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Kenya: In Brief

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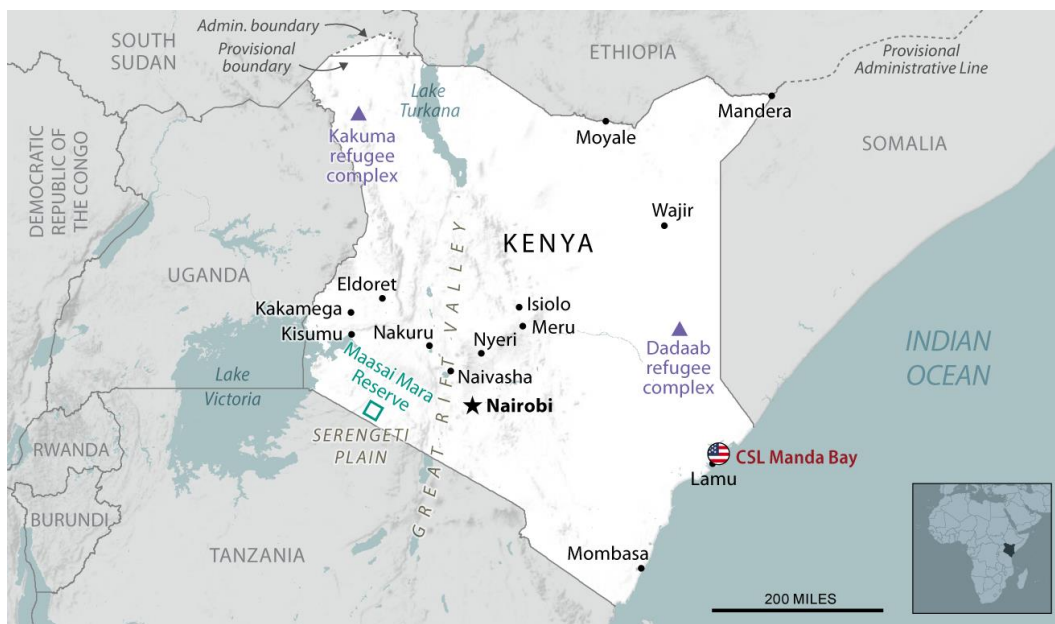
Kenya: In Brief

On May 23, 2024, President Joe Biden is scheduled to host President William Ruto of the Republic of Kenya for a State Visit. The event marks the 60th anniversary of the U.S.-Kenya diplomatic relationship, established after Kenya's independence from the United Kingdom. It is the first State Visit by an African leader for the Biden Administration. (The last African leader invited for a State Visit was the president of Ghana in 2008; Kenya's third president, Mwai Kibaki, preceded him in 2003.) Ruto's visit follows a series of visits to Kenya by senior U.S. officials. The country was the initial stop on Secretary of State Antony Blinken's first official trip to Africa, and several other administration officials, including Defense Secretary Lloyd Austin, have also visited. First Lady Jill Biden traveled to Kenya in early 2023. A regional hub and an anchor state in East Africa, Kenya is a frequent destination for congressional travel.

The State Visit highlights Kenya's importance to the United States as a strategic partner, not only as a key diplomatic, economic, and security actor in East Africa, but also as an African counterpart on shared global priorities. Kenya, which served on the U.N. Security Council in 2021-2022, is one of the only African members of the Ukraine Defense Contact Group. Kenya also participates in Operation Prosperity Guardian, a maritime taskforce launched by the United States in response to Houthi attacks against vessels in the Red Sea. With U.S. support, the country is currently preparing to lead a new Multinational Security Support mission in Haiti, where gangs have taken over much of the country's capital.

After Al Qaeda's 1998 bombings of the U.S. embassies in Kenya and Tanzania, the U.S.-Kenya partnership took on a new dimension as Kenya emerged on the frontline in the struggle against international terrorism. In 2011, Kenya launched military operations in neighboring Somalia against a regional Al Qaeda affiliate, Al Shabaab, and subsequently joined the U.N.-authorized African Union stabilization mission in Somalia. Subsequent attacks by Al Shabaab against soft targets frequented by foreigners, including American citizens, in Kenya's capital raised the group's international profile, and in 2020, Al Shabaab killed a U.S. service member and two U.S. contactors in an attack on Manda Bay Airfield, a Kenyan base used by the U.S. military near the Somali border. Al Shabaab, which U.S. officials have described as Al Qaeda's largest and wealthiest affiliate globally, continues to pose a threat in Kenya and the broader region.

Kenya hosts the largest U.S. embassy in sub-Saharan Africa and regularly ranks among the top recipients of U.S. foreign aid globally, a majority of it focused on health programs. Conservation efforts have been another area of U.S. engagement. Kenya hosts U.S. forces supporting counterterrorism operations in the region at Cooperative Security Location (CSL) Manda Bay. Kenya is a leading beneficiary of tariff benefits under the African Growth and Opportunity Act (AGOA; P.L. 106-200, as amended) and is in negotiations with the United States under a Strategic Trade and Investment Partnership (STIP).



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Overview

Successive U.S. Administrations have viewed Kenya as an anchor state and strategic partner in East Africa, and as critical to counterterrorism efforts in the region. The country is sub-Saharan Africa's fourth-largest economy and a regional hub for transportation and finance. It hosts the U.N. headquarters in Africa, one of four major U.N. offices globally. A major tourism destination known for its biodiversity and conservation efforts, Kenya is regional leader in clean energy, drawing over 90% of its electricity from renewable sources.¹ The country has a vibrant tech scene that has been dubbed the "Silicon Savannah." Kenya's government has pursued opportunities to speak on behalf of Africa in global forums, including on climate change and debt relief.

Kenya hosts the largest U.S. embassy in sub-Saharan Africa as well as U.S. forces supporting counterterrorism operations in the region. The country regularly ranks among the top U.S. foreign aid recipients globally and is among the largest recipients of U.S. counterterrorism assistance in Africa. Health funding comprises the largest share of U.S. bilateral aid; the United States has provided over \$6.5 billion in assistance to combat HIV/AIDS in Kenya since 2004. Congressional interests in Kenya are wide-ranging and it is a frequent destination for congressional travel; legislative action has focused predominately on democracy, human rights, and terrorism concerns.

Economic frustration, historical land disputes, corruption, and police abuses have fueled domestic grievances, and election-related violence has threatened Kenya's reputation as an anchor state in a volatile region several times. Perceived impunity has been a trigger for protests and periodic violence and a source of tension with donors. Corruption has hindered economic development. Freedom House ranks Kenya "Partly Free" in its *Freedom in the World* index, noting that despite regular multiparty elections, pervasive corruption and police brutality remain serious problems, and while Kenya's media and civil society are vibrant, journalists and human rights defenders face restrictive laws and intimidation.

