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|---------------------------------|---|
| <b>Country/entity</b>           | Kenya   |
| <b>Region</b>                   | Africa (excl MENA)  |
| <b>Agreement name</b>           | Kenya National Dialogue and Reconciliation - Truth, Justice and Reconciliation Commission |
| <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<br><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 behalf of Government/PNU:<br>- Hon. Martha Karua<br>- Hon. Sam Ogeri<br>- Hon. Mutula Kilonzo<br>- Hon. Moses Wetang'ula<br><br>On behalf of ODM:<br>- Hon. Musalia Mudavadi<br>- Hon. William Ruto<br>- Hon. James Orengo<br>- Hon. Sally Kosgei |

**Third parties** - Witnessed by:  
For the Panel of Eminent African Personalities, H.E. Oluyemi Adeniji, Session Chair

**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.

**Disabled persons** No specific mention.

**Elderly/age** No specific mention.

**Migrant workers** No specific mention.

**Racial/ethnic/  
national group** No specific mention.

**Religious groups** No specific mention.

**Indigenous people** No specific mention.

**Other groups** No specific mention.

**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.

**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.

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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

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|---|---|
| <b>Political institutions (new or reformed)</b> | Governance→Political institutions (new or reformed)→General references<br>Page 2, Guiding Principles:<br>...<br>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. |
| <b>Elections</b>                                | No specific mention.  |
| <b>Electoral commission</b>                     | No specific mention.  |
| <b>Political parties reform</b>                 | 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>                             | 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

|                                 |   |
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| <b>Human rights/RoL general</b> | <p>Page 1, General Parameters:<br/>...</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:<br/>The Commission will reflect the following principles and guidelines, taking into account international standards and best practices:</p> <p>Page 2, Selection and Composition:<br/>..</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<br/>be chosen through a consultative process.</p> |
|---------------------------------|---|

**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** 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** Page 2, Guiding Principles:

...

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.

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**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.

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**Security sector**

**Security  
Guarantees** No specific mention.

**Ceasefire** No specific mention.

**Police** No specific mention.

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|---|---|
| <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>                                   | Page 1, General Parameters:<br>...<br>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. |
| <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**

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| <b>Transitional justice general</b> | No specific mention.  |
| <b>Amnesty/pardon</b>               | Transitional justice→Amnesty/pardon→Amnesty/pardon proper<br>Page 1, General Parameters:<br>...<br>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. |
| <b>Courts</b>                       | No specific mention.  |

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| <b>Mechanism</b>        | [Summary: This agreement provides for the implementation of a Truth and Reconciliation Commission. It defines its general parameters.]   |
| <b>Prisoner release</b> | No specific mention.   |
| <b>Vetting</b>          | No specific mention.   |
| <b>Victims</b>          | Page 1, General Parameters:<br>...<br>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.  |
| <b>Missing persons</b>  | No specific mention.   |
| <b>Reparations</b>      | No specific mention.   |
| <b>Reconciliation</b>   | 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;<br>The Parties to the Kenyan National Dialogue and Reconciliation agree to the following general parameters and principles for the establishment of such a commission.<br><br>Page 2, Guiding Principles:<br>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. |

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## Implementation

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

**International mission/force/similar**

No specific mention.

**Enforcement mechanism**

No specific mention.

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