

**DECLARATION**

I confirm that this research project is my original work and has not been submitted for examination in any other university for the award of a degree.

Sign.....

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Shariff Tahira

R50/76018/2014

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**Declaration by the Supervisor**

This Research Project has been submitted for examination with my approval as the University Supervisor.

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Dr. Martin Atela

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**UNIVERSITY OF NAIROBI**  
**COLLEGE OF HUMANITIES AND SOCIAL SCIENCES**  
**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**HUMAN SMUGGLING ACROSS KENYA-ETHIOPIA BORDER**

**BY**

**SHARIFF TAHIRA, R50/76018/2014**

**A RESEARCH PROJECT IN PARTIAL FULFILLMENT OF THE**  
**REQUIREMENTS FOR THE AWARD OF MASTERS DEGREE IN**  
**INTERNATIONAL STUDIES**

**SEPTEMBER 2016**

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## **DEDICATION**

I dedicate this work to my late daddy Mohamed Shariff Tahir whom I always value and look up to him as my guardian angel and to my dearest Mother who has been my guiding principle in life. This work is also dedicated to my loving husband Ahmed Wako who has been encouraging me to pursue my studies and granted me enormous support in conducting the research and my little angel Mahir Ahmed whom I really love. Finally, the study is dedicated to all my sisters Ramla, suada, Naima, Lule, Fatma and Yusra without forgetting my two brothers Abdulfatah and Jeilan whom I always treasure. I cherish you all

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Fourthly, I sincerely thank My Husband for his continued support, motivation and encouragement during the entire period of research and finally many thanks to the key informants and participants of the study as well as those whom I used their literature to source the secondary data.

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## **LIST OF ABBREVIATIONS**

AU –	African Union
CPU-	Child Protection Units
FSCE-	Forum for Street Children
GAO-	Government Accountability Office
ICMPD-	International Centre for Migration Policy Development
IGAD-	Intergovernmental Agency for Development
ILO-	International Labour Organization
IOM -	International Organization for Migration
KCIA-	Kenya Citizenship and Immigration Act
LAPSSET-	Lamu Port and Southern Sudan-Ethiopia Transport
NGO-	Non-Governmental Organization
RSA-	Republic of South Africa
SNNPR-	Southern Nations Nationalities and People Region
UNODC-	United Nations Office on Drugs and Crime

## ABSTRACT

Due to the low levels of investigation, prosecution and conviction of human smuggling especially across Kenya Ethiopia border there has been an increase in number of humans being smuggled from Ethiopia through Kenya to South Africa and to some extent Kenyans being smuggled through Ethiopia to places like Libya. It was in lieu of this that the researcher undertook study on the processes, magnitude and tactics used by smugglers to smuggle immigrants and examined social economic impact of human smuggling so as to provide various mechanisms in dealing with it. To achieve this, the research employed qualitative research design and a case study (Kenya Ethiopia border) was adopted. The population of research included the illegal migrants, the border officials in both countries and finally the smuggling facilitators and brokers. Snowballing sampling was used for the immigrant and the smugglers whereas purposive sampling used for the other group of population. The data were collected through in-depth interview, key informant interviews and telephone interviews as well as sourcing secondary data to get policy related information. The study found that that youth aged between 22 years to 34years are smuggled from southern Ethiopia by a smuggling cartel operating from border town of Moyale through Nairobi. The findings established the main route for smuggling Ethiopians from Moyale is through Moyale-Marsabit-Isiolo highway, then Moyale-Wajir Route through Bosnia and other undesignated roads known to the facilitators. Different tactics were employed to secure safe border passages through fake passport, Kenyan birth certificates, medical referral form and finally through bribing of officials. Lorries and trucks with hidden compartments were used to transport the smuggled migrants. Smuggling has impacted the countries involved by draining the productive labour from the source country and causing destabilization of labour market in destination country in addition to security threat and high cost of repatriation. The migrants were also faced with various difficulties in the process and among them is congestion and over-crowding which has led to death and abandonment by the smugglers. The study concluded that the vulnerability of migrants has been fueled by push factors such as poverty, diaspora influence and availability of smuggling cartel to provide services, the smugglers are pulled to smuggling due to low investment opportunity and availability of corrupt official who work in cohort with the smugglers to facilitate the operation. The study recommended three major strategies on curbing the smuggling menace and these are through deterrence of smuggling, protecting the smuggled migrants, and prosecuting the smuggling cartel.

## **CHAPTER ONE**

### **INTRODUCTION AND BACKGROUND TO THE STUDY**

#### **1.0 Introduction**

According to US government estimates, 600,000 to 800,000 persons are smuggled and/or trafficked across international borders annually<sup>1</sup>. In addition IOM approximates up to 20,000 Somali and Ethiopian immigrants to be smuggled into Kenya annually with the South Africa as their final destination. In another report on regional migration summary<sup>2</sup> Kenya is believed to accommodate a total of 608, 974 asylum seekers and refugees. This study intends to unravel the practice of human smuggling across Kenya Ethiopia border, establish the causes of smuggling and finally asses the social economic impact of human smuggling on the smuggled migrants and the countries involved.

#### **1.1 Background to the study**

It is apparent that the high level migration especially from horn of Africa to Europe, South Africa and other parts of the world is causing concerns among the affected states and international organizations. The movements, which have become more complex in recent years, involve groups such as asylum-seekers, refugees and irregular migrants.<sup>3</sup> ICMPD<sup>4</sup> attributes the huge number of immigrants to Kenya from the Eastern African region to Kenya's strategic geographical location and cultural ties.

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<sup>1</sup> US GAO 2006 Human trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-Trafficking Efforts Abroad, US Government Accountability Office, Washington D.C. US.

Regional migration summary 2013.

<sup>3</sup> IOM U 2013 A Discussion Paper For discussion at the Regional Ministerial Meeting on Promoting the Rule of Law and Human Security in Eastern Africa Nairobi, Kenya.

<sup>4</sup> International centre for migration policy development (ICMPD 2008). East Africa migration route initiative, gaps, needs and analysis report. Country report, Ethiopia, Kenya and Libya.

In human smuggling case, a country may be termed as a source of smuggled migrants, a transit country where migrants are smuggled through and a destination country where the smuggled individuals' end for permanent illegal stay. In the case of this paper, the study will be focusing on the smuggling from Ethiopia referred here as (source country), Kenya which serves as transit country and final destination which is South Africa. In this case, brief introduction of all the above three countries will be essential.

### **1.1.1 Ethiopia**

Ethiopia considered to be most populated country in Africa second to Nigeria and the current population estimate is now 86 million of which 46% fall within the 1-14 age range; 51% between 15 and 64; and 3% are over 65. Approximately 17% of the population is estimated to live in urban areas and the growth rate is estimated at 3.2%. The country is the 27<sup>th</sup> largest in the world based on total land area covering an area of 1.14 million square Kilometres (944,000 square miles)<sup>5</sup>. The country is however affected by a number of ethnic conflicts that highly affected the economy and hence increasing the poverty level. Studies have shown that 70% of the population suffers from poverty or periodic famines, due to unstable rain-fed agriculture and a government which controls land property which affects the productivity in the country thus exacerbating the poverty level.<sup>6</sup>

In Ethiopia, Hossana is a major region where the migrants to South Africa originate. It is about 15,000 square kilometers with a population of about 10 million people. Due to land pressure,

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<sup>5</sup> *ibid*

<sup>6</sup> *ibid.*



relatively high unemployment among the younger population and widespread poverty the region is the prime source of people struggling to move out in search of better prospects thus becoming target for smuggling.<sup>7</sup> The immigrants view South Africa as the dream land for better employment and higher living standard due to success stories from their countrymen.

### **1.1.2 Kenya**

Kenya covers 581,309 km<sup>2</sup> (224,445 sq mi), and had a population of approximately 44 million people in July 2012.<sup>8</sup> Agriculture is a major employer; the country traditionally exports tea and coffee and has more recently begun to export fresh flowers to Europe. Service Industry is also a major economic driver. Compared to other African countries, Kenya enjoys relatively high political and social stability. Moyale town split between Kenya and Ethiopia where the larger portion is in Ethiopia (in the Oromo region), and the smaller is in Kenya. This is a small market town where the processes of cross border smuggling begin with involvement of various brokers and smugglers.

### **1.1.3 South Africa**

The Republic of South Africa (RSA) is a country located in the Southern Part of Africa. It has 2,798 kilometres (1,739 mi) of coastline that stretches along the South Atlantic and Indian oceans. South Africa is the 25<sup>th</sup> largest in the world by land area, and with close to around fifty three (53) Million people and it is the world's 25<sup>th</sup> most populated nation.<sup>9</sup>

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<sup>7</sup> Teshome D. Kanko, Ajay Bailey, Charles H. Teller: Irregular migration: *Causes and Consequences of Young Adult Migration from Southern Ethiopia to South Africa*. Paper Presented at the XXVII IUSSP International Population Conference August, 2013 Busan, South Korea.

<sup>8</sup> . <http://en.wikipedia.org/wiki/Kenya>. Accessed on 1<sup>st</sup> march 2014.

<sup>9</sup> [http://en.wikipedia.org/wiki/South\\_Africa](http://en.wikipedia.org/wiki/South_Africa)

According to the World Bank South Africa is ranked as an upper-middle income economy and is considered to be a lately industrializing Country. South Africa is considered to have a diverse economy, the second largest in Africa after Nigeria. South Africa is home to an estimated 5 million illegal immigrants, including some 3 million Zimbabweans.<sup>10</sup> South Africa is also considered to have high GDP as compared to other African Countries.

## **1.2 Statement of the Problem**

Due to the low levels of investigation, prosecution and conviction of human smuggling especially across Kenya Ethiopia border there has been an increase in number of humans being smuggled from Ethiopia through Kenya to South Africa and to some extent Kenyans being trafficked to Libya through Ethiopia. In addition to this, lack of enough capacity and resources in handling this crime further fueled by the rate of corruption in the border town of Moyale makes the business of smuggling to be a multimillion transaction and a flourishing industry for the Smugglers.

Human smuggling affect vicious circles of people the illegal immigrant being the major bearer of the pain in terms of death, persecution, abandonment and arrest among many other threats to their lives. On the other hand, the host country will be faced with negative impact such as threat to security due to presence of immigrant who might be a drug and small arms smuggler or even may be a terrorist with intention of carrying out terror attack. Finally the sending country may

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<sup>10</sup> [http://en.wikipedia.org/wiki/South\\_Africa](http://en.wikipedia.org/wiki/South_Africa)

be faced with development challenges especially due to loss of energetic population which provide the required skills and intellectual support towards country's development.

Although much attention has been given to human trafficking both domestic and international, but little attention is given on trans-border smuggling and overall impact this will have on the immigrants and the countries involved. With this in mind, the researcher saw the need to bring to light the practice of human smuggling, the processes and the route used by the smugglers and the general impacts brought about by smuggling immigrants across Kenya Ethiopia border to South Africa.

### **1.3 Objectives**

The main objective of this study is unravel how the process of human smuggling is undertaken across Kenya Ethiopia border.

The Specific objectives of the research are:

- To investigate why human smuggling is highly increasing along Kenya-Ethiopia border;
- To examine the processes and the route used in smuggling immigrants from Ethiopia through Kenya to South Africa;
- To assess the social economic impact of human smuggling across Kenya Ethiopia Border.

### **1.4 Research Questions**

- What are the processes involved in the smuggling of Ethiopian immigrants into Kenya so as to proceed to South Africa?

- What are the major factors contributing to smuggling of Southern Ethiopians to South Africa through Kenya?
- What are the social economic impacts of human smuggling across Kenya Ethiopia border?
- What are the possible strategies that can be employed in to reduce or curb the problem of human smuggling across Kenya Ethiopia border?

### **1.5 Justification of the Study**

The research intends to fill the gap in knowledge with regard to human smuggling from Ethiopia to South Africa through Kenya's border. The knowledge will be useful to the stakeholders concerned with human smuggling and/or trafficking including the Non-governmental organizations, civil society and the population at large.

The research intends to inform policy makers especially the trans-border related policies on how to deal with the problem of human smuggling as well as understanding the major causes of human smuggling across Kenya Ethiopia border. It is apparent that Kenya and Ethiopia enjoys a very close international relations especially in areas of peace and security, therefore the countries need to identify any threat to the security in the region and there is nothing as important as human security which is highly violated by human smuggling or/ and trafficking. Thus, the analysis of situation around the human smuggling across Kenya Ethiopia Border will inform the government policy makers on the magnitude of human smuggling in the two countries.

Finally the outcome of the research is meant to create awareness to the public on the dangers involved in the processes of human smuggling which includes abandonments, coercion, death and persecution so as to deter the potential immigrant from resorting to the illegal practise of human smuggling.

### **1.6 Operationalization of key Concept**

**Human trafficking:** The process that includes the recruitment, transportation, transfers or harboring of victims through an element of force, coercion, deception with the ultimate goal of exploitation and forced labour.

**Irregular migrants:** group of people whose details are not documented because of their clandestine entry or by use of fraudulent documents where they enter through conventional routes. They include smuggled migrants, trafficked migrants, people who have overstayed their visas and those working without the requisite authorization.

**Returnees:** those individuals who have been able to reach their destinations but came back due to social economic injustices against them by the host country.

**Illegal immigrant:** The individuals who want to be smuggled to a foreign country or have tried to be smuggled but were caught and deported by the government authorities.

**Diaspora:** The persons who are living abroad after successfully migrating to a foreign country

**Smuggled migrants:** Individuals who are helped to get access to illegal entry into a foreign country by a smuggler

**Law enforcement agencies:** Police officials guarding various roadblocks and barriers, immigration officials and other government agencies involved in immigration issues.

## **1.7 Conceptual Framework**

Two theories have been proposed for the analysis of human smuggling phenomena by the researcher. The theories are the Rational Choice theory and Bales theory of modern day's slavery.