Kenya's 2022 elections were the latest in a series of polls that have tested its democratic institutions. With incumbent President Uhuru Kenyatta term limited, the race was a close contest between his deputy, William Ruto, and longtime opposition leader and five-time presidential candidate Raila Odinga. In a twist, Kenyatta backed his formal rival, Odinga, over Ruto. When Ruto, who led a populist, anti-establishment campaign, was declared the winner with just over 50% of the vote, Odinga challenged the result, alleging fraud. The court upheld Ruto's victory.

Shadows from previous election-related violence and corruption allegations hang over Ruto, as they did over Kenyatta: both once faced charges of crimes against humanity at the International Criminal Court (ICC), and neither was acquitted.² After Ruto took office, Kenyan courts dropped corruption cases against his running mate and several of his cabinet appointees at the request of the director of public prosecutions, whom Ruto later appointed as intelligence chief.³

President Ruto has sought to court international investment and position Kenya as a global voice on climate change and an advocate, on Africa's behalf, for climate finance and reforms to the international financial system.⁴ Politics at home, however, compete with his agenda. His

¹ *Washington Post*, "Kenyan president aims to attract green investment during U.S. visit," May 17, 2024.

² *The Economist*, "Who is William Ruto?," August 16, 2022 and "Will William Ruto serve the people or himself and his pals?" October 25, 2022; and *The New York Review*, "The Political Education of William Ruto," March 8, 2023.

³ On Kenyan civil society concerns, see, e.g., Kenya Human Rights Commission, "Nomination by President William Ruto of Mr. Noordin Haji for appointment of spy chief is an affront to the constitution of Kenya 2010," May 21, 2023.

⁴ President of the Republic of Kenya, "Kenya will protect investors," July 13, 2023; *Financial Times*, "Kenyan leader says World Bank and IMF are 'hostage' to rich nations," June 23, 2023; Jaysim Hanspal and Nicholas Norbrook, "Ruto wants 'fair conversation' over climate finance for Africa," *The Africa Report*, June 20, 2023.

administration inherited major economic challenges, including a large debt burden, inflation, and high unemployment. Ruto promised to transform the economy and cut the cost of living. He began his term with several controversial policy decisions, including cutting a costly fuel subsidy that the International Monetary Fund (IMF) deemed unsustainable. The resulting spike in gas prices sparked public anger, prompting the government to partially reinstate the subsidy. Ruto also cut a subsidy on maize flour (a staple), but launched a fertilizer subsidy to boost production. Inflation, tax hikes, and discontent fueled anti-government protests in 2023, during which police reportedly killed at least 35 people.⁵ The state's response and extrajudicial actions by police prompted a civil society warning that Kenya risked becoming "a police state."⁶ Ruto appeared to mend ties with Raila Odinga in early 2024 and is supporting a bid for Odinga to become the next chair of the African Union (AU) Commission, which could enhance Kenya's regional influence.

Several court rulings against government initiatives have spurred tensions between Ruto's Administration and the judiciary.⁷ Among them was a ruling blocking the planned deployment of Kenyan police to lead a U.S.-backed, UN-authorized multinational security support mission in Haiti. The government appealed the decision and worked to resolve the legal dispute. Kenya paused deployment planning in March 2024 after Haiti's prime minister resigned, but the U.S. and Kenyan governments have since moved forward with preparations.⁸ The deployment of police to Haiti amidst competing domestic security concerns is controversial among Kenyans.

Kenya—where 213 people were killed and over 4,000 injured in the 1998 bombing of the U.S. Embassy by Al Qaeda (AQ)—continues to grapple with terrorist threats, most notably from the Somalia-based AQ affiliate Al Shabaab. While attacks near the Somali border are more common, high-profile mass-casualty attacks in Nairobi—on the Westgate mall in 2013 and the DusitD2 hotel in 2019—underscore Al Shabaab's reach in Kenya. A U.S. citizen was among 21 people killed in the Dusit attack; several Americans were wounded in the Westgate mall attack, in which at least 67 people died. Al Shabaab killed a U.S. service member and two U.S. contractors in a 2020 attack on Manda Bay Airfield, a Kenyan base used by the U.S. military near the Somali border. The United States has offered rewards for information on those responsible for the Dusit and Manda Bay attacks through the Rewards for Justice program, and leaders of the attacks have been designated for sanctions as Specially Designated Global Terrorists (SDGTs).

Kenya contributes troops to the African Transition Mission in Somalia (ATMIS), the UN-backed AU stabilization operation previously known as AMISOM. Al Shabaab says its attacks in Kenya are retaliation for Kenya's military role in Somalia and characterizes U.S. and Kenyan operations there as part of a Western crusade against Muslims. The group draws recruits from Kenya's minority Muslim population (Kenyans comprise Al Shabaab's largest foreign fighter contingent); security force abuses have contributed to radicalization in parts of the country.

Politics

Background. Kenya was essentially a one-party state from 1964 to 1991. After the transition to a multiparty system, ethnic identity, rather than ideology, became the primary line of political cleavage. No ethnic group in Kenya has a large enough voting bloc for its political leaders to gain or maintain power alone, however, so politicians form cross-ethnic alliances, which periodically shift. This fluidity has helped fuel electoral violence and corruption.

⁵ BBC, "William Ruto: The 'tax collector president sparking Kenyan anger,'" December 13, 2023.

⁶ Kenya Human Rights Commission, "Kenya marching slowly into a police state," July 21, 2023.

⁷ *Al Jazeera*, "Why is President Ruto in a row with Kenya's judiciary? A simple guide," January 5, 2024.

⁸ *New York Times*, "Preparations ramp up for global security force to quell Haitian violence," May 7, 2024.

