

## Kenya Agreement 28 February 2008

The following is the text of the agreement signed on Thursday by President Kibaki and ODM leader Raila Odinga to end Kenya's political crisis.

The pact was witnessed by Mr Kofi Annan, the chief mediator, and Tanzanian President Jakaya Kikwete, who is also the chairman of the African Union.

### **Preamble**

*The crisis triggered by the 2007 disputed presidential election has brought to the surface deep-seated and long-standing divisions within Kenyan society. If left unaddressed, these divisions threaten the very existence of Kenya as a unified country. The Kenyan people are now looking to their leaders to ensure that their country will not be lost.*

*Given the current situation, neither side can realistically govern the country without the other. There must be real power-sharing to move the country forward and begin the healing and reconciliation process.*

*With this agreement, we are stepping forward together, as political leaders, to overcome the current crisis and to set the country on a new path. As partners in a coalition government, we commit ourselves to work together in good faith as true partners, through constant consultation and willingness to compromise.*

*This agreement is designed to create an environment conducive to such a partnership and to build mutual trust and confidence. It is not about creating positions that reward individuals. It seeks to enable Kenya's political leaders to look beyond partisan considerations with a view to promoting the greater interests of the nation as a whole. It provides the means to implement a coherent and far-reaching reform agenda, to address the fundamental root causes of recurrent conflict and to create a better, secure and prosperous Kenya for all.*

*To resolve the political crisis, and in the spirit of coalition and partnership, we have agreed to enact the National Accord and Reconciliation Act 2008, whose provisions have been agreed upon in their entirety by the parties hereto and a draft copy thereof is appended hereto.*

*Its key points are:*

- *There will be a prime minister of the Government of Kenya, with authority to coordinate and supervise the execution of the functions and affairs of the Government of Kenya.*
- *The prime minister will be an elected member of the National Assembly and the parliamentary leader of the largest party in the National Assembly, or of a coalition, if the largest party does not command a majority.*
- *Each member of the coalition shall nominate one person from the National Assembly to be appointed a deputy prime minister.*
- *The Cabinet will consist of the President, the Vice-President, the prime minister, the two deputy prime ministers and the other ministers.  
The removal of any minister of the coalition will be subject to consultation and concurrence in writing by the leaders.*
- *The prime minister and deputy prime ministers can only be removed if the National Assembly passes a motion of no confidence with a majority vote.*
- *The composition of the coalition government will at all times take into account the principle of portfolio balance and will reflect their relative parliamentary strength.*
- *The coalition will be dissolved if the Tenth Parliament is dissolved; or if the parties agree in writing; or if one coalition partner withdraws from the coalition.*
- *The National Accord and Reconciliation Act shall be entrenched in the Constitution.*

*Having agreed on the critical issues above, we will now take this process to Parliament. It will be convened at the earliest moment to enact these agreements. This will be in the form of an Act of Parliament and the necessary amendment to the Constitution.*

*We believe by these steps, we can together, in the spirit of partnership bring peace and prosperity back to the people of Kenya who so richly deserve it.*

*Agreed this date 28<sup>th</sup> Feb 2008*