

|                                 |   |
|---------------------------------|---|
| <b>Country/entity</b>           | Kenya   |
| <b>Region</b>                   | Africa (excl MENA)  |
| <b>Agreement name</b>           | Kenya National Dialogue and Reconciliation - Longer Term Issues and Solutions: Constitutional Review  |
| <b>Date</b>                     | 4 Mar 2008  |
| <b>Agreement status</b>         | Multiparty signed/agreed  |
| <b>Interim arrangement</b>      | Yes   |
| <b>Agreement/conflict level</b> | Intrastate/intrastate conflict<br><b>Kenyan Post-Electoral Violence (2007 - 2008)</b><br><br>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.<br>Close<br>Kenyan Post-Electoral Violence (2007 - 2008) |
| <b>Stage</b>                    | Framework/substantive - partial   |
| <b>Conflict nature</b>          | Government  |
| <b>Peace process</b>            | Kenya peace process   |
| <b>Parties</b>                  | On behalf of Government/PNU:<br>- Hon. Martha Karua<br>- Hon. Sam Onger<br>- Hon. Mutula Kilonzo<br>- Hon. Moses Wetang'ula<br><br>On behalf of ODM:<br>- Hon. Musalia Mudavadi<br>- Hon. William Ruto<br>- Hon. James Orengo<br>- Hon. Sally Kosgei  |
| <b>Third parties</b>            | - Witnessed by:<br>For the Panel of Eminent African Personalities, H.E. Oluyemi Adeniji, Session Chair  |
| <b>Description</b>              | The agreement provides for the parameters and principles for a Constitutional Review.   |

---

|                           |  |
|---------------------------|--|
| <b>Agreement document</b> | <a href="#">Kenya_080304_Kenya National Dialogue and Reconciliation-Longer Term Issues and Solutions Constitutional Review.pdf (opens in new tab)</a>   <a href="#">Download PDF</a> |
|---------------------------|--|

---

## Groups

|                       |                      |
|-----------------------|----------------------|
| <b>Children/youth</b> | No specific mention. |
|-----------------------|----------------------|

|                         |                      |
|-------------------------|----------------------|
| <b>Disabled persons</b> | No specific mention. |
|-------------------------|----------------------|

|                    |                      |
|--------------------|----------------------|
| <b>Elderly/age</b> | No specific mention. |
|--------------------|----------------------|

|                        |                      |
|------------------------|----------------------|
| <b>Migrant workers</b> | No specific mention. |
|------------------------|----------------------|

|  |                      |
|--|----------------------|
| <b>Racial/ethnic/<br/>national group</b> | No specific mention. |
|--|----------------------|

|                         |                      |
|-------------------------|----------------------|
| <b>Religious groups</b> | No specific mention. |
|-------------------------|----------------------|

|                          |                      |
|--------------------------|----------------------|
| <b>Indigenous people</b> | No specific mention. |
|--------------------------|----------------------|

|                     |                      |
|---------------------|----------------------|
| <b>Other groups</b> | No specific mention. |
|---------------------|----------------------|

|                                       |                      |
|---------------------------------------|----------------------|
| <b>Refugees/displaced<br/>persons</b> | No specific mention. |
|---------------------------------------|----------------------|

|                     |                      |
|---------------------|----------------------|
| <b>Social class</b> | No specific mention. |
|---------------------|----------------------|

---

## Gender

|                                    |                      |
|------------------------------------|----------------------|
| <b>Women, girls and<br/>gender</b> | No specific mention. |
|------------------------------------|----------------------|

|                     |                      |
|---------------------|----------------------|
| <b>Men and boys</b> | No specific mention. |
|---------------------|----------------------|

|              |                      |
|--------------|----------------------|
| <b>LGBTI</b> | No specific mention. |
|--------------|----------------------|

|               |                      |
|---------------|----------------------|
| <b>Family</b> | No specific mention. |
|---------------|----------------------|

---

## **State definition**

**Nature of state (general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** Page 1, General Principles and Stages of the Process:  
The parties accept that the constitution belongs to the people of Kenya who must be consulted appropriately at all key stages of the process, including the formation of the process itself, the draft, the parliamentary process and any final enactment.  
...  
2. Parliament will enact a special 'constitutional referendum law' which will establish the powers and enactment processes for approval by the people in a referendum.  
...  
4 Parliament will consider and approve the resulting proposals for a new constitution.  
5. The new constitution will be put to the people for their consideration and enactment in a referendum.

