

Country/entity	Kenya
Region	Africa (excl MENA)
Agreement name	Kenyan National Dialogue and Reconciliation: Public Statement on Agenda Item One
Date	1 Feb 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 led 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	Pre-negotiation/process
Conflict nature	Government
Peace process	Kenya peace process
Parties	- On the behalf of the Government/PNU: Hon. Martha Karua, Hon. Sam Onger, Hon. Mutula Kilonzo - On the behalf of ODM: Hon. Musalia Mudavadi, Hon. William Ruto, Hon. Sally Kosgei, Hon. James Orengo
Third parties	- Mediated by H.E. Kofi Annan and the Panel of Eminent African Personalities - Witnessed by: For the Panel of the Eminent African Personalities, K.E. Kofi A. Anna, Chairperson
Description	-

Agreement document [KE_080101_Kenyan National Dialogue and Reconciliation Public Statement on Agenda Item One.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth	<p>Groups→Children/youth→Rhetorical Page 2, Preamble: ... 2. To the Public ... e) We appeal to all youths throughout the country not to participate in acts of lawlessness particularly those leading to harm or loss of human life and destruction of property.</p> <p>Page 2, Preamble: ... 3. As to the restoration of fundamental rights and civil liberties e) All workers, both public and private, must be assisted to return safely back to their places of work. Reopen all institutions of learning and assist teachers and children to return in an environment of safety.</p>
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	<p>Groups→Racial/ethnic/national group→Anti-discrimination Page 1, Preamble: ... Noting with concern the situation of insecurity in the country; We need to take the following steps to immediately halt the violence: 1. To the Police: ... b) The security forces must carry out their duties and responsibilities with complete impartiality and without regard to ethnicity, political persuasion, or other partisan consideration.</p>
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Rhetorical
Page 2, Preamble:
...
3. As to the restoration of fundamental rights and civil liberties
...
f) All internally displaced persons should be protected and assisted to return safely to their homes and places of work and their rights to reside anywhere in the country be upheld.
g) In order to promote food security, displaced farmers should be assisted to return to their farms. All farmers affected by the crisis should encouraged to safely resume their farming activities.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

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)

No specific mention.

Elections

No specific mention.

Electoral commission

No specific mention.

Political parties reform

No specific mention.

Civil society

Page 2, Preamble:

...

Noting with concern the situation of insecurity in the country; We need to take the following steps to immediately halt the violence:

...

b) Mobilise local community, religious, political, business and civil society leaders to hold joint meetings to promote peace and tranquility and stand up for justice and fairness.

Traditional/religious leaders

Page 2, Preamble:

...

b) Mobilise local community, religious, political, business and civil society leaders to hold joint meetings to promote peace and tranquility and stand up for justice and fairness.

Public administration

No specific mention.

Constitution

Governance→Constitution→Constitution affirmation/renewal

Page 1, Preamble:

...

Noting with concern the situation of insecurity in the country; We need to take the following steps to immediately halt the violence:

1. To the Police:

a) The police must act in accordance with the Constitution and the law and in particular the Police Act and the Force Standing Orders. While the police are entitled to use reasonable force to protect vulnerable populations and in case of self defence, live bullets must not be used on unarmed civilians in unjustifiable circumstances.

...

Page 2, Preamble:

...

3. As to the restoration of fundamental rights and civil liberties

...

b) Peaceful assembly as guaranteed by the Constitution should be protected and facilitated. Leaders and the public attending such meetings must ensure that meetings are peaceful, orderly and conducted in conformity with the law.

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 Page 1, Preamble:
Goal:
...
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.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights

Human rights and equality→Civil and political rights→Life
Page 2, Preamble:

...

3. As to the restoration of fundamental rights and civil liberties

...

d) Enforce law and order to protect life and property, and to ensure that roads and railways are open and safe for people, goods and services. Major transit routes must be secured and safe passage on all internal road networks throughout the country be guaranteed.

Human rights and equality→Civil and political rights→Freedom of association
Page 2, Preamble:

...

3. As to the restoration of fundamental rights and civil liberties:

a) Ensure that the freedom of expression, press freedom and the right to peaceful assembly are upheld. A suitable code of conduct on live coverage broadcasts, should be developed promptly by the Media Council in consultation with the Ministry of Information and implemented forthwith. This should include punitive measures against abuse.

b) Peaceful assembly as guaranteed by the Constitution should be protected and facilitated. Leaders and the public attending such meetings must ensure that meetings are peaceful, orderly and conducted in conformity with the law.

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 2, Preamble:

...

3. As to the restoration of fundamental rights and civil liberties:

a) Ensure that the freedom of expression, press freedom and the right to peaceful assembly are upheld. A suitable code of conduct on live coverage broadcasts, should be developed promptly by the Media Council in consultation with the Ministry of Information and implemented forthwith. This should include punitive measures against abuse.

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 2, Preamble:

...

3. As to the restoration of fundamental rights and civil liberties

...

d) Enforce law and order to protect life and property, and to ensure that roads and railways are open and safe for people, goods and services. Major transit routes must be secured and safe passage on all internal road networks throughout the country be guaranteed.