For almost 40 years after independence, the ethnic groups of Kenya's first and second presidents, the Kikuyu and Kalenjin, were seen to benefit disproportionately from the allocation of state resources, namely land, government jobs, and state contracts. The heartlands of these two groups (the central highlands and adjacent central Rift Valley) received the greatest state investment in schools, roads, and health services. Western Kenya (home to the country's second and fourth largest ethnic groups, the Luhya and Luo) and the predominantly Muslim coast and northeast remained comparatively underdeveloped. The perception of ethnic favoritism fostered divisions.⁹

Daniel arap Moi, Kenya's long-ruling second president (1978-2002), dominated politics through repression, patronage, and electoral manipulation until, under donor and domestic pressure, he retired. The country's opposition parties came together, briefly, to defeat his chosen successor, Uhuru Kenyatta (son of first president Jomo Kenyatta), in the 2002 elections. The crisis that followed the next elections, in 2007, remains important for understanding Kenyan politics today. Political realignments prior to the 2007 polls created a particularly volatile ethnic dynamic, and when the incumbent president, Mwai Kibaki (a Kikuyu), was declared the winner of a close race amid allegations of rigging, protests followed and violence ensued, largely along ethnic lines. Some of the worst violence was between Kikuyu and Kalenjin (Kalenjin political leaders backed Kibaki's main opponent, Odinga, a Luo). Over six weeks, some 1,300 people were killed and 600,000 displaced; over 100,000 private properties and almost 500 government properties were destroyed. The crisis hit the economy hard. Kenya was effectively paralyzed for two months before Kibaki and Odinga reached a power-sharing deal brokered by former U.N. Secretary-General Kofi Annan, with U.S. support. Kibaki formed a coalition government with Odinga in a new prime minister post, agreeing to draft a new constitution and address sensitive land issues.

The ICC cases

An international commission of inquiry concluded that some of the worst of the 2007-2008 post-election violence was organized by politicians and businessmen and called for a special tribunal to prosecute those crimes. When Kenya's parliament failed to create one, the commission gave a list of key suspects to Kofi Annan, who provided it to the ICC Prosecutor. The ICC confirmed charges in 2012 against four people, including then-deputy Prime Minister Uhuru Kenyatta and leading Kalenjin politician William Ruto—two former Moi protégés on opposing sides in 2007. Kenyatta and Ruto were accused of being criminally responsible for crimes against humanity. Among other crimes, the Prosecutor accused Ruto of involvement in the burning of a church where hundreds of people, mostly Kikuyu, had sought refuge; at least 28 died in the attack. Kenya's government objected to the cases, despite being an ICC state party. The cases were prominent in the 2013 elections, when Kenyatta and Ruto ran together on a presidential ticket. They portrayed the cases as an international conspiracy and emblematic of racial bias by the ICC. The race was extremely close: Kenyatta avoided a runoff against Odinga with less than 1% of votes.

Political interference and witness intimidation plagued the subsequent ICC trials. The Prosecutor withdrew the charges against Kenyatta in 2014, and the judges declared a mistrial in the Ruto case in 2016, citing witness intimidation and political meddling. "There was a relentless campaign to identify individuals who could serve as Prosecution witnesses in this case and ensure that they would not testify," per the Prosecutor.¹⁰ Neither Kenyatta nor Ruto were acquitted, leaving the possibility of future prosecution but allowing them to run for reelection in 2017. The ICC opened a new trial in 2022 against a Kenyan lawyer accused of witness tampering "for the benefit, and in coordination with" Ruto; that case was closed when he died weeks after Ruto took office.¹¹

The 2017 Election Overturned, Shifting Alliances. Violence, rigging allegations, and police brutality marred the Kenyatta-Odinga rematch in 2017. When Kenyatta was declared the winner, the opposition went to the Supreme Court, which nullified the presidential result in a landmark ruling, citing irregularities and illegalities in the transmission of results that affected the integrity

⁹ For more see Michela Wrong, *It's Our Turn to Eat: The Story of a Kenyan Whistle-Blower*, Harper Perennial: 2010.

¹⁰ Statement of the Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, regarding Trial Chamber's decision to vacate charges against Messrs William Samoi Ruto and Joshua Arap Sang ... , April 6, 2016.

¹¹ The Prosecutor v. Paul Gicheru, Document Containing Charges, ICC-01/09-01/20-125-Conf-AnxA, March 12, 2021.

of the poll. The court ordered a fresh election. The opposition boycotted the rerun, saying there was no prospect of a credible election, and Kenyatta won with 98%. The opposition contested Kenyatta's legitimacy, and held a mock inauguration for Odinga as "the people's president." The government declared it treasonous, shutting down media outlets to limit coverage and arresting opposition figures. Authorities ignored court orders over the crackdown, leading the chief justice to warn that the government's disregard for the judiciary threatened the rule of law.¹² Some Members of Congress and former U.S. diplomats raised alarm.¹³

When Kenyatta and Odinga announced a surprise deal—endorsed by the United States—to end the standoff, Ruto treated it as a betrayal, and a major political reconfiguration followed.¹⁴ Ruto's supporters characterized Kenyatta's deal with Odinga (known as "the Handshake") as intended to prevent Ruto from succeeding him, and when Kenyatta launched an anti-corruption drive, Ruto's allies said it disproportionately targeted politicians linked to him.¹⁵ Kenyatta and Odinga's effort to make constitutional changes, ostensibly to make politics more inclusive, was blocked by the judiciary. Ruto characterized the initiative as intended to extend Kenyatta's power.

The 2022 Elections. The 2022 elections occurred amid public frustration with high living costs, disillusion with the political class, and fear of another post-election crisis. Veteran opposition leader Odinga had the support of the incumbent president, although that backing alienated some opposition supporters.¹⁶ For some Kenyans, Kenyatta epitomized "the establishment." Ruto capitalized on economic frustrations and, with a Kikuyu running mate and political allies, divided the Kikuyu vote.¹⁷ Odinga also had a Kikuyu running mate—Kenya's first female candidate on a major ticket—and Kenyatta's endorsement, but that support was not enough to secure victory.

While Ruto is reportedly among Kenya's richest men, he emphasized his humble upbringing during the race, casting himself as a champion for the poor and as an outsider running against the establishment candidate, despite serving for ten years at the top of the Kenyatta government and previously under Moi. He placed a strong emphasis on his "bottom up" economic plan. An evangelical Christian, Ruto also elevated religion in his campaign. Ruto's alleged role in organizing violence against Kikuyu after the 2007 elections appears not to have worked against him for many Kikuyu voters. Kenyatta's inability to deliver more Kikuyu votes to Odinga may reflect a combination of factors. Some analysts note that political leaders in Central Kenya had long branded Odinga as a destabilizing force, and some suggest that economic frustration and grievances against the Kenyatta family may have factored into votes for Ruto.¹⁸

Ruto garnered 50.5% of the votes in the 2022 election, narrowly passing the threshold to avoid a runoff against Odinga, who gained 48.9%. Lower turnout hinted at voter apathy, particularly among young Kenyans. Reviews of the polls were mixed—observers described them as more peaceful and transparent than the three preceding, but like past processes they were marred by

¹² *The Nation*, "Maraga defends Judiciary, says court orders must be obeyed," February 7, 2018.