### **1.7.1 Rational Choice theory**

In applying rational-choice theory it is believed that individual compare cost and benefits in order to get the best out of any given transaction. For the smugglers, they weigh the cost of financial benefit from smuggling and the risk involved, while the potential migrant weigh the cost of torture and all kinds of coercion against their dream opportunities of economic prosperity in the destination country. In this case, both genuine as well as criminal businesses are profit-driven and all this involve rational choice to increase profit for both smugglers and the smuggled. The "profit" for the smuggled is the opportunities they anticipate to get, while the smuggler gets profit from the smuggling and transporting of immigrant across borders.

The rational choice theory is meant to enrich this research in order to understand why human smuggling market is profitable, considering the demand, costs, risks, revenues, and profit margins and consequently to remove a powerful incentive and disrupt the trade. In order to accomplish this goal, the study will focus on smuggling at the individual level (Rational Choice), explaining decisions individuals take while conducting a cost-benefit analysis and justifying their actions.

Despite the preposition by the tenets of Rational choice theory that criminals cease to commit crime if given better option, this is not true for the case of Moyale border, As such in Moyale the

business of human smuggling continues to be highly profitable such that strength and determinations of smugglers are increasing day by day. They usually shift tactics by changing their smuggling routes, bribing government officials at the border and using different vehicles from place to place so as to avoid identification and leakage of information. The above skills have made the smugglers so professional in handling their illegal business and thus the profit accrued outweigh the incentive to quit the job. Therefore, there is extreme need from the government and policy makers to put in place severe punitive mechanism to deter the criminal so that the risk of smuggling can outweigh the profit from smuggling.

### **1.7.2 Bale's Theory of modern day slavery**

Bales theory proposes that although every case of human trafficking is unique, each case of trafficking still shares similar aspects.<sup>11</sup> When setting out to explain what factors determine human smuggling into a country, Bales declared that governmental corruption, availability of employment, economic well-being, economic opportunity, and the demographic profile can be factors which determine human smuggling into a country<sup>12</sup>. The research will apply the above mentioned variables to proof whether they are the major "pull factors" which attract many young Men from Southern Ethiopia to pursue "southern dream".

Bales' makes note of three basic phenomenon at work which foster trafficking of human beings.

The factors are:

- within the origin countries, an endless supply of victims remain available for exploitation

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<sup>11</sup> Bales, K. "Testing a Theory of Modern Slavery." Washington, DC 2005. Available at <[www.freetheslaves.net](http://www.freetheslaves.net)>.

<sup>12</sup> *ibid*

- within the destination countries there seems to be an endless demand for the services of the victims and
- systematized criminal networks, which have taken control of this economic “supply and demand” situation and exploit trafficked persons in order to generate enormous profits for themselves <sup>13</sup>.

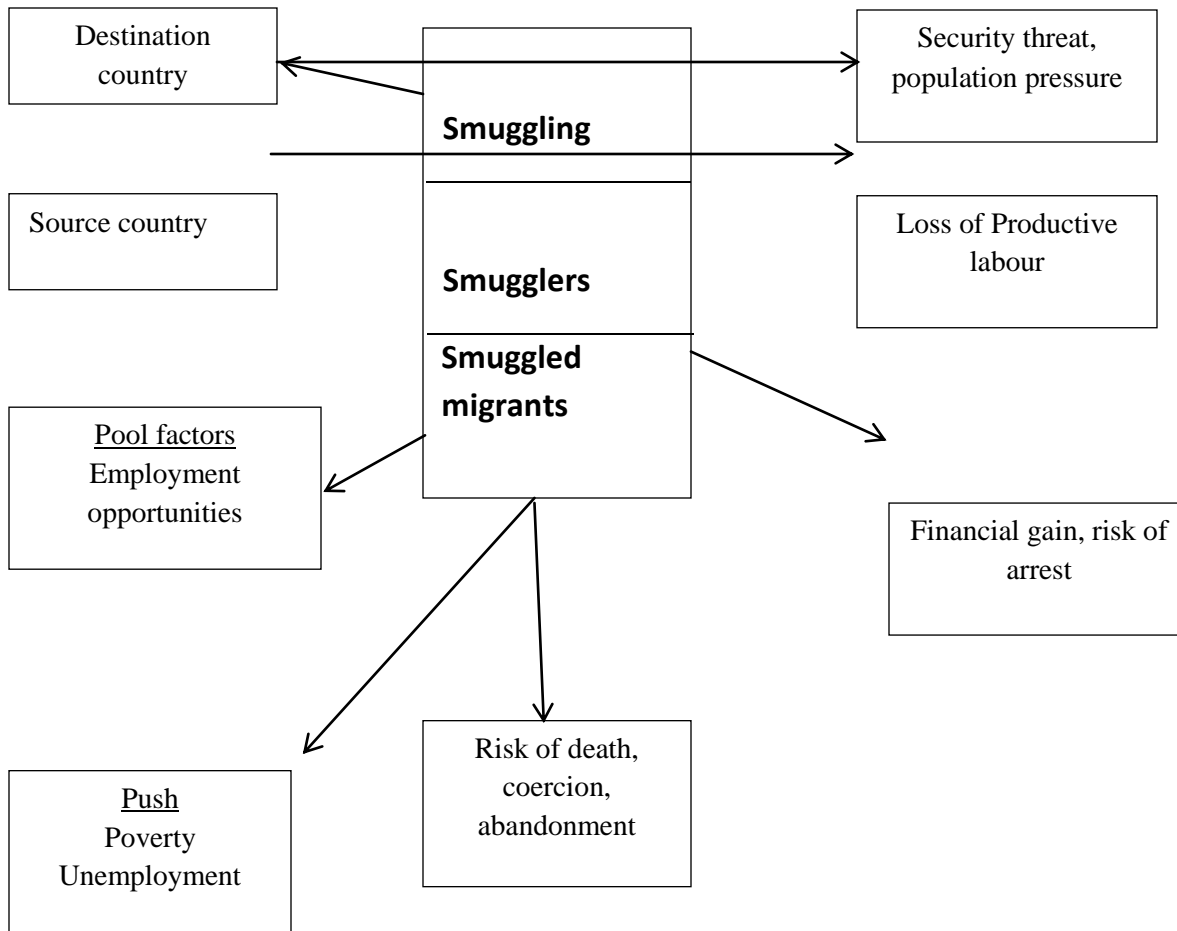
The research will attempt to use the theories of human trafficking proposed by Bales, in understanding the factors that contribute to smuggling from Ethiopia through Kenya to South Africa .Through doing so, the dynamics of the push – pull factors of the smuggling process and some of the underlying factors which induce smuggling will be identified to accomplish a deeper understanding of the forces at work behind human smuggling across Kenya Ethiopia border.

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<sup>13</sup> Ibid



**Figure 1: Conceptual Model**



**Source:** Researcher 2016

The diagram has been developed to explain the connectedness of human smuggling process. First there is the Source Country and the destination country which faces threat of loss of productive labour and insecurity as well as population pressure respectively. Secondly the smuggler tries to balance between the financial gains accrued through smuggling against the risk of being arrested. Finally the smuggled immigrants are attracted by the employment and better opportunities in the destination country so as to evade the poverty in the host country; however the migrants also risk

their lives in terms of coercion, abandonment and even death in order to pursue their dreams. This connectedness has been explained in the two theories discussed above.

## **1.8 Literature Review**

In this section the study will identify the literatures on areas of human smuggling and trafficking in general by reviewing international system at large and later on narrowing the literature to the case being reviewed. The researcher will study various books, articles by international organizations, reports by various international organization such IOM and UNODC among others and finally unpublished thesis from the University of Nairobi so as to identify the gaps in literature.

In this study human smuggling and human trafficking will be used as intimately related since both contain elements of deception and threat to human life through dangerous transportation route. As such, both the term will mean the process through which humans are transported from their place of origin with or without their consent either through legal or illegal means to a place of destination either for the purpose of exploitation or helping them achieve their goals with the main goal of achieving financial or material benefit. Additionally, the process of transportation involves various threats such as abandonment, coercion, sexual abuse, financial exploitation and sometime death before reaching the final destination.

Studies have shown that Human smugglers provide various choices for the individual who are wishing to migrate by expediting illegal border crossings and providing false papers and funds needed to cover the cost of travel and relocation<sup>14</sup>. Despite the fact that almost every country has

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<sup>14</sup> Demleitner, N. 2001 “The law at a crossroads: the construction of migrant women trafficked into prostitution”, in D. Kyle and R. Koslowski (Eds),

an immigration rules, only a handful nations have anti-trafficking laws to deter the illegal migration. Those countries with anti-trafficking laws tend to have little enforcement of those laws<sup>15</sup>.

Irregular migration is of diverse social and economic consequences not only on the areas of origin, transit and destination, but also on the migrant themselves. It is reported that irregular migration endangers the lives of the migrants concerned where large but unknown numbers of people die each year trying to cross land and sea borders without being detected by the authorities. Smugglers may extract a high price from migrants, sometimes charging thousands of dollars. The means of transport used by migrant smugglers are often unsafe, and smuggled migrants who are travelling in this way may find themselves abandoned or end up being arrested and thereby fail to accomplish the journey they have funded. According to reports the revenue from human trafficking is large, an annual estimated average of US\$ 13,000 per trafficked victim totaling US\$ 32 billion<sup>16</sup>. In the United States estimates the amount from trafficked individual as US\$ 100,000 each whereas slavery is assessed to be a US\$ 13 billion industry.

### **1.8.1 The possible factors contributing to Human smuggling**

The world has become a global village due factors such as globalization which has increased movement across international borders. In every part of the world exists vulnerable individuals

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Global Human Smuggling: Comparative Perspectives, Johns Hopkins University Press, Baltimore: 257–293.

<sup>15</sup> Salt, John, (2000), “Trafficking and human smuggling: A European perspective”, *International Migration*, V. 38, N.3, pp.31-56.

<sup>16</sup> Belser, P. 2005 “Forced labour and human trafficking: estimating the profits”, Working paper no. 42, InFocus Programme on Promoting the Declaration on Fundamental Principles and Rights at Work, International Labour Organization, Geneva.

who are prone to exploitation from group such as smugglers and traffickers. As Schloenhardt puts it “*the demand for slave labour is an impetus for criminals to create an illegal market*”.

Available literatures reveal that the movement of Ethiopians to South Africa started early 1991 after the fall of Dergue regime.<sup>17</sup> The revolution in government and the termination of apartheid in early 1990s in RSA increased the migration of youth as the IOM<sup>18</sup> report states. The IOM report further underlines that approximately 65,000 to 70,000 of Ethiopians make their home in RSA. The figures are increasing every week due to the influx of new arrivals, mainly from large-scale, successful smuggling operations in Ethiopia and over 95% of them enter South Africa through irregular means and regularize their situations rapidly through its asylum policies<sup>19</sup>.

Globalizations and improved telecommunication has a great share in influencing human migration as Widgren<sup>20</sup> argues that the new practical possibilities to connect with other countries offer better chances for potential migrants to take departure decisions. Moreover, although migrants continue to cross national borders by foot, improved transportation networks, including cheap and rapid air travel, now mean that irregular migrants have additional means to cross borders, and no longer move mainly from neighboring countries.

In the case of East Africa and Northern Frontier countries, there is Insufficient trafficking controls, thereby making these countries a suitable transit point for smuggling of humans across

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<sup>17</sup> Messay M. “*South Africa: the Dream Land*. Addis Admass Magazine November 22 to March 10, 2005 page 8, Addis Ababa: Admass Advertising.

<sup>18</sup> IOM 2009 *In Pursuit of the Southern Dream: Victims of Necessity, assessment of the irregular movement of men from East Africa and the Horn to South Africa*. International Organization for Migration: Geneva. 2009

<sup>19</sup> Sinedu, H. *An Irregular Migration of Men that Needs Focus*. Addis Zemen Magazine, November 15, 2009 page 11. Ethiopian Press Agency: Addis Ababa.

<sup>20</sup> Widgren, J. (1994). Multilateral co-operation to combat trafficking in migrants and the role of International Organization for Migration (IOM), *Seminar on International Responses to Trafficking in Migrants and the Safeguarding of Migrant Rights*, Geneva.

international borders. In addition Corruption amongst law enforcement agencies is assessed as another defining variable that breach the human trafficking law.

### **1.8.2 The Route Used and Processes of Travelling**

For most smuggled young adults migrating down to RSA from the southern parts of Ethiopia, the conditions of travel are harsh and much more difficult than what they expect. According to Teshome et al, Information gained from discussion with returnees depicts that the migrants are transported in group of 15-20 or in some cases they are put in groups of 50 or more.

Human smugglers use unorthodox means to conceal their ‘human cargo’ so as to avoid detection by security agents. These include use of containers, false compartments of vehicles, and improvised canoes among others. They also use dangerous routes in order to minimize possibility of arrest. By so doing, the smuggled persons are left vulnerable and may get hurt, drown or suffocate to death. It is therefore important to understand how this can be avoided by sealing loopholes and coming up with sound policies to curb this vice<sup>21</sup>.

Regarding the type of organized crime and human smuggling networks, the literature revealed that the human smuggling between southern Ethiopia down to South Africa as close to the supermarket model described by Shelly<sup>22</sup>. This model is depicted to have low costs, high level of failures at borders and numerous actors acting autonomously or in loose connection. Here, costs increase with increased boarder security.

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<sup>21</sup> Horwood, C. (2009) In Pursuit of the Southern Dream: Victims of Necessity. Assessment of the Irregular Movement of men from East Africa and the Horn to South Africa. Geneva: IOM.

<sup>22</sup> Shelley, L. *The Business of Human Trafficking*. A presentation at OSCE Vienna on October 03, 2011. Accessed on 21 May, 2012 from <http://www.osce.org/cthb/84647>.

