

<b>Country/entity</b>	Kenya
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	Kenyan National Dialogue and Reconciliation: How to Resolve the Political Crisis
<b>Date</b>	14 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>	On the Government/PNU: Hon. Martha Karua, Hon. Sam Ongeru, Hon. Mutula Kilonzo, Hon. Moses Wetang'ula On the behalf of ODM: Hon. Musalia Mudavadi, Hon. William Ruto, Hon. Sally Kosgei, Hon. James Orengo
<b>Third parties</b>	Witnessed by: For the Panel of Eminent African Personalities: H.E. Kofi A. Annan, Chairperson
<b>Description</b>	-

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<b>Agreement document</b>	<a href="#">KE_080214_Agenda Item Three How to Resolve the Political Crisis.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
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## Groups

<b>Children/youth</b>	Groups→Children/youth→Rhetorical Page 4, III. Regarding the need for a political settlement to resolve the current crisis: ... We also agree that the issues in Agenda Item Four are fundamental to the root causes of the crisis, and are closely linked with Agenda Item Three. The implementation of the following reforms should commence urgently in concert with reforms of Agenda Item Three. However, these processes may continue beyond the timeline of the next election: ... • Tackling unemployment, particularly among the youth;
<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>	Groups→Refugees/displaced persons→Rhetorical Page 2, II. Regarding the disputed presidential electoral results, we examined the following options: ... (c) Re-run of Presidential Elections ... We agreed however that, to safeguard the trust and confidence of the Kenyan people in the democratic process, the next election should take place only after electoral reforms, including but not limited to the reform of the Electoral Commission of Kenya, finalization of the work of the Independent Review Committee (see below), updating of the Voters' List, establishment and improvement of dispute resolution mechanisms and effecting measures to ensure enfranchisement or Internally Displaced Persons and refugees have been implemented.
<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, I. Preamble, I. Preamble:

Reaffirming the Goal of the National Dialogue and Reconciliation:

To ensure that the National Dialogue and Reconciliation is carried out in a continuous and sustained manner towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya, in line with the agreement between His Excellency Mwai Kibaki and Honourable Raila Odinga, as publicly announced on 24th January and reaffirmed on 29th January 2008 at County Hall in Nairobi.

...

Recognising under Agenda Item Three that, in large measure, the current crisis revolves around the issues of power and the functioning of state institutions, and also recognizing that its resolution may require adjustments to the current constitutional, legal and institutional frameworks, the parties negotiated and agreed on a solution towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya.

Page 1-3, II. Regarding the disputed presidential electoral results, we examined the following options:

(a) Complete Re-count of the Presidential Elections.

We agreed that any re-count, to be considered credible in the eyes of the Kenyan people, would need to be nation-wide, involving a ballot by ballot scrutiny of all of the more than 11,000,000 ballots cast on December 27th. We agreed that all ballots and electoral materials would have to be made available at counting centres across the country before announcing a re-count. A re-count would need to be conducted under the full scrutiny of trained observers and party agents, who would have the right to scrutinize the counting and verify each and every ballot.

We agreed that a re-count would need to be overseen by a specially appointed independent body that enjoys the trust and broad support of all Kenyans.

We considered the timeline for a possible re-count. We agreed that the preparatory work required to make a re-count credible in the eyes of the Kenyan people and in keeping with international best practices could take up to three months.

We were concerned that a delay of several months could significantly increase existing tensions and delay resolution of the current crisis, and we recognize that the result of a re-count might not further Kenyan unity, and we therefore decided to review other options.

(b) Re-tally

We agreed that any re-tally, to be considered credible in the eyes of the Kenyan people, would need to be nation-wide, involving full scrutiny and re-tally of results sheets from all of the more than 27,500 polling station tally sheets and 210 constituency tally sheets. We agreed that all forms would have to be made available across the country before announcing a re-tally. A re-tally would need to be conducted under the full scrutiny of trained observers and party agents, who would have the right to scrutinize the conduct of the process and the validity of each tally sheet, and would need to be overseen by a specially appointed independent body that enjoys the trust and broad support of all Kenyans.

