

**CENTER FOR
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**KENYA: ASSESSING THE POLITICAL AND
HUMANITARIAN CRISIS**

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JENNIFER COOKE: Welcome to CSIS. My name's Jennifer Cooke, I'm co-director of the Africa program here.

Just a couple of announcements: If you could please turn off your cell phones, turn them right off because if you have them on it may cause interference with the linkup to Nairobi. And, our apologies, we don't have the digital videoconference today because of chaos in Nairobi, which perhaps we can hear a little bit about what's happening currently. The U.N. building has shut down its facilities, and so we're going to link-in via telephone rather than the digital videoconference. So please bear with us on that.

First of all, I want to thank the Woodrow Wilson Center, with whom we're in partnership on this event, following a very successful event last week with Maina Kiai, Stephen Ndegwa, Calestous Juma and Joel Barkan. And this is something of an update on that, hear what's been happening since then, and look at a couple of different dimensions of the crisis there.

I also want to thank very much the World Food Program, who we've done a number of very successful linkups to Nairobi with before. It's invaluable for us to get that firsthand look here in Washington. So I want to thank Jennifer Parmalee and the WFP staff in Nairobi for working hard to make the DVC work even if, ultimately, that was not in their control.

We have a full panel today. We have first on the line – and I think we'll allow him to speak first and then entertain a number of questions for him because I think he is understandably pressed for time – Ambassador Mike Ranneberger, on the line from Nairobi. As you know, Ambassador Ranneberger has been the ambassador to Kenya since 2006. He served in a number of important African positions in the U.S. State Department, serving in special representative to Sudan, principal deputy assistant secretary and as special advisor on Sudan from 2002 to 2004.

I'll introduce the rest of the panel as we come, but just to let you know we have Burkard Oberle, who is the country director for the World Food Program, who will be speaking to us a bit on the humanitarian issues on the ground as World Food Program is seeing them. We have Sam Kona, who is a specialist in conflict mediation and will talk a little bit about local patterns of violence and mediation. We have David Throup, who is a senior associate here at CSIS and a longtime expert on Kenya, a Kenyan historian who's written a number of seminal books on that and his observed elections in Kenya, dating back practically to the '60s – maybe not that early – (chuckles) – and other elections in Africa. And we have Ambassador Mark Bellamy, who is a senior fellow-in-residence here at CSIS, was with the National Defense University, and was formerly ambassador to Kenya and a number of other important African posts.

But first, because of the press of time, I am going to turn to Ambassador Mike Ranneberger to talk a little bit about the standoff. I think right now we're in very much of a political standoff. It appears that hardliners on both sides are becoming more entrenched. The opposition, ODM, it seems, has very few chips to play other than kind of the power of the street, and I think this is why international engagement and external pressures are going to be very critical; however, ultimately it's going to be something that Kenyans are going to have to resolve internally.

So perhaps Ambassador Ranneberger, you might want to kick off with 10 minutes or so, and then we'll have a number of questions for you and let you go to what I'm sure is a busy schedule.

(Audio break.)

MS. COOKE: So what we're going to do is we're going to turn to David Throup for the analysis. I think it's a good way to start anyway. I was going to talk a little bit about the patterns of voting; David just returned from Kenya after a three-week stint there, and as I said has done kind of analysis of voting patterns for many years, going back many years in Kenyan elections.

So David, why don't we turn to you to lead off, and we'll hope that we can get Nairobi back on the line.

DAVID THROUP: All right, thank you very much.

Jennifer was almost correct in saying I go back to the 1960s because I remember as a 15-year-old analyzing the 1969 Kenyan election returns. (Laughter.) But in fact, I've been at every Kenyan election since 1979, with the exception of the one in 1988.

Was it rigged? And the answer is yes, but not by as much as you may think, and it was rigged by both sides. So I would say that the ODM inflated its presidential total by about 450,000 votes, and the PNU inflated its presidential total by 800,000 votes, which means that in a non-inflated world, Raila Odinga would have won by 120,000, or just about 1.5 percent.

If we look at the returns of the Kenyan election – and this was a major failure of the media, both the Kenyan media and the international media – there is a sort of temporality about the declarations of Kenyan elections. Not all constituencies declare at the same time. And, therefore, one would expect, given the size of the constituencies geographically and the number of registered voters in the constituency, and the accessibility of transportation, that in a Kenyan election, the first 70 seats to declare would in fact be overwhelmingly pro-Raila Odinga. They are primarily in lower Nyanza; they are primarily in Western Province, and the expectation would be that when you opened your newspaper on Saturday morning, you would see a Raila landslide. You would see Raila ahead by two million, 2.1 million votes, to Kibaki, less than a million

votes. So the first 70 seats should be overwhelmingly pro-ODM, and that is basically the calculation I've made on the slide two. So it looks like a Raila landslide after the first 70 results, and everybody gets very excited.

The problem is the second act is overwhelmingly Kibaki territory. Central Province comes in, Embu and Meru comes in, and basically any lead that Raila might have had of 1.1, 1.2 million totally evaporates, so that Kibaki after the second lot of 70 seats are in, after 140 seats are in, should really be in the lead by about 300,000 if he were going to win the election. It's the urban coasts, seats in the Central Rift, Ukambani, and the seats in the Kikuyu heartlands in Central Province and in Embu and Meru that form the bulk of seats 71 to 140.

And then, the third act sees the situation swing back marginally towards the ODM. Not by much, probably by about 100,000 votes, maybe 150,000 votes, and given the calculations that you've seen on there, I would have had Kibaki winning by about 50,000 votes after all the results were in.

These are the main reports that appeared in the Kenyan newspapers. You had the Saturday Nation coming in with the results, really the bulk of the first 70 or 80 or 90 seats showing a clear lead of nearly a million for Raila. And then you had the Sunday Standard equating the figures at 2:30 p.m. on Saturday showing Raila in the lead by just over 300,000, so it's coming back to Kibaki. And then, the 6:30 report from the electoral commission, published in the Standard and the Sunday Nation, had Kibaki behind by 38,000 votes, so tightening up with the last results to declare.

MS. COOKE: David, I do apologize for interrupting but I think we've got Ranneberger back, so –

MR. THROUP: All right.

MS. COOKE: We'll hold that thought and we'll get back to you.

Let's try this again: Ambassador Ranneberger?

MICHAEL RANNEBERGER (via telephone): Yes, hi.

MS. COOKE: That's much, much better, and we apologize for these technical difficulties.

AMB. RANNEBERGER: No problem.

MS. COOKE: So go ahead, we can hear you loud and clear.

AMB. RANNEBERGER: Okay.

I've got an annoying echo on my side, which is going to cause huge problems, but let me go ahead. (Chuckles.)

Well, I don't want to recap what I was saying, but basically I was indicating – of course, you're all aware of the tallying mess that happened at the end of the day, and I was just hearing a bit of that presentation of the results, and just our own sense –

MS. COOKE: Whatever you were doing initially was working.

(Laughter.)

AMB. RANNEBERGER: Okay. Let me just keep doing it then.

At any rate, I was saying that our own running of numbers, both that are available from public sources and that we have privately, comes out with a sort of – we ran it six ways, and three of the ways Kibaki wins from anywhere 50,000 to 150,000, and three of the ways Odinga wins by about the same margin, depending on how you run it. And so, you know, at any rate that led us to conclude that you know, half the people voted for one guy and half the people voted for another, and the only realistic thing to do was to push for some kind of a power-sharing arrangement. We didn't think it was feasible to talk about a recount because the documents quickly went missing and had been altered and everything else. And, of course, a – (audio break) – about a lot of the reform of the electoral commission and would put the country through a huge trauma.

So almost on the outset our position has been there should be discussions focused on some sort of power-sharing agreement, but we haven't tried to put forward any formula on that except something that would be, you know, acceptable to both sides. We've sent a package that needs to include a commitment to an agenda for institutional reform, meaning constitutional, electoral commission, land reform, the three key areas, and of course a shared commitment to stop violence.

On the violence, I'll just say that it was certainly, I think, shocking to a lot of Kenyans, the dimensions of it. You know, they said, well, we've always had violence; we had displaced people in '92 and '97, but nothing on this scale. I was up in Eldoret and Kusumu, and it is pretty dramatic – (audio break). On the other hand, a group of Kenyan intellectuals, a couple years ago already ran various scenarios of what might happen over the next five to 10 years, and one of those scenarios was the so-called El Niño scenario, where things sort of broke down and there was widespread violence, and that's sort of what we're potentially in here.

Clearly, this violence was a mixture between spontaneous actions and very, very well-organized action, particularly in the Rift Valley, which was certainly not spontaneous by and large. But, no matter whether it was spontaneous or organized it does, you know, reveal major underlying issues, which most people in that panel are familiar with, so I won't necessarily go into those.

The issue now, the sort of state of play is that both the Kibaki and Odinga camps, I think, have the wrong assumptions and in many ways, therefore, the wrong approach. I mean, on Kibaki's side, his people have told him, of course, that time is on their side, that if they simply proceed unilaterally, in essence, all this is going to go away; the country will calm down and they'll muddle along. On Odinga's side, he's counting on international pressure and the threat to make the country ungovernable to force Kibaki to step down or make major concessions.

