

Country/entity	Kenya
Region	Africa (excl MENA)
Agreement name	Kenyan National Dialogue and Reconciliation: Commission of Inquiry on Post-Election Violence
Date	4 Mar 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 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)

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

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

Agreement document	KE_080304_Agreement Commission on Post Election Violence.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	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.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
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 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.

Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	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.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

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 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.

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.

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.

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.

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.

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, 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.

Armed forces	<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>
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.

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.]

Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	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).

Implementation

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