¹³ Senators Cory Booker and Chris Coons, "Statement on Current Political Situation in Kenya," February 7, 2018; and Mark Bellamy and Johnnie Carson, "How and why the US should intervene in Kenya," *African Arguments*, February 27, 2018.

¹⁴ *Daily Nation*, "Ruto: Handshake between Uhuru and Raila was a stab in the back," March 6, 2022.

¹⁵ Macharia Gaiitho, "All you need to know about the clash between Kenyatta and Ruto," *Al Jazeera*, August 18, 2019.

¹⁶ See, e.g., *Deutsche Welle*, "Kenya's disillusioned youth shun election," August 5, 2022; and Nanjala Nyabola, "The Kenyan Kakistocracy," *The Nation*, August 17, 2022.

¹⁷ Ruto's running mate, Rigathi Gachagua, faced corruption and money laundering charges during the 2022 elections. Before the polls, a court ordered him to forfeit \$1.7 million in state funds it determined he had illicitly acquired.

¹⁸ Eromo Egbejule, "Courting the Kikuyu: Kenyan politicians split biggest voting bloc," *Al Jazeera*, August 6, 2022; and Nic Cheeseman et al., "Three critical questions will determine the Kenyan election," *The Elephant*, July 26, 2022.

rigging allegations and other controversies. Beyond the tight presidential race, the elections were notable in other ways. A record number of women ran, and more women won parliamentary seats than ever before. Seven female governors were elected. The elections were reported to be among Africa's most expensive, both in terms of campaign costs and election administration.¹⁹ Kenya invested heavily in election technology, including a biometric registration system, to improve the credibility and transparency of the process; whether that improved public trust is debated.²⁰

LGBTQ Rights. Some human rights groups assert that Kenya could follow Uganda in passing strict anti-LGBTQ legislation.²¹ While a colonial-era law criminalizes “acts against the order of nature,” Kenya has been a relative refuge for LGBTQ persons in East Africa fleeing persecution. Its Supreme Court ruled in 2023 that the government’s refusal to register an LGBTQ rights group discriminated against the community’s rights and was unconstitutional; the court later reaffirmed that the community has the freedom to associate. The rulings prompted a backlash, led by conservative politicians and evangelical churches, and anti-gay protests.²² Ruto, who has said there is “no room” for homosexuality in Kenya, expressed respect for the decision, but added, “it doesn’t mean we have to agree with it.”²³ The Family Protection Bill, introduced in 2023, echoes Uganda’s anti-LGBTQ law: it would criminalize “promoting” homosexuality and punish same sex relations with 10-50 years in jail and “aggravated homosexuality” (same sex relations with a minor or disabled person or when a terminal disease is passed on) with the death penalty.

The Economy

Kenya is East Africa’s second-largest economy and one of the fastest growing and most diverse in Africa. Agriculture is the backbone of the economy, but manufacturing and real estate also drive growth. The services sector leads in job creation. The telecommunications industry is a global pioneer in mobile banking technology. Kenya ranks as a lower-middle income country, but a third of the population lives in poverty, per the World Bank. With almost 40% of its population under age 14, a coming surge in the labor force will present both challenges and opportunities.

A COVID-19-related recession in 2020, Kenya’s first since the 1990s, caused hardship. Efforts by the government to slow the pandemic’s spread, including a curfew, school closings, restrictions on movement, and social distancing measures, had negative impacts on livelihoods. The economy has rebounded, but many Kenyans are still struggling due to inflation.

Former President Kenyatta sought to improve Kenya’s business environment and attract foreign investment. The People’s Republic of China (PRC, or China) financed and constructed major infrastructure projects, including a railway and a port near the coastal town of Lamu, a UNESCO World Heritage site.²⁴ The railway cost a fifth of the national budget; 90% of it was funded with loans from China’s Export-Import Bank.²⁵ The port in Lamu is part of a large transport corridor project with South Sudan and Ethiopia that envisions a road network, railway, airports, resort

¹⁹ *The East African*, “Polls body on the spot as Kenyans prepare for region’s most expensive election,” May 6, 2022.

²⁰ Rose Mosero, “In Kenya’s 2022 elections, technology and data protection must go hand-in-hand,” Carnegie Endowment for International Peace, August 8, 2022; Gabrielle Lynch, “Kenya’s elections are proof of change since 2007 violence, but more reform is needed,” *The Conversation*, September 6, 2022.

²¹ Reuters, “Kenya could follow Uganda as East African nations wage war on LGBTQ rights,” June 23, 2023.

²² *The Guardian*, “Kenya’s LGBTQ community wins bittersweet victory in battle for rights,” March 3, 2023

²³ Reuters, “‘No room’ for gays in Kenya, says deputy president,” May 4, 2015; and Reuters, “For LGBTQ Kenyans, court win prompts backlash as threats escalate,” April 20, 2023.

²⁴ See, e.g., Abdi Latif Dahir, “The troubles of Kenya’s China-funded train,” *New York Times*, August 9, 2022.

²⁵ Jonathan Kaiman, “‘China has conquered Kenya’: Inside Beijing’s new strategy to win African hearts and minds,” *Los Angeles Times*, August 7, 2017.

cities, an oil pipeline, and industrial areas. Environmentalists have expressed concerns with the project, and with plans for Kenya's first coal-fired power plant. In 2019, a Kenyan court ruled that authorities had failed to do a thorough environmental impact assessment and suspended the coal project. Another Chinese-financed project, an offshore oil terminal, was completed in 2022.

The IMF has warned Kenya to contain its debt, which stood at 68% of GDP when Ruto started his term, up from 42% when Kenyatta took office.²⁶ Ruto pledged to cut government spending and signed up for a new IMF package to reduce debt risks. (The IMF has since offered additional funding, bringing its total commitment to over \$4.4 billion.) Ruto publicly promised greater transparency on loans from China.²⁷ Kenya asked China for another \$1 billion to finish stalled road projects in late 2023, and for a slower repayment schedule. The IMF has lauded Ruto's economic reforms, but his new taxes, intended to help avert debt distress, have been publicly unpopular.²⁸ Ruto has been outspoken in calling for international finance system reforms, asserting that African nations pay more on average to borrow than wealthier countries, and debt burdens leave many struggling to meet development goals and deal with climate change effects.²⁹

Climate Change and “Green Growth.” Kenya generates most of its electricity from geothermal and hydroelectric sources. Ruto has pledged to increase clean energy and phase out fossil fuels for electricity by 2030, and he has urged other African leaders to embrace renewables.³⁰ As chair of the Committee of African Heads of State on Climate Change, he has led Africa's negotiating group at the U.N. Climate Conference of the Parties (COP) talks, highlighting climate impacts that he calls a “living nightmare for millions of Kenyans, and hundreds of millions of Africans.”³¹ Kenya hosted a continental summit on climate action in 2023, and 17 African leaders signed the Nairobi Declaration on Climate Change, Africa's first joint position on the issue. Ruto is pushing a new Africa Green Industrialization Initiative, seeking investment in renewable power projects.³² Kenya is developing its wind power generating capacity with U.S. support, and has plans to build Africa's biggest wind farm. The British firm Tullow discovered oil in northern Kenya over a decade ago, but production has been delayed by a mix of challenges. Kenya announced discoveries of coltan deposits (used in mobile phones and electric car batteries) in January 2024.

