

Kenya National Dialogue and Reconciliation

LONGER-TERM ISSUES AND SOLUTIONS: CONSTITUTIONAL REVIEW

Background

Recalling the 1 February 2008 agreement by the Parties to deal with long-term issues and solutions that may have constituted the underlying causes of the prevailing social tensions, instability and cycle of violence, and recalling the substantial discussions that have been held concerning constitutional reform over recent years, the Parties to the Kenyan National Dialogue and Reconciliation agree to the following general parameters and principles for the establishment of a constitutional review processes.

General principles and stages of the process

The parties accept that the constitution belongs to the people of Kenya who must be consulted appropriately at all key stages of the process, including the formation of the process itself, the draft, the parliamentary process and any final enactment.

There will be five stages in the review of the Constitution and there will be consultation with stakeholders in each stage:

- 1 An inclusive process will be initiated and completed within 8 weeks to establish a statutory Constitutional Review including a timetable. It is envisaged that the review process will be completed within 12 months from the initiation in Parliament.
- 2 Parliament will enact a special 'constitutional referendum law' which will establish the powers and enactment processes for approval by the people in a referendum.
- 3 The statutory process will provide for the preparation of a comprehensive draft by stakeholders and with the assistance of expert advisers.
- 4 Parliament will consider and approve the resulting proposals for a new constitution.
5. The new constitution will be put to the people for their consideration and enactment in a referendum.

Signed on this day, 4 March 2008:

On behalf of Government/PNU:

Mark Karua

Hon. Martha Karua

Sam Ongeri

Hon. Sam Ongeri

Mutula Kilonzo

Hon. Mutula Kilonzo

Wetang'ula

Hon. Moses Wetang'ula

On behalf of ODM:

Musalia Mudavadi

Hon. Musalia Mudavadi

William Ruto

Hon. William Ruto

Sally Kosgei

Hon. Sally Kosgei

James Orengo

Hon. James Orengo

Witnessed by:

For the Panel of Eminent African Personalities

Oluyemi Adeniji

H.E. Oluyemi Adeniji

Session Chair