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To RBZ

cc Colin Bruce, Hartwig Schafer, Marie-H. P. Bricknell, Harold L.
Bedoya, Katy Roffe, Ngozi N. Okonjo-Iweala, Auguste Tano
Kouame, Vera Songwe, Carl Patrick Hanlon, Michel Wormser

Subject Kenya - Seventh Brief on Elections

Dear Bob,

Yesterday traffic jams began returning to Nairobi (a positive sign!) and further calm settled across the country. In the Rift Valley, the Red Cross is mobilizing supplies to meet the needs of over 100,000 persons (mostly Kikuyus) who have been displaced by the 'indigenous' Kalinjins aligned to Odinga.

The Country Director reported the following developments on Saturday in the negotiations.

- The Principals (Kibaki and Odinga) closed the negotiating gap further, even though public reports suggest otherwise. Of course, new obstacles to closure could arise, so the task is still not finished as yet. This is especially true as each of the Principals seeks to get buy-in from their enlarged core teams who have not been involved in these negotiations so far.
- The Principals agreed that President Kufuor should serve as the international Witness to the 'signing' of the agreement. Kibaki dispatched his Assistant Minister for Foreign Affairs to officially invite Mr. Kufuor. He has accepted to travel to Kenya. The practical problem is that he cannot get here until Tuesday because his plane is under repair and the next commercial flight does not arrive until then. The US is trying to get him to Kenya by Sunday by other means.
- The Principals asked the Country Director to brief Jendayi Frazer (Assistant Secretary of State for Africa), Michael Rannenberger (the US Ambassador to Kenya and Somalia), and Adam Wood, British High Commissioner, on the draft Joint Statement (JS) and the Principles of Agreement/Memorandum of Understanding (PA/MOU). None of these individuals was aware of this initiative but all saw merit in pushing it forward to closure as a Kenyan-owned and driven exercise. Ms. Frazer offered some potentially helpful suggestions and will meet with the constitutional lawyers representing the two sides on Sunday around noon.
- Kibaki's office proposed for inclusion in the Joint Statement the establishment of a Peace and Reconciliation Commission to help 'heal' the nation. Kibaki's office has already invited the Heads of State of Tanzania, Uganda, Rwanda, Burundi, Sudan and Ethiopia to meet in Kenya to offer ideas and help launch the peace and reconciliation process. (My sense is that they have also been invited to hear the Government's side of events and allay fears about the broader regional impact of the situation). Details on when they will arrive and how this would be linked to a 'signing' have not been worked out.
- Kibaki's office insisted yesterday that Odinga issue a statement denouncing violence and upholding the rule of law. This is a deal breaker. There are reports from some major transportation corridors that individuals loyal to Odinga are setting up road blocks and interrupting the flow of traffic as it slowly begins to return to normal levels. The US and UK diplomats are helping to pressure Odinga to issue such a statement on Sunday, and to stick to the letter and spirit of it.

The negotiating teams will meet at 6.30 am to incorporate the suggestions from Ms. Frazer and Kibaki's office. The Country Director and a representative from each side will then meet with Ms. Frazer to review the changes. Meanwhile, the "Pentagon", the core leadership team of Odinga's Orange

Democratic Movement, is scheduled to meet mid-Sunday morning with those who have been leading the JS and PA/MOU process for Odinga.

On Saturday, the CD was also asked to meet with the incoming Members of Parliament from the Rift Valley to appeal to them to end the displacement of some ethnic groups from places like Eldoret, and to introduce them to the World Bank and the kind of reconstruction assistance that the Bank might consider in due course. Separate meetings were also held with a group of concerned religious leaders and young professionals. Information on the JS and PA/MOU was not divulged in any of these meetings.

We will continue updating you as the situation evolves.

Oby