We told both of them that those kinds of assumptions are dead wrong. The country's not just going to return to normal and on Odinga's side we've told him that the international community is not going to ride to the rescue and at some point, you know, people will get tired of sort of mass action. So we're trying to push them, obviously, towards dialogue. Privately, I will tell you that both Odinga and Kibaki have looked us in the eye and have said they're willing to engage in dialogue without preconditions, although with one precondition Kibaki's not prepared to accept that he would step down, but apart from that, they both claim that discussion is potentially wide-open.

And there's a lot of talk about these hardliners that sort of are on both sides. You've got the people that we all know, the, you know, the minister of security, the former minister of security Michuki (sp) and Martha Karua, and Anis Kimunya and those people, and then you have Leon Ruto and others on Odinga's side. And that is true, I think, that there those people who do not want to reach a real political accommodation, who see it as winner-take-all or are out for a maximum outcome, and it's hard to say.

I don't see Odinga and Kibaki at all as innocent in that. I mean, people like to see Kibaki as isolated and, you know, sort of being maneuvered by these people; that's not necessarily the case. You know, we had an extraordinary meeting with him recently, which showed that he's very much in charge. And Odinga, I think, also likes to play on the fact that oh, I can't control my people, and I've got to bring along the people around me, but I think that's also part of an excuse for taking a certain approach.

So our efforts are sort of directed at trying to corral them or trap them, if you will, into a face-to-face meeting to launch a – (audio break) – and the idea would be that the process would be launched – that by getting a process launched you have to stop the immediate violence and then provide the space that's needed to address these fundamental institutional issues which, of course, will take time. And down the road when constitutional reform is eventually done, if it ever is, it could provide an opportunity for a new election or whatever. But our position so far is to say that Kibaki was named winner by the ECK regardless of how flawed the election was, and so he's the president.

We've supported the idea of Kufuor coming in, and the African Union. The original terminology was to mediate; we don't think the term mediate is very productive – we've talked about facilitate – with the idea being that either Kufuor or now Kofi Annan provide a face-saving way potentially for the two people, for Odinga and Kibaki, to get together in a room, at least, to initially start the dialogue and perhaps appoint

people on both sides to carry on that debate and discussion. The U.S. has been very much at the center of trying to promote dialogue, both by supporting the African Union but also directly, of course. We are uniquely positioned, I think, with credibility on both sides. Certainly, there's no doubt, I mean, having met with these people, that both Kibaki and Odinga see us as crucial to some eventual solution.

Some of you may have seen the statement that we issued on the weekend, which was pretty strong and got everybody's attention, by using that phrase no business as usual. And the purpose of that was deliberately to sort of rattle the cage, as you might say, and to make them clear that we're awfully serious about the need for a political solution and – (audio break) – others. So that's had a pretty strong impact here.

Now, I do think that the parliamentary result yesterday changes the dynamic in a very positive way. ODM, against all odds, won the speaker election and that now gives Odinga more leverage for a discussion with Kibaki, and of course it also deals a setback to the hardliners around Kibaki and to Kibaki himself. That means that they will have to deal with the ODM if there's going to be a legislative agenda, which Kibaki wants for his second term. So I actually think that changes the dynamic pretty significantly in a pretty positive way.

Having said that, I mean, there were demonstrations today; Odinga continues to want to try to push the government and, I think, partly to show that there are limits to the government's security apparatus, and the ability to control things. He continues to push that. There were demonstrations in a number of places and there was some violence. It wasn't all that extensive; the demonstrations weren't that big because we had an unusual amount of rain this morning, which is normal for this time of year, and it helped to dampen the demonstrations. But again, there continues to be this, you know, dichotomy between the public and the private approaches. You've got, you know, Odinga and Kibaki privately signaling willingness to dialogue; you've got their people out talking still maximalist positions; and besides which both of them sort of have these, I think, parallel approaches of one sort of going at it unilaterally and the other sort of relying on international intervention.

So it's clearly going not going to be easy to get a process started, but I continue to think that chances are reasonable for that over the next week or so, and that's kind of where things are.

MS. COOKE: Great, thank you very much for that. I know my voice is echoing in your ear, but I think we'll open for a few questions and perhaps we can try to clump them together a bit.

In terms of power-sharing and – I mean, what kind of structure would be acceptable to Odinga, for example, who obviously feels he was betrayed last time around and doesn't have a whole lot of credibility, credence in any new deal that might be made this time around.

AMB. RANNEBERGER: Well, I certainly don't think he's going to be signing any documents without an international witness but, you know, it's absolutely true that the level of mistrust is tremendous. That's where I think we, particularly the U.S., comes in, in indicating a willingness to witness. And we've sort of avoided the term guaranteed, but I think we're willing to go pretty far to some sort of an agreement between them.

It was interesting that yesterday in the parliament, Kenneth Marende, the ODM elected speaker, actually used the term coalition as a possible objective. That has problems of its own because if you have a coalition then you really don't have any opposition in the parliament and, you know, what does that do to democracy and all that. But it would be a way of getting them to work on a shared agenda for institutional reform.

Now, Musyoka's already been named the vice president, but there are things that could be done to create an executive PM position or whatever. Odinga, to be frank about it, I don't think has a real bottom line on this yet, and I don't think it's inconceivable that he would simply want to stay in the opposition and continue to make things difficult for the government. I don't think that would be very productive, but I don't want to rule out that that could be part of his strategy; I think it sort of remains to be seen.

Beyond that, there aren't a whole lot of options for power-sharing. I mean, the whole point there with – (audio break) – in addition to just sharing positions, whatever he agreed to there would be presumably some kind of a written agreement on the future of an agenda to move ahead on institutional reform, which he sees as key of course, which the government's been advocating as well, so there could be a basis there to come together.

MS. COOKE: Thanks. Let's open the floor – we got Mark Schneider (sp) here, and please wait for the mike. And Ambassador, if you can't hear the question I'll try to summarize it.

Q: Hi, Mike. This is Mark Schneider.

MR. RANNEBERGER: Hi, Mark, how're you doing?

Q: Okay. International Crisis Group.

You said that the U.S. and I assume some of the other international community are awfully serious about not permitting the sense that this is business as usual. How serious is that? In other words, you know now who the most recalcitrant are around Kibaki, for example. Is there any possibility that there might be some mention of targeted sanctions against those individuals if they continue to be obstacles to a reasonable compromise?

MR. RANNEBERGER: Yeah. Well, Mark, as you can imagine we don't want to get into speculation about what, you know, no business as usual means. But what I've

said, and pretty honestly and publicly as well here, is that no business as usual means that our sole focus is to try to promote a political solution because without that, you know, the country won't be stable, it won't be able to move ahead economically or any other way. And I have deliberately said that, you know, sanctions are not on the table at this point and that sort of thing. I don't think it's productive to speculate too much about that kind of thing.

I believe that some of the pressure is being exerted by us and the economic pressure, and of course we haven't talked about that yet, the whole Kenyan business community and the Kikuyu business elite and the impact it's having on them, that that is becoming clearer by the day. And I think that's going to have some impact as well, so I'm hopeful that this will help move around the hardliners to get progress. But I don't want to speculate too much, but we've been delivering certainly some very tough messages.

But, by the way, on the economic impact angle, should say just a – because we didn't talk about that at all. We have been working hard with the business community, and according to the businesspeople, the impact if Nairobi is essentially shut down as it has been, that means no business as usual in Nairobi and of course, the rest of the country's impacted as well, it's the equivalent of about a 10 billion shilling a day loss.

MS. COOKE: Thank you.

Do I see the gentleman – yeah.

Q: Hello. I'm Lawrence Freeman from Executive Intelligence Review.

Mr. Ambassador, you mentioned in your remarks that there was organized, non-spontaneous violence. Could you say who was behind that? And also, you mentioned in your remarks that there were underlying economic conditions for the violence, and I'm wondering if you could elaborate on that.

MR. RANNEBERGER: Well, on the well-organized, I hate to get into that. I mean, look, various accusations have been made about people connected with ODM. But what I will say is, we went up to Eldoret a few days ago and heard a lot of stories from victims and they were all describing well-coordinated attacks that occurred within, in some cases, less than an hour of the announcement of the electoral results which – I mean, that is groups coming from different directions, groups giving them warning to vacate within 30 minutes, well-armed groups; clearly, groups with leadership targeting specific areas by moving to another area.

Lots of different things that would indicate that this kind of thing had to have been planned at least some period before the elections, before the results could have ever been even anticipated, which is not that surprising given that, remember, one of the big campaign issues was Majimboism and I do think there was an expectation, particularly in the Rift Valley, that no matter what the result this was going to be a showdown with, you

know, some of the Kukuyu landowners and this sort of thing, and that they were going to take back control of – the Kalenjin were going to take back control of the Rift Valley. So I think, probably, regardless of the outcome we would have seen some of that kind of violence.

On the government side, I wouldn't say there's been organized violence; I mean, I think there's been that implicit threat that it's going to be hard to control the Kukuyu response to this, but so far they have controlled it by and large, although there have been a few people who have come in from central – non-Kukuyus who have come in from Central province to Nairobi, not very many though at this point.

Then, the other question I've forgotten.

