



THE KENYA NATIONAL DIALOGUE AND RECONCILIATION

AGREEMENT

**FOR THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE
COMMISSION OF INQUIRY INTO POST ELECTION VIOLENCE**

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OF THE COMMISSION OF INQUIRY INTO POST ELECTION VIOLENCE**

Recalling the Agreement on the Principles of Partnership of the Coalition Government made on February 28, 2008 and the Agreement for the Establishment of a Commission of Inquiry on Post-Election Violence dated March 4, 2008;

Convinced that fundamental reforms must be instituted to create a better, more secure, more prosperous Kenya for all;

Desirous to establish a framework for the implementation of the recommendations of the Commission of Inquiry into Post Election Violence as contained in the Report dated October 16, 2008 (“the CIPEV Report”); and

Pursuant to the National Accord and Reconciliation Act as entrenched in the Constitution of Kenya

NOW THE PARTIES HERETO HEREBY AGREE AS FOLLOWS:

Article 1: Establishment of the Special Tribunal for Kenya

The Parties shall prepare and submit to the National Assembly for enactment a Bill to be known as “The Statute for the Special Tribunal” to give effect to the establishment of the Special Tribunal to seek accountability against persons bearing the greatest responsibility for crimes, particularly crimes against humanity, relating to the 2007 General Elections in Kenya. The Bill shall provide for the matters recommended by the CIPEV Report in relation to the Special Tribunal for Kenya.

Article 2: Legislative Agenda

The Parties shall mobilize Parliamentary support for the enactment of the Freedom of Information Bill 2008 and take such administrative measures as may be necessary to fully operationalise the Witness Protection Act, 2008 and the International Crimes Act, 2008.

Article 3: Comprehensive Reform of the Kenya Police and Administration Police

The Parties shall initiate urgent and comprehensive reform of the Kenya Police and the Administration Police. Such reforms shall be undertaken by a panel of policing experts and will include but not limited to a review of all tactics, weapons and the use of force, establishment of an independent Police Service Commission to oversee both the Kenya Police and the Administration Police, an Independent Police Conduct Authority for both the Kenya Police and Administration Police, creation of a modern Code of Conduct for the Kenya Police and the Administration Police, and achieving ethnic and tribal balance in the Force.

Article 4: Public Officers and Offices

The Parties shall ensure that any person holding public office or any public servant charged with a criminal offence related to 2008 post-election violence shall be suspended from duty until the matter is fully adjudicated upon.

The parties shall ensure that any person convicted of a post-election violence offence is barred from holding any public office or contesting any electoral position.

Article 5: Conflict and Disaster Early Warning and Response System

The Parties shall ensure that the Conflict and Disaster Early Warning and Response Systems as articulated in the First Medium Term Plan (2008-2012) are developed and implemented as a matter of priority.

Article 6: Framework for Implementation

The Parties hereby designate the Cabinet Sub-Committee on the National Accord comprising H.E. Mwai Kibaki, President and Commander-in –Chief of the Armed Forces of the Republic of Kenya, Rt. Hon. Raila Amolo Odinga, Prime Minister of the Republic of Kenya and the Eight Ministers who represent the Parties to the Kenya National Dialogue and Reconciliation as the body to oversee the day-to-day management and implementation of this Agreement.

Done at Nairobi this 16th Day of December 2008.



H.E. Mwai Kibaki
President and Commander-in- Chief
Party of National Unity Coalition



Rt. Hon. Raila Amolo Odinga
Prime Minister
Orange Democratic Movement