Corruption, according to Araia is one of the key methods used in human smuggling as it lowers the risk in one of the most vulnerable part of the journey<sup>23</sup>. Most media report of arrest of illegal migrants in Kenya especially Somalis and Ethiopians show that corruption plays a key role. Many of these illegal immigrants pass through immigration controls and various road blocks only to be arrested inside the country.

A study conducted by Cheruiyot revealed that the Kenya Citizenship and Immigration Act 2011(KCIA)<sup>24</sup> has a shortcoming as it does not domesticate the Human Smuggling Protocol contrary to the recommendation of the protocol. It is still an offence to enter Kenya illegally regardless of whether one is smuggled. Smuggled persons are therefore liable to prosecution rather than protection as envisaged by the protocol. According to the same study whereas there is a whole law on countering trafficking in Kenyan law, human smuggling is given less prominence despite the fact that the two protocols are part of the three protocols that supplement the United Nations Convention against Transnational Organized Crimes (UNTOC) and therefore should be treated as equally serious.

In Ethiopia most of the trafficked victims are transported through Djibouti to various destinations Gulf Countries topping the major destination despite the recent trend where Kenya has become the major transit country. The journey involves the use of overloaded pick up cars, containers ferrying cabbages which increase the vulnerability of the migrants. The migrant get very

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<sup>23</sup>Araia, T. 2009 Report on Human smuggling across the South African /Zimbabwe Border. Forced Migration Studies Programme Wits University, MRMP Occasional Report March 2009.

<sup>24</sup> Cheruiyot, J. K. Assessing the capacity of the department of immigration in the Control of human smuggling in Kenya: a case of Somali and Ethiopian illegal immigrants. Unpublished Ma theses university of Nairobi.

minimal basic needs and are faced with various health complications on the way. In some instances the victims are enforced to travel on foot in order to escape police and immigration officers.

### **1.8.3 Human trafficking and Various Instruments of International Law**

Although there are various protocols on human smuggling in the international law, most countries give priority to trafficking protocol as opposed to human smuggling. In Ethiopia for instance, the focus is mainly on trafficking of women and children to Gulf countries and there is no enough report/attention on smuggling of Male to South Africa which mostly happens through trans-border smuggling through different country Kenya being the main transit. The research intends to fill the gap in knowledge with regard to human smuggling from Ethiopia to South Africa through Kenya's border.

According to a provision in Trafficking protocol state that party to the protocol must take action to penalize trafficking, protect victims of trafficking, and grant victims temporary or permanent residence in the countries of destination. As such, if a state is a party to the Convention and its Protocols, it has an obligation to create legislation that supports these provisions at the domestic level<sup>25</sup>. Despite the fact that many countries party to various protocols on prevention of human trafficking, anti-trafficking laws are problematic to enforce because victims of trafficking are hesitant to identify traffickers for fear of repercussion. The same can be translated for human smuggling cases.

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<sup>25</sup> Lindsey King. Topical Research Digest: Human Rights and Human Trafficking, International Law and Human Trafficking available at <https://www.du.edu/korbel/hrhw/researchdigest/trafficking/InternationalLaw.pdf>.

According to the US Department of State<sup>26</sup> report it shows that although, the Government of Ethiopia increased the efforts to punish and prosecute transnational traffickers; prosecution of internal traffickers is minimal. For instances there are numerous articles that outlaw trafficking cases such as Article 635 of Ethiopia's Criminal Code (Trafficking in Women and Minors) which criminalizes sex trafficking and prescribes punishments not exceeding five years' imprisonment, Articles 596 (Enslavement) and 597 (Trafficking in Women and Children) outlaw slavery and labor trafficking and prescribe punishments of five to 20 years' rigorous imprisonment. All these articles are prioritizing trafficking case whereas human smuggling has been given little attention.

#### **1.8.4 Strategies to Deal with Smuggling and the impact of human smuggling on the two countries**

Dealing with trans-border human smuggling calls for cooperation and strong communication between the parties involved. For instance, according to UNODC<sup>27</sup> Ethiopia has seen progress in dealing with human trafficking especially children. For instance, Forum for Street Children (FSCE) facilitated the establishment of Child Protection Unit in various part of Ethiopia. Every Unit was tasked to teach law enforcement officials on the rights of children and provides assistance to child victims of exploitation. The report revealed that over 1000 trafficked children

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<sup>26</sup> US Department of State 2007 Trafficking in Persons Report, Under-Secretary for Democracy and Global Affairs, US Department of State, Washington, DC.

<sup>27</sup>United National Office of Drugs and Crime 2009 :United Nations Office of Drugs and Crime Website, Vienna, <http://www.unodc.org>



were reunited their relatives'.<sup>28</sup>. This kind of success in curbing human trafficking can be translated to curb smuggling cases by increasing coordination between various stakeholders.

It is also costly to remove illegal immigrants, for instance in the year 2011 alone statistics show that 477 Ethiopians and 222 Somalis were repatriated after being arrested and charged in various parts of the country. The repatriation cost the government a total of Kenya shillings Twenty Seven Million Six Hundred and Sixty Four Thousand Nine Hundred and Sixty (Ksh 27,664,960) which is equivalent to USD 300,000<sup>29</sup>. This calls for the international organizations to increase funding for research and rehabilitating the smuggled migrants.

The UNIDOC reports proposes improved political will by the concerned States to curb the smuggling menace as well as provision of reforms in legislating human smuggling. The report further calls for increased public awareness as regards to smuggling thereby reducing the cases of smuggling and increasing regular migration of citizens. Finally the study suggests improving of training for law enforcement officials so as to increase the efficiency of investigating and prosecuting smuggling cases<sup>30</sup>.

Finally Article 11 of the smuggling protocol obligates state parties to the protocol to strengthen their border control so as to prevent and detect the smuggling of migrants<sup>31</sup>. This can be achieved through the deployment of adequate personnel who are well trained and well equipped. In

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<sup>28</sup> Trafficking in person report. US department of State 2008 pg 38.

<sup>29</sup> Department of Immigration Statistics, Kenya. 2012.

<sup>30</sup> United National Office of Drugs and Crime 2009 :United Nations Office of Drugs and Crime Website, Vienna, <http://www.unodc.org>.

<sup>31</sup> UNODC 2004 United Nations Convention Against Transnational Organized Crime and the Protocols.

addition, adequate budgetary allocations and strengthening of legal instruments also contribute towards control of human smuggling.

### **1.8.5 Gaps on Literature Review**

In various literatures reviewed by the researcher focus has been given so much to trafficking of human as opposed to smuggling cases specially in Ethiopia. There has been no clear documentation of how the smuggling processes begins from Hosana up to South Africa, there is limited information on how the smugglers negotiate with trafficked victims as well as tactics employed by the smugglers are not clearly documented, therefore, the researcher intends to fill this gap in knowledge by getting extensive information on the processes and procedures involved in smuggling of immigrant from Southern Ethiopia through Kenya to South Africa.

Additionally, the reviewed literature revealed that there are many international instruments and organization that deals with human trafficking in various countries of the world Ethiopia being one of the areas of focus. However, the focus especially in Ethiopia is irregular migration of Ethiopia's female domestic workers to immigrate through Djibouti, Somaliland to Yemen through sea. And the other area which received much attention is where oversees recruitment agencies send Ethiopia's Women to other parts of the world. This indicate that little knowledge exist about the Southern Ethiopians being smuggled to South Africa through Kenya as the Transit country. Therefore, this study sought to fill the gap in the knowledge by revealing the majors causes of human smuggling from Southern Ethiopia, the actors involved in the smuggling and the major routes used by the smugglers to transfer the migrants.

Finally, there have been very little or no strict policies between the government of Kenya and Ethiopia on how to handle cross border human smuggling, procedures on detention and deportation of the victims. This study intends to fill this gap in policy formulation on proper handling of cross-border human smuggling cases.

### **1.9 Research Methodology**

The researcher employed qualitative research design where a case study of Kenya and Ethiopia border was adopted. The population of research included 20 illegal immigrants and returnees from South Africa, 6 border officials in both countries and 6 smuggling facilitators and brokers thereby making the sample size to be summing up to 32 persons. The sampling method used was snowballing for the migrants and the smugglers whereas purposive sampling was used for the other group of population.

The data was collected through in-depth interview, Key informant interviews, telephone interviews and administering questionnaires as well as sourcing secondary data to get policy related information. The data was analyzed using statistical packages of social sciences as well as manually and the final result has been presented in the form of a report. Ethical considerations has been given due respect since the study topic is a sensitive issue. In this case the study subjects have been given an informed consent form to get their free consent to participate in the study. Secondly, the researcher promised the study population that the information gathered will be used without causing any harm to them. Finally throughout the study the anonymity of the study group have been highly maintained in presentation of the data.

### **1.10 Limitations and scope of the study**

The study was undertaken both in Kenya Ethiopia border, where the researcher travelled to Moyale to be able to get primary data from the repatriated migrants, Returnees from South Africa, brokers, smuggling facilitators and the potential migrants.

The researcher faced the problem of getting up to date data on exact statistic on human smuggling especially in southern part of Ethiopia. This is basically because most of the intervention and research are carried around areas of women trafficking to Middle East countries from Oromia region of Ethiopia. Nonetheless to overcome this challenge the researcher tried and gets estimated statistics from Kenya and Ethiopia border officials.

The human smugglers, brokers, returnees' as well as potential migrant are "hidden group" such that it became difficult to find them therefore posing challenges to sampling procedures. To overcome this, the research employed snowball system of sampling so as to identify the study population. The researcher was denied access to information from Kenya's Migration office despite identification from the University, this required the researcher to get permit from provincial headquarter in Embu and In Nairobi which was also challenging but this was overcome by getting some willing officials to fill the questionnaires. Finally the researcher wanted to travel to Hosana but due to insecurity reason that option was dropped and information was gathered through telephone interviews.

### **1.11 Chapter Outline**

This research paper has been categorized into five main chapters:

1. Background and introduction to the study, Literature review, problem statement, justification of the study, conceptual framework, research methodologies and limitations of the studies;
2. The major pull factors and push factors with regard to irregular migration from Southern Ethiopia;
3. Smuggling routes, source of finance for the immigrants and the entire processes of smuggling;
4. The social economic impact of human smuggling across Kenya Ethiopia border
5. Summary of the findings, conclusions and recommendations.

## **CHAPTER TWO**

### **THE MAJOR PULL FACTORS AND PUSH FACTORS WITH REGARD TO HUMAN SMUGGLING FROM SOUTHERN ETHIOPIA TO SOUTH AFRICA THROUGH KENYA**

#### **2.0 Introduction**

This chapter will explore the first specific objective of the study which is to investigate why human smuggling is highly increasing along Kenya-Ethiopia border; in this section the study will examine the contributing factors to human smuggling by discussing the major push and pull factors as regard to migrant smuggling of Ethiopians through Kenya to South Africa. To achieve this, the discussion will be divided into different subheadings namely: Profile of the smuggled

individuals, the push-pull factors as regards to human smuggling and finally theoretical analysis of push-pull factors.

## **2.1 Profile of the Smuggled Migrants**

This section seeks to discuss the profile of the smuggled migrants using various variables such as place of origin, age at the time of migration, education background and socio-economic status.

### ***2.1.1 Place of origin of smuggled migrants***

This study focused on the smuggling of persons from the Southern Ethiopia through Kenya to South Africa; as such the research discovered that most of the respondents were from Warabe, Hosana and Hadiya districts respectively. In addition few cases of female from Oromia and Harar region were found to be smuggled to Nairobi to join their families with further desire to travel abroad to places such as the United States of America and other European Countries. Besides there are more than 80 ethnic groups in Ethiopia but the irregular migration to South Africa is dominated by *Kembata-Tembaro* and *Hadiya*.

Since Kenya and Ethiopia migration policies abolished Visa it has become easy for people to cross borders with fake identification documents and easily travel to Nairobi so as to travel to various destinations. The migrants found it easy to travel through Kenya because it is very difficult to get direct Visa to South Africa from the relevant authorities in Ethiopia; therefore Moyale border becomes the best alternative forcing thousands of migrants to travel all the way from Hosana and other region to Moyale so as to pursue southern dreams.

### ***2.1.2 Age bracket of smuggled migrants***

The finding revealed that most smuggled migrants from southern Ethiopia through Kenya to South Africa are men age ranging between 22 to 34 years old. However the study identified few cases of women who are smuggled to Kenya from Oromia region such as Shashamane and Harar to work as domestic workers in Kenya or join the families in Nairobi to operate their own business with the anticipated dream of travelling abroad to places like United States of America. This group consists of girls between ages 17 to 26 respectively.

### ***2.1.3 Educational background***

In terms of education status, most of the 20 migrants interviewed were either school dropout at grade 8 having acquired elementary level education and never continued with secondary level education. However there are some few around 6 who managed to complete high school but saw no opportunities to achieve their desired dreams therefore resorting to smuggling in order to get better opportunities in South Africa. One migrant noted,

*“I wanted to go to South Africa after I completed class 12 and was earning only 1000birr (Kshs 4000) for my salary in agriculture bureau in Hosana. This was too small to sustain my need; I therefore decided to migrate to find better opportunities”*

### ***2.1.4 Socio-Economic Background of the smuggled migrants***

In terms of socio-economic background, most of the interviewed individuals reported a very humble status of their families which forced them to migrate in order to support their families economically. Some migrant cited economic instability as the drivers of their migration; in addition some have mentioned social problems such as death of parent as the main cause of their

decision to migrate so as to provide better life for the younger siblings. However, there are some respondents whose families were economically stable but they decided to migrate due to desire to have self-sufficiency and better life. For instance an interviewee responded:

*“We had a ginger farm and we were doing quite well as my father was earning enough to sustain us as well as provide education, on the other side my mother works in a hospital and she was also earning well, she financed my trip to Nairobi just because I wanted to become rich like my friends who went to South Africa and were able to invest back home by building apartments and hotel; however my dreams were shut when I was arrested twice in Isiolo and Nairobi and am now afraid of going back to Hosana due to shame”.*

### **2.3 The Push and Pull Factors as Regard to Human Smuggling from Southern Ethiopia through Kenya-Ethiopia Border**

Generally human smuggling is diverse; however, in every smuggling cases there exist some underlying factors which force individuals into being smuggled or trafficked. The factors are grouped under push-pull factors. Push factors are situation faced by migrants which force them to take migrating decision in order to change their lives, pull factors on the other hand are promises of opportunities by the human smuggler or the perception of the migrants that life in another city is better than their current status.

