

Country/entity	Kenya
Region	Africa (excl MENA)
Agreement name	Kenya National Dialogue and Reconciliation, Statement of Principles on Long-term Issues and Solutions
Date	23 May 2008
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict Kenyan Post-Electoral Violence (2007 - 2008) The conflict emerged as post-election violence. After the incumbent President Kibaki was declared the winner of the Kenyan presidential elections in December 2007, complaints of fraud and a structural disadvantage affecting his competitor Raila Odinga lead to outbreaks of severe ethno-political violence. After the first incidents in the Rift Valley region, mainly directed against the Kikuyu ethnic group – the traditional powerbase of Kibaki – the fighting spread to the cities of Nairobi and Mombasa. After two months, Kibaki and Odinga agreed on a power-sharing agreement that granted Odinga the post as a Prime Minister and ended the violence. Close Kenyan Post-Electoral Violence (2007 - 2008)
Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Kenya peace process
Parties	Government/PNU and ODM On the Behalf of the Government/PNU, Hon Martha Karua, Hon Sam Onger, Hon. Mutula Kilonzo, Hon. Moses Wetang'ula On the Behalf of ODM, Hon. Musalia Mudavudi, Hon. William Ruto, Hon. Sally Kosgei, Hon. James Orengo
Third parties	Witnessed by: For the Panel of Eminent African Personalities, H.E. Oluyemi Adeniji - Session Chair
Description	The short agreement define the commitments made to address the long-term issues: A. Constitutional, institutional and legal reform); B. Land Reform; C. Poverty, inequity and regional imbalances; D. Unemployment, particularly among the youth; E. Consolidation of national Cohesion and unity; F. Transparency, Accountability and Impunity.

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Groups

Children/youth	<p>Groups→Children/youth→Rhetorical</p> <p>Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.</p> <p>D. Unemployment, particularly among the youth</p> <p>We agree that unemployment in Kenya, particularly among the youth, is a serious concern that must urgently be addressed. We acknowledge that the lack of effective opportunities that integrate the majority of Kenya's youth into mainstream economic Ensuring that all citizens have the opportunity to be gainfully employed is not only crucial for the nation's economic growth, prosperity and social stability, but is also vital for enabling individual to develop their full potential and to live in dignity.</p> <p>We therefore commit ourselves to advocate for the development of a comprehensive Strategy on combating youth unemployment, and to explore all possible means of supporting the creation of an appropriate policy environment for the expansion of opportunities for youth in the formal and informal sectors of the economy.</p> <p>Page 11-12, Agenda Item 4: Long term issues and solution, Matrix of Implementation Agenda</p> <p>See Matrix - Box 8: Unemployment, particularly among the youth</p>
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	<p>Groups→Racial/ethnic/national group→Rhetorical</p> <p>Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.</p> <p>E. Consolidation of national cohesion and unity</p> <p>We recognize that consolidating national cohesion and unity is a cross-cutting task that will require the efforts of all Parties, all Ministries, civil society and all Kenyans. Apart from the creation of the National Ethnic and Race Relations Commission, we propose the introduction of legislation to light discrimination and ensure equal opportunities for all.</p>
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.

Refugees/displaced persons No specific mention.

Social class Groups→Social class→Rhetorical
Page 1, I. Preamble,
...
Recalling that, in the Annotated Agenda and Timetable for the National Dialogue and Reconciliation signed on 1 February, we recognized that poverty, the inequitable distribution of resources and perceptions of historical injustices and exclusion on the part of segments of Kenyan society constituted the underlying causes of the prevailing social tensions, instability and cycle of violence.

Gender

Women, girls and gender Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.
C. Poverty, inequity and regional imbalances
We recognize that to ensure sustainable peace in the country, poverty eradication and equitable development are essential. We further recognize that issue' of inequality, manifested along income, regional and gender lines, remain key challenges for Kenya.