MS. COOKE: It was on the economic basis for the –

MR. RANNEBERGER: Oh. Yeah, the economic basis, I mean – on that, again, there are a lot of experts there who can comment in detail but basically, the perception here and the reality, I think, to a large extent is that Kukuyus dominate the business community; they own lots of land in the Rift Valley and particularly on the coast. That's been true many years, but there has been tremendous resentment. When I made my first trips to the country, I certainly heard about that. The civil service is dominated by Kukuyus; you know, that's another factor, all the economic industries and the revenue authority and all of that are dominated by Kukuyus at all of the top, you know, five or 10 levels. So perception and reality there and of course, the Rift Valley is really complicated because when you look at the fact that of course after Moi, and I had not fully appreciated this, I must say, earlier but after Moi there was really a displacement of Kalenjin from the government and, of course, an awful lot of loss of insider deals and business connections and this sort of thing. So there's a lot of Rift Valley resentment out there.

And of course, there's the traditional view up in Nyanza that Nyanza's been disadvantaged over the years, as well as of course, similar stories on the coast and in the Western province.

MS. COOKE: Thanks.

We have one in the way back there.

Q: Hi, thank you. Philippe De Pontet from Eurasia Group.

Two questions: With regard to the protests that supposedly will continue tomorrow and the next day, is it your expectation that it will be more or less like today, which is to say bad but not at all catastrophic? And secondly, with regard to parliament, parliament seems to be quite weak in Kenya. What can they do if they wanted to make the country ungovernable? I mean, are we talking about holding up the budget? What could they really do? Thanks.

MR. RANNEBERGER: Well, in terms of parliament, which is important, the parliament does have very limited authority. You've got an awfully strong executive; I mean, of course ODM can shut down Kibaki's desire for a legislative agenda. There were over a dozen pieces of legislation being pushed by the government that were pending in the last session of parliament, that's one avenue.

The other is, of course, the budget; they do have real authority on the budget and that's about it. And of course, you can also have a push within parliament. I mean, there's a huge potential there of a vote of no confidence, but that has a real downside. You know, I don't think ODM will pursue that. It's only a simple majority, which they're very close to, they're within one or two votes and might be able to get that, to have a vote of no confidence. If they have that, then that precipitates a new election. But the problem is that, of course, the ODM deputies don't have the money to go through a new election, nor does ODM, so I don't think they will pursue that but that's certainly a threat out there as something that they could pursue.

The other is to try to push through an agenda, again, for institutional reform. Some of that would require constitutional changes, which would require two-thirds in the parliament and, you know, all of that but some of it, things like land reform or reform of the electorate commission, some of that as I understand, although we haven't gone into a lot of detail, but some of that can be done without constitutional change, so they could do that with a simple majority. So, you know, a simple majority gives them the ability to push a lot of different types of legislation, some of which – including on corruption and this sort of thing, some of which might not be to the government's liking. So it's a pretty powerful tool if they can get a majority, and that's going to depend on there's still three seats that have not been decided because the elections were disrupted. They think they're going to get two, if not all three of those seats, and they've also got the appointed members of parliament that they'll be doing six. So they'll be hovering right on the cusp of a majority of 112. So I do think it's a powerful tool, and that's why I think it does change the dynamic.

The speaker in the parliament, by the way, has a lot of power and basically does pretty much dictate the agenda of parliament. On the other hand, Kibaki's got a fair amount of power because he has the ability to, you know, to adjourn the parliament after a certain period of time. I'm not quite sure what that is right now, but – so anyway, that's the answer.

MS. COOKE: Great. Lauren Plock (sp)?

Q: Hi, Ambassador, Lauren Plock with Congressional Research Service.

During the constitutional review process surrounding the last elections in 2002 there was, of course, quite a bit of debate about the creation of a prime minister position and devolution of power from the executive. It seems probably a bit more likely that any sort of new prime minister position maybe might be created through the parliament, but is

there any discussion of bringing up some of the old drafts that had been discussed, I don't know how far along they are, and putting them forward for a referendum? And is the electoral commission even considered viable enough by the population to do such a mass action?

MR. RANNEBERGER: You know, I don't think there's much talk along those lines right now. I mean, the feeling – well, of course the ODM would want a constitution that goes back to the same debate in '95, they'd like something that has a strong PM position and limits the authority of the executive. Of course, the government would not want that. So it's not going to be easy to get, you know, an agreement to move ahead on constitutional reform; there was the so-called minimum reforms package that was briefly discussed in the last parliament. So really, I don't think they're talking about reverting back to the standard drafts.

The other issue is the electoral commission. I mean, I think in most people's estimation it would take at least, you know, six months or so to be able to do any kind of serious reform, probably longer. You'd also have to have the president agree to, you know, to appoint commissioners independently as opposed to sort of stacking the commission. So I don't see anything happening very quickly on that. Again, our point was to get in process sort of a dialogue now that could lead to agreements to focus on this, but I think that most people think, you know, this is going to take probably a couple of years before they get to the point of having any kind of draft that could go to a referendum.

MS. COOKE: Ambassador, let's take one more question. Questions?

In the – behind, yeah.

Q: I just wondered – Kofi Annan was due tonight, Tuesday night – oh, last night actually, and he said to have the flu. Can you update us on this? Will he be coming and how essential – you mentioned him before as a possible mediator. How essential would his participation be, do you think?

MR. RANNEBERGER: Yeah, well, I think his role is potentially important. Again, Kufuor was here and Kufuor's mission was not a failure, as it's been described. I mean, he did make progress; you know, he had a couple meetings with Kibaki, a couple meetings with Odinga. He couldn't get them in the room together because of this debacle over the alleged World Bank documents and all of that, which ended up being kind of a red herring and a huge misunderstanding, but we couldn't get them in the room together. But the thought is, you know, he's now sending Kofi Annan and you know, Kofi Annan obviously has a certain amount of firepower and, you know, we've certainly talked to both sides and they've indicated that they're prepared to talk to Kofi Annan. And you know, again, privately both are signaling willingness to meet together with Kofi Annan. The latest reports we're getting is he may arrive sort of early next week, but I think he really is sick, he may have apparently a touch of malaria or severe flu, it's not clear. But he's expected to recover, I guess, fairly quickly.

Hopefully, the violence connected with any demonstrations will not – you know, will not be so severe as to disrupt prospects for discussions once he's here. Again, I don't think the violence today, just so people know, you know, it sounds very dramatic, U.N. had to close down and all that; I mean, a lot of people sent their people home as a precaution. It has not been widespread in Nairobi; there was some tear-gas fire and that kind of thing, but the initial reports I've gotten is that probably no deaths or anything and, you know, some people were dispersed, the crowds weren't that big. There was some activity, I guess, in Kisumu and Eldoret and some other places, and we'll just have to see what happens tomorrow and Friday, and a lot of the tone today was celebratory because of the, you know, the ODM victory with the speaker with – (audio break).

BERKARD OBERLE (?): (In progress) – for means to transport themselves out of those counts. So the numbers are highly fluctuating.

Perhaps I can tell your listeners – (inaudible) – what has happened so far on the humanitarian front. Let me start with WFP, which is my agency. We have so far reached some 220,000, 227,000 beneficiaries through food distributions. In the Rift Valley, that includes – (inaudible) – it's about 130,000. We have provided additional resources to UNICEF, primarily for supplementary feeding. I don't have the numbers, unfortunately, there for how many people that was adequate to do their own distributions. In the Western and Nyanza provinces, including Kisumu, there are about 10,000 people that have been served with beneficiaries, and in the Nairobi slums in the central district there some 126,000 people who have received food rations. And that amounts to a total from WFP of 1,226 tons as of this afternoon. The Kenya Red Cross has received from us an additional 545 tons in the Rift Valley. So these are roughly the numbers that we have at the moment.

We are preparing or have followed a principal of providing, where possible, two-week rations to these households and displaced people or affected people. We are now beginning to look into the possibility of providing them a further one-month ration, provided they are settled and are not imminent to move. That depends a little bit on the time, the availability, and the support of our – and the capacities of our implementing partners.

As you probably know, the government has nominated the Kenya Red Cross as the coordinating agency. The Kenya Red Cross has done a commendable job to mobilize resources and distribute beyond foods, lots of relief items. They are a little bit stretched and that has led to the inclusion of other NGOs and implementing agents, also church-based organizations or faith-based organizations to help in the response.

The biggest challenge is – that's been really shelter. In the early days, as many people had to camp out in the open. The weather was (?) unfortunately, very collaborative. It was good, but cool at night. That has created some respiratory problems: pneumonia, colds, flus, et cetera. The second biggest challenge was to provide fairly quickly water and foods to the displaced. And I would say, from our information

and our food – (inaudible) – and assessments that we have done so far, that has been a very capable and very effective response.

Shelter is now, basically, provided to most of those sites. That may exclude some small groups who have sought shelter or grouped together in some places where we either haven't gotten to yet or assistance may not have reached yet, but we consider those, at the moment, as very limited. In the other places that we have any information and feedback, this has been a tremendous response and people do have shelters, blankets. The water supply is surprisingly good; it's also in an area where water is usually quite well available, at least for drinking purposes.

Health issues are under control as far as we can tell. Many NGOs, a number of NGOs, including the Kenya Red Cross, have set up mobile health facilities. The government, the district offices, have done a tremendous job to support and extend those facilities and care to those communities as and where they require that support.

