

United States Aid to Kenya: A Study on Regional Security and Counterterrorism Assistance Before and After 9/11

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Abstract

Following 9/11 and the beginning of the global War on Terror, it became obvious that the United States needed an ally in East Africa. Kenya, a country that has remained relatively stable while surrounded by regional insecurities, was chosen by the U.S. as an African ally to which large sums of aid and resources would be sent. United States assistance to Kenya is largely given for developmental and humanitarian purposes but millions of dollars each year are directed specifically towards regional security and anti-terrorism. This observational paper highlights the differences in U.S. aid to Kenya before and after 2001. Using analyses of secondary resources, this article offers details of the economic measures, training initiatives, and legislative steps taken by the United States government, as well as subsequent Kenyan criticisms, to form the present-day relationship that ensures America's hegemonic presence in East Africa. Kenya itself has been the victim of two large-scale terrorist incidents: the first in 1998 and the second in 2002. It is important to note that the 2002 Kikambala hotel attack, while severe in nature, targeted Israel and is not directly relevant to this article. In addition, the effects of the attack on U.S. counterterrorism policy are largely unknown and therefore, excluded from consideration in this article.

Background

The end of colonialism in Kenya began a period of fast-paced development and expansive foreign relations. The country's relationship with the United States was strong and bilateral, mainly because Kenya needed assistance developing and the U.S. needed access to ports for military and economic purposes. All throughout this time, Kenya was a proponent for democracy, meeting the desires of America during the Cold War. The government of Kenya received millions of dollars in financial assistance by the U.S. government but remained a low priority, as was the case for much of Africa at the time. It was not until the 1990s that Kenya first became relevant to American interests. Even then, the true extent of its importance was not fully known. Surrounding Kenya in the 1990s were several countries in the midst of humanitarian and political crises.

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Although this article focuses specifically on relations between Kenya and the U.S., it is important to note the geopolitical instability in Eastern Africa at the time. Somalia, directly to the north, lost its president during a coup in 1991 and became a failed state with no centralized government. The United States was met with resistance by the Somali people during an attempted humanitarian mission and thus, began to question its role in East African politics. Ethiopia, a Soviet ally during the Cold War, was facing internal political conflict and threats of secession by a region in the east [present-day Eritrea]. Sudan, as of 1993, became one of only four countries worldwide to be labeled a *State Sponsor of Terrorism* by the United States (U.S. State Department 2010). Rwanda experienced a genocide that left roughly 800,000 people dead and much of the world angry at America's weak response. Finally, throughout this time, Uganda was at war with the Lord's Resistance Army, a rebel group fighting for political control. Even with the authoritative government in Kenya during the 1990s, the country was, by far, one of the most politically and socially stable in the region.

Assistance Before 2001

On August 7, 1998, the United States embassies in Nairobi [Kenya] and Dar es Salaam [Tanzania] were bombed simultaneously, leaving the world in a sense of shock. The attack in Kenya was more severe, killing over 200 people and injuring thousands. Of the deceased were 12 Americans who worked at the embassy (Center for Defense Information 2009). This was not the first time a U.S. embassy was attacked overseas; however, it was a significant event that angered law enforcement and intelligence personnel enough to direct more resources to Kenya. Within days after the attack, hundreds of federal agents and intelligence officials were sent into Kenya to investigate the bombing, marking the largest international FBI investigation at the time (Kaplan and Lovgren 1998).

The FBI and the Kenya Criminal Investigation Division (CID) worked in cohesion and exchanged expertise to mark an extensive operation that continues into present day, serving as a prime example for international law enforcement cooperation. In a matter of months following the attack, The National Security Intelligence Service was established by the Kenyan government and the country was formally added to the U.S. Anti-terrorism Assistance (ATA) Program (Whitaker 2008). The American government also contributed \$42 million towards health care for injured victims, building reconstruction, and business recovery (Whitaker 2008). This money was a necessary humanitarian step to mitigate the anger and hardship felt by many Kenyan people at that time. Aside from this emergency relief, little changed in the monetary assistance Kenya received from the United States. The addition to the ATA program was largely a formality, intended to make a statement that America would amplify its security abroad. Funding for ATA falls into the State Department's aid category of *Nonproliferation, Anti-Terrorism, Demining and Related*, which did not receive any official funding by the U.S. government until several years later (USAID 2008).

