



Kenya

The U.S. government considers Kenya to be a strategic partner and key regional actor in East Africa, and as critical to counterterrorism efforts in the region. Policymakers have valued Kenya's role as a peacemaker among its neighbors and as a historic host to refugees from across the troubled region. Kenya is presently sub-Saharan Africa's third largest economy, and it is a regional hub for transportation and finance and a top tourism destination. Its capital, Nairobi, is home to one of four major United Nations offices worldwide and serves as a base for regional humanitarian efforts. It also hosts the largest U.S. diplomatic mission in Africa. Kenya ranks among the top U.S. foreign aid recipients globally and is one of the largest African recipients of U.S. counterterrorism assistance.

Kenya's reputation as an anchor state in a volatile region has been periodically threatened by electoral violence and ethnic tensions. Flawed election processes since 2007 have undermined public trust and strained the government's relations with some communities. Disputed elections in 2017 were marred by violence and allegations of rigging and police brutality, and subsequent government actions prompted questions about Kenya's democratic trajectory. Tensions have since lessened and political allegiances appear to be shifting ahead of the next elections, in 2022.

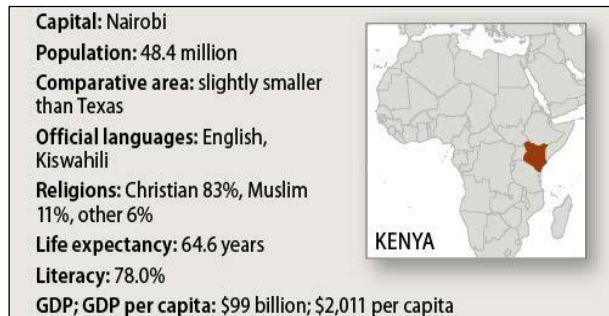
Economic frustration and abuses of power have fueled grievances among the diverse population. Perceived impunity from justice has been a trigger for violence, and corruption has been a hindrance to greater economic development. Accountability shortfalls have also been a source of tension with donors, including the United States.

The Somalia-based Al Qaeda affiliate Al Shabaab poses a threat in Kenya. Its 2015 attack on a university was Kenya's deadliest terror attack since the Al Qaeda bombing of the U.S. embassy in 1998. The 2013 siege of a Nairobi mall and the January 2019 attack on a hotel in the city demonstrated Al Shabaab's reach. The group says attacks are, in part, retaliation for Kenyan military operations in Somalia. The Kenyan government has been accused of human rights abuses against its minority Muslim population as it seeks to counter terrorism and extremist recruitment.

Background

Kenya was essentially a one-party state from 1964 to 1991. Long-serving President Daniel arap Moi retained his party's dominance, in part through electoral manipulation and repression, until he retired under donor pressure in 2002. The elections that year were hailed as marking a shift in Kenya's democratic trajectory. For the first time, the country's fractious and primarily ethnically based opposition parties came together to defeat Moi's chosen successor, Uhuru Kenyatta, son of Kenya's first president, Jomo Kenyatta. That coalition slowly unraveled, however, and a political storm fueled by ethnic grievances was brewing as the next elections approached, in 2007.

Figure 1. Kenya Facts



Source: Data from CIA World Factbook, IMF (2019).

Kenya is home to more than 50 ethnic groups; no one group constitutes a majority. The largest group, the Kikuyu, which represents roughly 20% of the population, has been perceived historically as dominating the political class and business community. Under President Jomo Kenyatta, a Kikuyu, the group was seen to benefit disproportionately from the allocation of state resources, namely land and government jobs and contracts. When Moi, Kenyatta's vice president, assumed office after Kenyatta's death in 1978, many of these benefits shifted to his people, a smaller group of ethnicities collectively referred to as the Kalenjin.

For almost 40 years, the heartlands of these communities—the central highlands for the Kikuyu and the central Rift Valley for the Kalenjin—received the greatest state investment in schools, roads, and health services. Other areas were marginalized and remain comparatively underdeveloped, such as the predominantly Muslim northeastern and coastal areas, and western Kenya, which is home to the second and third largest ethnic groups, the Luhya and Luo. Some Kenyans refer to the dynamic of ethnic favoritism, which reinforced a focus on “tribe,” with such colloquial phrases as “It’s our turn to eat.”

No ethnic group constitutes a large enough voting block for its political leaders to gain or maintain power alone; they must form alliances, which periodically shift. Many of today's politicians have moved in and out of government and opposition since the Moi era. Realignments prior to the December 2007 elections created a volatile ethnic dynamic, and when incumbent President Mwai Kibaki (a Kikuyu) was declared the winner of an extremely close presidential race amid charges of rigging, opposition protests turned violent. The violence largely followed ethnic lines in urban areas and parts of the country where Kikuyu had settled after independence. The Rift Valley saw some of the worst violence, between the Kikuyu and the Kalenjin, who had supported opposition candidate Raila Odinga, a Luo. Police were implicated in hundreds of deaths. In six weeks, some 1,300 people were killed and 600,000 were displaced.