Our main constraint has been the access. Both the Kenya Red Cross, to a large extent, U.N. community and their partners had to be fairly careful in moving about. Security assessments have now been done in those areas and we do expect that if the security situation does hold up that we get better freedom of movement in order to be more efficient in the response and also more thorough in the assessments. What we have focused on in terms of assessments so far is relative severity and the extent of the displacement, the duration estimated or expected for the internally displaced people vary by the numbers and as these numbers have become – or as have been glorified (?) – the totals have also gone down from the 3rd of January when there were some 355 – 755,000 estimated. We are now down, as I said, to a figure that is about two-thirds of that in terms of affected and about one-third of those actually displaced.

The assessment has also focused on the appropriate assistance that was needed and the need for more detailed assessments, i.e., going back with perhaps a different team composition. Our colleagues from UNICEF and UNHCR have chipped in and have become quite effective in conducting these assessments now. As far as our food needs are concerned, we have a fairly good view of the need for selective feeding. That is, at the moment, fairly limited. Stored capacities and handling capacities are a little bit more of an issue in those sites that require that assistance and, initially, but gradually also improving the preparation facilities that are needed like access to fuels and firewood, cooking utensils, and, as I have already mentioned, water.

I would like to perhaps just stop here – this is a very brief overview – and see if you have any questions. That would focus me, over.

MS. COOKE: Sure. We may go directly to – I wonder if you can talk just briefly or maybe Sam will talk about this – what are your estimates of the duration of the displacement right now, if you have a rough estimate? And, second, what do you anticipate? I gather the rallies scheduled for today were somewhat dampened, but I

wonder what you're expecting in the next few days and whether that will have a displacing effect, additional to that.

MR. OBERLE: Okay. The duration I think is very difficult to estimate now. Ambassador Ranneberger probably mentioned this, but the displacement was triggered by political events and processes. And I'm sure Sam can tell more about that. If reconciliation and discussions do take place, then we do not really expect additional displacement or at least large numbers of additional displacement. The duration for people who are now still in these sites – they probably find it difficult to go somewhere and they will have to rely, perhaps increasingly, on some assistance or increasingly rely on assistance that has been more substantive as well before they can be re-accommodated or re-housed.

The situation doesn't look like, on the ground, as if many people can go back to places that have been destroyed or burned down without some substantive assistance in terms of materials to reconstruct. But before that is possible, reconciliation and discussions with those communities who have been, I think, the cause or involved in the cause of displacement have been resolved. It would just start those problems again.

And, in fact, we got reports today from Kisumu that some people have actually left or had to leave today to places. They had stuck it out there and finally they had to pack up and leave those areas. The rallies and the response certainly will dictate what people feel like. We have, I think, a particular situation in the Nairobi locals' housing area, slums, as they are currently referred to, where people are unable to buy food because their small shops and market center are no longer working or cannot get supply in. So they are becoming increasingly desperate. The mobility is – their mobility has been restricted, has now been eased a little bit over the last few days. So I'm sure quite a number of people went back to their jobs, but we are getting a lot of reports that people have lost their jobs as well.

So it's a very mixed picture at the moment. But perhaps, I'll let Sam talk about because he knows this country a lot better than I do. Is that okay with you?

MS. COOKE: Great. Thanks very much. Sam, do you want to give us a – quick view?

SAM KONA: Hello?

MS. COOKE: Hi, Sam.

MR. KONA: I think, if I may get time, comment on the issue of the duration of displacement and maybe working some – the monetary movement following these rallies and the kinds of responses the security forces are going to detect. I think one thing that will be, will determine if we have new displacement is whether the Rift Valley and the level of violence that we are witness in different parts of the country. We will expand and cover new areas. And I think that will be, again, determined by how the rallies will

be managed, but also how the different groups in the country will be sucked into this cycle of violence.

As you recall, when the – immediately after the presidential results were announced, we did witness violence in specific towns and specific parts of those towns. And that has gone from being moved from Kisumu to Eldoret and then we have now new areas where we are in new cases of violence and destruction. So basically, once this idea of – people begin to transcend this concept of hatred among the different ethnic groups, then we expect more – (inaudible).

MS. COOKE: Hi. Great. I wonder if you want to talk a little about, you know, the possibilities for local reconciliation. Will people be able to move back? I also wondered if you might talk about, you know, the sources of this. I gather the media ban, according to the government, was largely in response to kind of the vernacular radio stations, according to the government, but didn't want to discriminate so it became this nation-wide ban. But do you want to talk a little bit about, you know, how are local communities going to knit themselves back together after this?

MR. KONA: I knew that the process of reconciliation, especially at the national level, we have to appreciate the fact that it's not going to be a short process. If that sort of begins, then we should be prepared to engage in a productive kind of process. Already, from this violence that we've witnessed, there are formulations that have come up. Initially, we had the trick, of course, with the election results. And the fight has revived ethnic tensions or antagonisms that did not, was not manifested before.

It also occurred at a time when different ethnic groups in Kenya, in some parts of Kenya, already were in open conflict. So you'll expect in places where we already had open conflict like the western part of the country like Mount Elgon and some of the patrolled areas, you'll expect the conflict to definitely escalate because the focus now will change to big, national problem. But we also witnessing an interesting process whereby in some places where communities had their own local problems, these elections have created a different type of problem where both different groups seem to be agreeing and organizing around it.

So in some places, you have cooperation between ethnic groups that were in tensions before. But also, that organization is a threat to other communities. So they are so many – (inaudible) – in terms of the kind of ethnic tensions that we are experiencing. But we do realize that. Whereas it was a problem that was triggered by a political contest, it was really fought by – (inaudible) – fought by existing inequalities in society. It's being formed by the polarization that took place during the campaign period. And I think the historical – (inaudible) – that might have been latent between different groups on issues of land or perceptions about power, all of those have created this kind of conclusion whereby we have now identity in terms of ethnic group, identity in terms of region, and, of course, identity in terms of the political – (inaudible) – watching within this kind of an environment where already we have tension between ethnic groups.

And I think what is going down in some part of the country is, people are also utilizing this opportunity to fix some of the problems that they think have been there for so long. And that is why there is – (inaudible) – of some ethnic groups in some parts of the country. That is why the destruction of their property and so forth. But, in terms of the media ban, I think one thing I have to point out is that the media in Kenya, especially since the announcement of the presidential result, has been remarkable in terms of reinforcing the peace effort that have been and are taken from the print, electronic, and also the newspaper and, equally, those radio stations.

But I think, considering that we also require this kind of debate and Kenya's people were used to debating issues on TV, in newspaper, and only in radio stations, that ban may ultimately turn out to be counterproductive, especially if they will not have opportunities where they can ventilate and discuss issues. So I think lifting of that band may actually become creator of opportunities where groups can engage in some form of discussion or debate around issues with which they disagree or whatever feelings they have.

MS. COOKE: Should we take a few questions from the floor, if there are? The lady here –

MR. KONA: Go ahead.

Q: Hey, Sam. My name is Beth and I'm also from Kenya. My question to you is, what do you think we can do to make sure that this does not repeat in another five years with Odinga's camp saying we have to distribute the economic benefits across different tribes and Kikuyu's or other tribes surrounding them feeling like, well, we deserve it. We earned it; we have to keep it. What can we do to prevent that from happening in five- or 10-years' time?

MR. KONA: I think that's a very important question and a valid one. And when you listen to the kind of discussion that's actually the Chief Mekel (ph) and people who are engaged in mediation, there seems to be a – (inaudible) – times of focusing on calming the violence, stopping the violence, creating some calm and proceeding.

And even when you go to the political level, the discussion about power-sharing or some form of political accommodation at the level of power-sharing. But I think what is at stake here is the unity of this country. And as long as we don't put in place sustainable interventions that can actually address some of those levels of injustice, which are many now – we have injustice arising from the presidential election. We have injustice arising from the consequences of the violence, people who lost their property, people who have lost their labors. And, of course, we have got injustices relating to hatred in terms of land, in terms of power. So we need a comprehensive reconciliation process that captures all aspects of injustices in this country.

Secondly, the other thing which I think is very, very important in this process of reconciliation and national unity is we have to acknowledge as a country that the

democratic process in Kenya is under threat. And that will mean, we need to put up mechanisms and interventions that will consolidate our democratic gains, but also restore confidence in government institutions. And those government institutions, be it the electoral commission of Kenya will require – (inaudible) – electoral reform before the next election, we also require trust in government institutions because we are in this state because groups feel that if you get power as the president then your community will benefit, your region will benefit, and you'll develop and so forth.

So for us to change that, then we need to have to build strong institutions, which everybody in Kenya, and all regions in Kenya will trust. And that definitely will not be something that can be done with one process. We need a long-term process of building those institutions and, of course, restoring public confidence in those particular institutions.

So those are some of the things that we need to do definitely. In the past, we have refused to impress the concept of a truth and justice commission. I think now we require that. And there are many things that that commission should be able to do. So that is one process that we need to engage as a country. The second one, of course, is – (inaudible) – of building democratic institutions where people are confident and reforming some of them so that they can be able to cope with the challenges of democracy in our country and also the challenges of diversity that exist.

And obviously, for us to begin in that long part of building strong government institutions and also the compelling the nation. We must be conscious of the fact that we cannot proceed unless we are able to stop the current levels of violence. We must also give people hope that whatever process that we engage in as a country will cater for the justice and all the truth requirement of those groups. That's what will absolutely – (inaudible) – that process. We can't just – (inaudible) – violence but you are not meeting then the alternatives on how the grievances can be addressed.

