

Kenya National Dialogue and Reconciliation
Mediated by H.E. Koffi Annan, Chair of the Panel of Eminent African
Personalities

Statement of Principles on Long-term issues and solutions

I. Preamble

Reaffirming that 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.

Recalling that, in the Annotated Agenda and Timetable for the national Dialogue and Reconciliation signed on 1 February, we recognised that poverty, the inequitable distribution of resources and perceptions of historical injustices and exclusion on the part of segments of Kenyan society constituted the underlying causes of the prevailing social tensions, instability and cycle of violence. We also agreed that discussions under Agenda Item Four would be conducted to examine and propose solutions for long-standing issues.

Further, recalling that, in the 14 February Agreement on Agenda Item Three (*how to resolve the political crisis*), we reaffirmed our commitment to address the issues within Agenda Item Four expeditiously and comprehensively. We also noted that milestones and benchmarks for the implementation of the reform agenda would have to be defined.

Recalling also that the Agreement on the Principles of Partnership of the Coalition Government, signed by His Excellency President Mwai Kibai and the Right Honourable Prime Minister Raila Odinga on 28 February 2008, recognised that the crisis triggered by the 2007 disputed presidential elections had brought to the surface deep-seated and long-standing divisions within Kenyan society, which, if left unaddressed, threatened the very existence of Kenya as a unified country. The 28 February agreement provided the means to

implement a coherent and far-reaching reform agenda, address the fundamental root causes of recurrent conflict, and create a better, more secure, more prosperous Kenya for all.

Recognising the need for an agreed framework for moving forward in addressing the long-term issues.

II. We re-affirm our commitment to addressing the long-term issues. In this regard, we agree on the following principles.

(A) Constitutional, institutional and legal reform

We reaffirm our commitment to complete the comprehensive constitutional review process within twelve months in accordance with the roadmap agreed to on 4th March, 2008.

We agree that the institutional reforms should include, inter alia, the following components: Police reform, parliamentary reform, judicial reform, executive reform and civil service reform.

We commit to chart a way forward for these institutional reforms, which should take into account studies and recommendations already made on each issue, and analyse why the recommendations have not been implemented. We commit to consult Kenyans at all stages of the process.

(B) Land reform

We recognise that the issue of land has been a source of economic, social, political and environmental problems in Kenya for many years. We agree that land reform is a fundamental need in Kenya and that the issue must be addressed comprehensively and with the seriousness it deserves. Towards this end, we agree to fully support efforts to establish the factors responsible for conflicts over land and to formulate and implement actionable short, medium and long-term recommendations on the issue.

(C) Poverty, inequity and regional imbalances

We recognise that to ensure sustainable peace in the country, poverty eradication and equitable development are essential. We further recognise that issue of inequality, manifested along income, regional and gender lines, remain key challenges for Kenya.

In harmonising our manifestoes, we shall ensure poverty alleviation and equitable development are top priorities for the Coalition Government. We shall utilise the National Accord implementation mechanisms and we commit ourselves to a consultative process and identify short term, medium term and long-term strategies to fight poverty.

(D) Unemployment, particularly among the youth

We agree that unemployment in Kenya, particularly among the youth, is a serious concern that must urgently be addressed. We acknowledge that the lack of effective opportunities that integrate the majority of Kenya's youth into mainstream economic activities contributed to the destructive role played by the youth during the post-election violence.

Ensuring that all citizens have the opportunity to be gainfully employed is not only crucial for the nation's economic growth, prosperity and social stability, but is also vital for enabling each individual to develop their full potential and to live in dignity.

We therefore commit ourselves to advocate for the development of a comprehensive strategy on combating youth unemployment, and to explore all possible means of supporting the creation of an appropriate policy environment for the expansion of opportunities for youth in the formal and informal sectors of the economy.

(E) Consolidation of national cohesion and unity

We recognise that consolidating national cohesion and unity is a cross-cutting task that will require the efforts of all Parties, all Ministries, civil society and all Kenyans. Apart from the creation of the National Ethnic and

Race Relations Commission, we propose the introduction of legislation to fight discrimination and ensure equal opportunities for all.

We agree that the relevant Ministries will work with the Office of the President and the Office of the Prime Minister and other relevant bodies to oversee unity-building efforts and initiatives. They would also help coordinate joint peace and reconciliation initiatives countrywide and liaise with local peace building efforts.