Humanitarian Issues

Drought, Floods and Food Insecurity. Recurrent drought and high food prices have driven food insecurity in Kenya. Roughly 1.9 million people—12% of the population—were estimated to be acutely food insecure in early 2024, and some 850,000 were acutely malnourished.³³ Alongside Ethiopia and Somalia, Kenya suffered five successive below-average rainy seasons from 2020 through 2022. Pastoral communities were hit hard—almost three million livestock died in Kenya's prolonged drought, destroying livelihoods. Cattle raids in the north and Al

²⁶ Per the IMF's 2023 Debt Sustainability Analysis, multilateral creditors account for 47% of Kenya's external debt and bilateral creditors 28%. Almost 65% of Kenya's bilateral debt is to non-Paris Club members, mainly loans from China.

²⁷ Reuters, “Kenya publishes loan documents for Chinese-built railway,” November 7, 2022.

²⁸ *Deutsche Welle*, “Kenya: Bumpy first year in office for William Ruto,” September 12, 2023.

²⁹ William Ruto, “If you want our countries to address climate change, first pause our debts,” *New York Times*, October 8, 2023.

³⁰ Antony Sguazzin, “Kenya's Ruto breaks ranks, says Africa must leapfrog fossil fuel,” Bloomberg, October 4, 2022.

³¹ For Ruto's speech, see <https://nation.africa/kenya/news/full-speech-read-ruto-s-stinging-message-at-cop27-4012092>.

³² President of the Republic of Kenya, “Green growth is the answer to climate change,” December 2, 2023; and Bloomberg, “Africa's self-appointed climate champion makes the hard sell,” December 8, 2023.

³³ Data in this section draws from IPC, “Kenya: IPC Acute Food Insecurity and Acute Malnutrition Analysis,” March 26, 2024 and, on livestock deaths, USAID, *Kenya Assistance Overview*, April 2023.

Shabaab threats have also disrupted livelihoods and affected humanitarian access. El Niño-driven rains in 2024 are facilitating drought recovery, but they have also caused devastating flooding. Over 250 people have been killed by floods and mudslides, and government-ordered demolitions of homes and businesses near river banks have caused additional hardship.³⁴ Some experts say poor urban planning and land management have contributed to the country's flooding problems.³⁵

Refugee Issues. Kenya hosts over 770,000 refugees and asylum seekers, 86% of whom live in camps.³⁶ This total includes over 430,000 Somalis and over 180,000 South Sudanese. In 2016, the Kenyatta government declared that Kenya would no longer host refugees, citing security concerns. Officials later clarified that the aim was to close Dadaab, the largest camp complex, which at the time hosted over 340,000 refugees, most from Somalia. Kenya's High Court blocked Dadaab's closure, ruling it discriminatory and unconstitutional. Authorities again threatened to close Dadaab in 2019 and in 2021 told the U.N. High Commissioner for Refugees (UNHCR) that camp residents would be expelled if UNHCR did not devise a plan to close the Dadaab and Kakuma complexes by 2022. UNHCR developed a plan, but humanitarian activists, arguing returns to Somalia and South Sudan were not sustainable, urged the government to offer refugees durable solutions within Kenya.³⁷ The country has since adopted a law that provides new opportunities, rights, and protections for refugees within Kenya, but it has yet to be implemented.

Security Concerns

Terrorist activity and conflict in neighboring countries have led Kenya to take an increasingly active role in regional security over the past fifteen years, but banditry, cattle rustling, poaching, urban crime, and communal disputes place competing domestic demands on Kenya's security resources. Kenya has suffered multiple international terrorist attacks, and the concentration of potential international and domestic targets in Nairobi is a serious concern for Kenyan and foreign security officials.

Northeast Kenya faced a surge in Al Shabaab attacks in 2023, with 279 reported fatalities.³⁸ The uptick occurred in parallel with a Somali government offensive against the group, and followed a decision by Kenya and Somalia to reopen their shared border, which Kenya closed in 2011 when it launched operations in Somalia against Al Shabaab. Ruto has pledged that Kenya will, if needed, maintain troops in Somalia after ATMIS's planned withdrawal at the end of 2024; Kenya and other ATMIS troop contributors are discussing a possible follow-on mission. New tensions between Somalia and Ethiopia, which contributes the largest number of foreign forces to the fight against Al Shabaab, add to Kenya's regional concerns, as does ongoing instability in Ethiopia (particularly the conflict in Ethiopia's most populous region, Oromia, which borders Kenya).

Alongside persistent terrorist threats, Kenya faces pastoralist militia activity in the northwest.³⁹ Military operations to address bandit attacks and stem the proliferation of small arms reduced

³⁴ AP, "Poor Kenyans feel devastated by floods and brutalized by the government's response," May 11, 2024.

³⁵ Sean Avery, "Kenya's devastating floods expose decades of poor urban planning and bad land management," *The Conversation*, May 1, 2024.

³⁶ UNHCR, *Kenya: Registered Refugees and Asylum-Seekers, as of 30 April 2024*.

³⁷ Médecins Sans Frontières, *In Search of Dignity: Refugees in Kenya Face a Reckoning*, December 6, 2021. See also Joshua Craze, "Why the return of displaced people is such a thorny issue in South Sudan," *The New Humanitarian*, January 5, 2022.

³⁸ ACLED, "Assessing Al Shabaab's threat to the region as Somalia joins the East Africa Community," December 8, 2023 and "Kenya-Somalia border: Rising Al-Shabaab threat in the wake of ATMIS drawdown," September 1, 2023.