MS. COOKE: Thanks, Sam. Do we have – is there a question here?

Q: My name is Kiwassi Hull (ph) and I represent the Kenyan Community Abroad, which is an organization for Kenyans abroad. We are right now in the process of starting a process towards justice. And I was just listening to the gentleman, Mr. Sam, and perhaps some times later, I would like to direct the question to Ambassador Bellamy and Mr. Throup, because I know they have a lot more to give, so I'm just putting it out there.

Right now, we are concerned about taking help – any kind of help – especially material help. And we are facing the problem of getting our help there. We've been trying to figure out how to ship it there. It's very expensive. And I would like this question – I think it's for Mr. Burkard – how do we get what we need to get to Kenya there? A lot of us already have things that we have taken to collection points and we don't know how to ship it home.

MS. COOKE: Burke, are you?

MR. OBERLE: I am not sure how I can answer your question. Most of the items are probably available in Kenya. If you want to send something in kind, then perhaps it would be useful to contact the local Red Cross societies and see if they are arranging any shipments. But clearly, that is an issue that has a lot of ramifications and implications also in terms of imports into the country. If you are air freighting these things, then it will be certainly a cost issue for something that more effectively is bought here. If you are shipping it, it will take far too long, I guess. And the port of Mombasa is already congested. We have now doubled our estimates in terms of off-take from Mombasa from an average of three weeks prior to January to about six weeks before it can be lifted out of the port. So much has been the pileup and the slowdown also in the ports. So I would really encourage you to reflect on that option of sending things home.

Are we still online?

MS. COOKE: We are. We've got a question coming, two quick questions. We'll take them together.

Q: One of the questions that I would like to be addressed is what is going to happen to the political leaders who are promoting war even before the election. The war rhetoric, the language that was being used to condemn certain ethnic groups – and that's what provoked – once the elections happened, and then there were complaints about rigging, then you know, I feel that people started acting on what they were hearing from their political leaders. Will those political leaders be held responsible for the deaths and the destruction that has happened?

And secondly, I would like to know whether the international community is actually looking at prosecuting on the international – in the international court – I mean, crime against humanity, because so many people suffered innocently and there are politicians who perpetrated that. Will they be held accountable? Thank you?

MS. COOKE: Okay, I'm not sure that our two speakers in Nairobi can address that, but perhaps the panel has some comments too. And then, just behind –

Q: Hi, this message is for Sam Kona. My name is Dorina Bekoe from the U.S. Institute of Peace. And I have a question about if there are any efforts by civil society leaders. I've been reading about Ambassador Kiplagat and his efforts. I'm wondering how they are being received. Thanks.

MR. KONA: Let me just respond by the fact of, you know, what can be done to political leaders who actually hyped up these problems. I think one thing that actually made this situation to be what it is today is what happened before the elections where there – (inaudible) – culture of impunity, where groups collectively organized and with the purpose of – (inaudible) – you will understand that we have had problems of military

in Kenya. And that definitely is a problem we've been dealing with for the last few years. But we've not addressed it in a sustainable way.

And just before elections, as you rightly observed, the violence has actually – (inaudible) – some of the militia groups. And obviously, the reaction that we witnessed might be linked to that. So one thing that will need to be addressed in the future in the national reconciliation project that will start at some stage will be to address that problem of the culture of impunity, which drives across the country from lowest bandits in northern Kenya, those who – (inaudible) – from others to militia groups that are organized. And of course, dealing decisively with groups like, for example, that Sabaot Land Defense Force, which has been existing and terrorizing people in Mount Elgon since 2005. So those kinds of things definitely need to be addressed. And that's why I say we require strong institutions to be able to address some of those problems.

I also want to underscore the fact that we cannot ignore the fact that this problem is both a problem that was created by historical problem that existed among communities in Kenya, but – (inaudible) – what are the results of some – (inaudible) – behavior by political elites in this country? So that is something we also need to bear in mind as we come up with a justified reconciliation processes. And I think stretching the concept to the possibility of these people being tried in the international court or any other international accountability mechanism may actually be a deterrent. But I think that is something that would be discussed at another level.

I also mention about the work of civil society. I think the civil society movement, particularly the peace movement in Kenya, has been very, very active and involved in this process. You have a number of initiatives that have been ongoing since the violence started. We have the coalition – (inaudible) – coalition for peace, which is headed by – (inaudible) – Ambassador – (inaudible) – and also General Simbego (ph) and General Pandis (ph). They have been meeting and they meet every day to discuss and come up with ways by which this problem can be addressed.

We also have a strong religious leaders' forum where they meet every day to discuss and come up with possible options between – to address the problem. And between those two groups, we also have other groups like the one that's being convened by the Kenya National Commission on Human Rights, Justice, and Truth. So they are asking a lot of interventions geared to actually building peace, building trust, and of course restoring relations among different ethnic groups.

But what are the missing is for those initiatives to be taken to the grassroots. And already they have Concerned Citizens for Peace and also Election Violence Response Initiative team, they are already thinking of taking these messages from Nairobi to the community. We also have a lot of support from the media and also the business community in Kenya. They are part and parcel of these civil society initiatives and they do come for the meetings convened by the Concerned Citizens for Peace, the Election Violence Response Initiative team, the religious leaders. There is a lot of interaction and engagement between all those groups.

And of course, we cannot also rule out the impacts of these initiatives and how the head of – (inaudible) – things that are run by different groups. Other international level – I'm sure if you have been following events – we have had some high-level interventions by the president of Ghana, also the chairman of the African Union, President Kufuor. He invited the U.S. assistant secretary of State who will be here for almost a week. Four ex-presidents came here. Desmond Tutu was here. And now, we are expecting Kofi Annan and a team of eminent Africans.

So the movement and momentum for peace has been building. What we require now is simply to coordinate and create a formal – (inaudible) – among all those initiatives, and link the international mediation that is expected in the country with national mechanisms that these groups are capable of mobilizing and also initiating. So there is a lot of work that is being done. And for us who are here in Kenya, we are able to feel the impact of all those interventions. I can tell you that without these Concerned Citizens for Peace, the Election Violence Response Initiative, the intervention by religious leaders, and of course the individuals who are from the different personalities in Kenya, things might be different or worse than we are currently witnessing.

And you also have the youth. And I think the group that is the Youth for Peace that will touch it, it's very, very important because at the moment the people who are engaged in violence on the ground are youth. And so there is so much that needs to be coordinated. And I think it's just a matter of time before we can be able to create that – (inaudible) – between these different initiatives. Over.

MS. COOKE: Thank you, Sam. Sam and Burke, you're welcome to stay on the line. I know it's getting late. I hear the crickets and frogs in the background. But we are going to turn to David and Ambassador Bellamy. David, you were paused as Kibaki was recapturing –

MR. THROUP: All right, it was very close is the bottom line. And I'm not sure that the Kenyan media or the international media demonstrated that, which added to the political turmoil when the results finally emerged. That is the final result, a margin of victory of a mere 230,000 votes. And as I said, I suspect the government overall stole about 350,000 to make – Raila would have won by 120,000.

These were a number of constituencies that the press said – Raila was ahead by 38,000; there were 19 pending constituencies to declare. The only problem was that they confused the situation. These were not 19 presidential constituencies still to declare. Seven of them had already declared. There were actually 19 parliamentary constituencies. So that misguided people. The best set of interim figures we have were those published in the Sunday Standard, which represented the situation at about noon on Saturday. And by noon on Saturday, if you actually add up the results from 136 constituencies, Kibaki was in the lead by about 89,000 votes. Three of them were from Nairobi – and that looks realistic – 14 were from the coast.

Now, in fact, Kibaki was doing surprisingly well at the coast. Three weeks – two weeks before the election, many people had felt that Kibaki wouldn't meet all three requirements for being elected president. Getting a plurality, winning his own seat in parliament – that was certain. But it was by no means certain he would reach 25 percent of the vote in five provinces. He was failing at the coast; he was failing in the Rift Valley; he was failing in Northeastern; he was failing in Nyanza. And so the fact that he does so relatively well in the coast is slightly suspicious.

Northeastern, after seven returns, is also suspicious. And indeed, after all, 11 returns gave Kibaki 55 percent of the vote, whereas all indications in the late opinion polls would be that he would be lucky to get 25 percent. So that was highly suspicious. Eastern is okay, although you get a very large Kibaki vote from Embu Meru. Central looks absurd, but is probably fairly legitimate. You're getting a turnout of about 95 percent of registered voters, and 95 percent of them are voting for Kibaki – or 90 percent. The Rift Valley is realistic; Western is realistic. Luo-Nyanza is realistic, except perhaps Raila is slightly inflated.

With 74 seats to go, the undeclared distributions left 10 in Central Province and 14 in Eastern Province, which by and large would favor Kibaki – three in Nyanza – 11 in Nyanza, three in the Rift, and a number of others, which would make 29 favoring Raila. These would produce, I would estimate, the kind of majorities you see here from the remaining seats, which would give Kibaki a majority of somewhere between 5 and 100,000 – 130,000. And that would generate the 230,000 margin that he actually secured. So it's very difficult really to say categorically that this election was rigged.