(F) Transparency, accountability, impunity

We agree that transparency and accountability in the affairs of the Government, together with the fight against impunity, are essential if the country is to make progress in addressing all the challenges mentioned above. Indeed, transparency, accountability and the fight against impunity and corruption must underpin the entire reform agenda. In addressing these issues, it will be particularly important to ensure that the recommendations of the Truth, Justice, and Reconciliation Commission are implemented.

III. Implementation arrangements

The Coalition Government shall lead the process of the implementation of the reform agenda, working with Parliament whenever appropriate. In addition, the Kenyan people, who should be the beneficiaries of the agenda, must be regularly consulted and their views sought.

The implementation process will only succeed if all Kenyans work together to build trust in the leadership and institutions of governance. For this reason, we are committed to help ensure the wide and meaningful participation of all Kenyans in the process.

We shall, when necessary, seek international community expertise and support and request the Panel to continue to provide, on a need basis, support in the implementation of these and previous agreements, including assistance to the various Committees and Commissions provided therein.

Accordingly, we adopt the implementation framework on long-term issues outlined in the Annex to this Statement of Principles, as a working roadmap for the resolution of the six foregoing issues, which were underlying causes of the post-election national crisis.

Signed o this day, 23rd May, 2008:

On behalf of Government/PNU

On behalf of ODM

Hon. Martha Karua

Hon. Musalia Mudavadi

Hon. Sam Onger

Hon. William Ruto

Hon. Mutula Kilonzo

Hon. Sally Kosgei

Hon. Moses Wetang'ula

Hon. James Orengo

Witnessed by:

For the Panel of Eminent African Personalities

H.E. Oluyemi Adenji
Session Chair

KENYA NATIONAL DIALOGUE AND RECONCILIATION

AGENDA ITEM 4: LONG-TERM ISSUES AND SOLUTIONS

MATRIX OF IMPLEMENTATION AGENDA

Issue	Actions	Timeframe	Focal point
Constitutional reform	<p>As described in Agreement signed on 4th March, 2008:</p> <ul style="list-style-type: none"> - Consultation with stakeholders. - Parliament to enact Constitutional Review Statute, including a timetable. - Parliament to enact Referendum Law. - Draft Constitution prepared in consultative process, with expert assistance. - Parliament to approve. - People to enact through a referendum 	<p>Consultations launched and review statute enacted by end of August</p> <p>Constitutional reform to be completed in 12 months from the date of enactment of statute</p>	Ministry of Justice, National Cohesion and Constitutional Affairs
Institutional reform: The Judiciary	<p>a) Constitutional review to anchor judicial reform measures including:</p> <ul style="list-style-type: none"> i) Financial independence ii) Transparent and merit-based appointment, discipline and removal of judges iii) Strong commitment to human right and gender equity iv) Reconstitution of the Judicial Service Commission to include other stakeholders and enhance independence and autonomy of the Commission <p>b) Enact Judicial Service Commission Act with provision for;</p> <ul style="list-style-type: none"> - Peer review mechanisms - Performance Contracting <p>c) Streamline the functioning of</p>	<p>Constitution to be adopted in 12 months.</p> <p>Judicial Services Bill passed to implement the constitutional provisions within 3 months</p>	Ministry of Justice, National Cohesion and Constitutional Affairs

	<p>legal and judicial institutions by adopting a sector-wide approach to increase recruitment, training, planning, management and implementation of programmes and activities in the justice sector.</p>		
<p>Institutional reform: The Police</p>	<p>a) Constitutional review to establish an independent Police Commission</p> <p>b) Review and define the role of the Administration Police</p> <p>c) Review laws and issues related to security and policing (including the independent complaints</p> <p>d) Commission, citizen oversight of police services, enhanced information disclosures, human resource management and capacity building) to make them consistent with modern democratic norms.</p> <p>e) Finalisation and rollout of the National Security Policy to enable relevant sectors to develop their specific sectoral policies.</p> <p>f) Recruit and train more police officers to raise the police-to-population ratio to the UN standard.</p>	<p>Constitution to be adopted in 12 months.</p> <p>Review process to be completed within 6 months.</p> <p>Recruitment and training to be completed by 2012</p>	<p>Ministry of Justice, National Cohesion and Constitutional affairs,</p> <p>Office of the President</p> <p>Ministry of Internal Security</p>
<p>Institutional reform: The Civil Service</p>	<p>a) Parliament to pass bill incorporating civil service reform measures from past proposed draft constitutions</p> <p>b) Continue with on-going administrative and financial reforms.</p> <p>c) Results-Based Management (RBM) and Performance Contracting to cover all persons paid from public funds.</p> <p>d) Review the Anti-Corruption and Economic Crimes Act 2003 and the Public Officer Ethics Act 2003.</p> <p>e) Review the legal framework for declaration of incomes,</p>	<p>Bill to be passed by Parliament within 12 months of the coming into force of the new Constitution</p> <p>RBM and Performance Contracting to be entrenched in the new Constitution</p> <p>The various legislation to be adopted by Parliament within 6-8 months of promulgation of the new Constitution.</p>	<p>Ministry of State for Public Service/Public Service Commission</p> <p>Ministry of Justice, National Cohesion and Constitutional</p>

