



THE REPUBLIC OF UGANDA

SECURING A FAIR AND PEACEFUL ELECTION

**SPEECH BY THE HON BENJAMIN J ODOKI
CHIEF JUSTICE OF UGANDA**

**AT THE
5TH NATIONAL JUSTICE LAW AND ORDER FORUM
HELD AT RESORT HOTEL MBALE**

1ST TO 3RD DECEMBER 2010

SPEECH BY HON JUSTICE BENJAMIN J ODOKI THE CHIEF JUSTICE AT THE 5TH NATIONAL JUSTICE LAW AND ORDER FORUM HELD AT RESORT HOTEL MBALE FROM 1ST TO 3RD DECEMBER 2010

Your Excellency the President

The Rt. Hon Speaker of Parliament

The Hon Deputy Chief Justice

The Hon Ag Principal Judge

The Rt. Hon Third Deputy Prime Minister/Minister of Internal Affairs

The Hon Attorney General/Minister of Justice and Constitutional Affairs

Hon Ministers

My Lords

Your Excellencies the Ambassadors and High Commissioners

Hon Members of Parliament

Heads of JLOS Institutions

All Invited Distinguished Guests

Ladies and Gentlemen

I welcome all of you to the 5th National JLOS Forum, which is an annual event at which the Justice Law and Order Sector interacts with the public and sets the agenda for the next year. I wish to extend a special welcome to the President and to thank him for accepting to take off time from his busy campaign schedule to deliver a Key Note Address at this Forum. I am also grateful to participants who are not from the Sector especially the politicians, academicians, opinion leaders, the civil society and others for accepting my invitation to attend the Forum. I value your participation because you speak on behalf of the demand side and represent the other side, which is critical for the effective dispensing of our respective mandates.

The theme of this Forum is Securing a Fair and Peaceful Election. We chose this theme because JLOS plays a critical role in facilitating an orderly and

peaceful election and it is therefore important that we put that role in its correct perspective.

It is the wish of every Ugandan to see that elections are held in an atmosphere of utmost peace and respect for the rights of all the stakeholders in the elections.

Unfortunately, elections in Uganda evoke a lot of fear, not that elections are such a difficult process but because of the reported violence that has affected some elections. It is common knowledge that some residents often leave the country to watch our elections from the safety of their countries. While in other cases, instances of not complying with the law, voter intimidation, voter ignorance, electoral violence and inadequacies in organising elections have made our elections a worrying period.

The challenges of previous elections therefore, demand that the Justice Law and Order Sector cannot be a passive spectator while the destiny of our country is being determined. We have the responsibility to be part of the history making process of building a country where the vote of every person counts towards the evolution of a free, prosperous and wealthy country.

The overall objective of the Justice Law and Order Sector is to ensure justice for all which is crucial to the exercise of free and fair elections. JLOS strives to have a society based on the rule of law, human rights, access to justice and safety of the person.

Over the years, the Sector has witnessed noticeable success in bringing down the level of crime, fostering a culture of human rights and enhancing respect for the rule of law and an independent Judiciary, which have contributed to building the rule of law and shaping Uganda's democratic path.

While the Sector still faces challenges of corruption and qualified public confidence in the judicial system, these successes are no doubt commendable given that democracy in Uganda is an irreversible process in pursuit of the difficult path that Uganda has taken to foster democracy.

The Sector believes that a free and fair election gives legitimacy to elected officials and increases their credibility in the eyes of the citizenry. Democracy is at its best when rule is by consent rather than oppression. Critical to the achievement of these objectives is the need for citizens to have freedom of association and assembly practiced through a modicum of fairness and tolerance.

I cannot over emphasise that citizens need to be aware and educated of their rights and obligations during elections. As President Roosevelt stated, **democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard to democracy is therefore education.** Whilst I commend the Electoral Commission and JLOS institutions, such as Uganda Human Rights Commission and Judicial Service Commission for carrying out civic and voter education to raise consciousness in the population, the realities on the ground beg for more education on the rights and obligations of different stakeholders.

For civic and voter education to be meaningful, it must be taught early and continuously to influence and change the minds of the people to demand for full democracy. While such education may be costly in the short run, history tells that in the long run, the benefits nurture a culture of democracy with inbuilt restraints, effective elections and accountability respecting the sacred choice of the people to choose their own representatives.

As a Sector, we pledge to intensify educating the public about their civic rights by promoting open government and engaging with the public at the lowest

administrative level at the sub-county. I have no doubt that an informed people will be empowered to demand for effective services and accountability from their leaders which is central to Uganda's democratic dispensation under the Constitution.

The Justice Law and Order Sector pledges to provide adequate security for elections to take place in a peaceful manner. The Police has specifically recruited 4000 constables to oversee the elections in addition to the regular police officers who will be deployed to maintain law and order throughout the country. In addition, the Uganda Police Force with the assistance of the British and Irish Governments in undertaking training in public order management with the objective of ensuring that citizens exercise their rights to vote in a free atmosphere, free from violence.

While the Police has the overall responsibility of ensuring safety during the elections, the citizen is however, the best placed person to police the election. Article 1 of the Constitution places power in the hands of the people and that has its implications for citizens. Paul Collier, in his book *The Bottom Billion* has emphasised that citizenship carries responsibilities. In the 1930s the world sleepwalked into the unavoidable catastrophe of World War II because the electorate in the United States and Europe were too lazy to think beyond the populist recipes of isolationism and pacifism. These mistakes led to the slaughter of their children. It is the responsibility of all citizens to prevent us from sleep walking into another avoidable catastrophe that our children would have to face. Every citizen has the responsibility to effectively use their power not only to choose leaders of their choice but to desist from all conduct that is likely to jeopardize the conduct of a free and fair election including being misused by politicians.

There will of course be disputes that will arise before, during and after the elections. We pledge as a Sector to provide a meaningful, faster and cost

effective mechanism for resolution of electoral disputes. We hope to build on the successes of the last elections, where we completed more than 95% of all election petitions in less than six months through targeted sessions. This time round, we pledge to expeditiously handle all election petitions including investigating and prosecuting electoral offences.

I therefore call upon the Police and the Directorate of Public Prosecutions to set up special teams to deal with electoral offences. I have no doubt that timely resolution of electoral disputes will stop electoral violence and inspire public confidence in the judicial system as the final arbiter of disputes instead of anarchy.

As commanded by Article 20 of the Constitution, all organs and agencies of the State have the primary responsibility of ensuring law and order during and after the elections through agenda setting and leading by example.

The topics for discussion for this Forum cover the entire spectrum of the electoral process. I would like therefore, to urge the Forum to come up with best practices on the following:

1. An effective code for policing elections and guaranteeing public order management
2. An action plan for handling and resolving electoral disputes before, during and after the elections
3. Criteria for identifying the shortcomings in the electoral law with a view to reforming it
4. A code for monitoring the electoral process and ensuring that basic freedoms are respected by all.

I wish you fruitful deliberations during the Forum!

For God and my Country