



REPUBLIC OF KENYA

THE JUDICIARY



THE SUPREME COURT

OFFICE OF THE CHIEF JUSTICE / PRESIDENT, SUPREME COURT OF KENYA

SPEECH BY THE CHIEF JUSTICE AND PRESIDENT OF THE SUPREME COURT OF KENYA DURING THE NATIONAL ELECTIONS CONFERENCE 2022, KICC, 11TH JULY 2022

**THEME: ‘MOVING TOWARDS A STRONGER
DEMOCRACY’**

Mr. Wafula Chebukati, Chairperson of the Independent Electoral and Boundaries Commission, Commissioners of the IEBC present,

Dr. Gershom Otachi, Constitutional Commissions and Independent Offices (CCIOs) Chairpersons Caucus & Chairperson of National Lands Commission,

Excellency Ambassadors, Members of the Diplomatic Corps,

Distinguished Participants,

Ladies and Gentlemen

1. I thank the Chairperson and the Commissioners of the Independent Electoral and Boundaries Commission (IEBC) for inviting me to speak at this Conference.
2. I commend the Independent Electoral and Boundaries Commission for convening the National Elections Conference that provides an opportunity for various duty bearers in the electoral process to reflect on their preparedness for the forthcoming elections and to learn lessons on deepening democracy from peer institutions from other parts of the world.

**Mr. Chairman,
Ladies and Gentlemen,**

3. The theme of this year's National Elections Conference, '*Moving Towards a Stronger Democracy*', speaks to the centrality of our electoral process towards the realization of the

goal of democratic governance that is a core aspiration of the 2010 Constitution.

4. The overarching constitutional aspiration of democratic governance is articulated in several provisions of the 2010 Constitution. It is found in Article 10 of the Constitution that makes “democratic governance”, “the rule of law” and “good governance” national values and principles of governance and Article 38 of the Bill of Rights that protects ‘political rights.’ Even more pronounced is Chapter Seven on “Representation of the People” that elaborates standards and rules for the ‘electoral system’ and the ‘conduct of elections’ with the aim of ensuring that our governance is founded on free and fair elections.
5. This keen attention that the Constitution pays the conduct of elections is informed by the view that elections play a key role in fostering democratic

governance and constitutionalism. However, the constitution and laws are not self-enforcing. This means that unless all duty bearers scrupulously embrace their obligations, and citizens become vigilant and actively enforce the normative commands embodied in the Constitution, the constitutional guarantees that I have mentioned will remain mere words.

**Mr. Chairman,
Ladies and Gentlemen,**

6. The 2022 election cycle is the third election cycle since we overhauled our electoral laws, principles, standards, and institutions with the enactment of the 2010 Constitution. This means that our electoral system is now consolidated, and we now have a well-trodden path with respect to electoral jurisprudence, and procedures.

7. The consolidation of the electoral regime means that we expect duty bearer institutions such as the

Independent Electoral and Boundaries Commission, Security Agencies, and the State to now know the standards and benchmarks with which they are expected to comply in discharging their mandate to conduct elections that pass constitutional muster. The same is expected of those political parties and candidates who participate in the same.

8. The Judiciary is at the tail-end of implementing a comprehensive Election Preparedness Work-Plan that has ensured that the Judiciary is now able to discharge its dispute resolution mandate competently and within the stipulated timelines with respect to any electoral disputes.
9. The Judiciary Committee on Elections and the Kenya Judiciary Academy have already conducted training programmes that targeted Judges, Magistrates, and Deputy Registrars on Electoral

Disputes Resolution (EDR). This means that all those who will hear and determine EDR matters are equipped with the requisite knowledge, skills, and competencies to apply the relevant laws and determine electoral disputes effectively, efficiently, expeditiously, and fairly.

10. Further, all election-related matters including 31 post-nomination disputes will be heard continuously until concluded. Cases with a bearing on the conduct of the upcoming General Election have been isolated and will be expedited within the shortest time possible.

11. To **conclude**, the Judiciary remains a custodian of the rule of law in our democracy. The courts are the guardians of the Constitution. We will do everything to ensure that we play our part in adjudicating electoral disputes competently and within the dictates of the law.

12.I join the Chairman of the IEBC in urging all State Agencies, voters, the political class, and the public to play their role in the electoral process to ensure we have free, fair, and credible elections.

Thank you and God bless you.

**Hon. Justice Martha Koome, EGH
Chief Justice and President of the Supreme Court
of Kenya**

Delivered by:

**Hon. Lady Justice Njoki Ndungu, CBS, SCJ
Judge of the Supreme Court**