Agenda 4 Implementation Framework
Poverty, inequality and regional imbalances
(a) Ensure equity and balance are attained in development across all regions including in job creation, poverty reduction, improved income distribution and gender equity.
(f) Develop and Affirmative Action Policy and enhance the Women's Enterprise Fund. (p. 6-7)

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

Political institutions (new or reformed)	<p>Governance→Political institutions (new or reformed)→General references</p> <p>Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.</p> <p>A. Constitutional, institutional and legal reform</p> <p>...</p> <p>We agree that the institutional reforms should include, inter alia, the following components: Police reform, parliamentary reform, judicial reform, executive reform and civil service reform.</p> <p>Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.</p> <p>E. Consolidation of national cohesion and unity</p> <p>We recognize that consolidating national cohesion and unity is a cross-cutting task that will require the efforts of all Parties, all Ministries, civil society and all Kenyans. Apart from the creation of the National Ethnic and Race Relations Commission, we propose the introduction of legislation to light discrimination and ensure equal opportunities for all. We agree that the relevant Ministries will work with the Office of the President and of the Prime Minister and other relevant bodies to oversee unity-building efforts and initiatives. They would also help coordinate joint peace and reconciliation initiatives countrywide and liaise with local peace building efforts.</p> <p>Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.</p> <p>F. Transparency, accountability, impunity</p> <p>We agree that transparency and accountability in the affairs of the Government, together with the fight against impunity, are essential if the country is to make progress in addressing all the challenges mentioned above. Indeed, transparency, accountability and the fight against impunity and corruption must underpin the entire reform agenda. In addressing these issues, it will be particularly important to ensure that the recommendations of the Truth, Justice, and Reconciliation Commission, are implemented.</p> <p>Page 7-8, Agenda Item 4: Long term issues and solution, Matrix of Implementation Agenda</p> <p>See Matrix - Box 5: Institutional Reform: The Parliament</p>
Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.

Civil society

Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

C. Poverty, inequity and regional imbalances

...

In harmonizing our manifestoes, we shall ensure poverty alleviation and equitable development are top priorities for the Coalition Government. We shall utilize the National Accord implementation mechanisms and we commit ourselves to a consultative process and identify short term, medium term and strategies to fight poverty.

Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

E. Consolidation of national cohesion and unity

...

The implementation process will only succeed if all Kenyans work together to build trust in the leadership and institutions of governance. For this reason, we are committed to help ensure the wide and meaningful participation of all Kenyans in the process.

Page 3, III. Implementation arrangements:

...

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**Traditional/
religious leaders**

No specific mention.

**Public
administration**

Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

A. Constitutional, institutional and legal reform

...

We agree that the institutional reforms should include, inter alia, the following components: Police reform, parliamentary reform, judicial reform, executive reform and civil service reform.

Page 6-7, Agenda Item 4: Long term issues and solution, Matrix of Implementation
Agenda

See Matrix - Box 4: Institutional Reform: The Civil Service

Constitution

Governance→Constitution→Constitutional reform/making

Page 1, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

A. Constitutional, institutional and legal reform

We reaffirm our commitment to complete the comprehensive constitutional review process within

twelve months in accordance with the roadmap agreed to on 4 March 2008.

Page 3, III. Implementation arrangements:

...

We shall, when necessary, seek international community expertise and support and request the Panel to continue to provide, on a need basis, support in the implementation of these and previous agreements, including assistance to the various Committees and Commissions provided therein.

Accordingly, we adopt the implementation framework on long-term issues outlined in the Annex to this Statement of Principles, as a working roadmap for the resolution of the six foregoing issues, which were underlying causes of the post-election national crisis.

Page 5, Agenda Item 4: Long term issues and solution, Matrix of Implementation Agenda
See Matrix - Box 1: Constitutional Reform

Power sharing

**Political power
sharing**

No specific mention.

**Territorial power
sharing**

No specific mention.

**Economic power
sharing**

No specific mention.

**Military power
sharing**

No specific mention.