While we agreed that a re-tally could successfully identify problems or irregularities in the tally sheets, a re-tally could not however identify the correct result in those stations or constituencies where problems or irregularities were identified. For these reasons stated above, we decided to review other options.

(c) Re-run of Presidential Elections

We were not in agreement on the need for a re-run of the Presidential elections. We agreed however that, to safeguard the trust and confidence of the Kenyan people in the democratic process, the next election should take place only after electoral reforms

**Electoral  
commission**

Page 2:

While we agreed that a re-tally could successfully identify problems or irregularities in the tally sheets, a re-tally could not however identify the correct result in those stations or constituencies where problems or irregularities were identified.

For these reasons stated above, we decided to review other options.

(c) Re-run of Presidential Elections

We were not in agreement on the need for a re-run of the Presidential elections.

We agreed however that, to safeguard the trust and confidence of the Kenyan people in the democratic process, the next election should take place only after electoral reforms, including but not limited to the reform of the electoral commission of Kenya, finalization of the work of the Independent Review Committee (see below), updating of the Voters' List, establishment and improvement of dispute resolution mechanisms and effecting measures to ensure enfranchisement of Internally Displaced Persons and refugees have been implemented. ·

Pages 3-4:

III. Regarding the need for a political settlement to resolve the current crisis, we agree on the following points:

We recognize that there is a serious crisis in the country, we agree a political settlement is necessary to promote national reconciliation and unity.

We also agree that such a political settlement must be one that reconciles and heals the nation and reflects the best interests of all Kenyans. A political settlement is necessary to manage a broad reform agenda and other mechanisms that will address the root causes of the crisis.

Such reforms and mechanisms will comprise, but are not limited to, the following:

- Comprehensive Constitutional reforms;
- Comprehensive electoral reform - of the electoral laws, the electoral commission and dispute resolution mechanisms;

**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  
Page 1, I. Preamble, I. Preamble:

...

Recognising under Agenda Item Three that, in large measure, the current crisis revolves around the issues of power and the functioning of state institutions, and also recognizing that its resolution may require adjustments to the current constitutional, legal and institutional frameworks, the parties negotiated and agreed on a solution towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya.

Page 3, III. Regarding the need for a political settlement to resolve the current crisis:

...

We also agree that such a political settlement must be one that reconciles and heals the nation and reflects the best interests of all Kenyans. A political settlement is necessary to manage a broad reform agenda and other mechanisms that will address the root causes of the crisis.

Such reforms and mechanisms will comprise, but are not limited to, the following:

- Comprehensive Constitutional reforms;

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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** Page 1, I. Preamble, I. Preamble:  
...  
The final goal of the National Dialogue and Reconciliation is to achieve sustainable peace, stability and justice in Kenya through the rule of law and respect for human rights.

Page 3, III. Regarding the need for a political settlement to resolve the current crisis:  
We recognize that there is a serious crisis in the country, we agree a political settlement is necessary to promote national reconciliation and unity.  
...  
• Respect for human rights;

**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** Page 2, II. Regarding the disputed presidential electoral results, we examined the following options:  
...  
(c) Re-run of Presidential Elections  
...  
We agreed however that, to safeguard the trust and confidence of the Kenyan people in the democratic process, the next election should take place only after electoral reforms, including but not limited to the reform of the Electoral Commission of Kenya, finalization of the work of the Independent Review Committee (see below), updating of the Voters' List, establishment and improvement of dispute resolution mechanisms and effecting measures to ensure enfranchisement or Internally Displaced Persons and refugees have been implemented.

**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** Page 2-3, II. Regarding the disputed presidential electoral results, we examined the following options:  
...  
(d) Judicial Process  
We agreed that a judicial process was no longer an option as the legal time limit had expired, and we therefore decided to review other options.  
  
