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KENYA NATIONAL DIALOGUE AND RECONCILIATION

Nairobi, 17 January, 2012 – The Dialogue Team of the Kenya National Dialogue and Reconciliation (KNDR) held its eleventh review meeting today on the status of implementation of the KNDR agreements.

The meeting discussed the findings of a report prepared by South Consulting – the research firm designated by the Panel of Eminent African Personalities to undertake independent monitoring and evaluation of the implementation process. The report is available for download at www.dialoguekenya.org.

The focus of the report was progress in implementation of the Constitution and preparedness both for the next General Elections and the transition from the current centralized system of governance to a devolved structure. The report also discussed the legacy of post-election violence, especially the continuation of the ICC process in Kenya, and progress in reconciliation.

The South report found that the process of implementation of the constitution remained generally on track. The report cautioned, however, that any delays in producing draft legislation threatened to undermine public scrutiny of the proposed laws and rush legislative consideration. The South report also noted that lack of consensus and open disagreement between key agencies responsible for implementation ran the risk of undermining public support for the implementation process.

Concerning devolution, the South report found that delays in finalizing critical Bills could slow the pace at which relevant measures for setting up county governments were undertaken. The report held that it was essential that all preparations be completed and anchored on a solid legal and policy framework.

The South report noted that some electoral reforms had been made in readiness for the General Election in 2012, but that uncertainty remained on key constitutional issues, including provisions on gender

balance and the delimitation of constituency boundaries. The report also raised concerns over the absence of comprehensive civic and voter education and the lack of institutionalization of political parties to date.

Regarding the legacy of post-election violence, the South report noted that public support for the ICC, at 64%, remains high, although lack of consensus in government about how to respond to the ICC investigation and whether to punish or grant amnesty to middle and lower-level perpetrators of the post-election violence sent mixed signals about dealing with impunity. The report saw the pursuit of accountability by government as even less likely to draw political attention or support as the elections approach.

The South report found that reconciliation and social harmony in areas most affected by the post-election violence remained fragile and that the lack of political support for peace and reconciliation efforts by government and non-governmental organizations had created a climate of silence and suspicion. The report concluded that without political support for the work of the Truth, Justice and Reconciliation Commission (TJRC) and National Cohesion and Integration Commission (NCIC), their impact on ethnic relations and deterrence capacity for future dissonance remained uncertain.

At today's meeting, the Dialogue Team took note of the findings and conclusions of the South report and reaffirmed the importance of comprehensive implementation of the KNDR Agreements. The Dialogue Team agreed that the next meeting would be held on 17 April, 2012.