Greatest number of literatures advanced knowledge on human trafficking as opposed to human smuggling, but the findings from human trafficking can be generalized in some cases for human smuggling however differences in the economic, political and social contexts limit



generalizations, whereas certain features of irregular migration are more or less universal. This section will discuss the findings on push and pull factors of migrant smuggling from Ethiopia.

### **2.3.1 Push Factors**

#### ***2.3.1. Pressure from family to provide sustenance***

Most of the interviewed smuggled migrants reported that family pressure to provide sustenance forced them to take migrating decision. In addition parents tell their sons to migrate; after seeing successful stories from neighbouring migrants and relative. The respondents noted that most of the families in the southern Ethiopia have the relatives in South Africa thus becoming engrained in their culture to frequently engage in irregular migration. Most of the southerners have made migration to be a norm as opposed to being caused by push factors such as poverty and lack of opportunities in the host country. As such those individuals who do not migrate were seen as failures thereby intensifying the pressure to migrate despite the risks involved.

#### ***2.3.1. Absence of alternate economic opportunities***

Majority of the people in Southern Ethiopia especially Hosana and Warabe are large scale farmers farming barley, ginger and wheat among others. As such sometimes they experience poor harvests and price inflation which frustrate their livelihood opportunities. Subsequently imposition of high government taxes and many other economic pressures have forced individuals with no job opportunities to be attracted into smuggling and other ventures and migrating to other country become the most lucrative option due to successful stories from diaspora investment. In some instances informant reported that objection to arbitrary land appropriation by the government authorities led to arrest and possible detention.

### ***2.3.1. Porous border and declining border controls***

The migrants from Ethiopia are smuggled through Kenya at entry point in Moyale border which has numerous entries and the immigration office is located on the main tarmacked road and all the minor roads are guarded by the police officers. As such Migration officers to some extent blame the police manning different barriers to frustrate their effort in curbing illegal entry of migrant into the country. The Kenya migration office also claim that they are very alert on the smuggling cartel but the smugglers outdo them by shifting routes which are not designated roads, and this becomes a challenge to them due to lack of enough patrol to guard the extremely porous and remote border adding to the fact that the government is not very keen on Ethiopia border as opposed to Kenya-Somali border which is under high surveillance. The nature of the border and the visa abolition agreement make Moyale to be the best choice for smuggling the Ethiopian migrants to Kenya and also some Kenyans to Ethiopia as established in the findings of the study.

### ***2.3.1. Increasing level of poverty and lack of a reliable source of income***

Hossana is one of the smallest regions in Ethiopia. It is about 15,000 square kilometers with a population of about 10 million people. Due to land pressure, relatively high unemployment among the younger population and widespread poverty the region is the prime source of people struggling to move out in search of better prospects. Furthermore, poverty and lack of reliable source of income together are cited by substantial percentages of the respondents as main cause for migration. Both the local and national government should give emphasis for the youth through poverty reduction and employment creation. The youth should be promoted to work and

live in their homeland, by providing them credits and organizing them in micro enterprises so as to reduce their vulnerabilities to smuggling.

### ***2.3.1. Ethnic influence and belief that South Africa is the land for success***

According to the study Conducted by IOM the issues of ethnic connotation by Kembata people to South Africa where two tribes (Kembata and Hadiya) usually dominate the migration pattern was studied and it was revealed that there was once an Ambassador to South Africa. The study noted that this person, whose origin is from *Kembata-Tembaro* area, created job opportunities for some youth from his birth place when he was in his office in the Ethiopian Embassy in South Africa<sup>32</sup>. These youth have got jobs around major cities of South Africa and worked there for some years and some of them went back to Ethiopia after they saved handsomely and invested in hotels and other industries. This situation has motivated the rest of the youth in the area to migrate to South Africa.

In this case it can be summed up that the Ambassador was the triggering cause for the irregular movement of youths from *Kembata-Tembaro* and *Hadiya* areas. In addition an interview with a key informant revealed that the Kambata people stick to a belief that RSA is their original land and according to them, there are some genealogical relations between them and people of South Africa. Thus their dreams to move to South Africa have some historical connotations which need to be investigated through anthropological approach.

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<sup>32</sup> ibid

### ***2.3.1. Lack of awareness on the dangers of smuggling***

Although smuggling facilitators claim that they inform their clients of the dangers involved in the smuggling processes such as arrest, death and hardship of long distance travelling; some respondents have asserted that they were unaware of the dangers and completely believed that the facilitators will protect them after they have invested their life-long savings on the smuggling. One respondent notes *“I gave the facilitator kshs 90,000 and he promised that he will make sure I will reach south Africa without any fear, little did I know that we will be abandoned in a place they call Archers Post when Police arrested us and detained in Isiolo Prison for three Months and later deported to Ethiopia, I am now working in a hotel in Moyale but hopefully I will not give up the hope of reaching South Africa although not through smuggling”*.

### ***2.3.1. Political persecution***

The study established that Kenya Ethiopia border is not just the transit for Southern Ethiopian but other Ethiopians who claim to escape the political persecution in their Country. This study found out some University Students who due to their difference political stand were sought after by the government and they had to flee the country. In addition there are other migrants who report that defectors of the Oromo Liberation Front (OLF) fear persecution from the group and some young men who fear persecution from the State as a result of real or perceived membership to the OLF thus sought to smuggling in order to get entry into the Country and some legalize their stay through registration with UNHCR in Kenya whereas others stay illegally in the Country.

### **2.3.2. Pull Factors**

#### ***2.3.2. Better financial prospect and opportunities in destination country***

The findings observed that most migrants are employed as long distance truck drivers or some end up in driving a cab whereas few struggle to open small shops which generate pretty amount of income as opposed to country of origin due to better living standards in Country of destination.

Majority of Southerners in Ethiopia have got popular belief that there is ample employment opportunities and high standard of living which will offer a way out of endless hardship experienced in their country of origin. Although; it is true that there are a lot of opportunities in South Africa, but it comes with consequences as sometimes xenophobic attack is vented on most foreigners who end up losing their hard-earned investment in just a shot. There have been various reports on robbery and violence where armed robbers attack business places and kill the owners. For instance, a returnee from South Africa

*“I joined my cousin in Johannesburg where he was operating a small kiosk of mobile phone repairs and sell of accessories, but after sometimes thugs came and robbed us of everything and we remained with nothing”.*

#### ***2.3.2. Low investment ventures for the smugglers***

The smugglers are pulled towards smuggling due to the few risks encountered since they just employ brokers and facilitators while they operate from unknown destinations. In addition the risks of smuggling migrants are no too severe according to one of the respondent due to corruption among law enforcement officials in the government institutions which facilitate smuggling operation. Furthermore most of the smugglers view human smuggling as a business which require a very small investment with high profit return. The study showed that smugglers

charge the migrants' up to Kshs 160,000 all the way from Moyale to South Africa or kshs60, 000 to kshs 80,000 from Moyale to Nairobi. Smuggling facilitator notes that smuggling is a venture where anybody with relevant network can engage and easily get rich as opposed to other business venture which takes a lot of time to bring profit, however the risk of engaging in smuggling should be highly calculated in advance.

### ***2.3.3 Poorly Resourced Law Enforcement Systems***

Human smuggling has been depicted as profit driven business where smugglers just maximize their profits by organizing illegal entry of migrant into a foreign country<sup>33</sup>. Some Nations with poorly resourced government systems where corrupt law enforcement officials and smugglers take due advantage of this vulnerability by providing bribes to the official in order to have successfully smuggling operations.

This has been observed by the findings of the study where most of the respondents eluded that migration official and the police were bribed by the facilitator in a situation where there was leakage of information regarding the operation. Furthermore the entry borders in Moyale are not well equipped with immigration identification resources except for the major border crossing point on the main highway. Subsequently Kenyan migration officials complain of lack of enough patrol to guard the extremely porous and remote border thereby frustrating their effort to curb human smuggling and entry of aliens into the country.

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<sup>33</sup> Project Concern International: Resource manual on trafficking in Persons (tip) in Ethiopia, 2010

#### ***2.3.4 Corruption and bribing of law enforcement agencies***

The smugglers manage to control their smuggling operation by bribing the officials and the border manning police. Corruption has been cited by several studies on human smuggling where Smuggling facilitators who participated in the study cited corruption as the main driver of smuggling where they work in cohort with the law enforcement officials and the migration officials to expedite the operation. Involvement of police officer in smuggling has been exposed by the case of Kenya Police Lorry which was intercepted in Meru after it was found transporting 45 Ethiopian migrants to Nairobi.

The smugglers are pushed to smuggling by the level of corruption witnessed in government institutions and law enforcement agencies especially in transit and destination country. The officials secure fake travel documents and verify other travel documents for the smuggled migrants through bribe they receive from smuggling facilitators. Additionally, informant alludes that they are not afraid of prosecution because they can easily bribe the law enforcement agency and evade the authority.

Furthermore, the government has deployed a state of the art mobile patrol unit in Isiolo to check on illegal immigrants predominantly from Ethiopia. Besides there are numerous police roadblocks along the Moyale –Isiolo –Nairobi road but still illegal immigrants who are mainly smuggled persons are still arrested in various parts of the country. This suggests there are gaps which could be attributed to complicity by officers and the role played by corruption to facilitate human smuggling.

### ***2.3.5. Successful stories from diaspora***

The stories told by the returnees who have successfully migrated and came back to invest in the home country serve as a big influence for the potential migrant. In addition, the successfully smuggled migrants invest back in their country by building apartments and hotels and these tend to attract potential migrants into smuggling so as to achieve success like their counterparts in South Africa. The successful migrants invite their relatives to South Africa by sending them money after they have prospered thereby pulling the potential Migrant into smuggling.

### ***2.3.6 Accessibility of Combined forces of Smuggling cartels***

In Moyale, human smuggling is considered to be the quickest growing crimes and a leading source of profits for organized smugglers. Many people have turned to smuggling leaving other legal business ventures; it is due to high presence of smuggling facilitators that Ethiopians are coming to Moyale to be smuggled through Kenya to Nairobi. Some participants in the study have alluded to the role of brokers and facilitators in triggering their engagement in smuggling. The finding further associate the fabrication and propaganda provided by brokers to be fundamental in encouraging migrants to seek the services of the smuggling cartel.

### ***2.3.7. Restriction of visa by the government authority in Ethiopia to South Africa***

Interview with a broker revealed that it is not easy to get direct visa from Ethiopia to South Africa, so travelling through Moyale become the next available option. The informant also expressed that the South African embassy in Ethiopia is very strict in giving travel visas thereby forcing the migrants to seek the service of the smugglers to travel to South Africa. As a result the smuggling facilitators resort to obtaining primary documents such as birth certificates for the



smuggled migrants and sometime obtain fake passports for these migrants in order to transport them to South Africa.

## **2.4 Explanation of the Push and Pull Factors As Provided for by the Theories Applied in the Study**

Theories are used for analytical purpose in order to provide explanation for a given phenomenon which is under investigations. In this case, human smuggling as the major variable is discussed; as such the study sheds light on the dynamics and causalities behind human smuggling from Ethiopia to South Africa through Kenya using two theories in the conceptual frameworks. The study proposed to apply rational choice theory and Bales theory of modern day's slavery in the analysis of human smuggling phenomenon.

In this case the smugglers weigh the cost of financial benefit from smuggling and the risk involved, while the potential migrant weigh the cost of torture and all kinds of coercion against their dreams of economic prosperity in the destination country. For instance, in the case of Southern Ethiopians the culture of migration are strong and one explanation for continued migration and continued desire to migrate is that the drivers are simply stronger than the fear these risks might evoke. This means, despite the knowledge of the risks involved in smuggling, the victims are pushed by factors such as lack of economic opportunities and poverty to migrate to destination country.

On the other hand, the smugglers view smuggling to be highly profitable such that strength and determinations of smugglers are increasing day by day. They usually shift tactics by changing

their smuggling routes, bribing government officials at the border and using different vehicles from place to place so as to avoid identification and leakage of information. The above skills have made the smugglers so professional in handling their illegal business and thus the profit accrued outweighs the incentive to quit the job as such the profit can be a pull factor towards pursuing smuggling as a professional business venture.

However Bales theory of modern day slavery alludes that although every case of human trafficking is unique, each case of trafficking still shares similar aspects.<sup>34</sup> When setting out to explain what factors determine human smuggling into a country, Bales declared that governmental corruption, availability of employment, economic well-being, economic opportunity, and the demographic profile can be factors which determine human smuggling into a country. This has been confirmed by the findings of the study where governmental corruption especially the bribing of immigration officers and the border police aided in the illegal entry of smuggled migrants into Kenya to proceed to South Africa.

Additionally Bales's theory put across three essential variables as regard to trafficking which can be used to explain smuggling cases as well. These variables are continuous supply of victims, in these cases, individuals try as much as possible in order to pursue their dreams, this means, failure or detention does not deter the migrant from desisting from smuggling thereby providing endless supply of services to the smugglers. In the destination country, it is assumed that there is an endless demand for services of the migrant, this variable is not hundred percent true for South Africa because of the highest number of illegal immigrants estimated to be around 5 million

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<sup>34</sup> Bales, K. "Testing a Theory of Modern Slavery." Washington, DC 2005. Available at <[www.freetheslaves.net](http://www.freetheslaves.net)>.

which compete for the limited resources which has led to situation like xenophobia where locals fight for their rights which they assume were denied to them due to competition from the foreigners. The final variable which is availability of organized criminal network stand strong as has been discovered by the findings of this study. The smuggling cartels involves a well-organized system of brokers and facilitators who have taken control of smuggling business in order to generate millions of profit from illegal entry of migrants into a foreign states.