**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)** No specific mention.

**Elections** No specific mention.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

|   |   |
|---|---|
| <b>Civil society</b>                      | No specific mention.  |
| <b>Traditional/<br/>religious leaders</b> | No specific mention.  |
| <b>Public<br/>administration</b>          | No specific mention.  |
| <b>Constitution</b>                       | Governance→Constitution→Constitutional reform/making<br>Summary: The whole agreement provides for the parameters and principles for a<br>Constitutional Review. |

---

#### **Power sharing**

|                                      |                      |
|--------------------------------------|----------------------|
| <b>Political power<br/>sharing</b>   | No specific mention. |
| <b>Territorial power<br/>sharing</b> | No specific mention. |
| <b>Economic power<br/>sharing</b>    | No specific mention. |
| <b>Military power<br/>sharing</b>    | No specific mention. |

---

#### **Human rights and equality**

|                                       |                      |
|---------------------------------------|----------------------|
| <b>Human rights/RoL<br/>general</b>   | No specific mention. |
| <b>Bill of rights/similar</b>         | No specific mention. |
| <b>Treaty<br/>incorporation</b>       | No specific mention. |
| <b>Civil and political<br/>rights</b> | No specific mention. |
| <b>Socio-economic<br/>rights</b>      | No specific mention. |

---

## **Rights related issues**

|                                |                      |
|--------------------------------|----------------------|
| <b>Citizenship</b>             | No specific mention. |
| <b>Democracy</b>               | No specific mention. |
| <b>Detention procedures</b>    | No specific mention. |
| <b>Media and communication</b> | No specific mention. |
| <b>Mobility/access</b>         | No specific mention. |
| <b>Protection measures</b>     | No specific mention. |
| <b>Other</b>                   | No specific mention. |

---

## **Rights institutions**

|  |                      |
|--|----------------------|
| <b>NHRI</b>  | No specific mention. |
| <b>Regional or international human rights institutions</b> | No specific mention. |

---

## **Justice sector reform**

|   |                      |
|---|----------------------|
| <b>Criminal justice and emergency law</b> | No specific mention. |
| <b>State of emergency provisions</b>      | No specific mention. |
| <b>Judiciary and courts</b>               | No specific mention. |
| <b>Prisons and detention</b>              | No specific mention. |
| <b>Traditional Laws</b>                   | No specific mention. |

---

## **Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**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** No specific mention.

**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, Background:  
Recalling the 1 February 2008 agreement by the Parties to deal with long-term issues and solutions that may have constituted the underlying causes of the prevailing social tensions, instability and cycle of violence, and recalling the substantial discussions that have been held concerning constitutional reform over recent years, the Parties to the Kenyan National Dialogue and Reconciliation agree to the following general parameters and principles for the establishment of a constitutional review processes.

**Ceasefire** No specific mention.

|   |                      |
|---|----------------------|
| <b>Police</b>                                       | No specific mention. |
| <b>Armed forces</b>                                 | No specific mention. |
| <b>DDR</b>  | No specific mention. |
| <b>Intelligence services</b>                        | No specific mention. |
| <b>Parastatal/rebel and opposition group forces</b> | No specific mention. |
| <b>Withdrawal of foreign forces</b>                 | No specific mention. |
| <b>Corruption</b>                                   | No specific mention. |
| <b>Crime/organised crime</b>                        | No specific mention. |
| <b>Drugs</b>  | No specific mention. |
| <b>Terrorism</b>                                    | No specific mention. |

---

## **Transitional justice**

|                                     |                      |
|-------------------------------------|----------------------|
| <b>Transitional justice general</b> | No specific mention. |
| <b>Amnesty/pardon</b>               | No specific mention. |
| <b>Courts</b>                       | No specific mention. |
| <b>Mechanism</b>                    | No specific mention. |
| <b>Prisoner release</b>             | No specific mention. |
| <b>Vetting</b>                      | No specific mention. |
| <b>Victims</b>                      | No specific mention. |
| <b>Missing persons</b>              | No specific mention. |

|                       |  |
|-----------------------|--|
| <b>Reparations</b>    | No specific mention.   |
| <b>Reconciliation</b> | <p>Page 1, Background:</p> <p>Recalling the 1 February 2008 agreement by the Parties to deal with long-term issues and solutions that may have constituted the underlying causes of the prevailing social tensions, instability and cycle of violence, and recalling the substantial discussions that have been held concerning constitutional reform over recent years, the Parties to the Kenyan National Dialogue and Reconciliation agree to the following general parameters and principles for the establishment of a constitutional review processes.</p> |

---

## **Implementation**

|   |   |
|---|---|
| <b>UN signatory</b>                         | No specific mention.  |
| <b>Other international signatory</b>        | <p>- Witnessed by:</p> <p>For the Panel of Eminent African Personalities, H.E. Oluyemi Adeniji, Session Chair</p> |
| <b>Referendum for agreement</b>             | No specific mention.  |
| <b>International mission/force/ similar</b> | No specific mention.  |
| <b>Enforcement mechanism</b>                | No specific mention.  |
| <b>Related cases</b>                        | No specific mention.  |
| <b>Source</b>                               | <a href="http://www.peacemaker.un.org/">http://www.peacemaker.un.org/</a>   |

---