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# Kenya

Successive U.S. Administrations have viewed Kenya as a strategic partner and key regional actor in East Africa, and as critical to counterterrorism efforts in the region. The United States has valued Kenya's role as a peacemaker among its neighbors and as a historic host to refugees from across the troubled region. Kenya is sub-Saharan Africa's fifth largest economy, 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.

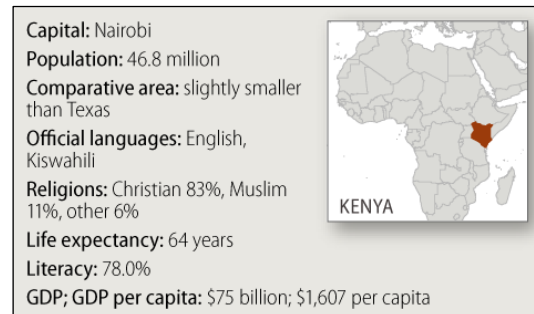
Economic frustration and abuses of power have also fueled grievances among the diverse population. Perceived impunity from justice has been a trigger for violence, and corruption has been a hindrance to greater economic development. Accountability shortfalls have also been a source of tension with donors,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

The Somali insurgent group Al Shabaab, a regional Al Qaeda-affiliate, is active in eastern Kenya, near the Somali border. In 2015, Al Shabaab killed 148 people in an attack on a college in the northeast—it was the deadliest terrorist attack in Kenya since Al Qaeda's 1998 bombing of the U.S. embassy. The group has portrayed its attacks, in part, as retaliation for Kenya's role in regional military operations in Somalia, and has sought recruits from Kenya's minority Muslim population. The government has struggled to balance its response to perceived security threats against pressure to respect human rights and civil liberties.

## 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 by 2007 a political storm fueled by ethnic grievances was brewing as the next elections approached.

**Figure 1. Kenya Facts**



**Source:** Data from CIA World Factbook, IMF (2017).

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 predominately 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. Prior to the August elections, the opposition, civil society, 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 by 54.7% to opposition leader Odinga's 44.9%, the opposition cried foul and challenged the result.

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 by 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 served as a host to 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 the aim was to close Dadaab, the largest camp.) U.S. officials and others expressed deep concern, noting longstanding aid to support Kenya's refugee-hosting role. Kenya's High Court blocked the closure in 2017, describing it as discriminatory and unconstitutional because it specifically targeted Somali refugees. Kenya hosts over 470,000 refugees, including over 250,000 Somalis and over 100,000 South Sudanese.

### The Economy

President Kenyatta has pursued an ambitious economic growth agenda, and his government has taken significant steps to attract foreign investment, including from China, which is financing several major infrastructure projects. The IMF has cautioned Kenya, however, to contain its rising debt, of which China holds a growing share. 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. 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

President Trump received President Kenyatta at the White House in August 2018, and the two leaders resolved to elevate the relationship to a Strategic Partnership. Counterterrorism (CT) cooperation was a focus of bilateral discussions, as was economic cooperation: nearly \$900 million in commercial announcements were made during the visit. Direct flights to and from Kenya, previously blocked over security concerns, are set to start in late 2018.

Despite close ties, governance and human rights concerns have complicated the U.S.-Kenya relationship and have been a focus for congressional action, most recently S.Res. 616. Allegations that Kenyan security forces have committed serious abuses in the context of anti-terrorism efforts strain the government's relationship with its Muslim minority and pose challenges for U.S. CT cooperation.

Kenya is among the top recipients of U.S. foreign aid globally, receiving over \$800 million annually in recent years. The Trump Administration's FY2019 request of \$625 million for Kenya (not including food aid) was the largest request for sub-Saharan Africa. Kenya is routinely the top sub-Saharan recipient of anti-terrorism assistance for law enforcement. The Department of Defense has notified Congress of roughly \$400 million in CT "train and equip" support for Kenya in the past decade.

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