## **2.5 Conclusion**

The finding established that economic instability is essential in influencing individuals to migrate irregularly. Such irregular flows are often from relatively poor countries to countries with high gross national product (GNP) per capita. This serves true for this study as South Africa has a relatively high GNP per capita compared to other countries in Sub-Saharan Africa thereby attracting smuggled migrant from Ethiopia.

The vulnerability of most Ethiopians from Southern Nations republic to smuggling is therefore linked to the family pressure that results from the limited access to employment opportunities, influence from diaspora success stories, unemployment and poverty, corruption of law enforcement agencies, accessibility of combined forces of smuggling cartels and presence of highly porous borders in Moyale that easily encourages smuggling.

The testimonies provided in the study by various participants have conformed to the prepositions advanced in the theories applied in the analysis of the study. Here the push factors discussed above serve the vulnerability of the migrants into smuggling and the pull factors such as low investment opportunity into smuggling attracts smugglers into the industry despite the threats of

prosecution and possible arrest. Therefore the government and other international institutions mandated with immigration issues and smuggling crime should address the push and pull factors as regards to human smuggling from Ethiopia to South Africa by formulating relevant policies as well as allocating thorough resources and budget to harness the negative impact and provide legal means of migration for the populations.

## **CHAPTER THREE**

### **RECRUITMENT, SMUGGLING ROUTES AND SOURCES OF FINANCE FOR SMUGGLING**

#### **3.0 Introduction**

This chapter will explore the third objective of the study which is to examine the processes and the route used in smuggling immigrants from Ethiopia through Kenya to South Africa; The chapter will be classified in sections including background of the smuggling cartel, recruitment of the clients, Smuggling Routes and tactics of crossing borders, sources of finance for smuggling, Smuggling Operation and means of transportation and finally the conclusion.

Smuggling stories has been based on journalistic reports based on various international media. In Kenya we often hear local channels reporting Ethiopian aliens been arrested in various part of the country including Kasarani, Isiolo, Meru and sometimes Donholm. In addition it is often reported that the migrants are suffocated in overcrowded containers, abandonment in the jungle, and coercion by the authorities, and imprisonment in foreign country with minimal representation.<sup>35</sup> It is due to this that critical analysis of smuggling operations becomes very

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<sup>35</sup> In Pursuit of the Southern Dream: Victims of Necessity, assessment of the irregular movement of men from East Africa and the Horn to South Africa. International Organization for Migration: Geneva 2009

essential for the academician and policy makers in government institutions especially for the department of immigration.

As such the researcher saw the need to bring to light the smuggling operation across Kenya-Ethiopia border; although this is just the snapshot of the entire process, the findings call for the two governments to develop intensive study into the entire smuggling of Ethiopians to South Africa through Kenya and other East African Countries.

In Moyale, human smuggling is seen as prosperous industry which has led many individual to become millionaires as a result of smuggling desperate migrants across borders. The Migrants are overloaded into trucks by smugglers and sometimes they are left in safe houses in different part of the country. Kenya has been serving as a transit country and many migrants are seized by the authorities en route.

### **3.1 Background of the Smuggling Cartel**

Human smuggling is usually undertaken by series of criminal organization that recruit and transport smuggled migrants across international borders. In addition the criminal engagement in smuggling is not easily detected by the law enforcement agencies or to others who come across the victims involved, since most of the smugglers engage in smuggling of humans as a complimentary to other criminal activities such as drug and small ammunition trafficking, human trafficking and other international crimes.

Studies revealed that usually Ethiopians employ three various network to migrate to various countries; among them is the one called public migration which occurs when individuals register

as migrant workers with the relevant ministry in Ethiopia and arrange their employment abroad. The other channel is through legally registered private employment agencies in Ethiopia that provide work contract for the migrants. The final channel is resorting to service offered by smugglers to obtain illegal entry into the country of destination.<sup>36</sup> For the purpose of the study the smuggling cartel will be grouped into smugglers, brokers, facilitators, transporters and law enforcement officials.

### ***3.1.1 Chief Smugglers***

The research found that the smugglers are predominantly male and their age ranges between 28 to 40 years and in most cases these smugglers work in association with several smugglers from Kenya and Tanzania. The smuggling chains reported from the Ethiopian federal police and IOM pointed that different Somali and Kenyan top smugglers are located at key areas to facilitate the operation. In most cases, these smugglers work autonomously and with the chief smugglers rather than to have assistant facilitators drawn from localities at zonal level.

According to a key informant interview the smugglers are said to be persons who are well versed with the country of destinations and have some connections with the authorities. They are not located in one place and it is not easy to identify them, they are affluent people who can travel through the countries without difficulties to oversee the entire operation. Unfortunately the researcher was not able to interview the chief smugglers as it was very difficult to get them, however various brokers and smuggling facilitators were able to enrich the study by providing all the essential information required by the researcher.

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<sup>36</sup> Fernandez, B. (2010) *Cheap and disposable: The impact of the global economic crisis on the migration of Ethiopian women domestic workers to the Gulf*, Gender & Development, 18:2, 249-262.

### ***3.1.2 Smuggling Brokers***

The brokers are locally referred to as “Dilalas” they are believed to work from the local village and they are commonly known to the migrants.. These brokers do not have recognized and approved place of work, they usually work from rented houses, neighborhood hotels and lodgings. The broker’s main role in the process of recruitment is to look for potential migrant for smuggling, persuade the migrant of the benefit of working in foreign countries so as to earn a better living. Although the brokers seem to be concerned individual for the migrant, they actually work in cohort with facilitators and get a pretty commission for every smuggling case.

The findings revealed that in Moyale chain of brokers who have connections with the migration officials and the police force are known to involve in smuggling of Ethiopians to Kenya, they are known to the local communities and have made huge some of profit from the smuggling business. These brokers sometime leak the information on smuggling to the authorities in Migration due to misunderstandings among themselves on payment and other issues. An official in Ethiopian migration office says *‘the brokers themselves give us the information on the cartel and we are able to nab a numbers of the migrants and their facilitators’*<sup>37</sup>.

### ***3.1.3 Smuggling Facilitators***

According to key informant response, the facilitators are individual who are well conversant with immigration rules of the transit countries and destination country. They arrange for any travel documents and bribe the government officials whenever need arise. They are called upon when there is fear of arrest from the police and they negotiate on behalf of the smugglers. The facilitators play intermediary role between the smuggler and the brokers. They are always on the

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<sup>37</sup>Researcher’s Interview notes

standby for any alert and in case the information of the cartel is leaked they organize different means of transportation for the migrants.

The facilitators play a very crucial role in the smuggling processes as they are involved in arranging the transportation, safe house for hiding the migrants and also crossing various borders and police barriers. They are the people who are based in different parts of the smuggling process until the migrants are rustled to the final destination country.

Most of the brokers and the facilitators are multi-linguists speaking Amharic, borana and Swahili as well. This place them in a better position to facilitate the entire smuggling operation because they can converse well with the authorities in Kenya as well as with smuggled migrant who speak Amharic only.

### ***3.1.4 Law enforcement officials in smuggling***

According to an informant who is a smuggling facilitator, the operation is not possible without involvement of officials from the police department who provide information on the routine of police guarding different barriers along the way, in case there is anything to fear the facilitators receive the information from these officials thereby changing the strategies and the route they use for smuggling. In addition police sometimes provide their vehicles to ferry the smuggled migrants in order to avoid authorities manning different borders, this can be attested by the report on July 2015, where 100 Ethiopian illegal migrants were seized at Kangeta Meru while being ferried by Kenya Police Lorry<sup>38</sup>.

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<sup>38</sup> <https://www.kenyans.co.ke/news/video-gsu-lorry-caught-transporting-100-illegal-immigrants> accessed on 7th July 2016



On the other hand, the migration officials assist the smuggling facilitators by securing fake passport for the smuggled migrants; they also verify documents such as medical referral form and birth certificates for the migrants in order to facilitate their safe travel through Kenya.

### **3.2 Recruitment of the Migrants**

The effort to break a smuggling organization involves aiming at the phase of recruitment in the country of origin and transit countries where the migrant pass. This therefore demand coordination between the countries involved in this cycle. As such it is essential to explore the process of recruiting smuggled migrants so as to enable cooperation between government agencies in all the countries to address human smuggling. Recruitment of smuggled migrants could take various forms in terms of methods and persons involved in the process of persuading the potential migrants into smuggling. As regards to the person involved in influencing smuggling the finding established that great number of recruiters are local, returnees and relatives.

The finding revealed that the brokers employ various methods to persuade the potential migrant to be smuggled, they offer promises such as Jobs, educational opportunity and foster family arrangement.

These brokers who are well known to migrants and who have previously migrated employ their success stories to persuade the migrants; in addition returnees also entice the migrants through their version of success stories. Like human trafficking where recruiters identify the potential victim who could be convinced to be trafficked by deception or coercion, human smuggling is usually the opposite where the potential migrants seek the services of the smugglers through family members or friends in the destination Country who have succeeded through the same

processes. But in some cases, the smuggled migrant might fall for the persuasion of the smugglers who promise better living standard in the destination country and safe travelling through the transit countries.

Commonly the migrant meets the recruiter or recruiting agencies through connection from families, friends and brokers. This makes the migrant develop some trust in the recruiting agency thereby having less fear in reaching their respective destinations. The confidence the migrants develop for the recruiter in addition to the need to earn a better living makes the potential migrant vulnerable to the smugglers. The recruitment is usually voluntary where the client meets their smuggler through a friend or relative. .

Once the potential migrant identifies the brokers or the facilitators they engage in unofficial arrangement without any signed agreements between the potential migrants and the brokers. For instance Kebbe not his real name notes *‘I came to Moyale with my friends and we were introduced to the broker by a guy whom we knew, we wanted to be taken to South Africa through Kenya, the broker told us to pay kshs 60,000 to reach Nairobi and from there he can plan for our trip to reach South Africa, he guaranteed us of safe travel and we paid the money without any proof of payment or any written agreement, we were later caught in Isiolo and served for 6months in GK Prison before we were deported back to Ethiopia, since then we never met the broker nor did we get our money back’.*

### **3.3 Smuggling Routes and Tactics of Crossing Borders**

#### ***3.3.1 Smuggling routes***

According to the studies the method and routes employed by the traffickers and smugglers vary depending on transportation system, geographical conditions, and the intended destination for the migrants. The smuggled migrants are ferried by truck, pickup cars, boat, aircraft, and animals or on foot. The migrants could be concealed in can be hidden in partitions section of large truck which can be detected by the border officials and the law enforcement agencies across various borders. According to a report the smugglers provide false documentation for the migrants in order to speed up their travel and they even accompany the migrants to ensure their safe passage across various borders<sup>39</sup>. The finding of the study established that all the above means have been exploited by the smugglers across Kenya Ethiopia border in order to smuggle Ethiopians through Kenya to South Africa.

The Kenya-Ethiopia border point at Moyale serve as the official crossing unit, in addition there are various crossing points on the same border: and furthermore agreements such as visa abolition between the two countries provide easy movement between the two respective borders. Thus the nature of the border and the visa abolition agreement make Moyale to be the best choice for smuggling the Ethiopian migrants to Kenya and also some Kenyans to Ethiopia as established in the findings of the study.

As regards to the routes used to smuggle the migrants from Ethiopia through Kenya the entry point is at Moyale border which has numerous entries and the immigration office located on the main tarmacked road and all the minor roads are guarded by the police officers. As such

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<sup>39</sup> Draft Report of the Eastern and Horn of Africa Conference on Human Trafficking and Forced Labour July 2015, Nairobi.

Migration officers to some extent blame the police manning different barriers to frustrate their effort in curbing illegal entry of migrant into the country. The Kenya migration office also claim that they are very alert on the smuggling cartel but the smugglers outdo them by shifting routes which are not designated roads, and this becomes a challenge to them due to lack of enough patrol to guard the extremely porous and remote border adding to the fact that the government is not very keen on Ethiopia border as opposed to Kenya-Somali border which is under high surveillance.

In the initial stage, the migrants cross the border walking through various entries in Moyale. For instance, those who cross through Bole are kept in safe houses in Somare and Sessi as they await transportation to Nairobi. This has become rampant recently due to availability of several abandoned houses as a result of inter-ethnic clashes which forced many to flee to Ethiopia leaving their houses unattended thus providing hiding place for the smuggled migrants. Once the migrants cross to Kenyan side, the facilitators arrange for transportation through Moyale-Marsabit highway and the subsequent routes.

Besides some migrants cross Moyale Ethiopia border walking through border crossing route in Buladi, biashara and other minor routes and are taken to Manyatta in Moyale where they walk all the way to a place called Kinnissa. Once they reach Kinnissa they are ferried in land cruiser and transported through Korondile, Dabel, Buna, Habasweyn, Kina and finally connected to Meru-Embu road heading to Nairobi. The migrants are also transported by motorcycle from Moyale Ethiopia and kept in hiding place in Butiye, and Oda in Moyale Kenya before they are grouped into 15 individual or 25 individuals and loaded to trucks which transport them to Nairobi. Once

the smuggled migrants cross to Kenya the first option is use of Moyale-Marsabit-Isiolo highway to transport them.

