

<b>Country/entity</b>	Kenya
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	National Accord and Reconciliation Act 2008
<b>Date</b>	28 Feb 2008
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict <b>Kenyan Post-Electoral Violence (2007 - 2008)</b>  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>	This is an Act of Parliament. The original copy has been paraphrased by: - H.E. President Mwai Kibaki, Government/Party of National Unity - Hon. Raila Odinga, Orange Democratic Movement
<b>Third parties</b>	This is an Act of Parliament. The original copy has been paraphrased the following witnesses: - H.E. President Jakaya Kikwete, President of the United Republic of Tanzania and Chairman of the African Union - H.E. Kofi A. Annan, Chairman of the Panel of Eminent African Personalities
<b>Description</b>	This Agreement is an Act of Parliament providing for the settlement of the disputes arising from the presidential elections of 2007, formation of a Coalition Government and various related matters.

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<b>Agreement document</b>	<a href="#">KE_080228_National Accord and Reconciliation Act.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>	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 persons</b>	No specific mention.
<b>Social class</b>	No specific mention.

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## Gender

<b>Women, girls and 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.

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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, Preamble:  
...  
Given the disputed elections and the divisions in the Parliament and the country, neither side is able to govern without the other. There needs to be real power sharing to move the country forward.

Page 1, Descriptions of the Act: An Act of Parliament to provide for the settlement of the disputes arising from the presidential elections of 2007, formation of a Coalition Government and Establishment of the Offices of Prime Minister, Deputy Prime Ministers and Ministers of the Government of Kenya, their functions and various matters connected with and incidental to the foregoing.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

<b>Civil society</b>	No specific mention.
<b>Traditional/ religious leaders</b>	No specific mention.
<b>Public administration</b>	No specific mention.
<b>Constitution</b>	Governance→Constitution→Constitutional reform/making Page 2, Article 8: This Act shall cease to apply upon dissolution of the tenth Parliament, if the coalition is dissolved, or a new constitution is enacted, whichever is earlier.

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**Power sharing**

## Political power sharing

Power sharing→Political power sharing→General  
State level

Page 1, Preamble:

...

Given the disputed elections and the divisions in the Parliament and the country, neither side is able to govern without the other. There needs to be real power sharing to move the country forward.

A coalition must be a partnership with commitment on both sides to govern together and push through a reform agenda for the benefit of all Kenyans.

Page 1, Descriptions of the Act: An Act of Parliament to provide for the settlement of the disputes arising from the presidential elections of 2007, formation of a Coalition Government and Establishment of the Offices of Prime Minister, Deputy Prime Ministers and Ministers of the Government of Kenya, their functions and various matters connected with and incidental to the foregoing.

Power sharing→Political power sharing→Executive coalition

State level

Page 1, Article 3:

..

(2) The person to be appointed as Prime Minister shall be an elected member of the National Assembly who is the parliamentary leader of-

(a) the political party that has the largest number of members in the National Assembly; or

(b) a coalition of political parties in the event that the leader of the political party that has the largest number of members of the National Assembly does not command the majority in the National Assembly.

(3) Each member of the coalition shall nominate one person from the elected members of the National Assembly to be appointed a Deputy Prime Minister.

Page 1-2, Article 4:

...

(2) In the formation of the coalition government, the persons to be appointed as Ministers and Assistant Ministers from the political parties that are partners in the coalition other than the President's party, shall be nominated by the parliamentary leader of the party in the coalition.

Thereafter there shall be full consultation with the President on the appointment of all Ministers.

(3) The composition of the coalition government shall at all times reflect the relative parliamentary strengths of the respective parties and shall at all times take into account the principle of portfolio balance.

(4) The office of the Prime Minister and Deputy Prime Minister shall become vacant only if-

...

(c) the coalition is dissolved.

Page 2, Article 6:

The coalition shall stand dissolved if:

(a) the Tenth Parliament is dissolved; or

(b) the coalition parties agree in writing; or

(c) one coalition partner withdraws from the coalition by a resolution of the highest decision-making organ of that party in writing.

Page 2, Article 8:

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This Act shall cease to apply upon dissolution of the tenth Parliament, if the coalition is dissolved, or a new constitution is enacted, whichever is earlier.

<b>Territorial power sharing</b>	No specific mention.
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<b>Economic power sharing</b>	No specific mention.
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<b>Military power sharing</b>	No specific mention.
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## **Human rights and equality**

<b>Human rights/RoL general</b>	No specific mention.
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<b>Bill of rights/similar</b>	No specific mention.
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<b>Treaty incorporation</b>	No specific mention.
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<b>Civil and political rights</b>	No specific mention.
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<b>Socio-economic rights</b>	No specific mention.
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## **Rights related issues**

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

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## **Implementation**

**UN signatory** No specific mention.

**Other international signatory** This is an Act of Parliament. The original copy has been paragraphed the following witnesses:  
- H.E. President Jakaya Kikwete, President of the United Republic of Tanzania and Chairman of the African Union  
- H.E. Kofi A. Annan, Chairman of the Panel of Eminent African Personalities

**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://peacemaker.un.org>

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