³⁹ For more on pastoralist and ethnic militia activity, see, e.g., ACLED, "Increasing Security Challenges in Kenya," March 2, 2023 and "Kenya: Government operation brings calm to North Rift region," August 4, 2023.

banditry in 2023, but raids and resulting displacement remain an issue. Kenya's Chief of Defense Forces, General Francis Ogolla, died in an April 2024 helicopter crash while visiting troops deployed in the operation. It was the latest in a series of helicopter crashes in the country.⁴⁰

Police Abuses and Calls for Reform

Police abuses and extrajudicial killings (EJKs) in Kenya have repeatedly drawn an international spotlight, including in the context of anti-terrorism efforts.⁴¹ The State Department's 2023 human rights report lists security force abuses, including torture, unlawful killings, and enforced disappearances among Kenya's most serious human rights problems, noting "numerous reports the government or its agents committed arbitrary or unlawful killings... particularly of antigovernment demonstrators in protests that took place between March and July." The report describes impunity as a problem "at all levels of government," and as a serious problem across law enforcement agencies. Accountability mechanisms such as the Independent Police Oversight Authority have been criticized for failing to prosecute misconduct. A Kenyan parliamentary report on EJKs and enforced disappearances in 2021 described the issue as a grave concern, noting the Kenya National Commission on Human Rights' documentation of over 1,000 cases since 2013.⁴² Missing Voices, a coalition that tracks police killings and disappearances, has documented over 800 cases from 2019-2023, including 118 killings and 10 enforced disappearances in 2023.⁴³

Police abuses around elections have been a recurrent problem; police were implicated in over 400 deaths after the 2007 elections and over 100 deaths after the 2017 elections. Ruto pledged to end police abuse and enhance police oversight during his campaign, and in late 2022, after he took office, Kenyan prosecutors charged 12 police officers with crimes against humanity over the 2017 post-election violence.⁴⁴ In 2023, however, police violence surged in response to opposition protests, with at least 30 deaths attributed to police action during the protests. Senior Ruto administration officials subsequently dismissed claims of excessive force and extrajudicial killings.⁴⁵ A taskforce directed by President Ruto to study police problems issued a report in late 2023 recommending far-reaching changes to the police and prisons services. The report identified underfunding, "endemic" corruption, leadership gaps, and poor handling of human capital management and development as among the services' primary challenges.⁴⁶ The task force acknowledged that the police routinely ranked in polls as the most corrupt institution in the country, and assessed that the failure to address the problem was fueling a culture of impunity in the force.

Selected Foreign Relations Issues

East Africa. Kenya has played a peacemaking role in the troubled region, hosting, for example, the talks that led to Sudan's 2005 Comprehensive Peace Agreement, as well as negotiations on conflicts in Ethiopia, the Democratic Republic of Congo (DRC), and South Sudan. With U.S. support and President Ruto's approval, former president Kenyatta played a leading role in the AU-mediated ceasefire deal between Ethiopia's government and authorities in Tigray in late 2022; a Kenyan general has since led the AU ceasefire monitoring team. Kenya deployed troops to eastern DRC in 2022 to lead an East African force to stabilize areas affected by a Rwandan-backed rebellion; the force withdrew in late 2023 after DRC authorities complained that East African troops were unwilling to confront the rebels aggressively. Ruto's 2023 offer to mediate between the warring parties in Sudan was rejected by its military government, which accused him of bias toward the insurgent Rapid Support Forces (RSF). Sudan recalled its ambassador from

⁴⁰ On helicopter crashes, see, e.g., VOA, "Kenya mourns defense chief killed in helicopter crash," April 19, 2024.

⁴¹ See, e.g., *New York Times*, "Haiti, desperate for peace, turns to police notorious for violence," October 4, 2023; CNN, "Dozens 'disappeared' by security forces, rights group says," July 19, 2016; Al Jazeera, "Killing Kenya," September 23, 2015; and U.N. Development Program, *Journey to Extremism in Africa*, September 2017.

⁴² Standing Committee on Justice, Legal Affairs and Human Rights, *Report on the Inquiry into Extrajudicial Killings and Enforced Disappearances in Kenya*, Senate, Twelfth Parliament, Republic of Kenya, October 2021.

⁴³ Missing Voices, *End Police Impunity – 2023 Annual Report*, April 23, 2024.

⁴⁴ AFP, "Kenyan police charged with crimes against humanity over 2017 crackdown," October 28, 2022.

⁴⁵ "Mudavadi says police brutality, use of excessive force do not happen in Kenya," Citizen (Nairobi), February 15, 2024; and David Njaaga, "Interior CS Indiki refutes claims of police brutality," *The Standard* (Nairobi), July 25, 2023.

⁴⁶ *Report of the National Taskforce on Police Reforms*, November 2023.

Kenya in early 2024 in protest after President Ruto hosted talks with the RSF leader Mohamed Hamdan Dagalo, aka “Hemedti.” (The State Department has implicated the RSF in war crimes, crimes against humanity, and ethnic cleansing.) More recently, Kenya has reportedly sought to facilitate a dialogue between Ethiopia and Somalia to ease tensions over Somaliland.

Haiti.⁴⁷ In July 2023, Kenya responded to an appeal by the government of Haiti for international help with rising gang violence, offering to lead a multinational force to assist Haitian police to restore order.⁴⁸ The Ruto administration has proposed to deploy 1,000 police officers; other countries have since also pledged forces. The U.N. Security Council authorized the Multinational Security Support mission (MSS) in October 2023. Kenya’s parliament approved the government’s request to send police to Haiti in November, but in January, Kenya’s High Court blocked the planned deployment, ruling it unconstitutional. The Kenyan opposition politician who brought the case to court argued that Kenya needs to prioritize its own security challenges; other observers have raised concerns about the human rights record of the Kenyan police.⁴⁹ The High Court ruled that a “reciprocal arrangement” with the host government was required for a police deployment. Kenyan and Haitian officials signed such an agreement in early March, but when Haiti’s prime minister subsequently resigned amid escalating gang violence, Kenyan officials said they were pausing the deployment until a new Haitian government was in place. With a new transitional council in Haiti formed in April, Kenyan police, trained in French, are expected to start deploying.⁵⁰ U.S. support is discussed below.

Israel/Gaza. Kenya has longstanding ties with Israel, which Kenyan officials have referred to as a “special partnership.”⁵¹ Ruto expressed solidarity with Israel over the October 2023 attacks by Hamas, but has faced domestic pressure over Israel’s military operations in Gaza.⁵² Kenya often votes in support of Israeli positions at the United Nations, but it has voted in favor of resolutions calling for a humanitarian ceasefire in Gaza and in favor of full U.N. membership for Palestine.