Human rights and equality

Human rights/RoL general	Page 1, I. Preamble: Reaffirming that the final goal of the National Dialogue and Reconciliation is to achieve sustainable peace, stability and justice in Kenya through the rule of law and respect for human rights.
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Bill of rights/similar	No specific mention.
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Treaty incorporation	No specific mention.
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Civil and political rights	No specific mention.
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Socio-economic rights	No specific mention.
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Rights related issues

Citizenship	No specific mention.
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Democracy	No specific mention.
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Detention procedures	No specific mention.
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Media and communication	No specific mention.
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Mobility/access	No specific mention.
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Protection measures	No specific mention.
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Other	No specific mention.
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Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.
A. Constitutional, institutional and legal reform
...
We agree that the institutional reforms should include, inter alia, the following components: Police reform, parliamentary reform, judicial reform, executive reform and civil service reform.

Page 5-6, Agenda Item 4: Long term issues and solution, Matrix of Implementation
Agenda
See Matrix - Box 2: Institutional Reform: The Judiciary

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

C. Poverty, inequity and regional imbalances

We recognize that to ensure sustainable peace in the country, poverty eradication and equitable

development are essential. We further recognize that issue' of inequality, manifested along income, regional and gender lines, remain key challenges for Kenya.

In harmonizing our manifestoes, we shall ensure poverty alleviation and equitable development are top priorities for the Coalition Government. We shall utilize the National Accord implementation mechanisms and we commit ourselves to a consultative process and identify short term, medium term and strategies to fight poverty.

Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

D. Unemployment, particularly among the youth

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We therefore commit ourselves to advocate for the development of a comprehensive Strategy on

combating youth unemployment, and to explore all possible means of supporting the creation of an appropriate policy environment for the expansion of opportunities for youth in the formal and informal sectors of the economy.

Page 3, III. Implementation arrangements:

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We shall, when necessary, seek international community expertise and support and request the Panel to continue to provide, on a need basis, support in the implementation of these and previous agreements, including assistance to the various Committees and Commissions provided therein.

Page 10-11, Agenda Item 4: Long term issues and solution, Matrix of Implementation Agenda

See Matrix - Box 7: Poverty, inequality, and regional imbalances

Page 11-12, Agenda Item 4: Long term issues and solution, Matrix of Implementation Agenda

See Matrix - Box 8: Unemployment, particularly among the youth

National economic plan

No specific mention.

Natural resources

No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

B. Land reform

We recognize that the issue of land has been a source of economic, social, political and environmental problems in Kenya for many years. We agree that land reform is a fundamental need in Kenya and that the issue must be addressed comprehensively and with the seriousness it deserves. Towards this end, we agree to fully support efforts to establish the factors responsible for conflicts over land and to formulate and implement actionable short, medium and long-term recommendations on the issue.

Land, property and environment→Land reform/rights→Other land rights

Page 8-9, Agenda Item 4: Long term issues and solution, Matrix of Implementation
Agenda

See Matrix - Box 6: Land Reform

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

Security Guarantees

Page 1, I.Preamble,

...

Recalling that, in the Annotated Agenda and Timetable for the National Dialogue and Reconciliation signed on 1 February, we recognized that poverty, the inequitable distribution of resources and perceptions of historical injustices and exclusion on the part of segments of Kenyan society constituted the underlying causes of the prevailing social tensions, instability and cycle of violence.

...

The 28 February agreement provided the means to implement a coherent and far-reaching reform agenda, address the fundamental root causes of recurrent conflict, and create a better, more secure, more prosperous Kenya for all.

Ceasefire

No specific mention.

Police

Page 2, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

A. Constitutional, institutional and legal reform

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We agree that the institutional reforms should include, inter alia, the following components: Police reform, parliamentary reform, judicial reform, executive reform and civil service reform.

Page 6, Agenda Item 4: Long term issues and solution, Matrix of Implementation Agenda
See Matrix - Box 3: The Police

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces

No specific mention.

Withdrawal of foreign forces

No specific mention.

Corruption	<p>Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.</p> <p>F. Transparency, accountability, impunity</p> <p>We agree that transparency and accountability in the affairs of the Government, together with the fight against impunity, are essential if the country is to make progress in addressing all the challenges mentioned above. Indeed, transparency, accountability and the fight against impunity and corruption must underpin the entire reform agenda. In addressing these issues, it will be particularly important to ensure that the recommendations of the Truth, Justice, and Reconciliation Commission, are implemented.</p> <p>Page 14, Agenda Item 4: Long term issues and solution, Matrix of Implementation Agenda See Matrix - Box 10: Transparency, accountability, impunity</p>
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Crime/organised crime	No specific mention.
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Drugs	No specific mention.
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Terrorism	No specific mention.
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Transitional justice

Transitional justice general	No specific mention.
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Amnesty/pardon	No specific mention.
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Courts	No specific mention.
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Mechanism

Page 1, I. Preamble,

...