Human rights and equality→Socio-economic rights→Shelter/housing
Page 2, Preamble:

...

3. As to the restoration of fundamental rights and civil liberties

...

f) All internally displaced persons should be protected and assisted to return safely to their homes and places of work and their rights to reside anywhere in the country be upheld.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	<p>Rights related issues→Media and communication→Media roles Page 2, Preamble:</p> <p>...</p> <p>3. As to the restoration of fundamental rights and civil liberties:</p> <p>a) Ensure that the freedom of expression, press freedom and the right to peaceful assembly are upheld. A suitable code of conduct on live coverage broadcasts, should be developed promptly by the Media Council in consultation with the Ministry of Information and implemented forthwith. This should include punitive measures against abuse.</p> <p>Page 3, Preamble:</p> <p>...</p> <p>3. As to the restoration of fundamental rights and civil liberties</p> <p>...</p> <p>h) Hate and threatening messages, leaflets, sms, or any other broadcasts of that nature must cease forthwith.</p> <p>Rights related issues→Media and communication→Other Page 1, Preamble:</p> <p>...</p> <p>Noting with concern the situation of insecurity in the country; We need to take the following steps to immediately halt the violence:</p> <p>1. To the Police:</p> <p>...</p> <p>d) In order to harmonise security activities at all levels, there is a need for the cross flow of information between administrative units and the leadership at every level.</p>
Mobility/access	<p>Page 2, Preamble:</p> <p>...</p> <p>3. As to the restoration of fundamental rights and civil liberties</p> <p>...</p> <p>d) Enforce law and order to protect life and property, and to ensure that roads and railways are open and safe for people, goods and services. Major transit routes must be secured and safe passage on all internal road networks throughout the country be guaranteed.</p> <p>e) All workers, both public and private, must be assisted to return safely back to their places of work. Reopen all institutions of learning and assist teachers and children to return in an environment of safety.</p>
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Reform to specific laws
Page 2, Preamble:
...
3. As to the restoration of fundamental rights and civil liberties:
a) Ensure that the freedom of expression, press freedom and the right to peaceful assembly are upheld. A suitable code of conduct on live coverage broadcasts, should be developed promptly by the Media Council in consultation with the Ministry of Information and implemented forthwith. This should include punitive measures against abuse.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

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.

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.

Security sector

Security Guarantees

Page 1, Preamble,

Goal:

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.

...

Noting with concern the situation of insecurity in the country; We need to take the following steps to immediately halt the violence:

Page 2, Preamble:

...

2. To the Public:

...

c) All Kenyan citizens should stop acts of violence.

...

Page 2, Preamble:

...

3. As to the restoration of fundamental rights and civil liberties

...

d) Enforce law and order to protect life and property, and to ensure that roads and railways are open and safe for people, goods and services. Major transit routes must be secured and safe passage on all internal road networks throughout the country be guaranteed.

e) All workers, both public and private, must be assisted to return safely back to their places of work. Reopen all institutions of learning and assist teachers and children to return in an environment of safety.

Ceasefire

No specific mention.

Police	<p>Page 1, Preamble:</p> <p>...</p> <p>Noting with concern the situation of insecurity in the country; We need to take the following steps to immediately halt the violence:</p> <p>1. To the Police:</p> <p>a) The police must act in accordance with the Constitution and the law and in particular the Police Act and the Force Standing Orders. While the police are entitled to use reasonable force to protect vulnerable populations and in case of self defence, live bullets must not be used on unarmed civilians in unjustifiable circumstances.</p> <p>b) The security forces must carry out their duties and responsibilities with complete impartiality and without regard to ethnicity, political persuasion, or other partisan consideration.</p> <p>c) The deployment of the security agents must at all times promote and reflect national integration and harmony.</p> <p>d) In order to harmonise security activities at all levels, there is a need for the cross flow of information between administrative units and the leadership at every level.</p> <p>Page 2, Preamble:</p> <p>...</p> <p>3. As to the restoration of fundamental rights and civil liberties</p> <p>...</p> <p>c) Impartial, effective and expeditious investigations on all cases of crime and police brutality and/or excessive use of force should be undertaken forthwith.</p>
Armed forces	No specific mention.
DDR	<p>Security sector→DDR→Demilitarisation provisions</p> <p>Page 2, Preamble:</p> <p>...</p> <p>To the Public</p> <p>...</p> <p>d) All illegal armed groups and militias should be demobilized and disbanded.</p>
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.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism Page 2, Preamble:
...
3. As to the restoration of fundamental rights and civil liberties
...
c) Impartial, effective and expeditious investigations on all cases of crime and police brutality and/or excessive use of force should be undertaken forthwith.

Prisoner release No specific mention.

Vetting No specific mention.

Victims Page 2, Preamble:
...
2. To the Public
...
f) We call upon the victims and those affected by violence to exercise restraint and avoid any acts of revenge or retaliation.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation Page 1, Preamble:
Goal:
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.

Implementation

UN signatory No specific mention.

Other international signatory - Mediated by H.E. Kofi Annan and the Panel of Eminent African Personalities
- Witnessed by: For the Panel of the Eminent African Personalities, K.E. Kofi A. Anna, Chairperson

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.