The facilitators reported that it is not difficult to transport the migrants from Moyale to Marsabit through various police barriers, however the operation gets tough when it nears Isiolo town thus calling for shifting tactics in order to evade the police. In this case the migrants are dropped off at a place called Kambi Garba near Isiolo town and walk for 3-5 kilometers where they are picked after they safely cross the police barrier. The other means of evading the police barrier along Marsabit Isiolo highway is by use of Cattle tracks at Noth Hor to reach south of Isiolo district. Key informant exposed that they also use Forolle in the NorthHorr to evade the authorities and sometimes the migrants walk through the bushes to evade police manning the barrier and are ferried by a land cruiser through Marsabit and Isiolo.

The second option after Moyale-Marsabit Highway is the Moyale Wajir route where the cartel leaves Moyale town and change the route through the diversion heading toward Wajir district. This usually occurs where there are more than one cartel in a given day or in case they suspect the leakage of the information to Moyale-Marsabit highway patrol officials as regards to the operation. In this case, the migrants are smuggled from Moyale through Oda, Funan Nyata to Bute Takaba to Bosnia road through the diversion. The smugglers have established route which is not a designated road along Wajir- Bosnia road and they use it purposely for smuggling and trafficking businesses.

Finally there is also use of Merti- Lososia- Archers Post Route towards Isiolo Town. The facilitators are aware of the strict border officials' guarding the Isiolo border therefore shifting the main Marsabit Isiolo highway towards Archers post and Merti road. An informant noted that Marti road is safe because of increased movement of trucks for exploring oil in Merti. In this case the truck ferrying the migrants can easily maneuver through the traffic without notice from the authorities. Once the migrants safely pass Isiolo they are ferried by land cruisers and other small cars through Meru to Nairobi and other destinations. In some scenarios Illegal entry point at Kenya-Sudan-Ethiopia border at Lokichogio and Illeret is used to reduce the risk of arrest by the relevant authorities. Once in Illeret different means of transport is used to pass through Baragoi-Marlala-Nyahururu route.

### ***3.3.2 Tactics of crossing borders***

In terms of type of travel there are many choices for young adults looking to move to South Africa depending mainly not only on the choice presented by the smugglers but also on their economic position at the time of smuggling. Flying is considered the easiest entry into South Africa and other destinations but as noted by most informants it is a costly option for most migrants since it needs having necessary paperwork, including obtaining a passport, visas and ticket. However, there are cases where those migrant who can afford organize flight to countries such as Djibouti, Kenya and Sudan as Entry Visas are not prerequisite for Ethiopians in these Countries and later the migrants board flight to various destinations.

The smugglers employ various techniques and tactics in executing the smuggling plans, for instance a respondent in the study noted that smugglers had infiltrated government institutions to enable them obtain travel documents irregularly. The finding further revealed that some migrant

are in possession of fake South African passport which they obtain through the services of the smuggling facilitators and they use it to pass through the borders without detection by border officials in various police checks.

In addition there are some cases of female from Ethiopia's Harar and Shashamane region that are smuggled to Kenya where they are helped by the smuggler to obtain travel document such as Kenya birth certificate of under the age of 18, this is because identification cards are given to person who is above 18 years of age. These female migrants speak Oromo language which is somehow related to borana language spoken by majority of the people in Marsabit County; this language helps them to trick the police manning the border who only expect Amharic speakers to be the illegal migrants.

Furthermore, key informant facilitator informed the study that some migrants obtain medical referral form from Moyale district hospital through the help of the facilitators in order to be smuggled to Nairobi. This medical form is certified by the facilitator from both Ethiopian Migration office as well as Kenya Migration offices. The migrants then use this medical form as a travel document to reach Nairobi where they are later smuggled to various destinations.

The smugglers manage to operate their smuggling by bribing the officials and the border manning police. Corruption has been cited by several studies on human smuggling where corrupt practices is said to be used to grant illegal entry of migrants into the country of destination and transit Countries. In addition, bribing the border officials has resulted in provision of false documentation for the migrants or use of residence stamp being place on fake passport as

postulated by Spencer<sup>40</sup>. The above postulation has been confirmed by this study where respondents asserted that their travel was facilitated by bribing police and migration officials manning borders in different location. For instance a respondent notes *“I saw the facilitator bribe border police in most of the barriers we crossed and I was never asked questions by the police who were demanding for identification documents from all the other passengers in the bus we were travelling in”*.

The transport industry along Moyale Nairobi highway also enjoys the benefit from smuggling operations. Usually when there are few migrants, the facilitators use services of the Bus Company which is currently expanding very quick to at least more than five different companies. The smugglers resort to the services of bus providers to transport the migrants as opposed to hiring a vehicle which may be very expensive. Smugglers and illegal immigrants as such depend on the cooperation of transporters hence bribe them to facilitate easy passage.

The study established that averages of 50 migrants are smuggled on a daily basis by different cartel group through Moyale Border. Although majority make their way to Nairobi but some percentages are arrested by the Police and detained in Kenyan prisons in various places. The facilitators are the locals who know the routes and the forest very well this therefore makes it easy for them to use sophisticated routes which are known to them only and cannot be caught easily

### **3.4 Sources of Finance for Smuggling**

In terms of the cost of operation, different facilitators charge slightly different depending on the time of smuggling because when the risk of arrest is high the amount also changes. On average

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<sup>40</sup> Spencer, J. et al (2006). Organised Crime, Corruption and the Movement of people across borders in the new enlarged EU: a case study of Estonia, Finland and the UK, The European Institute for Crime Prevention and Control



from Moyale to Nairobi the cost is kshs 60,000, here 10,000 is for transportation, 30,000 for the agents, 20,000 for bribing officials and police involved; on the other hand, kshs 160,000 is charged from Moyale to South Africa.

The migrants raise money for smuggling through various means, among them is selling of property like farmland and plots; others do menial work and save for years in order to pursue the southern dream, additionally the relatives who have prospered in South Africa send money back home for their colleagues to be smuggled while other raise the money through contributions from relatives and close family members. In some cases the migrants borrow money from relative or parents borrow on behalf of their children. One respondent stated that *he borrowed twelve thousand Birr from a relative in Warabe district to pay for smuggling facilitation.*

The smuggling fee is basically paid full or in installment terms, the fee is meant to cover the cost of transportation, the service of the broker and other expenses incurred during the journey. The first installment is paid for the journey covering Moyale to Nairobi while the remaining is paid for covering Nairobi to South Africa. The brokers usually transact their businesses through cash payment to facilitators as well as mobile phones to avoid being identified by their victims or security agents. Additionally the brokers possess several Sim Cards for mobiles which are used to transfer money to various smugglers stationed in different destinations throughout the operation.

The bitter part of the operation is where the migrants spend their lifetime savings after doing menial work for many years on smuggling only to be arrested and detained in various prisons

and later repatriated back to Ethiopia although few of them manage to reach South Africa. An alien who was arrested in Moyale claims that he gave the broker kshs 50,000 and they were arrested in Sololo and imprisoned in Moyale prison for three months alongside his colleagues, after they finish serving the jail term one of the friend committed suicide because he was left with nothing after the arrest.

### **3.5 Smuggling Operation and Means of Transportation**

A key informant interview with a broker in Moyale revealed that the smuggling operations consist of three sets of individuals; first there is delalas or brokers who are based in Ethiopia to convince the potential migrant in the source Country and influence them by promising safe travel to South Africa or to Nairobi. Once these brokers recruit the migrants they organize the journey from Hosana to Moyale. Secondly there are brokers and facilitators based in Moyale who arrange for the journey to Nairobi, here the migrant make the payment for the trip and they are made to cross Kenya Ethiopia border and the journey begins very late at night.

Along Moyale to Nairobi there are other facilitators who are based in Marsabit, Isiolo and Nairobi, all these Chain of facilitators are meant to check the police barrier so as to plan the illegal passage of the migrant through the barriers by either bribing the police on duty to provide safe passage for the migrants. In case the authorities found on the barriers are strict and hard to bribe the operators use some unknown routes known to the Facilitators. Finally, there are major smugglers based in South Africa and Nairobi who plan the remaining process of passing borders in different Countries such as Tanzania, Malawi and Mozambique.

The facilitators usually plan the journey from Moyale to Nairobi, and from Nairobi to Tanzania another group of smugglers are involved after safely receiving the clients. From Moyale the journey is organized in two stages, first stage is between Moyale-Isiolo highway which is very delicate as it involves so much danger because of frequent arrest and too many barriers. The second stage is trip from Isiolo to Nairobi which involves use of small cars, Matatus and taxis in order to escape the police barriers along the highway since the police usually suspect buses and Lorries to be ferrying illegal migrants as opposed to small vehicles.

Usually tracks are used to transport the smuggled migrant in the bushes and rough road; once it reaches a town like Isiolo, taxis like Probox are used to ferry the migrants to Nairobi through Meru since small cars are not suspected by the police manning borders. These Taxis later drop the migrant at designated lodge or safe houses in places such as Donholm, Kayole, Kitengela, Mlolongo, Kajiado, Namanga, Kasarani, Githurai, and buruburu. Once they reach the destination in Nairobi they are handed over to another facilitator who plans the next part of the Journey. Apparently, One facilitator notes *“the cartel usually changes the means of transportation from trucks and land cruisers to taxis when they approach barriers controlled by strict and vigilant police officers, or in some cases where police demand higher amount of bribe or incase the cartel is leaked to police authorities who are not easy to negotiate”*.

The means of transportation is very risky and too much congested, for instance some migrants are loaded in a lorry carrying sacks of beans; here compartments are made and the migrants are kept under the compartment covered by a board of wood and sacks arranged on the board, these boards are lifted once the migrants pass the borders so as to give them ventilation.

However, some migrants lose their lives due to suffocation especially when the lorry takes a lot of time before it is cleared by the officials guarding the borders. Dead bodies of the migrants are then thrown in the jungle along the road. Additionally some migrants are put in a container carrying cabbage and potatoes so as to transport them to Nairobi.

### **3.6 Conclusion**

The study learnt that the information on human smuggling especially the tactics and routes used is minimal as many countries focus mainly on the case of human trafficking and smuggling receives little to minimal attention. However the available literature revealed that there are three major trends as regards to human smuggling:

First, as a result of increased surveillance and control of international borders, the migrants are resorting to the services of smugglers in order to be smuggled as such making the business of migrant smuggling to be increasingly profitable. Secondly the smugglers are highly organizing themselves in order to avoid detection and possible arrest, they establish professional network with law enforcement agencies in both the countries of transit and destination country. Thirdly, the migrants are faced with extreme danger as the smugglers try to change the tactics and methods of smuggling at the expense of the life of the smuggled migrants who are ferried in congested vehicles and containers.

Finally, it is very critical for the government and international organization to know the plight of smuggled migrants who are exposed to extreme dangers as they are being smuggled. This study is just a snapshot of the smuggling operations covering Kenya Ethiopia border, further research

is highly recommended for the authorities involved in order to bring out better understanding of migrant smuggling problems.

## **CHAPTER FOUR**

### **SOCIAL ECONOMIC IMPACT OF HUMAN SMUGGLING ACROSS KENYA ETHIOPIA BORDER AND STRATEGIES TO CURB HUMAN SMUGGLING**

#### **4.0 Introduction**

This chapter will deal with the final objective of the study which is to assess the social economic impact of human smuggling across Kenya Ethiopia Border. The chapter will also provide some strategies that can be used to reduce cases of migrant smuggling across Kenya Ethiopia border.

In discussing the social economic impact of human smuggling it is essential to explain the relationship between smuggling and human trafficking because both the smuggled and trafficked person undergo the same ordeal especially in the travelling phase. Although the two terms are different but they are related due to the processes involved such as dangerous and inhuman conditions undergone by both smuggled and trafficked individuals.

However this migration which has been on-going for decades is done mostly through illegal means such as smuggling and trafficking due to the high cost of travelling by air and the bureaucratic procedures of securing Visas especially to Europe and South Africa. As such the illegal transportation of smuggled immigrants across international borders has been posing a great challenge not only on the migrants but also on the countries involved. This part of the study will analyze these impacts and provide possible strategies to deal with them.

#### **4.1 The impact of smuggling on the Country of origin, transit country and destination country**

Kenya and Ethiopia enjoys a very special relationship and these relationships had been underpinned by various commitments. For instance the two countries had a defence pact, visa abolition treaty and other historic range of instruments that somewhat illustrated the special political and security relationship. The two countries share understanding on piracy, regional integration, Cross-border terrorism and economic integration.

Ethiopia which is estimated to have a population of around 80million, where almost 50% are considered to be under the age of 20; leading to increased pressure on the limited resource thereby making many youths unemployed which forces many of them to migrate in order to seek better opportunities. For Instance the young males who are smuggled from Hosana in Ethiopia to South Africa through Kenya age between 22years to 34 years, which means the most productive population in the country, are smuggled. Yet this puts a great challenge to the productive labour and development in the country due to increased rate of irregular migration. As an Ethiopian migration officer states *“Hosana is a very fertile land where there is large scale cultivation of ginger and barley for export, once this productive labour leave the country to be smuggled to South Africa the land is left unattended to the old members of the society and the productivity decreases leading to increased level of poverty despite good climate and productive land for agriculture”*

Additionally the research established that smuggling of human can result into a destabilization of labour market especially in the country of origin and the destination country. When smuggled

migrants are taken away from the labour pool in the country of origin, their productive labour is taken away from their local environment. On the other hand, when a smuggled migrant is introduced into a new labour market, they could lead to competition and result to pressure on the available wages thereby posing threats to other businesses.

Furthermore, the repatriation of the aliens on the basis of illegal entry into a foreign country is damaging to the image of the source country in the face of the international community. For instance in 2013 only, 142,000 female workers in the Middle East were repatriated back to Ethiopia for alleged illegal entry into Saudi Arabia. In Kenya alone there have been several reports on the media where Ethiopian aliens were intercepted in the country and deported back to Ethiopia after serving jail terms in various parts of the country. For instance, July 2015, 100 Ethiopian illegal migrants were seized at Kangeta Meru while being ferried by Kenya Police Lorry<sup>41</sup> and many more incident of similar case as reported by Kenyan media. The increased movement of the population out of the country is damaging to the image of the source country in the international setup due to factors linked to outward migration caused by poverty and political persecution.