Russia/Ukraine. Kenya was a vocal critic of Russia’s invasion of Ukraine in 2022 when it sat on the U.N. Security Council.⁵³ The Ruto Administration took a more ambiguous stance in early 2023, hosting the foreign ministers of Belarus and Russia and announcing plans for a trade pact with Russia. (Russia-Kenya trade is limited, particularly in comparison to U.S.-Kenya trade; imports from Russia consist primarily of iron, wheat, and fertilizers; Kenya’s main export to Russia is tea.) Kenyan officials subsequently called Russia’s decision to exit the Black Sea Grain Initiative “a stab in the back” that would disproportionately harm the drought-affected Horn of Africa.⁵⁴ Ruto did not attend Russia’s 2023 Africa Summit, and in early 2024, Kenya joined the Ukraine Defense Contact Group, an alliance of countries that supports the defense of Ukraine. The European Union (EU), which seeks to counter Russian influence in Africa, has pursued an

⁴⁷ For more on the situation in Haiti and the proposed mission, see CRS Insight IN12331, *Haiti in Crisis: What Role for a Multinational Security Support Mission?* and CRS Report R47394, *Haiti: Recent Developments and U.S. Policy*. See also International Crisis Group, “Kenya and the Chaos in Haiti,” Podcast, March 7, 2024.

⁴⁸ Foreign Minister Alfred Mutua (@DrAlfredMutua), X Post, July 29, 2023.

⁴⁹ “BBC, Kenya court blocks police deployment to Haiti,” January 26, 2024; Luke Taylor, “Kenya’s offer to send police to Haiti sparks human rights concerns,” *The Guardian*, August 5, 2023; *New York Times*, “Haiti, desperate for peace, turns to police notorious for violence,” October 4, 2023.

⁵⁰ Abdi Latif Dahir, “Kenya rallies police officers ahead of Haiti deployment,” *New York Times*, May 14, 2024.

⁵¹ *The East African*, “Kenya, Israel agree to enhance cooperation on health and security,” July 29, 2021.

⁵² *The Star (Nairobi)*, “Kenya stands with Israel, Ruto says amidst war with Palestine,” October 8, 2023; President William Ruto (@WilliamsRuto), X Post, February 1, 2024.

⁵³ NPR, “Kenyan U.N. Ambassador compares Ukraine’s plight to colonial legacy in Africa,” February 22, 2022.

⁵⁴ BBC, “Russia’s grain deal exit is a stab in the back – Kenya,” July 18, 2023.

Economic Partnership Agreement (EPA) with Kenya, through which the EU, one of Kenya's biggest export markets, would give the country access to its market without tariffs or quotas.⁵⁵

China. China is Kenya's largest trading partner, and PRC loans—reportedly totaling \$8 billion—account for roughly 64% of Kenya's bilateral external debt and 17% of total external debt (the World Bank is Kenya's largest external creditor).⁵⁶ While Ruto has sought to reset perceptions and strengthen U.S. ties, he has also sought to maintain a “robust friendship” with China, despite anti-China rhetoric during his campaign.⁵⁷ Ruto attended China's 2023 Belt and Road Forum. When Ruto was Kenyatta's deputy, their coalition cultivated ties with the Communist Party of China, an effort Ruto's party has continued. After meeting China's ambassador to Kenya, Deputy President Rigathi Gachagua said, “The United Democratic Alliance is the younger brother of CPC, but it is the party of the future. We want to develop it like CPC.”⁵⁸

Wildlife and Environmental Conservation

Heavily reliant on tourism for foreign exchange earnings, Kenya has implemented measures to conserve its wildlife resources and is recognized as a leader in efforts to combat wildlife trafficking in Africa. The country has a stringent regulatory and legislative environment around wildlife poaching, trafficking, and smuggling, and it has enjoyed a dramatic drop in elephant and rhino poaching in the past decade.⁵⁹ Many anti-trafficking initiatives are implemented through the Kenya Wildlife Service (KWS), which enforces wildlife laws and regulations and manages Kenya's national parks and reserves. Despite its efforts to curb poaching and wildlife trafficking, Kenya remains a transit country for the illicit wildlife trade. Corruption and weaknesses in enforcement and prosecution of trafficking laws make trafficking an ongoing concern.

The U.S. government has long partnered with Kenya's government and civil society to address these issues, and to support other conservation efforts. The United States has provided training and equipment to the KWS and supports programs to protect the country's parks and animals. Roughly 65% of Kenya's famous wildlife live outside its KWS-protected parks, and conservation groups have worked with communities to establish over 200 community conservancies for wildlife protection and to promote sustainable land use. The United States has supported these conservancies, which protect over seven million hectares of land. Tourism, much of it wildlife-related, is an important source of revenue (\$1.5 billion in 2019) and jobs (over 1.5 million), and COVID-19 cost Kenya an estimated \$1 billion in lost revenue.⁶⁰ The drop in tourism-related revenue and jobs and the related economic slump contributed to increased bushmeat hunting.

The Ruto Administration directed an end to Kenya's six-year-old logging ban in 2023, ostensibly to create jobs. Kenya's Environment and Land Court subsequently suspended the decision, leaving the logging ban in place. Deforestation is a longstanding concern, and environmentalists have warned that lifting the ban risks reversing gains Kenya has made to improve the country's tree cover, despite Ruto's proposal to plant 15 billion trees over 10 years.⁶¹

⁵⁵ European Commission, “The EU-Kenya agreement explained,” at <https://policy.trade.ec.europa.eu/>.

⁵⁶ Fergus Kell, “Kenya's debt struggles go far deeper than Chinese loans,” Chatham House, May 31, 2023.

⁵⁷ During his campaign, Ruto pledged to deport Chinese nationals doing jobs that could be done by Kenyans. On his post-election shift, see, e.g., VOA, “After anti-China campaign, Kenya's Ruto does about-face,” September 29, 2022.

⁵⁸ CapitalFM, “Kenya: UDA seeks support of Communist Party of China to Strengthen Structures,” August 17, 2023.

⁵⁹ Andres Schipani, “How Kenya turned the tide against ivory poachers,” *Financial Times*, April 27, 2021.

⁶⁰ Rasna Warah, “‘We are on our knees’: COVID's impact on Kenya's tourism,” ONE Campaign, August 12, 2021.

⁶¹ Lisa Fuchs, “Kenya's logging ban has been lifted – it's a political decision and a likely setback for conservation,” July 22, 2023.

Kenya has taken steps to stem plastic pollution, including by banning plastic bags and single use plastics in 2017. With stiff penalties, the law was initially successful, but the smuggling of bags from neighboring countries presents enforcement challenges.⁶² Kenya is part of USAID's Save Our Seas Initiative, which supports sustainable waste management and recycling on the coast.

