



ACCOUNTABILITY | INTEGRITY | RULE OF LAW

EXECUTIVE ORDER

UNITED STATES-KENYA STRATEGIC SECURITY, ACCOUNTABILITY, AND ECONOMIC PARTNERSHIP INITIATIVE

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose and Policy.

It is the policy of the United States to strengthen the strategic partnership with the Republic of Kenya while advancing regional security, counterterrorism, maritime and border security, accountable governance, respect for human rights, anti-corruption safeguards, and mutually beneficial trade and investment.

Sec. 2. Immediate Diplomatic Initiative.

Within 14 days of this order, the Secretary of State shall initiate high-level consultations with the Government of Kenya concerning a comprehensive bilateral agenda addressing counterterrorism, Somalia and regional security, maritime and border security, governance and law-enforcement accountability, corruption, trade, investment, and the responsible use of United States assistance.

Sec. 3. Presidential Meeting During the Second Month.

The Secretary of State, in coordination with the National Security Advisor, shall seek to schedule a presidential meeting with the President of Kenya and appropriate Kenyan officials during days 31 through 60 after inauguration, preferably in close proximity to the presidential meeting sought with Somali leadership. The schedule shall remain subject to Kenyan acceptance, security requirements, diplomatic feasibility, and applicable law.

Sec. 4. Counterterrorism and Regional Security.

The Secretaries of State and Defense and the Director of National Intelligence shall seek expanded lawful cooperation with Kenya against Al-Shabaab and other terrorist threats, including intelligence sharing, border security, training, counter-financing, and regional coordination. Cooperation shall support security in Kenya and Somalia and the protection of civilians.

Sec. 5. Maritime and Border Security.

The Secretaries of State, Defense, and Homeland Security shall develop options with Kenya for stronger maritime-domain awareness, coastal and port security, interdiction capabilities, border security, and information sharing. The strategy shall complement United States and international counter-piracy efforts concerning Somalia and the western Indian Ocean.

Sec. 6. Accountability and Human Rights.

The Secretary of State shall make law-enforcement professionalism, accountability, and respect for internationally recognized human rights a central subject of bilateral consultations. Where permitted by law, new or expanded discretionary security assistance shall incorporate appropriate vetting, end-use monitoring, training, and accountability safeguards. United States officials shall press for credible investigation and appropriate accountability concerning substantiated cases of unlawful killing, enforced disappearance, torture, or other serious abuse.

Sec. 7. Anti-Corruption and Financial Integrity.

The Secretary of State, Secretary of the Treasury, Attorney General, and heads of relevant agencies shall strengthen cooperation with Kenya concerning corruption, illicit finance, procurement integrity, asset recovery, and financial transparency. Where statutory criteria are satisfied, existing targeted sanctions and other lawful authorities may be considered against persons responsible for serious corruption or serious human-rights abuse.

Sec. 8. Assistance Review and Conditions.

Within 45 days, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and other appropriate officials, shall review discretionary United States assistance to Kenya. To the maximum extent permitted by law, programs shall include measurable objectives, auditing, anti-diversion controls, end-use monitoring where appropriate, and consequences for material noncompliance. Nothing in this order authorizes withholding funds contrary to an Act of Congress.

Sec. 9. Trade and Investment.

The United States Trade Representative and the Secretaries of State, Commerce, and Treasury shall pursue mutually beneficial improvements in United States-Kenya trade and investment, including market access, transparent regulation, customs and trade facilitation, digital commerce, anti-corruption standards, and opportunities for United States businesses. Any binding trade commitment shall be concluded only through legally available authority and procedures.

Sec. 10. Coordination With Somalia Strategy.

The Secretary of State shall coordinate implementation of this order with the United States Somalia stabilization and counter-piracy strategy. Consultations with Kenya shall seek practical cooperation on Al-Shabaab, piracy, cross-border threats, maritime security, intelligence sharing, and regional economic stability while respecting the sovereignty of Kenya and Somalia.

Sec. 11. Sixty-Day Presidential Report.

Not later than day 60 after inauguration, the Secretary of State shall provide the President a report describing: (1) bilateral consultations completed; (2) the status and outcome of the requested presidential meeting; (3) counterterrorism and maritime-security initiatives; (4) assistance accountability measures; (5) human-rights and anti-corruption engagement; (6) trade and investment initiatives; and (7) actions requiring additional legislation or appropriations.

Sec. 12. General Provisions.

(a) Nothing in this order shall be construed to override an Act of Congress, authorize military force not otherwise authorized by law, or impair the sovereignty of Kenya.

(b) Assistance and security cooperation shall be provided only as permitted by applicable law and subject to the availability of appropriations.

(c) Nothing in this order shall impair the authority granted by law to an executive department or agency or the functions of the Director of the Office of Management and Budget.

(d) This order creates no right or benefit, substantive or procedural, enforceable at law or in equity against the United States, its agencies, officers, employees, or any other person.

THE PRESIDENT

THE WHITE HOUSE,

_____, 20__.

LEGAL DRAFTING NOTE

This order uses diplomacy, program conditions available under existing law, targeted-sanctions review, security cooperation, and trade negotiations rather than purporting to command Kenya. Kenya is a sovereign state and a longstanding U.S. security and economic partner. Any assistance condition, sanction, expenditure, military activity, or binding trade commitment must rest on applicable statutory and constitutional authority.

Authorities and current policy materials reviewed: Article II of the Constitution; applicable foreign-assistance, sanctions, defense, and trade authorities; U.S. Department of State materials on the U.S.-Kenya strategic partnership and security cooperation; U.S. Trade Representative Kenya trade data; and Treasury Global Magnitsky authorities.