The embassy bombing investigation led the United States to Osama Bin Laden who, at the time, was already known to American officials for previous attacks against westerners. The magnitude of his danger was confirmed following a federal indictment and addition onto the FBI's Ten Most Wanted list for his role in the 1998 embassy attack. Courtroom testimony by another suspects in early 2001 pointed out that Bin Laden first established an Al-Qaeda cell in Kenya around 1993 (CNN Law), substantiating that the country had a presence of terrorism and anti-American sentiment well before the attack actually took place. The extent to which terrorism prospered in Kenya prior to 1998 is largely unknown, but it can be said that Kenya's easy access to water, neglected borders, and proximity to the Middle East make it a potential home for radical Islamist groups. On September 11, 2001, Al-Qaeda attacked American property again; this time in New York City. The magnitude of the attack influenced President Bush to begin a global War on Terror with a purpose to defeat terrorism worldwide.

United States Assistance After 2001

The United States, after the War on Terror began, exponentially increased its resources and presence around the world, especially in countries deemed critical to the success of the mission. The role of international development assistance quickly became "an instrument by which [America] pursued [its] political and security interests to defeat terrorist networks..." (Lind & Howell 2010). The existence of humanitarian aid often had security undertones. For example, it became a presumed belief that several main factors affecting Islamic radicalization are underdevelopment, poverty, and high levels of youth unemployment (Lind and Howell 2008). Kenya possesses all of the above characteristics to a large degree. Furthermore, the effects of radical Islam were unveiled as the clear rationale behind the embassy bombings in 1998. U.S. government officials evaluated their presence in Kenya and quickly decided that a shift in policy was necessary to hopefully lessen an expansion of terrorism. This started a relationship with Kenya that arguably made it the United States' most important African partner in the War on Terror.

The changes in American intelligence and law enforcement practices also had profound effects overseas. The creation of *task forces* and an expansion of the *Intelligence Community* thinned the line between law enforcement and military entities. For example, the U.S. Defense Department began considerably closer relationships with non-military actors. As a result, the fight against terrorism became a joint battle by all government agencies. The largest increase in military assistance was part of the Foreign Military Financing program (FMF), which directed most of its funding towards counterterrorism. In the year immediately following 9/11, the FMF aid package to Kenya increased roughly 15 times its previous value. The country was also added as a beneficiary to the Regional Defense Counterterrorism Fellowship, which according to the Defense Department, is an initiative targeted towards "key countries in the war on terrorism" (Franken 2003). The program offers free education at military institutions in the United States, giving foreign countries [in this case, Kenya] access to valuable and comprehensive training.

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Aside from the fellowship creation and FMF increase in 2003, the East African Counterterrorism Initiative was also put into effect, giving a grant of \$100 million dollars to Kenya and other surrounding countries. The specific distribution of the funds is not publicly available; however, multiple governmental entities were formed immediately following the grant. Kenya began the foundation for a counterterrorism network, including the creation of an Anti-Terrorism Police Unit (ATPU), National Counter-Terrorism Center, Joint Terrorism Task Force, and National Security Advisory Committee. These were all created with the purpose of improving Kenya's capacity to "investigate terrorist incidents, identify cells, coordinate law enforcement efforts, and prevent future attacks" (Whitaker 2008). Unfortunately, the Joint Terrorism Task Force (JTTF) was immediately disbanded, against the advice of the United States, because police officials in Kenya did not want to relinquish control of the ATPU – a necessary measure to the task force's existence (U.S. Department of State 2006). The politics of policing have historically created a divide between policy makers in the Kenyan government and the commissioner of police. As a result, giving up control of a unit with the highest funding and most elite personnel was not considered in the best interest of the police commissioner in Kenya. Despite this setback and disappointment to the U.S. government, the expansion of other American programs lessened the effects of a destroyed JTTF.

The most extensive and longest running U.S. funded counterterrorism program in Kenya is the State Department's Anti-Terrorism Assistance Program (ATA) – an undertaking by the Bureau of Diplomatic Security that promotes cooperation with foreign law enforcement through counterterrorism training and equipment grants (U.S. Department of State 2010). This program, although present globally since the 1980s [and in Kenya since 1998], gained operational momentum in 2005, when Kenya was "one of only five states to receive specialized training" (Lind & Howell 2010). Currently, the ATA program in Kenya is the largest in Africa, maintaining an annual budget of roughly \$8 million (USAID 2010). The primary focus of the program is border security, including both maritime and land. With an extensive coastline and confusing borders that are difficult to manage, Kenya faces problems accounting for people and materials that enter the country. Specifically, the need for revamped maritime security became obvious following Kenya's inability to stop explosives from entering Mombasa that were ultimately used to bomb the embassy in 1998 (Richardson 2004).