Page 3-4, III. Regarding the need for a political settlement to resolve the current crisis:  
...  
We also agree that such a political settlement must be one that reconciles and heals the nation and reflects the best interests of all Kenyans. A political settlement is necessary to manage a broad reform agenda and other mechanisms that will address the root causes of the crisis.  
Such reforms and mechanisms will comprise, but are not limited to, the following:  
• Legal and Judicial reforms;

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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## **Socio-economic reconstruction**

**Development or socio-economic reconstruction** Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development  
Page 3-4, III. Regarding the need for a political settlement to resolve the current crisis:

...

We also agree that such a political settlement must be one that reconciles and heals the nation and reflects the best interests of all Kenyans. A political settlement is necessary to manage a broad reform agenda and other mechanisms that will address the root causes of the crisis.

Such reforms and mechanisms will comprise, but are not limited to, the following:

...

- Other legislative, structural, political and economic reforms as needed.

Page 4, III. Regarding the need for a political settlement to resolve the current crisis:

...

We also agree that the issues in Agenda Item Four are fundamental to the root causes of the crisis, and are closely linked with Agenda Item Three. The implementation of the following reforms should commence urgently in concert with reforms of Agenda Item Three. However, these processes may continue beyond the timeline of the next election:

...

- Tackling poverty and inequity, as well as combating regional development imbalances, particularly promoting equal access to opportunity;
- Tackling unemployment, particularly among the youth;

**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

<b>Land reform/rights</b>	Land, property and environment→Land reform/rights→Land reform and management Page 4, III. Regarding the need for a political settlement to resolve the current crisis: ... We also agree that the issues in Agenda Item Four are fundamental to the root causes of the crisis, and are closely linked with Agenda Item Three. The implementation of the following reforms should commence urgently in concert with reforms of Agenda Item Three. However, these processes may continue beyond the timeline of the next election: ... • Land reform;
<b>Pastoralist/nomadism rights</b>	No specific mention.
<b>Cultural heritage</b>	No specific mention.
<b>Environment</b>	No specific mention.
<b>Water or riparian rights or access</b>	No specific mention.

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## Security sector

<b>Security Guarantees</b>	Page 1, I. Preamble, I. Preamble: Reaffirming the Goal of the National Dialogue and Reconciliation: To ensure that the National Dialogue and Reconciliation is carried out in a continuous and sustained manner towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya, in line with the agreement between His Excellency Mwai Kibaki and Honourable Raila Odinga, as publicly announced on 24th January and reaffirmed on 29th January 2008 at County Hall in Nairobi. The final goal of the National Dialogue and Reconciliation is to achieve sustainable peace, stability and justice in Kenya through the rule of law and respect for human rights. Recognising under Agenda Item Three that, in large measure, the current crisis revolves around the issues of power and the functioning of state institutions, and also recognizing that its resolution may require adjustments to the current constitutional, legal and institutional frameworks, the parties negotiated and agreed on a solution towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya.
<b>Ceasefire</b>	No specific mention.

<b>Police</b>	<p>Page 3, III. Regarding the need for a political settlement to resolve the current crisis:</p> <p>...</p> <p>We also agree that such a political settlement must be one that reconciles and heals the nation and reflects the best interests of all Kenyans. A political settlement is necessary to manage a broad reform agenda and other mechanisms that will address the root causes of the crisis.</p> <p>Such reforms and mechanisms will comprise, but are not limited to, the following:</p> <p>...</p> <ul style="list-style-type: none"> <li>• Police reform;</li> </ul>
<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>	<p>Page 4, III. Regarding the need for a political settlement to resolve the current crisis:</p> <p>...</p> <p>We also agree that the issues in Agenda Item Four are fundamental to the root causes of the crisis, and are closely linked with Agenda Item Three. The implementation of the following reforms should commence urgently in concert with reforms of Agenda Item Three. However, these processes may continue beyond the timeline of the next election:</p> <p>...</p> <ul style="list-style-type: none"> <li>• Strengthening of anti-corruption laws/public accountability mechanisms;</li> </ul> <p>...</p> <ul style="list-style-type: none"> <li>• Addressing issues of accountability and transparency.</li> </ul>
<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** Page 4, III. Regarding the need for a political settlement to resolve the current crisis:  
...