	<p>assets and liabilities with a view to establishing an efficient and devolved administrative, compliance and analysis institutional framework.</p> <p>f) appropriate constitutional and legal reforms will be undertaken to facilitate parliamentary vetting of senior public appointments</p> <p>g) New legislation on whistleblower protection, freedom of information, and operationalisation of the Witness Protection Act 2006</p> <p>h) Review recruitment legislation to institutionalise national character in the public service.</p> <p>i) Review Standing Orders to ensure parliamentary oversight over membership of committees is based on competency and integrity</p>		Affairs.
<p>Institutional reform: The Parliament</p>	<p>a) Comprehensive review of Parliamentary Standing Orders and procedures to enrich quality and output of Parliamentary debates and strengthen multi-party democracy.</p> <p>b) Parliament's Research Centre to be strengthened</p> <p>c) Live coverage and electronic voting to be introduced.</p> <p>d) Enhanced oversight role of Parliament over the national budget.</p> <p>e) Review Standing Orders to create a Monitoring and Implementation Committee</p> <p>f) Introduce stricter and timelier deliberations on reports by institutions such as the Kenya Anti-Corruption Commission, Kenya National Audit Office, State Law Office, and Kenya National Commission on Human Rights.</p> <p>g) Strengthen organs of Parliament such as Parliamentary Accounts Committee and Parliamentary Investments Committee to</p>	Review to be completed within 6 months	Parliament

	<p>promote transparency and accountability in the utilisation of public resources.</p> <p>h) Improve transparency of MPs by creating a register of interests and opening up Parliamentary Committee work to the public</p>		
Land reform	<p>a) Constitutional review to address fundamental issues of land tenure and land use.</p> <p>b) The development and implementation of land policies should take into account the linkages between land use, environmental conservation, forestry and water resources</p> <p>c) Finalisation of the draft National Land use policy and enactment of attendant legislations.</p> <p>d) Land laws to be harmonised into one statute to reduce multiple allocations of title deeds.</p> <p>e) Establishment of a transparent, decentralised, affordable and efficient GIS-based land Information Management System and a GIS-based Land Registry at the Ministry of Lands including all local authorities.</p> <p>f) Land Ownership Document Replacement for owners affected by post-election violence</p> <p>g) Development of a National Land use Master plan, taking into account environmental considerations.</p> <p>h) Land Reform Transformation Unit in the Ministry of Lands to facilitate the implementation of the land reform programme as outlined in the National land use policy.</p> <p>i) Strengthen local-level mechanisms for sustainable land rights administration and management.</p> <p>j) Finalise the Land Dispute Tribunal Act.</p>	Land reform process to be factored in the constitutional review process within 12 months	Ministry of Lands

<p>Poverty, inequality and regional imbalances</p>	<ul style="list-style-type: none"> a) Ensure equity and balance are attained in development across all regions including in job creation, poverty reduction, improved income distribution and gender equity. b) Increase community empowerment through devolved public funds for both social and income programmes, and develop local capacity to manage devolved funds. c) Implementation of policies and programmes that minimise the differences in income opportunities and access to social services across Kenya, with special attention to the most disadvantaged communities in the Arid and Semi-Arid Districts, urban informal settlements and pockets of poverty in high potential areas. d) Improve wealth creating opportunities for disadvantaged groups and regions through increased infrastructure spending in roads, water, sewerage, communications, electricity targeting poor communities and regions. e) Increase availability of affordable and accessible credit, savings programmes and appropriate technologies to create an enabling environment for poor communities to take part in wealth creation f) Develop an Affirmative Action policy and enhance the Women’s Enterprise Fund. g) Improve health infrastructure in undeserved areas of the country through construction or rehabilitation of community health centres. 	<p>Implementation of measures to be reviewed within 2-3 years</p>	<p>Ministry of Planning, National Development and Vision 2030.</p>
<p>Unemployment, particularly</p>	<ul style="list-style-type: none"> a) Generate an average of 740,000 new jobs each year 	<p>Review progress of implementation of the various</p>	<p>Ministries of Roads, Public Works, Youth, Special Services and</p>