Off the coast of Kenya on Lamu Island, there is a U.S. funded training camp that serves the Maritime Police Unit. The camp was started by the United States government to help reduce border insecurities in Kenya. In 2009, the U.S. Ambassador formally donated three patrol boats as another display of America's investment in Kenyan security (U.S. Department of State 2010). The hopes for the training camp are twofold: Comprehensive training and a more self-sufficient police force. Already, previous graduates of the course teach as *associate instructors* at the training camp. A training program taught by Kenyans has the capacity to be more beneficial than if it were conducted solely by Americans. Moreover, the U.S. government has an interest in *assisting* anti-terrorism operations overseas. The responsibility of actually enacting policy ultimately lies in the hands of Kenyan law enforcement and intelligence officials.

The State Department and the Department of Justice [through the FBI International Operations Division and Resident Legal Advisor] have donated important equipment that has greatly advanced police operations in Kenya. A basic lack of funding in Kenya's law enforcement network affects the purchase and utilization, not only of new policing technology, but also equipment that are considered commonplace in America. These United States donations range from standard fingerprint kits to gyro-stabilized binoculars used in air surveillance. The usage of these tools helps to modernize the police practices in Kenya to a level comparable to U.S. standards. Unfortunately, criminality progresses at a faster rate than policing, leaving room for issues that law enforcement must react to on short notice.

In the case of Kenya, a rapid expansion of mobile phones throughout the country created a need for assistance with digital forensics. The ATA program donated equipment necessary for analyzing digital data from mobile phones. These phones are linked conclusively to terrorist activity, not just from the obvious telecommunication capabilities but also the ease of mobile banking in Kenya. This form of banking, utilized by roughly 40% of Kenya's adult population (Mas & Radcliffe 2010), has been used as a form of terrorist financing – giving one the capability to transfer money instantly to and from distant locations. The technology for mobile phones and banking is imported into Kenya, leaving the government with little knowledge of the operational capabilities and rapid advancements - both of which pose threats to Africa and the United States. Along with the equipment came training by the American government to cover topics related to digital and forensic evidence. A 2009 regional conference in Nairobi, hosted by U.S. law enforcement officials, was held to discuss the importance of digital evidence and the evolving nature of terrorism.

Besides direct law enforcement assistance to Kenya, the United States is also involved in anti-terrorism legislation. The terrorism laws in Kenya are outdated and contain loopholes that make it difficult to convict terror suspects. The first convicted suspect from the embassy bombing was found guilty on a separate unrelated weapons charge following a 2005 acquittal on terrorism charges (Whitaker 2008). Without comprehensive laws for acts of terrorism and financing, the aid given to Kenya cannot be utilized to its true potential. In 2009, Kenya updated its money laundering laws to include terrorist financing after facing intense scrutiny by the United States. Nevertheless, the government of Kenya is still attempting to pass appropriate anti-terrorism legislation since failing to pass the Suppression of Terrorism Bill in 2004. Gaining support for anti-terrorism legislation is difficult in Kenya as a result of the global backlash from the War on Terror and the perceived synonymy that laws in Kenya face to the U.S.A. Patriot act – a piece of legislation disliked by many abroad.

Criticisms of United States Aid

A significant population in Kenya resents the United States for its involvement in counterterrorism and security. Many dissenting Kenyans believe that their terrorism woes

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are due largely to the extended presence of the United States within their country and not a result of any inherent problems created by Kenya. A common perception is that they are “caught up in the crossfire” and are “collateral damage” in America’s War on Terror (Whitaker 2008). Many also believe that the U.S. has influenced Kenyan authorities to target Muslims in its anti-terrorism law enforcement. The Muslim community in Kenya has become increasingly anti-American following the inception of the War on Terror, which a substantial minority of its estimated 15% see as a *War on Islam* (Whitaker 2008). Many Kenyans also believe that they are “forced into cooperating... on terms determined by the USA” (Lind & Howell 2010). Even the humanitarian and developmental aid given to Kenya is scrutinized as being part of a hidden counterterrorism strategy. Beginning several years ago, USAID created a requirement that its grantees sign an *Anti-Terrorism Certificate* ensuring that the recipient organization does not have any ties to listed terrorist groups (Lind & Howell 2008). This became the norm for aid given around the globe but many people in Kenya still deem it inappropriate.