Kenya was paralyzed for months before Kibaki and Odinga reached a power-sharing deal, mediated by Kofi Annan, and

formed coalition government with Odinga in a new prime minister position. They agreed to draft a new constitution. An international commission on the post-election violence attributed the crisis to the political manipulation of perceived ethnic marginalization and a culture of impunity, among other factors. When Kenya's legislature declined to establish a tribunal to prosecute the worst crimes, the commission gave a list of key suspects to Annan, who presented them to the International Criminal Court (ICC).

The ICC and the 2013 Elections

In 2012, the Court confirmed charges against four people, including then-deputy Prime Minister Kenyatta and leading Kalenjin politician William Ruto. The government objected to the cases, despite being an ICC state party. The cases were a key issue in the 2013 elections, when Kenyatta and Ruto, rivals in 2007, ran successfully together on a new Jubilee Coalition presidential ticket. They portrayed the ICC cases as an international conspiracy against Kenya and emblematic of racial bias by the court. Voting largely followed ethnic lines, but the combination of Kikuyu and Kalenjin on the ticket reduced the prospects for violence.

The ICC trials were plagued by alleged witness intimidation and political interference. The Court ultimately withdrew the charges against Kenyatta and Ruto, citing insufficient evidence. Neither was acquitted, leaving the possibility of new charges, but allowing the pair to run for reelection.

The 2017 Elections

The 2013 elections heralded major changes in Kenya's political system. They were the first held under a new 2010 constitution, which set new checks and balances and a more deliberate separation of powers, including the devolution of authority to 47 new county governments. The constitution created a Supreme Court, an upper house in parliament, a new anti-corruption authority, and a land commission.

Elections in 2017 were a major test for Kenya's political institutions. Amid a polarized political landscape, a series of scandals rocked the electoral commission. Civil society, the opposition, and election monitors raised concerns about the voter register, ballot procurement, results transmission, and the murder of a top election official. Election monitors gave positive reviews of the voting and counting processes, but problems arose in the transmission and tallying of results. When Kenyatta was declared the winner with 54.7% to opposition leader Odinga's 44.9%, the opposition cried foul and challenged the result in court.

The Supreme Court declared the presidential result null and void in a landmark ruling, finding that the election had not been conducted in accordance with the law, and ordered a fresh election. The Court faced threats from senior officials. Odinga deemed reforms insufficient, boycotting the re-run. Turnout fell, 77.5% to 38.8%, and Kenyatta won with 98%.

The opposition continued to contest Kenyatta's legitimacy into early 2018, holding a mock inauguration event and declaring Odinga "the people's president." The government termed the event "treasonous" and shut down Kenya's largest private TV stations for days to limit coverage. Several opposition figures were arrested; one was deported. In the weeks following, Kenya's current and former chief justices, as well as two former U.S. ambassadors, warned that the government's disregard for several related court

orders threatened the rule of law. In March, Kenyatta and Odinga announced a deal to end the stalemate. Their rapprochement eased tensions, but aspects of the agreement remain unclear. A new anticorruption drive, among other developments, has fueled speculation that Kenyatta may not support Ruto's prospective run for the presidency in 2022.

Somali Refugees

Kenya has long hosted refugees from the troubled region, most notably Somalia. In 2016, citing security concerns, the government announced it would no longer host refugees. (Officials later clarified that they aimed to close Dadaab, the largest complex.) U.S. officials expressed deep concern, noting longstanding aid to support Kenya's role as a host. The High Court blocked the closure in 2017, describing it as discriminatory and unconstitutional, as it specifically targeted Somalis. The government revived its threat to close Dadaab in 2019. Kenya hosts over 475,000 refugees, most of them from Somalia and South Sudan.

The Economy

President Kenyatta has taken significant steps to attract foreign investment as part of his ambitious economic growth agenda. Agriculture, manufacturing, and real estate are the primary drivers of growth, but Kenya also has a vibrant telecom industry that is a global pioneer in mobile banking technology. China is financing major infrastructure projects, including a planned coal-fired power plant that has attracted controversy. The IMF has warned Kenya to contain rising debt, of which China holds a growing share. Debt stood at 56.5% of GDP in 2018, up from 42% when Kenyatta took office. Development challenges persist: Kenya has made limited progress in reducing high rates of extreme poverty, food insecurity, and maternal mortality.

U.S. Policy and Assistance

Despite generally close ties, governance and human rights concerns have sometimes complicated the U.S.-Kenya relationship and have been a focus for congressional action. The Trump and Kenyatta Administrations have sought to improve relations following tensions around Kenya's 2017 elections. Kenyatta visited the White House in August 2018, and the two presidents resolved to elevate the bilateral relationship to a Strategic Partnership. Talks focused on counterterrorism (CT), among other issues, and economic cooperation: nearly \$900 million in commercial deals were announced during the visit. Direct flights, once blocked over security concerns, started in late 2018.

Allegations of serious abuses by Kenyan security forces in the context of anti-terrorism and other law enforcement efforts pose challenges for security cooperation. Kenya is nevertheless routinely the top sub-Saharan recipient of U.S. anti-terrorism assistance for law enforcement. In the past decade, the Department of Defense has provided roughly \$400 million in CT "train and equip" support to Kenya.

Kenya is one of the top recipients globally of U.S. foreign aid, often receiving over \$800 million annually. The Trump Administration's \$383 million FY2020 aid request (not including potential humanitarian aid) for Kenya is a significant reduction from prior requests.

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