But let me talk about how you rig a Kenyan election. You can do it in four ways. First of all, you can rig the registration. But that is a method, which favors parliamentary candidates, not presidential candidates. They move people from one constituency into another to inflate their vote. ODM tried that quite clearly in Mombasa. And their voters were prevented from turning out. You look at the Mombasa figures, the turnout is only 30 percent; in Likoni, 40 percent in the city as a whole. That is the fact that they have inflated the registration and the government has successfully precluded them from bussing in voters on election day into the Mombasa seats. These are the constituencies with the largest number of registered voters. And as you see, a considerable number – in fact, perhaps a disproportionate number – are in ODM rather than PNU areas.

The second area you inflate the vote is actually in the polling station. And this, I think, was quite clearly done by the ODM in Nyanza. It's relatively easy to do in the ethnic heartlands of the presidential candidates because the local officials – the presiding officer and the local officials at the voting center – are subject to social pressure from the community. They probably share the political biases of the ethnic community. And it seems to me that if you have more than 90 percent of registered voters voting for a particular candidate, then that should wave a flag. It is an indication. It isn't absolute proof. But it is an indication of suspiciously high turnout and suspiciously high ethnic unanimity.

And as you see, of the top 10, Sigore (ph) is clearly wrong with 115 percent turnout. That, I think, is simply a misrepresentation of the figures. But the majority of them are in Luo-Nyanza. So Raila hacked the presidential vote by maybe 450,000 at the polling station level in Luo-Nyanza, and to a certain extent in the Central Rift Valley. The highest PNU figure, 89.36 percent, is for President Kibaki in his own constituency, Othaya. And basically, if you look at Nyeri District as a whole, the figures were in the 80s rather than in the 90s as in Luo-Nyanza.

Then, you can rig the vote at the registration center – rig the vote really by the returning officer who submits the return to the electoral commission of Kenya in Nairobi. This is what the ODN claim have happened in PNU areas. This is what the European Union observer mission claimed happened in three constituencies: Kiyani, Juja, and Molo. If you actually look at that, I don't think the claims by the European Union can be substantiated. I think their observers quite simply got it wrong. The turnout there of three separate figures for Kiyani – 54,000 according to the European Union, Figibaki (ph); 64,000 according to the local press; and 72,000 according to the electoral commission of Kenya.

In Kiyani, which is in Nyeri District, the ethnic heartland of Kibaki, you would expect Kibaki to get at least a 90 percent turnout and at least 90 percent – probably 95 percent – voting for Kibaki. That's what happened in 1992. That's what happened in 1997 when the whole panoply of state power was arrayed against Kibaki. So it seems to me absurd for the European Union to claim that Kibaki only got 54,000 votes in Kiyani. That would mean he only got 64 percent turnout in Kiyani, which just isn't on given the ethnic mobilization of these constituencies.

So of the three sets, the most plausible result from Kiyani is the one actually announced by the electoral commission of Kenya. Another way of checking whether you've got dicey figures is comparing the presidential and parliamentary vote. Political scientists will tell you if there is more than a two-and-a-half, 3 percent variation between the presidential and parliamentary result, then you've got rigging – 74,000 people voted in Kiyani in the parliamentary election overwhelmingly for pro-PNU candidates. And 72,000 voted for Kibaki. So in Kiyani, I think the EU figures are quite evidently wrong, and their observers made a mistake. The same is true in Juju.

Molo is more of a problem. This is in Nakuru District in the Rift Valley. Most of Nakuru District is heavily Kikuyu. But Kibaki did very badly in this Kikuyu heartland in the Rift Valley. In Subukya constituency, the constituency of Kogya Werwanweri (ph), he only got 43 percent of the registered vote. He didn't do much better in Nakuru. He didn't do much better in Naivasha. And so the result in Molo is indeed perhaps problematic. It is perhaps a little inflated at 78.36 percent. But it correlates with just over the hill in Narak (ph) north where you had an 81 percent turnout and in Kuresoi where you had 77 percent turnout. So I'm not willing to say whether they rigged the returning officer result in Molo.

Raila claimed that they did it in Nakuru Town, in Marangua, in Juju, in Nithi. But all of these seem to me quite evidently statistically improbable, given the past electoral history of these constituencies. Maybe in certain parts of Molo District, they inflated marginally by two or 3,000 votes. But the kind of gross discrepancies that the European observer mission analyzed in its report, and which the ODM has put out in its press are wrong. They cannot be substantiated statistically, given the history of these constituencies.

These are the kind of variations in presidential turnout. Nairobi is about right. Mombasa is about right. Northeastern Province is high. And this is a clue, because the way I think they did rig the vote was by rigging the vote of illiterates. In the 70 percent of constituencies in the rural coast, in Northeastern Province, in the northern parts of Eastern Province, and the northern and southern Rift Valley, they basically bribed opposition party agents. These were not areas of intense ethnic mobilization. They were, if you like, the peripheral areas, both geographically and politically to the Kenyan contest.

And the PNU spent between five and 15,000 shillings bribing each opposition party agent. They probably bribed somewhere between a fifth and a quarter of opposition party agents so that when illiterate voters came in and said I want to vote for Raila and the ODM party agent went with them to cast their ballot, and they said, I want to vote for Raila, he marked it for Kibaki. So it's a double-whammy; you take a vote from Raila and you give it to Kibaki, and it's absolutely foolproof. There are no fingerprints. Their paperwork at the constituency level, the paperwork at the polling station level, the paperwork at the returning officer level, the paperwork at the electoral commission of Kenya is perfect. It cannot be traced.

If you take Narok north, where you have 81 percent of the electorate illiterate, the ODM candidate said that between 50 and 60 of his 157 party agents had been bought by the PNU. And he had evidence that they had cast their votes for Kibaki rather than their actual choice. So if you take 25 percent party agents, this is an area where international observers don't go; this is an area where domestic observers are very thin on the ground, where the writ of the government is absolute.

It's very easy in these 70 or so constituencies to steal somewhere between 700,000 and 800,000 votes and really leave very little evidence whatsoever. So if you look at Northeastern, if you look at the rural coast, if you look at the northern parts of Eastern Province, if you look at Turkana, West Baringo (ph) and Masai Land, I think you've got clear evidence.

In Narok north, one constituency, ODMK spent 8 million shillings, ODM spent 50 million shillings, and PNU spent 150 million shillings. They basically spent two-and-a-quarter million dollars on that one constituency. They didn't spend it on advertising. They spend some of it on mobilization of electors. But they spent a considerable proportion of it buying up opposition party agents so that they could deliberately misrepresent their choices in the electorate.

I will stop there.

MS. COOKE: Great. Thank you, David. And I think we'll have questions after. I mean, when you have the electoral commissioner saying he doesn't know who won, this kind of analysis, I think, it's needed. And it does point out kind of how perhaps this system might be fixed, the role of the media in the announcement of the results. And maybe we can talk about that in question and answer.

Why don't we turn to Ambassador Bellamy who has been very patient to talk a little bit about the way forward, the role of the international community?

MARK BELLAMY: I think our audience has been very patient. And I don't want to test their patience too much, so I will actually abbreviate my remarks a bit so we can get more quickly into the questions. I had proposed really to try to look at some scenarios for the way forward from this point forward.

But just quickly by way of prelude to that exercise, I think for reasons that all in this room understand, these events over the past couple of weeks are a setback for Kenya, and a very big setback for Kenya, with consequences, I think, that will be felt for some time to come, possibly for years to come. Depending on how you count it – 600 or 700 dead, 250,000 internally displaced at one point. Probably that number or a like number have lost livelihoods, lost jobs. You heard Ambassador Ranneberger talk about \$10 billion a day lost as a result of the shutdown – 10 billion shillings a day. Last week, I think Finance Minister Kimunya talked about a billion U.S. lost to that point in government revenue. I've seen some estimates of as much as a 2 percent or 3 percent loss in GDP growth this year as a result of the economic disruptions suffered thus far. So these are very, very large losses for a country like Kenya.

Now, one loss we haven't talked about as much and is worth mentioning, in fact Sam Cohen mentioned it, and I think Maina Kiai drew our attention to this last week and that's Kenya's loss of its place, we hope temporarily, as a vibrant and developing democracy. For the first three years at least of President Kibaki's government, up until let's say the November referendum, November 2005 referendum, Kenyans were experiencing an expansion of political freedoms that at times seemed almost intoxicating.

And I don't know how many times I heard Kenyans say however frustrated they might have been with the politics of the day or with their elected leaders, at least there was no chance that they would backslide to the dark days of President Moi. There was a feeling in Kenya that political culture had changed in a fundamental way, that respect for human rights and the rule of law were entrenched or becoming entrenched, that institutions like a robust media and diverse media and a robust civil society were safeguards that were being put in place to prevent backsliding.

That confidence and that optimism has been badly shaken by events of the past couple of weeks. Kenyans have seen that the seemingly irreversible gains are perhaps

more fragile than they suspected, that the institutional safeguards really weren't as effective as some might have hoped. And I think all of us have been distressed at the speed with which the contest for political power, the raw contest for political power in Kenya, has moved back into the streets. And that's what I think makes the situation so dangerous in Kenya today is that the balance of power today is in the streets.