Besides the overt actions taken by the U.S. in the fight against terrorism, a number of Kenyans accuse the American government of, whether arbitrarily or not, inhibiting the largest service industry in Kenya. Tourism in Kenya is a huge part of the national economy and Americans have historically comprised much of the clientele. The U.S. State Department has issued numerous travel warnings about Kenya since 2002 that expose possible dangers within the country. These warnings are considered necessary by U.S. officials, who are “obligated to provide American citizens with information about any security threats” (Whitaker 2008). Between 2002 and 2003, the number of American tourists dropped by 28% [although tourism was lower worldwide due to the effects of 9/11] and as a result, the State Department made attempts to soften the tone of its travel warnings in order to boost tourism. Eventually, the industry rebounded dramatically and reached record high revenue in 2006 (Whitaker 2008).

Concerns by the Kenyan government about American policy are far from extraneous. On the contrary, there have been numerous instances where Kenya held to its principles and denied the wishes of the American government. The most notable example of governmental dissent was the controversy surrounding the *Article 98 agreement*- a proposed treaty between Kenya and the U.S. to exempt Americans from International Criminal Court (ICC) prosecution if in Kenya. The government of Kenya was adamant about not signing the agreement (Lind & Howell 2008). In 2006, as a result of inaction on the treaty, the United States suspended approximately \$8 million worth of military financing and training to Kenya that would have been directed towards counterterrorism. This bold move on America’s part was quickly reversed in late 2006 because U.S. officials “recognized that their demand for Article 98 agreements [could] in fact hinder the War on Terror” and specifically, prevent the Kenyan government from buying equipment for counterterrorism operations (Whitaker 2008). Both countries quickly downplayed the disagreement; however, the fact remains that Kenyans have grown increasingly skeptical of the motives and rationale behind United States aid.

Conclusion

The role of Kenya as an American ally in the War on Terror has evolved significantly in recent years. Before the embassy attack in 1998, Kenya was of little importance to the United States. The political insecurity that involved much of the East African region was considered neither significant nor relevant to American interests at the time. Foreign policy reflected the aforementioned rationale and was limited in nature until the U.S. deemed its own national security compromised by problems in and around Kenya. Even following 1998, the steps taken by the U.S. included only marginal increases in aid that, by and large, had no noticeable effect on terrorism or regional security until the major shift in policy after 2001.

These exponential increases in aid began a lengthy and difficult trek to maintain security within the borders of Kenya. The suppression of terrorism inside Kenya provides safety and security for the United States, thus making its success a priority for American law enforcement and intelligence officials. Through support by the Anti-Terrorism Assistance program and numerous other initiatives, the United States has helped Kenya create a vast system of counterterrorism operations that acts in the interest of both countries. While the diplomatic relationship is strong, both governments are still striving to gain support of the Kenyan populace. The criticisms against America's role in Kenyan counterterrorism strategy make the implementation of new entities a daunting task. As a result of low popularity, much of the Kenyan government's cooperation with the United States either takes place in private or is the result of debatably coercive means. The operational capabilities of the Anti-Terrorism Police Unit, National Security Intelligence Service, and National Counter-Terrorism Center are largely unknown to the public, similar to the discreet nature of the U.S. Intelligence Community. In addition, specific distributions of the economic grants given to Kenya, such as the East African Counterterrorism Initiative, are for the most part, classified or difficult to locate.

The increasingly private nature of American-Kenyan relations is hardly coincidental: The United States realizes that it is a politically popular strategy for Kenyan leaders to oppose suggested counterterrorism strategy (Whitaker 2008). Politicians in Kenya gain support by touting threats to state sovereignty, which America, in many cases, is considered the largest culprit. As a result, it has become complicated to achieve the goals deemed necessary by the law enforcement and intelligence communities in both countries. The assistance given to Kenya, regardless of its either overt anti-terrorism objectives or assumed undertones, offers a sense of security to the U.S. while boosting Kenya's own national security. The inherent global nature of terrorism creates an environment in which American policy must focus on actions and occurrences outside of its own borders. Thus, unpopularity is a small price that the United States has paid for its role in creating a self-sufficient and stable anti-terrorism network in Kenya.

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