U.S. Relations and Assistance

The United States and Kenya have historically close ties, and the U.S. Embassy describes deepening the partnership as its overarching goal.⁶³ Over 100,000 Americans live in or visit Kenya every year, per the U.S. Embassy; the country is a popular destination in Africa for U.S. tourists. U.S. Embassy Nairobi is designated a high-threat, high-risk post, given terrorism concerns. Over 600 U.S. service members, civilians, and contractors are in Kenya to support counterterrorism (CT) efforts in the region. Located at Cooperative Security Location (CSL) Camp Simba, a U.S. "base within a base" on the coast near the Somali border, the 475th Expeditionary Air Base Squadron provides base operations and communications support for missions in Kenya and Somalia.

Governance, human rights, and corruption concerns in Kenya sometimes complicate the bilateral relationship, and reported abuses by Kenyan security forces have posed challenges at times for security cooperation. Successive U.S. Administrations have pushed for greater accountability for political violence and unresolved corruption cases. In early 2024, the Financial Action Task Force (FATF), of which the United States is a member, added Kenya to its "grey list" of countries subject to increased monitoring for money laundering and terrorism financing.

The ICC cases caused friction during the Obama Administration, and Kenyatta's government looked to other international partners, such as China, for diplomatic and economic support. After the contentious 2017 elections, Kenyatta welcomed Chinese Communist Party officials to Nairobi and announced a deal to deepen collaboration with his party. Shortly thereafter, the U.S. ambassador reportedly played a role in pressing Kenyatta and Odinga into the dialogue that led to their rapprochement, illustrating continued U.S. influence despite strains in the relationship.⁶⁴

The Trump and Kenyatta administrations took steps to improve ties, and in 2018, when President Trump received Kenyatta at the White House, they announced a "Strategic Partnership." CT and economic cooperation were areas of focus, and commercial deals worth nearly \$900 million were announced during the visit. Direct flights, previously blocked over U.S. security concerns, started later that year. A Bilateral Strategic Dialogue was launched in 2019.

Kenya was the opening stop on Antony Blinken's first trip to sub-Saharan Africa as Secretary of State, in late 2021. He attended the Bilateral Strategic Dialogue, during which officials discussed shared interests on the U.N. Security Council (Kenya was a member in 2021/2022), including regional security concerns in Ethiopia, Somalia, and Sudan. Blinken stressed the importance of the strategic partnership and Kenya's regional peacemaking role during the 2022 U.S.-Africa Leaders Summit, where a memorandum of understanding on civil nuclear cooperation was signed. First Lady Jill Biden visited Kenya on her first official trip to Africa in early 2023. Defense Secretary Lloyd Austin also traveled to Kenya on his first sub-Saharan Africa tour, in September 2023, during which he signed a Framework for Defense Cooperation for the next five years. Central Intelligence Agency (CIA) Director William Burns visited in January 2024.

⁶² NPR, "The toughest plastic bag ban is failing: A tale of smugglers, dumps and dying goats," August 9, 2023.

⁶³ State Department, Kenya Integrated Country Strategy, March 23, 2022.

⁶⁴ *Daily Nation*, "US envoy Godec exits Kenya proud despite criticism," July 3, 2020.

The Biden Administration has expressed support for a range of Kenyan initiatives, including with respect to the environment, climate change, and renewable energy. The U.S. International Development Finance Corporation (DFC), which has facilitated investments in windfarms and other renewable projects in Kenya, plans to open an office in Nairobi in 2025.

Trade and investment are top priorities for Kenya in the May 2024 State Visit. The United States and Kenya began free trade agreement (FTA) negotiations in 2020, under the Trump Administration. The Biden Administration, instead of continuing the FTA negotiations, has pursued a Strategic Trade and Investment Partnership (STIP) with Kenya. The U.S. Trade Representative describes the STIP as an “ambitious roadmap for enhanced cooperation.” For more on U.S.-Kenya trade, see CRS In Focus IF11526, *U.S.-Kenya Trade Negotiations*.

U.S. Assistance. Kenya is routinely among the top recipients of U.S. foreign aid in sub-Saharan Africa. The United States allocated roughly \$477 million in FY2023 bilateral aid, largely focused on HIV/AIDS and other health programs, for Kenya, which also received over \$250 million in FY2023 humanitarian aid and additional Food for Peace and refugee response assistance.⁶⁵ The Administration’s FY2025 request of over \$496 million for Kenya is lower than the FY2024 request of over \$511 million. The decrease reflects reduced democracy and governance funding.

The United States is the largest donor to Kenya’s health sector, which saw child mortality drop by more than half and life expectancy rise by over 15 years from 2000-2020.⁶⁶ The United States donated over 12 million COVID-19 vaccine doses to Kenya. It has invested over \$8 billion there under the President’s Emergency Plan for AIDS Relief (PEPFAR) since 2003. The U.S. Embassy has described Kenya, which has an estimated 1.4 million people living with HIV-AIDS, as on the verge of achieving the UNAIDS 95-95-95 targets (95% of people with HIV diagnosed, 95% of people who know they have HIV on anti-retroviral therapy, and 95% of those on treatment virally suppressed).⁶⁷ Kenya’s prevalence rate has nearly halved in the past 20 years, to 3.7% in 2023, per UNAIDS data; new infections are down by 78% and related deaths by 68% since 2013. The U.S. Centers for Disease Control and Prevention (CDC) and the Walter Reed Army Institute of Research-Africa have longstanding partnerships with Kenya, including on disease surveillance.

The United States has supported an array of efforts to help build Kenya’s capacity to counter terrorist attacks. Kenya is the largest sub-Saharan African recipient of State Department-administered anti-terrorism assistance for law enforcement. News reports suggest that U.S. training and assistance via the U.S. Special Program for Embassy Augmentation and Response (SPEAR) helped an elite Kenyan unit respond rapidly to the 2019 DusitD2 hotel attack in Nairobi, significantly limiting the loss of life.⁶⁸ Separately, the Department of Defense (DOD) has notified Congress of over \$400 million in CT “train and equip” support to Kenya in the past decade, including to support its role as a major troop contributor in the AU mission in Somalia.

The Biden Administration has been a leading proponent of the MSS mission for Haiti and Kenya’s role in it. To date, the State Department and DOD have allocated over \$380 million in support for the mission to facilitate training, equipment, logistics and life support services, and salary support for participating officers. How that support will be allocated among Kenya and other countries contributing forces to the mission is not yet clear.

⁶⁵ USAID, *Kenya Assistance Overview*, April 2024.

⁶⁶ State Department, “The United States and Kenya: Strategic Partners,” November 16, 2021.

⁶⁷ U.S. Embassy Nairobi, “PEPFAR in Kenya,” August 10, 2023, available at <https://ke.usembassy.gov/pepfar/>.

⁶⁸ Reuters, “After Westgate Debacle, Quick End to Latest Kenyan Attack Shows Progress,” January 20, 2019.

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