<p>among the youth</p>	<p>from 2008-2012.</p> <ul style="list-style-type: none"> b) youth polytechnics to be revitalised and expanded in all districts to facilitate the training of young people in technical, vocational and entrepreneurial skills to equip them with relevant skills to participate fully in productive activities. c) Youth Empowerment Centres to be rehabilitated or established in all constituencies. d) Upgrade existing National youth Service institutions and establish three new ones. e) Development and enactment of a National Youth Council Bill. f) Establish Youth Enterprise and employment programme to promote SMEs and self-employment among the youth. g) Youth Enterprise Development Fund to be increased and mechanisms put in place for easier access to credit and collateral h) Some 5,000 youths to be recruited to National Youth Service to be employed in labour intensive road projects, tree planting programmes and other productive activities 	<p>measures within 12 months</p>	<p>Gender</p>
<p>Consolidating National Cohesion and Unity</p>	<ul style="list-style-type: none"> a) Finalise and support enactment of the Ethnic and Race Relations Bill by Parliament. b) Parliament and the Executive to initiate and sustain advocacy role on ethnic and racial harmony. c) Establish and operationalise a policy and institutional framework for a Peace-Building and Conflict Resolution Programme (PBCR) and early warning mechanisms on social conflict, including a PBCR monitoring and evaluation 	<p>Ethnic Relations Bills to be passed by Parliament within 3 months.</p> <p>Review progress in implementation of the various measures within 12 months</p>	<p>Ministry of Justice, National Cohesion and Constitutional Affairs</p> <p>Office of the President</p> <p>Ministries of Education and Information</p>

	<p>system and a restructured Secretariat, and enactment of the Alternative Dispute Resolution Bill.</p> <p>d) Extend District Peace Committee framework to entire country and link it to District Security Committees</p> <p>e) Finalise the Hate Speech Bill and review the Media Act to control incitement attempts</p> <p>f) Undertake civic education on ethnic relations.</p> <p>g) Inculcate a civic culture, which tolerates diversity and encourages inter-ethnic cooperation, through the school curriculum</p> <p>h) Operationalisation of the Truth, Justice and Reconciliation Commission.</p>		
<p>Transparency, accountability, impunity</p>	<p>a) Strengthen the policy, legal and institutional framework for increased public transparency and accountability, anti-corruption, ethics and integrity, including through the development of a national anti-corruption policy, enactment of necessary legislation, and systems and capacity enhancements to strengthen the national Audit Office.</p> <p>b) Undertake programmes to support improved prosecution and adjudication of corruption and economic crimes, and improved oversight and consideration of anti-corruption and audit reports by Parliament.</p> <p>c) Enhancing capacity and performance in the Investigation and Asset Tracing Programme, the Civil Litigation and Asset Recovery Programme, the National Anti-Corruption Awareness Campaign and District Anti-Corruption Civilian Oversight Committees</p> <p>d) Continuous monitoring of the</p>	<p>Review progress in implementation of various measures within 12 months</p>	<p>Ministry of Justice, National Cohesion and Constitutional Affairs</p> <p>Ministry of Finance</p> <p>Attorney-General's Office</p> <p>KACC</p> <p>Judiciary</p>

	<p>Public Officer Ethics Act.</p> <ul style="list-style-type: none"> e) Revitalise Public Financial Management including the management of devolved funds such as the CDF, LGTF and Road Maintenance Levy. f) Expand capacity of District Anti-Corruption Civilian Oversight Committees to monitor management of devolved funds and stigmatise corruption. g) Review the effectiveness of the Public Procurement Authority. h) Undertake structural reforms focusing on prevention, investigation and recovery of corruptly acquired assets. i) Review the effectiveness of the Privatisation Commission. j) Full operationalisation and capacity-building of the Public Complaints Standing Committee (the Ombudsman). k) Finalise and operationalise the GJLOS policy framework and establish a comprehensive GJLOS policy review and update process. l) Sustain the APRM process by ensuring assessment of government (executive, legislative and judiciary) performance and accountability. 		
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30 July, 2008