Kenya on the other hand is trying to settle scores with international terrorism where Somali Militia group Al-shabab has been carrying out various terror attacks. The terrorist get access into the country through illegal entry, as such entry of an alien into a country through an illegal means pose greater challenge on the security of the state especially due to increased rate of international terrorism. In this case, although most Ethiopians are mainly using Kenya as the

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<sup>41</sup> <https://www.kenyans.co.ke/news/video-gsu-lorry-caught-transporting-100-illegal-immigrants> accessed on 7th July 2016

transit state, they still become threat to the security of the country due to their illegal presence. In addition, the study found that some desperate alien end up joining terror group due to the enticing offers given to these vulnerable group by the suspected recruiters of militia group such as Al-shabaab.

On the flip side of the coin there are some affiliates to Oromo Liberation movement from Ethiopia who have crossed into Kenyan borders through smuggling and staying in various part of the country especially in areas like Sololo and Torbi. The influx of this group of Militia has exposed the country to security threat where there have been various ethnic and political conflicts in the border town of Moyale.

This kind of insecurity has led to a situation where the Ethiopian troops cross the border and search for the suspected OLF sympathizers in places like Sololo, Leisamis and Marsabit, the same intrusion of Ethiopian force into Kenya was reported by KTN news in a story titled “Silent Invasion”<sup>42</sup>. As a result there has been signing of various agreements on cross-border security management between Kenya and Ethiopia the last one being during the launch of the Sh20 billion cross-border integrated Programme for sustainable peace and socio-economic transformation signed by President Uhuru Kenyatta and Federal Republic of Ethiopia Prime Minister Haile Mariam Desalegn in Moyale, Marsabit County<sup>43</sup>.

The arrest, jail and repatriation of illegal migrants is an expensive undertaking for the transit Country as well as the country of destination. For instance in the year 2011 alone statistics show

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<sup>42</sup> KTN news on May 19<sup>th</sup> 2015 “Silent Invasion”

<sup>43</sup> Daily Nation President Kenyatta and Ethiopian PM Desalegn sign pact to end border conflict on December 7<sup>th</sup> 2015



that 477 Ethiopians were repatriated after being arrested and charged in various parts of the country. The repatriation cost the government a total of Kenya shillings Twenty Seven Million Six Hundred and Sixty Four Thousand Nine Hundred and Sixty (Ksh 27,664,960) which is equivalent to USD 300,000<sup>44</sup>. Additionally arrest of large number of illegal migrants cause congestions in the local prisons in the country thereby restraining the limited resources available for the prisoners.

Likewise destination country where most illegal migrants end up risk insecurity threat as well as population pressure on the available resources, in this regard South Africa due to high presence of migrants who compete for the limited labour market with the local population; there has been increased xenophobia against the aliens which has led to loss of hundreds of lives and insecurity on the larger South African Society thereby damaging the image of the Country. In relation to this and other xenophobic experience South Africa was faced with controversies on whether or not the 2010 World Cup was to be held there although finally it succeeded in hosting the world cup.

Finally Ethiopia as the source country incur heavy cost on the rehabilitation process for the repatriated migrants and the returnees in order to prevent further smuggling and trafficking in person. Immigration department officer in Moyale notes *“The federal government spend huge sum of money and resources in order to rehabilitate the repatriated migrants and these has negatively affected the economy of the country due to diversion of resources meant for other development projects on rehabilitation of returnees”*.

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<sup>44</sup> Department of Immigration Statistics, Kenya. 2012.

#### **4.2 The social economic impact of smuggling on the smuggled migrants**

The free movement of people across international borders pose a great threats human life and especially illegal migrants who are frustrated by the authorities due to arrest and persecution in foreign land. This part of the study shall discuss the social economic and psychological impact of smuggling on the smuggled migrants. The smuggled migrants suffer from various consequences which range from arrest, coercion, illegal status in the country of destination, unfair and inhuman treatment, stigmatization and abandonment and eventual death.

Most of the reports especially on Ethiopian aliens arrested in various part of Kenya were charged for being illegally in the country and later held in various prisons. The smuggling facilitators who were supposed to offer protection to the migrants abandon them in the forests once the authorities learn about the cartel. One respondent noted “*We were left in a Land Cruiser in a place called Lossasio, the police arrested us and we served a three months jail term in Isiolo and the agents were nowhere to protect us*”. In most cases the smuggled migrants are convicted and sentenced to imprisonment as ordinary criminals. Some endure violations and abuse in a foreign country where they don’t even communicate at all due to severe language barrier. These migrants filling prisons make an intolerable burden for host country as well. As such the Ethiopian government should work hard with countries where these imprisoned migrants are serving, to return them in an organized way with appropriate consideration for the safety and dignity of the smuggled migrants to their homeland.

Due to overcrowded vehicles used for transporting the smuggled migrants there are increased cases of accident along the way where most of migrants lost their lives. For instance, daily nation reported an incident where group of 10 immigrants were arrested at an accident scene after a

truck ferrying onions from Mandera overturned on the Garissa-Nairobi highway near Mwingi, only for the police to discover they were hidden underneath the sacks.

The previous year another accident occurred where more than 20 Ethiopian youths were involved in an accident at Timau, having squeezed into a 14-seater Matatu from Isiolo to Nairobi<sup>45</sup>. The smuggling of migrants have caused an everlasting loss to the relative of the individuals who perish on their way to be smuggled; death is the bitter part of the smuggling operation, for instance in 2012 over 45 Ethiopian migrants were reported dead after they were found suffocated in a container in which they were ferried in. According to the report by international Business Times news the migrants perished after suffocating in the back of smuggling lorry on way to Malawi and their bodies were dumped on the roadside, however other 72 migrants survived the incident and they were taken to hospital for treatment and later charged in the court for illegal entry into the country<sup>46</sup>.

The migrant are additionally faced with re-integration problems due to stigmatization and low-self-esteem. Once the detained migrant arrive back home they are emotionally and mentally disturbed thereby limiting their capacity to be a productive member of a society. Some migrants are also rejected by the families' thus becoming dependent on family members and friends and face further stigmatization.

The study revealed that some smuggled migrants spend their life time saving or take loan from relative in order to be smuggled to South Africa; however some are arrested before they even

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<sup>45</sup> John Nyagah Daily Nation Sunday, May 1, 2011 Kenya grapples with influx of immigrants

<sup>46</sup> Anissa Haddadi International Business times, June 27 2012 available at <http://www.ibtimes.co.uk/42-east-african-migrants-suffocate-death-truck-357013> accessed on 7th July 2016

reach half of the journey and forced to pay fine of up to kshs 30,000. The bankruptcy which arises due to this arrest leads some migrants into committing suicide due to depression and shock resulting from loss of life time saving as a result of smuggling. An alien who was arrested in Moyale claims that he gave the broker kshs 50,000 and they were arrested in Sololo and imprisoned in Moyale prison for three months alongside his colleagues, after they finish serving the jail term one of the friend committed suicide because he was left with nothing after the arrest.

### **4.3 Strategies of dealing with human smuggling across Kenya Ethiopia border**

Human smuggling and trafficking in person is among the quickest growing crime internationally and a principle source of profit for the smugglers. This makes the smuggling industry hardest to perish and thereby calls for coordinated and combined forces from stakeholders such as government authorities, NGOs, international organization, civil society and communities at large. In this section the strategies on dealing with human smuggling will be categorized under three sub-headings namely preventing of smuggling, protecting the victims of smuggling and finally persecuting the smuggling Cartels.

#### **4.3.1 Preventing smuggling**

There are various strategies and activities that could be used to prevent human smuggling across international borders. These include creating public awareness; sensitization on the realities of city life, data collection and dissemination; mobilizing public participation and promoting the rights of vulnerable groups. The deterrence mechanisms indicate that the situation that leads to migrants' vulnerability is seriously addressed. As such it becomes essential to address the social-

economic status of the vulnerable group through creating economic and empowerment opportunities.

Besides, awareness should be geared towards providing movements to promote public knowledge on dangers of smuggling. These campaigns and warnings should be conducted to promote the level of individual and public vigilance and place them in a better position to resist any deceptive schemes designed to lure them into smuggling. One of the best Practices by Ethiopian Government mentioned in the State Department Report<sup>47</sup> is where Applicants for overseas visas are required to view an IOM- produced video "Make the Right Choice," on the risks of human trafficking inherent in overseas employment and what to do in case of victimization.". However, this practices need to be translated to a place like Hosana where little attention and campaign against human smuggling exists.

Most of the migrants in this study were forced to migrate due to false beliefs about city life. These beliefs include better economic opportunity, increased access to services, and educational opportunities. Although there is some truth in this belief; however the reality of city life is compounded by complications, danger and minimal support network for new migrants. In order to prevent the potential migrants from being smuggled it is essential to demystify the myth about city life through campaigns.

The study established that most of the report on human smuggling across Kenya Ethiopia is scattered such that there is scanty media reports on the magnitude of human smuggling and there is no comprehensive report for the policy makers. As such there should be increased collection of

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<sup>47</sup> State department report 2010

comprehensive data on different aspects of smuggling. Both the source country and the transit country should set up baseline information on the nature and extent of human smuggling, mapping of the geographical areas of concern, identification of routes of transport, understanding the modalities of smuggling and developing profiles of smugglers and the brokers.

Apparently, the prevention and suppression of human smuggling did not get as much attention at the policy level in Ethiopia. Almost all of the policy frameworks in Ethiopia address the problem of human trafficking and little or no attention is given to migrant smuggling to and from Ethiopia. For instance the Federal Democratic Republic of Ethiopia Constitution, which is the fundamental law of the country, has incorporated pertinent provisions on trafficking and specifically addresses the issue of trafficking under article 18 (2) which reads: *“No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.”*<sup>48</sup> Here smuggling is not given preference therefore; this calls for formulation of policies and legislation as regards to prevention of human smuggling from Ethiopia.

Immigration officer in Ethiopia noted that the Federal Government of Ethiopia have established saving and credit scheme for the local communities and the repatriated migrants in order to enhance their livelihood, improve entrepreneurial skills and to further prevent human smuggling. The increased rate of human smuggling across Kenya Ethiopia is due the nature of porous border and availability of several undesignated routes accessible to the smugglers as such the government of both Kenya and Ethiopia need to invest in efficient border management as a core element of migration management. They both need to acquire sufficient human, financial and

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<sup>48</sup> Constitution of the Federal Democratic Republic of Ethiopia 1995

technical resources for efficient border management. Furthermore, article 11 of the United Nation smuggling protocol obligates state parties to strengthen their border control so as to prevent and detect the smuggling of migrants<sup>49</sup>. In addition, adequate budgetary allocations and strengthening of legal instruments will also contribute towards control of human smuggling.

The government should enhance coordination and cooperation among all the relevant stakeholders such as Law enforcement, migration offices, border control, communities and civil society in order to reduce the increasing rate of human smuggling facilitated by the high level of corruption in government institutions. The stakeholders must work together and share relevant information, protect the vulnerable groups and create effective responses to any threats relating to migration issues.

Ethiopian migration officer informed the study that the Ethiopian Embassy is very reluctant on issues of migrant smuggling through Kenya such that even if hundreds of Ethiopian alien are arrested in Kenya they hardly respond in order to facilitate quick repatriation process. This therefore calls for the establishment and strengthening of diplomatic missions in countries where a large number of Ethiopian migrant workers are found so as to minimize the abuse and exploitation they are experiencing.

As such the Countries affected by smuggling should strengthen diplomatic missions and build the capacity of their Consulate in each other's country. The Consulate should work towards

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<sup>49</sup> UNODC 2011: Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications. New York.

providing authorized assistance to migrants who are accused and charged in foreign prison and provide necessary assistance to their respective migrants in hospitals and prisons.

#### **4.3.2 Protection of the smuggling victims**

Protection of the smuggled migrants involves caring for the wellbeing of the smuggled person during and after the operation in country of origin, transit and destination. This can be achieved through providing shelter, counseling, reintegration services and providing support in the foreign countries. In various cases the smuggled migrants are arrested and frustrated in foreign prison where they can barely communicate due to language barrier. Some of them are intercepted by the police when they are left in the jungles by their smugglers who were supposed to offer them protection. As such the trauma they face due to abandonment and arrest should be tackled in a special way without causing further harm to them. This calls for involvement of social workers, psychologists and counselors so as to help the victims recover from the psychological distress.

The smuggled migrants should be given protection and all the necessary assistance in order to re-integrate them into the society. The long journey they endured typically results psychological and physical injuries, financial constraints, and low self-esteem. This therefore calls for clear mechanism of protection and guidance, provision of medical and housing services training and skill upgrading so as to boost their self-esteem and protect further engagement in smuggling.

The returnees complain of the fear and discrimination they encounter once they go back to their communities, most people view them as failures as they have to start from the scratch after spending their life time savings and properties such as land on smuggling. Stigma reduction



should be at the centre peace of protection for the repatriated and returnees through sensitizations in communities and re-branding of these individuals as valuable resources in the fight against human smuggling. These returned migrants should be trained on life skills on coping with stigma resulting from smuggling experiences.

In most cases the victims of human smuggling are frustrated by the authorities who are supposed to protect them, as such the government and other stakeholders and immigration management should improve the training and understanding of the law enforcement agencies with regards to proper handling of smuggling cases. In addition, the authorities must be sensitized on the proper detection of smuggling cases and handling of the smuggled migrants.

