

Country/entity	Kenya
Region	Africa (excl MENA)
Agreement name	Kenya National Dialogue and Reconciliation - Truth, Justice and Reconciliation Commission
Date	4 Mar 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	<p>On behalf of Government/PNU:</p> <ul style="list-style-type: none"> - Hon. Martha Karua - Hon. Sam Onger - Hon. Mutula Kilonzo - Hon. Moses Wetang'ula <p>On behalf of ODM:</p> <ul style="list-style-type: none"> - Hon. Musalia Mudavadi - Hon. William Ruto - Hon. James Orengo - Hon. Sally Kosgei

Third parties	- Witnessed by: For the Panel of Eminent African Personalities, H.E. Oluyemi Adeniji, Session Chair
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Description	This agreement provides for the implementation of a Truth and Reconciliation Commission. It defines its general parameters.
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Agreement document	KE_080304_Kenyan National Dialogue and Reconciliation-Truth, Justice and Reconciliation Commission.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
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Disabled persons	No specific mention.
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Elderly/age	No specific mention.
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Migrant workers	No specific mention.
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Racial/ethnic/ national group	No specific mention.
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Religious groups	No specific mention.
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Indigenous people	No specific mention.
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Other groups	No specific mention.
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Refugees/displaced persons	Groups→Refugees/displaced persons→Substantive Page 1, General Parameters: ... The Commission will inquire into human rights violations, including those committed by the state, groups, or individuals. This includes but is not limited to politically motivated violence, assassinations, community displacements, settlements, and evictions. The Commission will also inquire into major economic crimes, in particular grand corruption, historical land injustices, and the illegal or irregular acquisition of land, especially as these relate to conflict or violence.
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Social class	No specific mention.
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Gender

Women, girls and gender	Page 2, Guiding Principles: ... The Commission will consist of seven members, with gender balance taken into account.
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)	Governance→Political institutions (new or reformed)→General references Page 2, Guiding Principles: ... Appropriate powers: The Commission shall be given powers of investigation, including the right to call persons to speak with the Commission, and powers to make recommendations that shall be considered and implemented by the government or others. These recommendations may include measures to advance community or national reconciliation; institutional or other reforms, or whether any persons should be held to account for past acts.
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	No specific mention.

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	<p>Page 1, General Parameters:</p> <p>...</p> <p>The Commission will inquire into human rights violations, including those committed by the state, groups, or individuals. This includes but is not limited to politically motivated violence, assassinations, community displacements, settlements, and evictions. The Commission will also inquire into major economic crimes, in particular grand corruption, historical land injustices, and the illegal or irregular acquisition of land, especially as these relate to conflict or violence.</p> <p>Page 2, Guiding Principles:</p> <p>The Commission will reflect the following principles and guidelines, taking into account international standards and best practices:</p> <p>Page 2, Selection and Composition:</p> <p>..</p> <p>In keeping with international best practices, and to ensure broad public trust in and ownership of the process of seeking the truth, the national members of the Commission shall</p> <p>be chosen through a consultative process.</p>
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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.

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.
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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.
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State of emergency provisions	No specific mention.
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Judiciary and courts	No specific mention.
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Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
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National economic plan	No specific mention.
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Natural resources	No specific mention.
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International funds Page 2, Guiding Principles:

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Financial support: The Parties encourage strong financial support to the Commission. It is expected that the Government of Kenya will provide a significant portion of the Commission's budget. Other funding may be obtained by the Commission from donors, foundations, or other independent sources.

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→Property return and restitution
Page 1, General Parameters:

...

The Commission will inquire into human rights violations, including those committed by the state, groups, or individuals. This includes but is not limited to politically motivated violence, assassinations, community displacements, settlements, and evictions. The Commission will also inquire into major economic crimes, in particular grand corruption, historical land injustices, and the illegal or irregular acquisition of land, especially as these relate to conflict or violence.

**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** No specific mention.

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	<p>Page 1, General Parameters:</p> <p>...</p> <p>The Commission will inquire into human rights violations, including those committed by the state, groups, or individuals. This includes but is not limited to politically motivated violence, assassinations, community displacements, settlements, and evictions. The Commission will also inquire into major economic crimes, in particular grand corruption, historical land injustices, and the illegal or irregular acquisition of land, especially as these relate to conflict or violence.</p>
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	<p>Transitional justice→Amnesty/pardon→Amnesty/pardon proper</p> <p>Page 1, General Parameters:</p> <p>...</p> <p>No blanket amnesty will be provided for past crimes. Individual amnesty may be recommended by the Commission in exchange for the full truth, provided that serious international crimes (crimes against humanity, war crimes, or genocide) are not amnestied, nor persons who bear the greatest responsibility for crimes covered by the Commission.</p>
Courts	No specific mention.

Mechanism	[Summary: This agreement provides for the implementation of a Truth and Reconciliation Commission. It defines its general parameters.]
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	<p>Page 1, General Parameters:</p> <p>...</p> <p>The Commission shall receive statements from victims, witnesses, communities, interest groups, persons directly or indirectly involved in events, or any other group or individual; undertake investigations and research; hold hearings; and engage in activities as it determines to advance national or community reconciliation. The Commission may offer confidentiality to persons upon request, in order to protect individual privacy or security, or for other reasons. The Commission shall solely determine whether its hearings shall be held in public or in camera.</p>
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	<p>Page 1, Background: Recalling the 14 February 2008 agreement by the Parties for a Truth, Justice and Reconciliation Commission, and in a spirit of reconciliation and national healing;</p> <p>The Parties to the Kenyan National Dialogue and Reconciliation agree to the following general parameters and principles for the establishment of such a commission.</p> <p>Page 2, Guiding Principles:</p> <p>Appropriate powers: The Commission shall be given powers of investigation, including the right to call persons to speak with the Commission, and powers to make recommendations that shall be considered and implemented by the government or others. These recommendations may include measures to advance community or national reconciliation; institutional or other reforms, or whether any persons should be held to account for past acts.</p>

Implementation

UN signatory	No specific mention.
Other international signatory	<p>- Witnessed by:</p> <p>For the Panel of Eminent African Personalities, H.E. Oluyemi Adeniji, Session Chair</p>
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/
