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Kenya

The U.S. government considers Kenya a strategic partner and key regional actor in East Africa, and critical to counterterrorism efforts in the region. Kenya is sub-Saharan Africa's third largest economy, a regional finance and transportation hub, 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 threatened by periodic electoral violence and ethnic tensions. Economic frustrations and abuses of power have fueled grievances among the diverse population, and perceived impunity from justice has been a trigger for violence. Corruption constrains economic development. Accountability shortfalls have also been a source of tension with donors, including the United States.

Flawed election processes have undermined public trust. 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 lessened as political allegiances shift ahead of the next elections, scheduled for 2022.

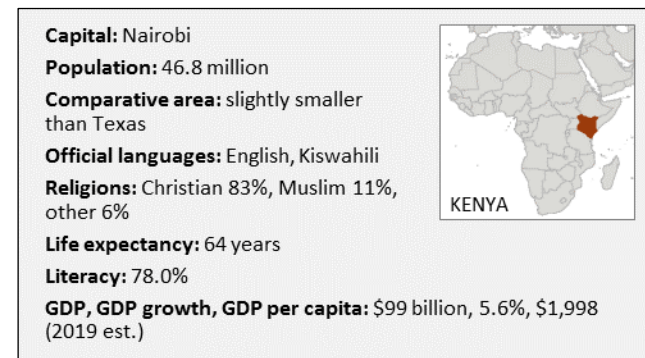
The Somalia-based Al Qaeda affiliate Al Shabaab poses a persistent threat in Kenya, which contributes troops to the AU Mission in Somalia (AMISOM). Al Shabaab's assault on a Kenyan university in 2015 was the deadliest terror attack in the country since the 1998 U.S. embassy bombing. The 2013 siege of Nairobi's Westgate Mall and the 2019 attack on the DusitD2 hotel complex underscored Al Shabaab's reach. In January 2020, a U.S. service member and two U.S. contractors were killed in an Al Shabaab attack on Manda Bay Airfield, a Kenyan base used by the U.S. military near the Somali border. The group has described Kenyan and U.S. military operations in Somalia as part of a "Western crusade against Muslims." Studies suggest that security force abuses in the context of anti-terrorism efforts have fueled radicalization in parts of Kenya. See also CRS In Focus IF10170, *Al Shabaab*.

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. 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



Sources: CRS, with data from CIA and IMF reference databases.

Kenya is home to over 50 ethnic groups; none constitutes a majority. The largest group, the Kikuyu (roughly 20% of the population), is perceived as historically 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, his vice president, assumed office after Kenyatta's death in 1978, 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 between government and opposition since the Moi era. Realignment prior to the December 2007 elections created a volatile ethnic dynamic, and when incumbent President Mwai Kibaki (a Kikuyu) was declared the winner of a 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. Some of the worst violence was in the Rift Valley, between Kikuyu and 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. A commission of inquiry on the violence attributed the crisis to the political manipulation of perceived ethnic marginalization and a culture of impunity, among other factors. When the 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 ICC 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, successfully ran 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.

Kenya's Supreme Court nullified the presidential result in a landmark ruling, finding that the election had not been conducted in accordance with the law and ordering 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 contested Kenyatta's legitimacy into early 2018, holding a mock inauguration and declaring Odinga "the people's president." The government termed the event "treasonous" and arrested several opposition figures. The chief justice and his predecessor, 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 2018, Kenyatta and Odinga announced a deal to end the stalemate. They launched the Building Bridges Initiative (BBI) to "foster national cohesion" (views on the effort are mixed). The rapprochement eased tensions between their factions but increased intra-party friction in Jubilee, with a rift growing between Kenyatta, who faces term limits, and his deputy, Ruto, who seeks to succeed him. A BBI taskforce has proposed changes to government, including the return of a prime minister post, which could lead to a divisive constitutional referendum in 2020.

Refugees in Kenya

Kenya has long hosted refugees from the 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 camp complex. The Obama Administration, noting longstanding aid to support Kenya's role as a host, expressed deep concern. A Kenyan court blocked Dadaab's closure, calling it discriminatory, as it specifically targeted Somalis, and unconstitutional. The government revived the threat in 2019. Kenya hosts almost 500,000 refugees, most of them from Somalia and South Sudan. Three-quarters of the refugees in Kenya are women and children.

The Economy

President Kenyatta has sought to attract foreign investment as part of his ambitious economic agenda. Agriculture, manufacturing, and real estate are the top drivers of growth. Kenya also has a vibrant telecom industry that is a global pioneer in mobile banking technology. China is financing major infrastructure projects. 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 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: when Kenyatta visited the White House in 2018, the two leaders resolved to elevate the relationship to a Strategic Partnership. Talks focused on counter-terrorism (CT) and economic cooperation, among other issues. Nearly \$900 million in commercial deals were announced during the visit. A working group is exploring options to strengthen the trade relationship. Direct flights, once blocked over security concerns, started in late 2018.

Allegations of abuses by Kenyan security forces have posed 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 a top recipient of U.S. foreign aid, often receiving over \$800 million annually. The Administration's FY2020 aid request of \$383 million (not including humanitarian aid) for Kenya was significantly lower than prior requests.

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