



<b>Country/entity</b>	Kenya
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	Kenyan National Dialogue and Reconciliation: Commission of Inquiry on Post-Election Violence
<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)**

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)

<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Government
<b>Peace process</b>	Kenya peace process
<b>Parties</b>	<p>On behalf of Government/PNU:</p> <ul style="list-style-type: none"> <li>- Hon. Martha Karua</li> <li>- Hon. Sam Onger</li> <li>- Hon. Mutula Kilonzo</li> <li>- Hon. Moses Wetang'ula</li> </ul> <p>On behalf of ODM:</p> <ul style="list-style-type: none"> <li>- Hon. Musalia Mudavadi</li> <li>- Hon. William Ruto</li> <li>- Hon. Sally Kosgei</li> <li>- Hon. James Orengo</li> </ul>

<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 establishment of a Commission of Inquiry on Post-Election Violence (Commission of Inquiry). Specifically, it defines its background, key activities, national cooperation, composition, methodology, outputs and timeline, financing and logistics.

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<b>Agreement document</b>	<a href="#">KE_080304_Agreement Commission on Post Election Violence.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
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## 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/national group</b>	Groups→Racial/ethnic/national group→Other Page 2, Composition: The Commission of Inquiry will be composed of three impartial, experienced, and internationally respected jurists, or experts in addressing communal conflict or ethnic violence.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	No specific mention.
<b>Social class</b>	No specific mention.

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## **Gender**

**Women, girls and gender** No specific mention.

**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** 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.

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## **Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** Page 1, Key Activities:  
The activities of the Commission shall be:  
To investigate the facts and circumstances related to the violence following the 2007 Presidential election, between December 28, 2007 and February 28, 2008.

<b>Electoral commission</b>	No specific mention.
<b>Political parties reform</b>	No specific mention.
<b>Civil society</b>	<p>Page 2, National Cooperation:</p> <p>...</p> <p>The Parties call upon States, relevant UN and AU bodies and, as appropriate, national and international humanitarian or other nongovernmental organizations to provide information to the Commission of Inquiry related to post-election violence, to make such information available as soon as possible and to provide appropriate assistance to the Commission.</p>
<b>Traditional/religious leaders</b>	No specific mention.
<b>Public administration</b>	No specific mention.
<b>Constitution</b>	No specific mention.

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## **Power sharing**

<b>Political power sharing</b>	No specific mention.
<b>Territorial power sharing</b>	No specific mention.
<b>Economic power sharing</b>	No specific mention.
<b>Military power sharing</b>	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** Rights institutions→Regional or international human rights institutions→Monitoring calls  
Page 2, National Cooperation:  
...  
The Parties call upon States, relevant UN and AU bodies and, as appropriate, national and international humanitarian or other nongovernmental organizations to provide information to the Commission of Inquiry related to post-election violence, to make such information available as soon as possible and to provide appropriate assistance to the Commission.

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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** Page 2, Financing/Logistics:  
The Commission of Inquiry will be funded by the Kenyan Government and the Trust Fund for National Dialogue and Reconciliation, including support from donor states or foundations. it will receive logistical support from the AU and the UN.

**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, Key Activities:  
The activities of the Commission shall be:  
To investigate the facts and circumstances related to the violence following the 2007  
Presidential election, between December 28, 2007 and February 28, 2008.

Page 1-2, National Cooperation:  
Kenyan authorities, institutions, parties, and others shall fully cooperate with the  
Commission of Inquiry in the accomplishment of its mandate, in response to requests for  
information, security, assistance or access in pursuing investigations, including:

- Adoption by the Government of Kenya of any measures needed for the Commission and its personnel to carry out their functions throughout the national territory with full freedom , independence and security;

...

- Guarantee by the Government of Kenya of full respect for the integrity, security and freedom of witnesses, experts and any other persons who help in its work;

**Ceasefire** No specific mention.

**Police** No specific mention.



<b>Armed forces</b>	<p>Page 1, Background:  Recalling that the Parties have previously agreed to:  ...  And have expressed a commitment to:  • Identification and prosecution of perpetrators of violence, including State security agents</p>
<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.

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

**Courts** Transitional justice→Courts→National courts  
Page 1, Background:  
...  
This Commission of Inquiry will be a non-judicial body mandated  
...  
(iii) to recommend measures of a legal, political or administrative nature, as appropriate, including measures with regard to bringing to justice those persons responsible for criminal acts. The Commission of Inquiry aims to prevent any repetition of similar deeds and, in general, to eradicate impunity and promote national reconciliation in Kenya.

**Mechanism** [Summary: The whole agreement provides for the establishment of a Commission of Inquiry on Post-election violence.]

<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>	Page 1, Background: The Parties to the National Dialogue and Reconciliation, together with the Panel of Eminent African Personalities (The Panel), agree to the establishment of a Commission of Inquiry on Post-Election Violence (Commission of Inquiry).

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## Implementation

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

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