The study learnt that majority of the smuggled migrants from Southern Ethiopia to South Africa have had repeated attempts to be smuggled after being repatriated back to Ethiopia. This has been fueled by lack of centre for rehabilitation and vocational training for these returnees especially in Southern part of Ethiopia as most of the attentions are given to trafficked women to Middle East countries. This can be addressed by establishing appropriate occupational training centres to allow these individuals and promote their self-sufficiency.

#### **4.3.3 Prosecution of the smuggling cartel**

The prosecution of smuggling cartel entails legal measures taken against all the individuals involved in smuggling operations, these individuals are the brokers, facilitators, smugglers and law enforcement authorities who facilitate smuggling through corruption. The Manual on

Trafficking in person posit that prosecution is about: having anti-trafficking legislation, signing various instruments of human rights and treaties on migration and trafficking, strengthening the law prosecute the traffickers and fighting corruption<sup>50</sup>. These provisions can be translated to prosecution of smuggling cartels in general.

Ethiopian government should equip various institutions in Southern Nations and People's Republic with skills to monitor and prosecute Human smuggling cases. For instance the SNNPR's Bureau of Labor and Social Affairs, Police Commission, Bureau of Youth and Sports, all should have communication, cooperation and information-sharing concerning the movement and monitoring of smuggling and the smuggled migrants. They should also cooperate and share practices with the federal government aimed at coordinating the government's policies as regards to smuggling.

Furthermore, the international organizations should help countries like Ethiopia in efforts to implement the Migrant Smuggling Protocol and promote complete response to the smuggling issues in order to prosecute smuggling cases by the fundamental provisions in the protocol. This is very critical as it is very difficult to prosecute human smugglers due to limited information and evidence against this crime.

The Source Country, transit country as well as the country of destination for smuggled migrants should identify policy and legislative opportunities and gaps, as well as strengths and limitations in the capacity of relevant implementing institutions, in addressing the issue of migrant smuggling in particular in prosecuting smuggling cases. This will however calls for presence of adequately trained and equipped police forces and judiciary to ensure that smuggling is

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<sup>50</sup> ibid

recognized, investigated and properly prosecuted. The government should also improve the investigative capacity of police and enhance judicial understanding of human smuggling to enable a greater number of successful prosecutions, and launch a broad anti-smuggling public awareness and education campaign.

#### **4.4 Conclusion**

Human smuggling is an international crime which does not only affect the smuggled individual but pose a greater challenge on the countries involved such as the source country, transit and destination country as such it requires a well-organized strategies in order to properly manage it.

The smuggled migrants suffer from various consequences which range from arrest, coercion, abandonment in the jungle, disease due to suffocation in congested safe houses, physical and mental abuse and eventual death. However there are positive impacts where despite the hardship some migrants achieve their goals of reaching the destination country and secure a decent job and enjoy a better life.

However, the negative consequences outweigh the positive achievement as such human smuggling need to be condemned and prevented in the strongest terms possible. This therefore calls for application of relevant strategies in curbing the practise of human smuggling across international boundaries. This can be done through prevention of human smuggling, protection of victims of smuggling and finally prosecuting the smuggling cartels.



## **CHAPTER FIVE**

### **SUMMARY OF THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Introduction**

The chapter focuses on the summary of the findings, conclusion and recommendation of further studies. The main aim of the study was to unravel how the process of human smuggling is undertaken across Kenya Ethiopia border. To pursue this, the study was guided by three specific objectives which were to; investigate why human smuggling is highly increasing along Kenya-Ethiopia border; examine the processes and the route used in smuggling immigrants from Ethiopia through Kenya to South Africa and finally assess the social economic impact of human smuggling across Kenya Ethiopia Border. The study was undertaken in Kenya-Ethiopia border in Moyale and in Nairobi. The study population consisted of illegal migrants, border and immigration officials and smuggling facilitators. Data was collected through in-depth interviews, key informant interviews, telephone interviews and use of secondary data to source policy related information. In this regard the summary, conclusion and recommendation on all the three objectives of the study will be discussed in this chapter.

#### **5.2 Summary of the findings**

This section summarizes the general findings of the study and it will be categorized into three sections namely; findings on push-pull factors; findings on recruitment of the migrants, smuggling routes and source of finance and finally findings on social economic impact of human smuggling and strategies to curb them.

### ***5.2.1 Major pull-push factors as regards to human smuggling from southern Ethiopia through Kenya to South Africa***

The chapter addressed the profile of the smuggled migrants, push-pull factors and analyzed theoretical application as regards to human smuggling. The findings established that youth aged between 22 years to 34 years are smuggled from southern Ethiopia mainly from Warabe, Hadiya and Kembata Tembaro regions respectively. These youths are basically school dropouts with poor economic background and lacked self-sufficiency. They are pushed to migrate due to, ethnic influence and belief that South Africa is the land of success, political persecution, porous border controls and decreasing border control, absence of alternate economic opportunities, lack of awareness on the dangers of smuggling and increasing level of poverty as well as lack of reliable source of income.

The pull factors on the other hands can be summarized as better financial prospects and opportunities in destination country, low investment ventures for smugglers, poorly resourced law enforcement system, corruption and high level of complicity by officials, successful stories from the diaspora, accessibility of combine forces smuggling cartels and finally restriction of South Africa's Visa by the authorities in Ethiopia. In terms of theoretical analysis the study conforms to the principles of both the theories applied in the study namely rational choice theory and bales theory of modern day slavery. In this regards it is established that the desires to migrate outweigh the fear such that the smugglers don't give up after their first attempt of smuggling.

### ***5.2.2 Summary of the recruitment, smuggling route and source of finance for smuggling***

The findings revealed that the smuggling cartel consists of chief smugglers, facilitators and brokers who are basically male age between 28-40 years. In addition some law enforcement agencies work closely with the cartel to facilitate smuggling across Kenya-Ethiopia border. The migrants are recruited by local brokers through voluntary basis and in some cases relatives, friends and returnees persuade the potential migrants to be smuggled. The main route for smuggling Ethiopians from Moyale is through Moyale-Marsabit-Isiolo highway, then Moyale-Wajir Route through Bosnia and other undesignated roads known to the facilitators. The migrants are forced to walk through borders to avoid detection by the officials, and some cases motor cycles are used for crossing borders. The facilitators plan various type of travel for the migrants and among them is through securing fake documents for travelling such as Fake South Africa's passport, Kenyan Birth certificates for Oromo speaking migrants and medical referral forms certified by the department of immigration.

As regards to source of finance for smuggling the research learnt that the migrants sell properties such as farmland, long-term savings from menial work, remittances from relatives abroad, contributions from family members and friends and borrowing. The cost of smuggling migrant from Moyale to Nairobi is Kshs 60,000 where kshs10, 000 is for transport, 30,000 for agents and kshs20, 000 for bribing border officials. The migrants are transported by trucks in bushes to evade the security checks, they are also ferried in Lorries transporting maize, onions and cabbages where the smuggled migrants are hidden under the compartments made of wood under sucks of beans and cabbages. The journey is characterized by congestions, arrest, death and persecution by the facilitators and the police. Once the migrants reach Nairobi they are kept in

safe houses in various parts of Nairobi such as Kasarani, Mlolongo, Githurai and Kayole among other place then the second part of smuggling to South Africa through Tanzania, Malawi and Mozambique to South Africa is undertaken by other group of smugglers.

### ***5.2.3 Summary of the impacts of human smuggling across Kenya-Ethiopia border to South Africa and strategies of curbing it***

In this section the social-economic impacts of human smuggled will be summarized under two subheadings namely; impact on the source, transit and destination country and social-economic impacts of smuggling on the smuggled migrants. In the first category the research established that smuggling impact the countries in the following ways: affect the productive labour and development in the source country leading to poverty, destabilizes the labour market in the destination country leading to pressure on the available wages, damage to the image of the source country due to negative attributes associated with smuggling and trafficking out of the country, insecurity threats and population pressure to both transit and destination country, negative effect on the democracy and democratization of the country due to corruption and complicity of the officials involved inhuman smuggling, high cost of rehabilitation, repatriation for the source, transit and destination country and finally high pressure and congestion in foreign prisons.

As regards to impact of smuggling on the smuggled migrants it can summarized into unfair and inhuman treatment in foreign country, arrest, coercion and overcrowding in vehicles which has led to permanent loss of life, stigmatization and psychological distress after repatriation and finally suicide due to depression experienced from smuggling.



The strategies of dealing with human smuggling has been dealt with in this paper under three categories as provided for in the manual for trafficking in persons report, here human smuggling can be curbed through preventing, protecting and persecution of the smugglers and offenders. Under prevention strategies the study proposed creation of public awareness on dangers of human smuggling, sensitization of the reality of city life, collection and dissemination of data as regard to human smuggling to design intervention, addressing the push-pull factors identified in the findings of the study such as poverty and border management, enhance cooperation and coordination among national and international stakeholders and finally strengthening of diplomatic missions with the countries involved.

Protection of the smuggled migrants on the other hand involve provision of housing and medical services for the migrants, provision of vocational training and skill upgrading, stigma reduction through life skill training and promoting self-sufficiency, training of criminal justice actors on proper handling of smuggled migrants and finally establishment of national centre for rehabilitation in Ethiopia's Southern region in order to curb repeated attempt of smuggling after repatriation. The prosecution of smuggling cartel involve equipping institutions with skills to monitor and prosecute smugglers through sharing of good practice and lesson learnt from other countries, implementing migrant smuggling protocol especially by the source and transit country, identify policy and legislative opportunities and gaps in the capacity of implementing institutions and finally train the law enforcement agencies as regard to migrants handling and human smuggling.

### **5.3 Conclusions of the findings**

The testimonies provided in the study by various participants have conformed to the prepositions advanced in the theories applied in the analysis of the study. In this case the push factors discussed in chapter two of the study serve the vulnerability of the migrants into smuggling and the pull factors such as low investment opportunity into smuggling attracts smugglers into the industry despite the threats of prosecution and possible arrest. Therefore the government and other international institutions mandated with immigration issues and smuggling crime should address the push and pull factors as regards to human smuggling from Ethiopia to South Africa by formulating relevant policies as well as allocating exhaustive resources and budget to harness the negative impact and provide legal means of migration for the populations. In addition the researcher found that there is need for more research on theoretical approaches in understanding the broader picture of human smuggling.

In various literatures reviewed by the researcher focus has not been given to human smuggling specially the case of Ethiopia. There has been no clear documentation of how the smuggling processes begins from Hosana up to South Africa, there is limited information on how the smugglers negotiate with smuggled victims as well as tactics employed by the smugglers are not clearly documented, therefore, this study has been able to document the smuggling process across Kenya Ethiopia border thereby filling the gap in the literature, however this is just a case study from Moyale, further research needs to be undertaken by the concerned stakeholders. As such, the finding calls for the two governments to develop intensive study into the entire smuggling of Ethiopians to South Africa through Kenya and other East African Countries.

Finally Human smuggling is an international crime which does not only affect the smuggled individual but pose a greater challenge on the countries involved such as the source country, transit and destination country as such it requires a well-organized strategies in order to properly manage it. The smuggled migrants suffer from various consequences which range from arrest, abandonment, jailed in foreign prison, death and suffering from various diseases. However there are positive impacts where despite the hardship some migrants achieve their goals of reaching the destination country and secure a decent job and enjoy a better life. Nevertheless, the negative consequences outweigh the positive achievement as such human smuggling need to be condemned and prevented in the strongest terms possible. This therefore calls for application of relevant strategies in curbing the practise of human smuggling across international boundaries. This can be done through prevention of human smuggling, protection of victims of smuggling and finally prosecuting the smuggling cartels.

#### **5.4 Recommendation of the study**

The Federal government of Ethiopia and other NGOs working on human smuggling should give priority to addressing the push-pull factors as regard to smuggling of migrants. This can be done through offering better opportunities to improve lives, ensure legal migrations measures through offering of visa to various destinations and strengthening diplomatic missions in the country of destinations in order to provide safety to the migrants. In addition comprehensive strategies on prosecution of human smugglers should be developed to make human smuggling to be unprofitable and risky enterprise thus reducing cases of smuggling across Kenya-Ethiopia border.

The findings revealed that a lot of focus and attention with regards to human trafficking is undertaken so much in Ethiopia by the government and NGOs however the aspect of human smuggling received little attention. Therefore, this study recommends intensive research into human smuggling especially of males from Southern Ethiopia and Oromia region of Shahshamane from Ethiopia and creates public awareness on the dangers of smuggling.

The research was not able to identify any policies on managing human smuggling across Kenya Ethiopia border, and although Kenya has ratified to Palermo protocol, Ethiopia is not yet ratified making it difficult to have a uniform measures to handle migrant smuggling across their respective borders. Despite the fact that the ratification of international instrument such as Palermo protocol helps the countries in redefining international policy and legislative effort in prevention, protection and prosecution of smuggling of migrants. This therefore recommends to both the government to draft comprehensive policies to combat human smuggling, strengthen mechanism on how to handle cross border human smuggling and develop procedures on detention and deportation of the smuggled migrants.

The findings recommends for both the government of Ethiopia and Kenya to improve the capacity of the border management system especially at Moyale border through information sharing on research about human smuggling, exchange programmes, information sharing on combating human smuggling as well as develop awareness campaign on dangers of human smuggling through local media and civil society

The findings further recommend the establishment of fully fledged rehabilitation and reintegration centre for Southern Ethiopians. The centre should also link the activities of various stakeholders such as promoting campaign and public awareness in addressing the issue of human smuggling. Finally, this study is just a snapshot of the smuggling operations covering Kenya Ethiopia border, further research is highly recommended for the authorities involved in order to bring out better understanding of migrant smuggling problems.

### **5.5 Suggestions for Further Research**

This study dealt with the case of human smuggling from Southern Ethiopia across Kenya-Ethiopia border to South Africa; however the findings noted the cases of Kenyans trafficked through Ethiopia to Libya and other countries. The findings therefore recommend further research on this new aspect of trafficking which is highly affecting youths in Moyale.

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