursuit for many judiciaries. What has come to be known as the Lord Woolf civil justice reforms in England and Wales from 1999 are a well known example of this tidal wave of judicial reforms. Under Chief Justice Acquah's watch, he started the establishment of specialized courts to bring enhanced attention to different needs of the investment and other communities and vigorously pursued the automation of courts and capacity building of the Judiciary and Judicial Service staff. He also commenced the mainstreaming of alternate dispute systems with specific Rules of Court.

He was followed by Chief Justice Georgina Theodora Wood whose dynamic and engaged leadership not only expanded the scope of specialized courts, but deepened the applications of ADR throughout the trial courts. She expanded the concrete facilities of courts by superintending the development of the facility currently known as the Law Court Complex, touted then as the largest court facility in Africa. In the time of her stewardship, the judiciary experienced a focus on increasing the quality of scholarship in the work of Judges, and accountability in the administration of the Judicial Service of Ghana.

The two and half year administration of Chief Justice Sophia Akuffo saw the feat of a Chief Justice who took time to visit every single court in all the regions of Ghana to undertake an audit of the state of our courts. That grueling circuit led to the development of the blue print and

prototype design for the construction of modern courts that is now being implemented. Between 2019 and 2023, Chief Justice Justice Kwasi Anin Yeboah tirelessly escalated that foundation by superintending over the construction of more than half of the 200 new courts that were assessed as needed to serve the needs of Ghanaians.

In addition to this roll call of work, the Rules of Court were overhauled for all levels of court between 1996 and 2004. They continue to be reviewed regularly. This work, beyond aligning the Rules of Court with the 4th Republican Constitution of 1992, has one over-arching objective. To introduce efficiency and effectiveness into case management with strategic options that allowed courts to speed up adjudication without comprising the independence of judges as disinterested arbiters of the litigation process. Over the same period of the last two decades, the automation of courts has morphed into the digitalization of court processes that allow for electronic filing, electronic case distribution, creation of electronic dockets and the conduct of virtual trials.

So Your Excellency, if we have been so busy, why are Ghanaians still feeling the pain and toll of inefficiency in delivery of court services? If the leaders of the judiciary have acknowledged that they owe Ghanaians a duty to remedy the inefficiencies, ineffectiveness of litigation and taken strong steps to reduce the hard and tough terrain of doing business in Ghana that comes from Interminable court proceedings over investments in land, estate settlements, business transaction disputes, why do these conditions persist?

Your Excellency, it is easy to see why these problems persist. Despite the length of time spent over-hauling Rules of Court to allow deeper efficiency into court operations, the introduction of specialized courts and the applications of technology, many courts continue to use the

laborious inefficient models of taking evidence in manuscript and managing administration in the old pedantic ways.

After two decades of tackling the issue of automation, only 62% of courts use computers as part of their work. And computerization is only the first level of automation of court processes. After acquiring electronic devices to capture records of courts, the registries and offices of stakeholders must be networked in order to allow for the next level of automation. This is a national burden, and we are slowed down by any sluggishness in the nation's digitalization drive. Currently, our records show that only 26% of courts are networked, and only 12% of courts have been brought into the bracket of full automation in their operation through digitalization of their processes.

The statement '*change is painful, but nothing is as painful as staying stuck somewhere you don't belong*' is attributed to the author and blogger Mandy Hale.

It is in this context that as much as the Judiciary appreciates the level of investment being made in the physical structures of new courts, we have also taken steps to review all rules of court to enhance their operation and application in digital arenas.

Your excellency, distinguished guests, it is clear to me, as an active player in all the different facets of the reform initiatives referred to above since I joined the Judiciary in 2004, that to speed up the efficiency and effectiveness of our systems, so much more is needed for and from the Judiciary than determination and avowed purpose. There is a need to expedite the national digitalization agenda to allow for easier networking of all stakeholders. There is a need to increase the budget of the judiciary to allow us room to expand our infrastructure in the automation and digitalization agenda, because undoubtedly, the

efficiency of court processes and administration is assured with more deliberate use of technology.

There is a need to increase our budget to make learning, library and operational resources available to all judges and staff in order to enhance the speed with which both judicial and administrative decisions are made and communicated to stakeholders. There is the need for the judiciary to make itself accountable by increasing transparency in the process and output of our judgments and decisions through real time publications of decisions, especially when it comes to decisions on land ownership, and other areas of law that affect the economy and social stability of the country. There is a need to harness the attention of external stakeholders in the justice delivery relay, for improving excellence in their own services, in order that they do not compromise the quality of justice. These external stakeholders include auctioneers, valuers, surveyors, bailiff services, lands commission, and other registries for assets which invariably become relevant in the cross hairs of litigation.

As Chief Justice therefore, I wish to express my determination to relentlessly seek the support of the legislature in matters of the budget of the judiciary and the support of both the executive and legislature for accelerated infrastructure in technology, and for innovative models of doing business with technology. The expansion of electronically accessed library services will require support. An increase in the percentage returned to the Judicial Service from our internally generated funds will greatly help to accelerate the work that needs to be done. The raising of facilities to create world class centers of judicial learning, and exhibition of historical accounts around the development of justice systems will be a target for revenue creation. The production of manuals, practice directions, and resources to assist litigants in our courts, will not only increase the efficiency of support services but also

reduce untoward abuse of administrative and judicial discretion, while raising financial resources for the Judiciary. Equally important is the close listening ear of government to the financial needs of the Judiciary and Judicial Service Staff, and I crave all these facilities to assure the smooth acceleration of our services to the nation. I also crave the support of all stakeholders in justice delivery, so that we can build together, build faster, and build stronger.

Your Excellency, the statutory duties of the Chief Justice stretch beyond the administration of justice to include oversight of legal learning as chair of the General Legal Council and the Board of Legal Education. The development of democracy has placed greater attention on the learning of law. I stretch a humble hand to the Bar, institutions of legal learning, legislature and all stake holders to assist with interventions for raising standards of excellence in the training of lawyers. For the danger of bad lawyering lies not only in losses for those represented, but also decreased values in the nation's economy. In assuring of quality legal learning, we can only win together.

I close these remarks with deep appreciation for the nation-wide goodwill, support and prayers I enjoyed during the period of my nomination and approval to this high office. I particularly thank the Kings and Chiefs, and communities of Ghana, who expressed delight to see me serve this nation in this role. I thank my family and friends, near and far who cheered with each step, friends in the law who encouraged me in the journey, and beloved church leaders who held my hand in prayer. Last, and most deeply, I thank Almighty God who has made today a reality, through the grace of our Lord Jesus Christ, the love of the Father, and the fellowship of the Holy Spirit. May God bless our homeland Ghana, and continue to make our nation great and strong. Thank you very much.