

**Peace Agreement Access Tool PA-X** <https://pax.peaceagreements.org/>

<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 ( 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: - Hon. Martha Karua - Hon. Sam Ogeri - Hon. Mutula Kilonzo - Hon. Moses Wetang'ula  On behalf of ODM: - Hon. Musalia Mudavadi - Hon. William Ruto - Hon. James Orengo - Hon. Sally Kosgei
<b>Third parties</b>	- Witnessed by: 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.

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**Agreement document** [Kenya\\_080304\\_Kenya National Dialogue and Reconciliation-Longer Term Issues and Solutions Constitutional Review.pdf](#)  | [Download PDF](#)

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## Groups

Children/ youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/ displaced persons	No specific mention.
Social class	No specific mention.

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## Gender

Women, girls and gender	No specific mention.
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Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

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## 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.

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## Governance

Political  
institutions  
(new or  
reformed) No specific mention.

Elections No specific mention.

Electoral  
commission No specific mention.

Political  
parties  
reform No specific mention.

Civil society No specific mention.

Traditional/  
religious  
leaders No specific mention.

Public  
administration No specific mention.

Constitution Governance→Constitution→Constitutional reform/making  
Summary: The whole agreement provides for the parameters and principles  
for a Constitutional Review.

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## **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.

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## **Human rights and equality**

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

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## **Rights related issues**

Citizenship No specific mention.

Democracy No specific mention.

Detention  
procedures No specific mention.

Media and  
communication No specific mention.

Mobility/  
access No specific mention.

Protection  
measures No specific mention.

Other No specific mention.

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## **Rights institutions**

NHRI No specific mention.

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 No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

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### **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.

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## 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.

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## 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.

Police No specific mention.

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 No specific mention.

Crime/  
organised  
crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

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## **Transitional justice**

Transitional  
justice  
general No specific mention.

Amnesty/  
pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation 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.

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## Implementation

UN signatory No specific mention.

Other international signatory - Witnessed by:  
For the Panel of Eminent African Personalities, H.E. Oluyemi Adeniji, Session Chair

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

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

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