



THE JUDICIARY

**REMARKS BY THE HON. THE DEPUTY CHIEF JUSTICE OF THE
REPUBLIC OF KENYA AND VICE-PRESIDENT OF THE SUPREME
COURT, LADY JUSTICE PHILOMENA MBETE MWILU DURING THE
LAUNCH OF THE NATIONAL COHESION AND INTEGRATION
COMMISSION STRATEGIC PLAN 2020/25**

30TH JUNE 2021

BOMAS OF KENYA, NAIROBI

***The Hon. Chairperson of the National Cohesion and Integration
Commission, Rev. Dr. Samuel Kobia,
Hon. Commissioners of the National Cohesion and Integration
Commission,
The secretary/Chief Executive officer of the Commission, Dr. Skitter
Ocharo, HSC,
Distinguished Guests,
Ladies and Gentlemen,***

Good morning,

I am delighted to join you today for the launch of the National Cohesion and Integration Commission Strategic Plan 2021-2025. Your kind invitation to the Honourable the Chief Justice to officiate this important event was well received. The Honourable the Chief Justice sends her sincere regrets that she is unable to attend due to previously scheduled official duties in Mombasa. Cognisant of the importance of this function and the relationship between the Judiciary and the Commission, she directed me to attend on her behalf. It is my duty and privilege to do so, and I

am honoured to deliver these remarks on Her Ladyship the Chief Justice's behalf and that of the Judiciary of Kenya.

Ladies and Gentlemen,

As you are all well aware, strategic planning is a vital component in the management and operations of any institution. Through the Strategic Plan, you not only have a roadmap of where your institution is going, but it also provides you with a dashboard

through which you can actively monitor your progress on that institutional journey. It is a framework through which the institution's management can proactively mitigate and address both identified and emerging challenges, obstacles and weaknesses; and exploit strengths and opportunities. Importantly it provides measurable parameters that you can utilize to measure progress and performance. The oft repeated maxim remains pertinent: if you fail to plan, you plan to fail. I congratulate

the Commission on the development of this important institutional policy document.

Ladies and Gentlemen,

The Commission has a solemn statutory responsibility to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different ethnic and racial communities of Kenya and to advise

the Government on all aspects thereof. This weighty responsibility is particularly accentuated during the election period. It is thus important that you immediately embark on the implementation of the activities within the Strategic Plan. 2022 being an election year, the attendant drums of battle have already begun to sound. It remains a blemish on our nationhood and our democracy that the regular exercise of our right to vote is so often characterized by divisive and hateful statements and

rhetoric, regrettably sometimes made by those we look up to, and those who should know better.

I have perused the impressive NCIC strategic document, “A Roadmap to Peaceful 2022 General Elections” that was launched in December 2020. I am also aware of your participatory peacebuilding initiatives such as the NCIC early warning system, the UWIANO Platform and the Commission’s interactive digital platforms. It is further testament to the Commission’s continued

and single-minded commitment to its mandate that alongside the Strategic Plan, we are also launching the ‘Election Bila Noma’ campaign. These excellent civic initiatives bolster the confidence of all Kenyans that the 2022 electoral cycle promises to be a peaceful one.

Ladies and Gentlemen,

The Commission's activities, from capacity building with other state organs, community participation and peacebuilding initiatives, and stakeholder engagements, will ensure that the Commission and all other relevant actors in the country are well capacitated and equipped to ensure the nation remains peaceful and cohesive throughout the 2022 electoral cycle. You must not relent in this regard, and I urge you to continue your efforts for yours is a truly blessed calling, to unite us in peaceful coexistence and unity. Kenyans have every confidence in the Commission

under the most able leadership of Hon. Rev. Dr. Samuel Kobia and his youthful and capable deputy, Commissioner Wambui Nyutu. The Honourable the Chief Justice conveys her earnest assurances that the entire Judiciary will also play its constitutional role and do so expeditiously.

Hon. Chair, Hon. Commissioners,

Your kind invitation to the Judiciary to officiate the launch of the Strategic Plan reflects the congruence between the mandate of the Commission and that of the Judiciary. In resolving disputes, particularly those relating to hate speech, violence, incitement to violence and intolerance, the Judiciary plays a key role in maintaining and enhancing social cohesion through upholding the rule of law.

As you undertake your activities under the Strategic Plan, we must deepen the engagement between the Commission and the Judiciary. The Honourable the Chief Justice has reiterated the need for the Judiciary to work, in the public interest, with all stakeholders to develop systems and mechanisms that facilitate greater efficiencies and better outcomes for the people of Kenya whom we serve. We, as judges and judicial officers, have a lot to learn from your experiences and social scientific knowledge on

issues pertaining to peace, coexistence, reconciliation and social cohesion.

Constructive interdependence is a vitally important aspect of our constitutional democracy. Investigators, prosecutors, judges and magistrates, corrections officers, are all indispensable links in the same justice chain. We are partners under the same constitutional architecture. All of us derive our authority from the People of Kenya through the Constitution, 2010. These

powers can only be exercised in accordance with the Constitution. The balance the 2010 Constitution establishes in regard to each of our roles is not intended to frustrate us in the exercise of our respective mandates - quite the contrary, it is meant to perfect them. I say again, we are partners in the same justice chain; the strength of one office or organ is the strength of the other. Always within our constitutional lanes, let us build on our strengths, and where there are weaknesses, let us

constructively engage in addressing them in a manner that maintains public confidence in each of our institutions.

The Judiciary will not be found wanting on this one. Please bring cogent evidence in all matter brought before our courts. There cannot be any replacement for cogent evidence. We cannot convict in the absence of cogent evidence. Let all justice chain partners do their part, the Judiciary will do hers.

Honourable Chair,

More immediately, in regard to the 2022 electoral cycle, I would urge engagement between the Commission and the Judiciary Committee on Elections (JCE), a standing committee of the Judiciary with the mandate of providing continuous assistance for the preparations for the resolution of electoral disputes, chaired by the Hon. Mr. Justice Daniel Musinga JA, PCA. Amongst the responsibilities of the JCE is to liaise and co-operate with

stakeholders to ensure efficient, effective and timely resolution of election related disputes and offences and to advise the Honourable the Chief Justice and the Judiciary on public engagement in this regard. I believe this can be a most constructive avenue through which both institutions can work toward a peaceful and cohesive Kenya during the election period.

Ladies and Gentlemen,

The Covid-19 pandemic continues to significantly affect all aspects of our lives, personal and professional. Our hearts and prayers go out to those who have lost loved ones and those who have suffered ill-health as a result of this terrible disease. I thank God for keeping our families and us safe and sincerely thank our healthcare practitioners and all other heroes and heroines on the frontline of the on-going battle to keep Kenyans safe during this unprecedented pandemic. It is our duty to them and to each

other to strictly adhere to the Ministry of Health's guidelines at ALL times.

On behalf of the Honourable the Chief Justice and the Judiciary of Kenya, I thank you for your invitation to attend this important occasion. I wish the Commission and all her staff all the best as you embark on the implementation of the Strategic Plan 2020-2025 particularly as you move into this crucial 2022 electoral period.

God Bless Us All, God Bless the National Cohesion and Integration Commission, and God Bless Kenya.

Hon. Lady Justice Philomena Mbete Mwilu, MGH

Deputy Chief Justice & Vice President of the Supreme Court