We've heard discussion of the standoff between President Kibaki on one side, Raila Odinga on the other. I think that President Kibaki has probably missed some important tactical opportunities over the past couple of weeks, both to assert his presidential authority and assert his presidential stature and distinguish himself from the faction leader, from the opposition leader Raila Odinga. But I think in the minds of many Kenyans, and this certainly comes through in the emails and the blogs, there is a sort of a rough equivalence today of these two leaders as the two elephants who are fighting and the grass being trampled.

And Kibaki I think in some ways has missed an opportunity to establish himself as truly presidential in this particular context. And I think he has also, perhaps, missed an important opportunity in not accepting some form of AU mediation. And there is no way that AU mediation is going to turn against an incumbent president, President Kibaki. But by failing to reach out to the AU and consider options that that might offer, I think he has handed some important tactical advantages to Raila Odinga.

So given this standoff, standoff that we've been discussing this morning, what are the prospects for the way forward? I don't think the immediate prognosis is very good. In the opposition camp, in the ODM camp, there will almost certainly be a push to sustain pressure from the streets. This, in the end is really the only lever possessed by Raila Odinga. I don't think that the ODM's slim advantage in Parliament in the end is going to be terribly helpful to them. It's important that the ODM, however, deny Kibaki a parliamentary majority because control of Parliament by President Kibaki would give President Kibaki control of the executive and parliament and a basis for arguing that he could govern effectively, he could propose and pass legislation, and that would I think give an important symbolic advantage to the government. So I think it's important for the ODM to deny that advantage to the government. But I don't see how the ODM is effectively going to use the very limited powers of Parliament to offset President Kibaki's control of the executive.

Yesterday's narrow vote in parliament, while it did produce a speaker acceptable to the ODM, couldn't be looked at another way. It was a very close vote and it certainly puts the government within striking distance of being able to multiple incentives for some of these MPs to come over to the government's side.

Pressure from the streets is perhaps more important in terms of putting pressure on the economy. And no doubt part of the strategy of the ODM is to hope that the protests or the threat of protests will cause enough economic disruption or enough economic uncertainty to bring urban Kenyans, the middle classes and particularly

business elites including Kikuyu business elites to intensify pressure on President Kibaki to reach a political settlement.

Problem for Odinga, obviously, is that this street protests and pressure in the streets is a powerful weapon, it is a very difficult weapon to control. It's one thing to be able to put together discipline displays, peaceful demonstrators in the streets. That's going to be a very hard thing to do in – it's a hard thing to do in a permissive environment – it's a very difficult thing to do when administrations are banned. And the risk obviously is that any attempt at disciplined street protests could quickly evolve into random violence and looting, which would not be to Odinga's benefit.

In the government camp, I very much agree with Ambassador Ranneberger's comment that there is likely to be, at least initially, a tendency to want to ride this out, circle the wagons and ride this out. This, after all, was a strategy followed by President Kibaki and his advisors following their somewhat humiliating defeat in the referendum vote in November 2005. That was a vote that should have been a very clear warning signal.

And many at the time, in fact, encouraged President Kibaki to acknowledge what amounted to a vote of no confidence in his government and to take that opportunity to try to broaden his base of political support during the final two years of his presidency. Instead the strategy that was adopted at that time was to chase from cabinet all those ministers who had been associated with the no-vote, to circle the wagons tighter, to rely on an even smaller group of inside advisors, and to begin to reposition the police and intelligence services to surveil and to harass political opponents, and that campaign led shortly thereafter to the attempt to burn down The Standard newspaper.

Variations of that strategy seem to be what are at work now in circling the wagons, hunkering down, and perhaps hoping that fatigue, disillusion, and maybe measured doses of repression will turn events in President Kibaki's direction. That might seem like a conservative strategy, and I think in fact it's a risky strategy because the government may well find that larger and larger doses of repression are needed in order to deal with unrest that simply not going to go away.

And once you start on that slippery slope, it's not too far before you reach a point, potentially, that it's not just the police and security services you have to rely on, but you really have to begin mobilizing all elements of state power, the provincial administration, the civil Service, the exchequer to consolidate your political position. And if and when that point is reached then, I think it would mean that Kenya has taken several long steps back towards the dark days of Moi and will have a longer road to recovery at the end of all this.

So given this current standoff, what are the ways forward? I think we can discard right away a couple of possibilities. There have been calls for a recount or forensic audit, I think for a number of reasons most now regard that as unlikely and unhelpful, very difficult technically to put together a credible recount and unlikely that the loser would

accept the result, in any case. Another possibility, which has been put forward most vehemently by Justice Minister Karua and others in the Karuki camp have been to take the complaints to the courts. I don't think there are many Kenyans, whatever their political coloration who have much confidence in the ability of Kenyan judiciary to give an informed or impartial opinion here. So that I think is probably an on-starter.

There have been suggestions that there should be a recount, or not a recount, excuse me, a rerun of the elections. Some have said, well, that probably can't be done given the volatile climate in the country today and the fact that this compromised electoral machinery has to be rebuilt. I'm not completely convinced. I don't think it would take too long to put the electoral machinery back into shape, perhaps with a little bit of outside assistance.

Kenyans know how to run elections; there is a tremendous amount of institutional memory out there. And I think, perhaps, with a cooling-off period and agreed cooling-off period, you could organize peaceful and efficient elections after a relatively short period of time. The problem there is not technical; the problem is that either side can be confident they would win in an electoral rerun. The levels of uncertainty are too high, so I don't think in the end that that's going to be an appealing course of action for either the ODM or President Kibaki.

That, it seems to me, leaves only one apparent route out of the current crisis and that would be to construct some form of a power-sharing agreement. We heard Ambassador Ranneberger mention that this is a U.S. policy priority now. Thus far, neither side has shown a serious inclination to explore power sharing and yet a readiness to at least engage in such discussions may be the only way we have right now of moving the political dynamic in Kenya from the streets to the negotiating table.

I don't think anyone should have illusions about how difficult it will be to organize a true power-sharing negotiation. It would entail amongst other things, I believe, a new willingness of maybe a hitherto unseen willingness on the part of President Kibaki to genuinely share power with a hated rival, to surrender control of a certain number of ministries, to probably agree on a program of reform, or at least minimal reform, to agree on a legislative agenda and a set of legislative priorities, and most importantly, it would probably entail President Kibaki promising to step down before his term of office, perhaps after two or three years and agree to early elections.

All of that will be very tough for President Kibaki and especially for his entourage to accept, no doubt about that. But it will also be very difficult for Odinga to accept the fact that the presidency is not his, and that he must instead become a loyal servant in a government headed by President Kibaki, and it will require that Odinga accept the discipline of a negotiated power-sharing agreement and bide his time for two or three years with no guarantee that at the end of that time he will still be the frontrunner in presidential election contest.

All of this, I admit, is a very tall order, but I don't believe that it's impossible. I do believe that in any event Kenyans are going to have to aim awfully high in this if they're going to address the twin imperatives of damping down, on the one hand, potentially lethal ethnic divisions, which now exist in the country, and at the same time reestablishing a legitimacy in the primacy of democratic institutions.

None of this, I don't believe, can be accomplished without some form of international mediation. Without some form of arbitration, I think it's very unlikely President Kibaki and Raila Odinga are going to come to the same table to hammer out an agreement. It probably matters less who these mediators are than the fact that they have a consensus position that has been coordinated and adapted by Kenya's main development partners, that is the U.S., the EU, U.K., Canada, Japan, World Bank, U.N., and that they are committed to the long haul because this is not likely something that can be fixed quickly.

I think it's a very good thing for now that a succession of different mediators have gone in and out of Kenya: Desmond Tutu, John Kufuor, U.S. assistant secretary for African Affairs, possibly Kofi Annan, even if they're meeting with disappointment, even if they're not getting, or feel that they're not getting much done, even if they're being told that they're only there for a cup of tea and a courtesy call because the presence of these international mediators, in fact, matters. It serves as a deterrent to either side in this making rash or provocative moves, and I think it also sends a signal to the people of Kenya that desperate measures may not be required if they are to restore peace and democracy.

We need to be prepared for the long haul in Kenya if an international mediation effort is to be launched. It's something that could be coordinated locally by something called the Development Coordinating Group there in Nairobi, which consists of chief submission and the heads of embassies and international organizations. Obviously that group is not there to prescribe a power-sharing agreement, but rather to maybe sketch the outlines of what a negotiation might look like. Once that is agreed, the U.S. and its partners, it seems to me, could work out a schedule to ensure that Kenya is visited every week by a senior envoy from one of the members of this negotiating coalition and that pressure should continue as long as it takes to break down resistance to direct discussions and serious power-sharing negotiations between the main protagonists. And once that barrier is crossed, then some thought can be given to the exact form of international mediation that would need to take place in order to bring it to fruition.

I think all would agree this is a long shot. Some would argue that it's a remote possibility. I would argue that we have nothing to lose by attempting this. I think we have a lot to lose and Kenyans have a lot to lose if we throw up our hands and we simply walk away from this crisis.

I'll close with just one other observation and one other reason that I think that this an attempt at international, a coordinated attempt at international mediation might have a chance, and that is it just might appeal to President Kibaki, not to the entourage around

President Kibaki, that entourage that has advised him so badly in recent years and led him into the current crisis he's in, but rather to Kibaki personally. And I say that because President Kibaki, however else he may be described, is not, I don't believe, is essentially power hungry. He's not hungry, he's not visibly ambitious. Odinga is power hungry. Kalonzo Musyoka is power hungry. Most Kenyan politicians are hungry, especially those who haven't been at the table in the past five years. There is a lot of hunger out there, but President Kibaki, I don't think, is among them. He has earned the right to sit back if he chooses, to spend more time with his grandchildren, to work on his golf game, do a number of other noble things. He doesn't need and he may not want five more years of this. His entourage may have more invested in his second five year term than he does. I say "may."

