

# WebMemo



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## Kenya's Stability Is an Important U.S. Priority

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The U.S. has shown important leadership during Kenya's political crisis, and now it must go further to act as guarantor of the accord signed between President Mwai Kibaki and opposition leader Raila Odinga on February 28. Kenya is an anchor for the region and for U.S. interests. Its stability is important enough for the U.S. to dedicate senior diplomatic attention to the newly brokered power-sharing deal and to level targeted sanctions against spoilers if necessary.

Kenya's national trauma, which started after Kibaki's swearing in on December 30, 2007, reflects the damage that winner-take-all African politics can create. After its initial mistake of prematurely recognizing the re-election of President Kibaki, the State Department intervened diplomatically in a sustained and effective manner that was capped by Secretary of State Condoleezza Rice's visit in mid-February. Africa's leadership also played a role during the crisis; but while it was heartening to see a council of elders joining to address peace, stability, and democracy, it quickly became apparent that they lacked the capacity to compel solutions. Kenya's future depends on the sincerity of the deal-makers and, perhaps more realistically, on the need for a guarantor of the Kibaki–Odinga agreement.

### **How the Seeds of Political Chaos Were Sown.**

Kenya's journey into its political quagmire points to the need for sustained outside intervention throughout the life of the current compromise agreement. Kenya's elections in 1992 and 1997 alerted the international community to the ethnic

tinderbox that the country had become under President Daniel arap Moi's overlong stay in power. Ethnic violence reared its head, and those watching closely saw the potential for downward spiral in a country where catastrophe could dwarf Rwanda's genocide. Democracy remained a distant dream as the opposition was divided and the country's very stability became the foremost priority for the international community.

The National Rainbow Coalition (NARC), created after President Moi announced that he would not contest the 2002 elections, opened a whole new set of possibilities for Kenya's opposition. NARC's careful balancing of presidential candidate Mwai Kibaki's Kikuyu and Raila Odinga's Luo tribes helped to avert the ethnic violence that had disturbed the previous two elections. The result was a solid majority for NARC and President Kibaki. Odinga was a key figure in that post-Moi coalition, and it was clear to many that Kibaki and Odinga had reached an agreement for future power-sharing.

It didn't take long for the growing rivalry between Kibaki and Odinga to escalate. Kibaki's faltering health also opened the door for factional stalwarts to begin driving a wedge between the two. By

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2003, Odinga had pulled out of the coalition when it became apparent that Kibaki would not follow the agreed-upon prescription for constitutional reform. Odinga went on to help defeat the constitutional referendum in 2005.

The international community should have noticed that these events were foreshadowing the showdown to come in 2007. Regrettably, the U.S. and the world took their eye off the ball after peaceful elections in 2002 and 2005.

As Odinga's Orange Democratic Movement seemed poised to assume the mantle of leadership, Kibaki was either unable or unwilling to prevent his side from tampering with the election results. The violence that erupted after Kibaki's rushed claim of victory has now left more than 1,000 people dead, including two members of parliament. The country's economy had been growing steadily and even posted a robust 6.5 percent gain in 2007. Few outsiders will invest in Kenya this year, and many are looking for an exit. Kenya, a country where life expectancy has slipped to 49 years as the result of HIV/AIDS, was thrown into chaos by the willingness of its 76-year-old president and his 63-year-old opponent to turn their young supporters loose to perpetrate ethnic violence.

**What the U.S. Should Do.** President Kibaki and Raila Odinga have shamelessly placed their political rivalry and their own ambitions ahead of Kenya's peace and stability, to say nothing of its fledgling status as a democracy. The U.S. must be pragmatic enough to realize that without serious efforts to hold Kibaki and Odinga personally responsible for their actions, the latest grand compromise has only postponed the crisis.

There is much the U.S. can do to help make sure that the timeline for reforms is met. The Kenyan parliament must pass four key pieces of legislation: the National Accord and Reconciliation Bill, the Constitutional Amendment Bill, the establishment of a Truth and Reconciliation Commission, and the creation of the Ethnic Relations Commission of Kenya. The State Department should quickly deploy technical assistance to help the parliament complete the bills in a form that is consistent with the power-sharing agreement. The U.S. should also

anticipate the distribution of cabinet ministries as a potential stumbling block.

The U.S. has wide-ranging interests in Kenya that both constrain and create points of leverage for U.S. diplomacy. The U.S. should be prepared to address violations of the power-sharing agreement, which would threaten the country's stability. Limits on intelligence-sharing or military cooperation would be self-defeating, since cooperation on counter-terrorism is vital. General aid or trade sanctions often hurt the population and serve as a very blunt instrument for changing individual behavior. However, there is a case for ensuring that U.S. non-military assistance flows primarily through Kenyan civil society rather than as direct budget support to government ministries. U.S. public statements can also make clear that future assistance will be deployed only to the degree that Kenya's political environment is conducive to achieving development goals.

Kenya has utilized duty-free trade status with the U.S. under the African Growth and Opportunity Act (AGOA). Although there are human rights standards attached to AGOA, withdrawing this trade benefit would merely undercut the country's broad economic growth and harm the average Kenyan. A quick change in Kenya's AGOA status might also discourage foreign direct investment elsewhere in Africa as companies depend on stable and long-term access to export markets.

U.S. public diplomacy must be prepared to name and shame obstructionists who would thwart progress on Kenya's post-crisis recovery. However, the U.S. must be prepared to go further. The State Department should publicly announce its intention to hold accountable those leaders who would undermine the power-sharing accord. U.S. interventions must be swift and clearly aimed at isolating individuals. Care must be taken to explain that U.S. actions are not generalized sanctions, but rather are aimed at individuals blocking progress on the accords.

Individual sanctions should come in the form of U.S. travel restrictions and freezing of U.S.-based personal assets. The U.S. Embassy should chair a committee of key donor countries in Nairobi to ensure prompt united action against individuals

who impede implementation. These decisions should not await African Union (AU) support, but consultations with the AU should be routine. The dependents of obstructionists should also be included in U.S. visa bans, depending on the severity of the offense. Further instigation of ethnic violence would certainly qualify.

Kenya's post-election ethnic violence demands close investigation and accountability. Deferring justice will only sow the seeds for the next round of ethnic clashes. The parliamentary bills that are part of the power-sharing agreement provide a framework for, and must be taken seriously as a key part of, Kenya's return to peace and lasting stability.

Withholding International Military Education and Training from Kenyan military personnel would hurt U.S. interests more than it could possibly punish political leaders, and Kenya's cooperation on counter-terrorism is among the United States' most important relationships in Africa. However, Kenya's political stability should be considered when it comes to looking at a regional platform for the new Africa Command.

**Conclusion.** U.S. diplomatic leadership in Kenya is essential for the stability of a regional power,

efforts to fight terrorism in East Africa, and Africa's forward momentum as a democratic continent. The humanitarian component is an important part of the U.S. official response in Kenya, but it is nowhere near sufficient. This is not a call for special envoys or new initiatives, but rather a hard look at the need for successful implementation of Kenya's new power-sharing arrangement.

The AU and the U.N. must support the Kibaki-Odinga deal signed February 28, but this by itself is a recipe for a certain unraveling. As Kenya undertakes the long road back to political stability, the devil will be in the details, from required parliamentary legislation to cabinet appointments. U.S. Ambassador to Kenya Michael Ranneberger, Assistant Secretary Jendayi Frazer, and Secretary Rice should remain deeply engaged and make clear that the U.S. will not countenance the use of ethnic violence as a political tool and will not allow individuals to place their political ambitions ahead of Kenya's future as a stable, peaceful, and democratic country.

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