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...

surface deep-seated and long-standing divisions within Kenyan society, Which, if left unaddressed, threatened the very existence of Kenya as a unified country. The 28 February agreement provided the means to implement a coherent and far-reaching reform agenda, address the fundamental root causes of recurrent conflict, and create a better, more secure, more prosperous Kenya for all.

Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

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We recognize that consolidating national cohesion and unity is a cross-cutting task that will require the efforts of all Parties, all Ministries, civil society and all Kenyans. Apart from the creation of the National Ethnic and Race Relations Commission, we propose the introduction of legislation to light discrimination and ensure equal opportunities for all. We agree that the relevant Ministries will work with the Office of the President and of the Prime Minister and other relevant bodies to oversee unity-building efforts and initiatives. They would also help coordinate joint peace and reconciliation initiatives countrywide and liaise with local peace building efforts.

Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

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We agree that transparency and accountability in the affairs of the Government, together with the

fight against impunity, are essential if the country is to make progress in addressing all the challenges

mentioned above. Indeed, transparency, accountability and the fight against impunity and corruption

must underpin the entire reform agenda. In addressing these issues, it will be particularly important to

ensure that the recommendations of the Truth, Justice, and Reconciliation Commission ,are implemented.

Prisoner release

No specific mention.

Vetting

No specific mention.

Victims

No specific mention.

Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	<p>Page 1, I. Preamble: Reaffirming that the final goal of the National Dialogue and Reconciliation is to achieve sustainable peace, stability and justice in Kenya through the rule of law and respect for human rights.</p> <p>Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles. E. Consolidation of national cohesion and unity We recognize that consolidating national cohesion and unity is a cross-cutting task that will require the efforts of all Parties, all Ministries, civil society and all Kenyans. Apart from the creation of the National Ethnic and Race Relations Commission, we propose the introduction of legislation to light discrimination and ensure equal opportunities for all. We agree that the relevant Ministries will work with the Office of the President and the of the Prime Minister and other relevant bodies to oversee unity-building efforts and initiatives. They would also help coordinate joint peace and reconciliation initiatives countrywide and liaise with local peace building efforts.</p> <p>Page 3, II. We reaffirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles. F. Transparency, accountability, impunity We agree that transparency and accountability in the affairs of the Government, together with the fight against impunity, are essential if the country is to make progress in addressing all the challenges mentioned above. Indeed, transparency, accountability and the fight against impunity and corruption must underpin the entire reform agenda. In addressing these issues, it will be particularly important to ensure that the recommendations of the Truth, Justice, and Reconciliation Commission, are implemented.</p> <p>Page 12-13, Agenda Item 4: Long term issues and solution, Matrix of Implementation Agenda See Matrix - Box 9: Consolidating National Cohesion and Unity</p>

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

Page 3, Part III. Implementation arrangements:

The Coalition Government shall lead the process of the implementation of the reform agenda, working with Parliament whenever appropriate. In addition, the Kenyan people, who should be the beneficiaries of the agenda, must be regularly consulted and their views sought.

The implementation process will only succeed if all Kenyans work together to build trust in the leadership and institutions of governance. For this reason, we are committed to help ensure the wide and meaningful participation of all Kenyans in the process.

We shall, when necessary, seek international community expertise and support and request the Panel to continue to provide, on a need basis, support in the implementation of these and previous agreements, including assistance to the various Committees and Commissions provided therein.

Accordingly, we adopt the implementation framework on long-term issues outlined in the Annex to this Statement of Principles, as a working roadmap for the resolution of the six foregoing issues, which were underlying causes of the post-election national crisis.

Related cases

No specific mention.

Source

<http://www.peacemaker.un.org/>