So I think we ought to give some consideration, keep that in mind, that President Kibaki at the end of the day might be a willing participant in a well-considered, persistent effort to reach a negotiated solution here.

MS. COOKE: Thanks very much. And thank you all for waiting so patiently. Let's take, we really don't have that much time, we can take perhaps one quick round of questions, which we can bundle together. We have a gentleman in the second row there. We'll go to Tony and then way in the back.

MR. JONES: Samuel Denny Jones (ph). One question that has not been addressed was the process by which Kibaki was sworn in so quickly after the announcement. I just wondered whether that was constitutional or not.

MR. : Yes, the –

MS. COOKE: Let's put them together. We have got Tony.

Q: What message does this send to neighboring states? There has been some note in the media that maybe elections are not really the answer, that they are being pushed by the international community and the U.S., and that what message does it send to Kagame to Museveni and possibly even in far reaches of Angola, that maybe the election model is not the right model for progress in Africa?

MS. COOKE: We have a gentleman far in the back.

Q: Yeah, my question was related to what was just said. What role do you see Uganda plays then, and with Tanzania plays then, playing in this crisis as fellow East African community members?

MS. COOKE: Let's take one more. I think there's one back there, Mike.

Q: Do you think that those who are around Kibaki are more determined to stay in power now to protect their ethnic group given the distraction that has happened to that ethnic group?

MS. COOKE: Okay, we'll take the one more in the far back and I'm sorry for the time constraints.

Q: Yeah, I work for the Voice of America and we cover the central Africa region, and my small question is related to this gentleman's one and before Ambassador Bellamy, before answering about the role of Uganda in Tanzania, can you assess a little bit about the impact of the situation on East African community members? Thank you.

MS. COOKE: I'm sorry, we do have to wrap up. So we'll turn to you for kind of —

MR. THROUP: Let me begin with the first question. Yes, it is constitutionally proper. The chairman of the electoral commission declared President Kibaki the winner. He then took the official document to state house and there was an immediate swearing in. In theory, the swearing in would have taken place on the second of January if it had followed the planned procedure. But in 1992, and again in 1997, President Moi was immediately sworn in after the electoral commission chairman delivered the piece of paper. So President Kibaki's appointment is indeed legitimate constitutionally. I don't think there is any question about that.

In terms of the neighbors, former President Mkapa was one of the African leaders who came in to try to negotiate and to mediate between the different parties. President Museveni was, I think, probably the first African head of state to acknowledge President Kibaki's victory cementing the close ties between Kenya and Uganda. I don't think you can expect Museveni or Kikweti or Kagame to rock the boat. They are well aware of the problems of African elections, and I think they will keep quiet and privately support President Kibaki, whom I suspect both of them see as an easier figure to deal with than Raila Odinga. It's quite interesting to watch the changes, changing relationships between Mr. Odinga and President Museveni over the course of the last 15 years and how they have become increasingly, not adversarial, but increasingly distant. And Kibaki I think is relatively respected and relatively well-liked among the regional heads of state.

I think it's going to be very, very difficult to persuade the hardliners to back down. I think they have now really, totally surrounded Kibaki and you are seeing if you like the unattractive side of Kikuyu hegemony. They are thinking not simply about 2007; they are already thinking about 2012. And they are already mapping out the strategy by which the PNU coalition will be able to triumph in 2012, probably under the leadership of Kalonzo Musyoka. There is a real sense among the Kikuyu elite I talked to that we lost the presidency, the House of Mombasa lost the presidency in 1978, we were out in the cold for 24 years, we got it back in 2002; this time we are not going to let it slip out of our hands. And I think they are in this for the long term, so that they will bribe members of ODM not to cross the floor, but to support government legislation when it comes to the crunch.

The president, as everybody has said, has enormous executive power, he can – (inaudible) – Parliament. I suspect next week he will – (inaudible) – parliament. It will go away for two months or three months and he will rule by executive fiat. And it will be very, very difficult, I think, for the ODM forces to sustain a campaign to violence. The international community over the last two weeks has been pressing Raila to dampen down the demonstrations, and he has behaved impeccably I think over the course of the two weeks. I think he may have miscalculated. I think he may have thought the international community would be able to deliver than it can. I think now that he has secured the election of his speaker, he will increase degree of violence in the streets.

But it's really disrupting relatively small area of Kenya. The government propaganda says it's disrupting 3 percent of Kenya. It's disrupting Kibera. But who cares about Kibera in Nairobi? It's disrupting the road between Nakuru and Eldoret, which is a major problem. The areas you would expect, the areas of ethnic cleansing in '92, '93, are the areas which are being disrupted. So the poor Kikuyu in the burnt forest, the poor Kikuyu around Eldoret and Uasin Gishu, the poor Kikuyu on the border of Molo and Kuresoi, they are the ones who are taking the brunt, most of the violence is being targeted against Kikuyu. The government will wear that unless there is a political backlash in central province, I do not see it.

The government is not too concerned if Kisumu goes up in flames. I think you can marginalize Nyanza, you can marginalize the small sectors of Mombasa, and business will go on as usual. It's a tourist industry; it's big business. When they begin to squeal, then maybe the hardliners will lose influence. But I think it will be a long term, and I think ODM will flinch and back down before the government does, so I think we are in for probably escalating violence in the next two or three weeks. And I see absolutely no sign of the government shifting its position in terms of violence.

MS. COOKE: I think it would be good to get a better sense of the economic impacts, both at kind of the household level and nation, I mean, because when you talk about the offloading time at the port of Mombasa doubling to six weeks, I mean – and we heard while we were there, you know, fuel shortages happening in Uganda, which goes a little bit to the point that you were making. It's going to have major effects, I think, on the broader regional economy, as well. I don't think we have good ways of measuring that –

MR. THROUP: Estimates suggest that they're losing 10 billion schillings a day. And already the tourist industry is laying people off. I don't know if you saw the report in The Financial Times yesterday, but bookings are halved for people who were coming in February and March. This is the season when people who would book to come in July and August would do so. The expectation is relatively few people are going to do. So it is having serious consequences. Predictions from economists in Kenya suggest that the growth rate will fall from the expected 6 or 7 percent down to 2 or 3 percent in this forthcoming year. So it is having very, very serious economic consequences, and that is the big lever if the Kikuyu business community begin to feel the cohort then maybe, possibly, there will be changes. The one sign of change, the one sign of moderation that

has taken place is that John Michuki has been moved from the security position in the office of the president. (Laughter.) I mean, that may – you may think that's not an improvement, I actually do think it's an improvement. I think that – (inaudible) – on this front is considerably more moderate than Michuki who I would classify as a real hardliner.

MR. BELLAMY: Let me just quickly, I wanted to address the question that Tony Carol (sp) had raised about what signals does this send about elections generally and to countries in the region. Some of you may have seen the quote in the People's Daily yesterday about how this just demonstrates how unsuited Western style democracy is for Africa. And I, in reading that, wanted to suggest to the editorialist at People's Daily, they might want to take that hypothesis into the streets of Nairobi and ask if, you know, if Kenya has really felt they were ready for Western style democracy.

Kenyans didn't go through three decades of Moi to be told that they're not ready to handle this, I mean, they have discharged their civic responsibilities in exemplary fashion and are not happy when their voices are not respected and when the results are not what they should be.

I don't think it's a question of the suitability of Western democracy, that debate is over, I think, as far as most Kenyans are concerned. The question is what happens now when you have an instance of a seriously flawed election and the crisis that flows from it. If nothing happens, if at the end of the day the result is a collective shrug, particularly on the part of the international community, that sends a very different signal from a concerted effort to take a bad situation, do what we can to rectify it and do so in a way that respects the primacy and legitimacy of the democratic processes. But much will depend – everything, I think will depend on how the crisis is managed from here, not on the fact that the elections themselves were seriously and fatally flawed, I think.

There was just another quick point about the effect on a region, East African community. Some of that has been answered. I mean, you know, the economic effects on Uganda, Tanzania, have been, I think, fairly widely reported. I've seen reports that have shortages of jet fuel have caused cancellation of flights. Shortages of fuel in Uganda have had an effect.

I think in terms of a political impact, one of the things that – you heard in Ambassador Ranneberger talk about U.S. support for an AU and for African mediation, and I mentioned earlier the idea of international mediation. And I perhaps should have mentioned that the AU should be very much associated with any coordinated international mediation effort. Too often in Nairobi the tendency in the past has been for the big donors in the U.N. and the World Bank to get together and sort of decide and not have the kind of connections they perhaps should have to the AU and to other African states. But this is an international mediation effort that ought to be a fairly broadly based one and certainly include the AU and African neighbors.

MS. COOKE: Listen, thank you both so much and thank you to the audience. This is a topic that we're going to stay abreast of on the CSIS website. Joel Barkin has recently published a very good short piece. I think we're going to see more of those from our panelists here and others. So thank you again and I look forward to seeing you at our forthcoming events.

(END)