

The AU Panel of Eminent African Personalities

Following the 2007 Kenyan post election violence, the AU Panel, chaired by former UN Secretary-General Kofi Annan, brought the government and main opposition party together under the Kenya National Dialogue and Reconciliation (KNDR). The Dialogue called for the establishment of a mechanism to address justice, accountability and longer-term issues of governance and the rule of law, as well as for a comprehensive review of the constitution. In an August 2010 referendum, voters approved a constitution limiting the president's powers. In addition to a Coordination and Liaison Office that assists the Panel in implementing the Dialogue's agreements, the independent firm South Consulting monitors and evaluates progress made.

At a December 2010 Panel meeting to take stock of implementation thus far, participants hailed the new constitution as an important step to restore confidence in Kenya's electoral institutions. Other advancements include the establishment of a Truth, Justice and Reconciliation Commission. But the Panel also acknowledged the need to implement the remaining reforms outlined by the KNDR in order to prevent violence in the upcoming 2012 elections. Participants questioned the government's political will to take on outstanding tasks, particularly in addressing widespread impunity.

Indeed, the government repeatedly failed to set up a special tribunal to try those responsible for instigating the 2007 violence. The Commission of Inquiry into Post-Election Violence, established as part of the KNDR agreement, thus recommended that the matter be referred to the International Criminal Court (ICC). In December 2010, the ICC's head prosecutor, Luis Moreno-Ocampo, indicted six high-profile individuals for crimes against humanity. Hearings are set for September 2011.

In its April 2011 report, South Consulting noted that while 78 percent of Kenyans favor the ICC's intervention, most also want to see other perpetrators of violence tried. The report further found that ongoing personalization and politicization of the ICC process has obscured justice and hinders dialogue on reforms. The Panel continues to support reform processes and has reiterated calls on the political elite to commit to these goals and to allow the ICC process to go forward.