We also agree that the issues in Agenda Item Four are fundamental to the root causes of the crisis, and are closely linked with Agenda Item Three. The implementation of the following reforms should commence urgently in concert with reforms of Agenda Item Three. However, these processes may continue beyond the timeline of the next election:

- Consolidating national cohesion and unity;
- Land reform;
- Tackling poverty and inequity, as well as combating regional development imbalances, particularly promoting equal access to opportunity;
- Tackling unemployment, particularly among the youth;
- Reform of the Public Service;
- Strengthening of anti-corruption laws/public accountability mechanisms;
- Reform of Public Finance and Revenue Management Systems and Institutions;
- Addressing issues of accountability and transparency.

We recognize that this settlement is not about sharing of political positions but about addressing the fundamental root causes of recurrent conflict, and we reaffirm our commitment to address the issues within Agenda Item Four expeditiously and comprehensively.

**Amnesty/pardon** No specific mention.

**Courts** Transitional justice→Courts→National courts

Page 3, III. Regarding the need for a political settlement to resolve the current crisis:

...

We also agree that such a political settlement must be one that reconciles and heals the nation and reflects the best interests of all Kenyans. A political settlement is necessary to manage a broad reform agenda and other mechanisms that will address the root causes of the crisis.

Such reforms and mechanisms will comprise, but are not limited to, the following:

...

- Identification and prosecution of perpetrators of violence;

**Mechanism** Page 3, III. Regarding the need for a political settlement to resolve the current crisis:

...

We also agree that such a political settlement must be one that reconciles and heals the nation and reflects the best interests of all Kenyans. A political settlement is necessary to manage a broad reform agenda and other mechanisms that will address the root causes of the crisis.

Such reforms and mechanisms will comprise, but are not limited to, the following:

...

- A truth, justice and reconciliation commission;
- Identification and prosecution of perpetrators of violence;

**Prisoner release** No specific mention.

**Vetting** 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, I. Preamble, I. Preamble: Reaffirming the Goal of the National Dialogue and Reconciliation: To ensure that the National Dialogue and Reconciliation is carried out in a continuous and sustained manner towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya, in line with the agreement between His Excellency Mwai Kibaki and Honourable Raila Odinga, as publicly announced on 24th January and reaffirmed on 29th January 2008 at County Hall in Nairobi.</p> <p>Page 1-2, II. Regarding the disputed presidential electoral results, we examined the following options: (a) Complete Re-count of the Presidential Elections. ... We were concerned that a delay of several months could significantly increase existing tensions and delay resolution of the current crisis, and we recognize that the result of a re-count might not further Kenyan unity, and we therefore decided to review other options.</p> <p>Page 3, III. Regarding the need for a political settlement to resolve the current crisis: We recognize that there is a serious crisis in the country, we agree a political settlement is necessary to promote national reconciliation and unity.</p> <p>We also agree that such a political settlement must be one that reconciles and heals the nation and reflects the best interests of all Kenyans. A political settlement is necessary to manage a broad reform agenda and other mechanisms that will address the root causes of the crisis. Such reforms and mechanisms will comprise, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• A truth, justice and reconciliation commission;</li> <li>• Identification and prosecution of perpetrators of violence;</li> <li>• Respect for human rights;</li> <li>• Parliamentary reform;</li> <li>• Police reform;</li> </ul> <p>Page 4, III. Regarding the need for a political settlement to resolve the current crisis: ... We also agree that the issues in Agenda Item Four are fundamental to the root causes of the crisis, and are closely linked with Agenda Item Three. The implementation of the following reforms should commence urgently in concert with reforms of Agenda Item Three. However, these processes may continue beyond the timeline of the next election:</p> <ul style="list-style-type: none"> <li>• Consolidating national cohesion and unity;</li> </ul>

## **Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**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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