

THE IMPACT OF HUMAN TRAFFICKING ON KENYAN FOREIGN POLICY WITH SAUDI ARABIA

Hubi Maalim Mohamed¹, Dr. Martin Erixon Wamalwa²

^{1,2}Department of Psychology, Languages and Humanities, School of Social Sciences, Mount Kenya University

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Abstract: The relation between Kenya and Saudi Arabia traced back to the pre-colonial era has seen set up of bilateral agreements of economic, political and security nature including set up of economic blocs. However, spots of insecurity incidences that have marred these countries ranging from terrorism to human trafficking and inter-tribal conflicts for the case of Kenya have tainted the diplomatic environment between these two countries. The purpose of the study was to assess the impact of human trafficking on Kenyan foreign policy with Saudi Arabia. Specifically, the study sought to establish the status of human trafficking in Kenya and Saudi Arabia in relation to foreign policy; to determine the diplomatic relations between Saudi Arabia and Kenya in light of Kenya's foreign policy towards Saudi Arabia; and to provide solutions to Kenya's human trafficking issues related to Kenya's foreign policy towards Saudi Arabia. This study was carried out as a descriptive survey where qualitative data was collected. The study was conducted in Nairobi, Kenya. The study targeted a population of 25 persons drawn from Government of Kenya Foreign Affairs office, the directorate of criminal investigation, the national police service, and Embassy of Saudi Arabia. The study used a mix of purposive and snowball sampling to select all the 25 respondents. This study relied on both primary and secondary sources of data. The instruments for collecting data from the field were interview guides for the Ministry, consulate, police service and the directorate of criminal investigation officials. Content validity and construct validity was established by the study through seeking expert opinion from the lecturers and supervisor. To determine reliability of the data collection tool, the study did a pre-test of the tools in a pilot study within the Ministry. Data from the pilot study was then subjected to reliability index Cronbach's alpha test where the reliability index was 0.82 (82%) which is above the recommended 0.70 indicating the instruments were reliable enough. Content analysis has been used to analyse the data by systematically and objectively identifying specific themes from the data representing the foreign policies informing Kenya-Saudi Arabia diplomatic relations. According to the 2022 Trafficking in Persons Report for Kenya by the United States Department of state, Kenya is ranked at Tier 2 in its anti-trafficking capacity. This ranking is based on Kenya's ability to track and curb human trafficking. The report also points out that officials from the Kenyan government negotiated for pay below the minimum wage for Kenyans working in Saudi thereby exposing the job seekers to trafficking. The report further recognizes the following types of exploitation experienced by Kenyans being trafficked to Saudi. There was a general view by the Ministry of Foreign Affairs officials and Saudi Consulate interviewees that Kenya enjoyed a positive long-lasting relationship with Saudi Arabia. This was in line with existing literature which traces that the cordial relationship between Kenya and Saudi could be traced to 1979 initiated by President Daniel arap Moi which was also boosted by President Mwai Kibaki's visit in 2012. This resulted in various Foreign direct investments by Saudi in Kenya. The study reviewed existing literature and the MOFA to establish the provisions of Kenya's policy on foreign relations. Since pre-independence, Kenya has fought for its liberation and sovereignty guided by five paramount pillars of peace, economic development, diaspora, environmental and cultural diversity. These pillars have anchored the post-independence Kenya's foreign policy to date albeit the different approaches and vision by the different presidents over the years. This is because the ultimate goal of the pillars is to leverage Kenya's bilateral and multilateral relations for sustainable development in line with sustainable development goals and the vision 2030. The foreign policy for Kenya was first drawn and written in 2014 guided by the country's hope for peaceful coexistence between Kenya and countries with similar objectives while promoting Kenya's political, economic, and social interests as embodied in Kenya's National Anthem, the Constitution and Kenya Vision 2030.

Keywords: Diplomatic Relations, Foreign Policies, Human Trafficking.

1. INTRODUCTION

There are approximately 40.3 million persons globally 70% of whom are female that have been subjected to sexual trafficking (25%), forced labour (31%) and to cultural trafficking to among other things harvest their body organs at 39% (IOM, 2021). Through these trafficking, the perpetrators earn approximately \$150 billion annually (ILO, 2017). Saudi Arabia is one of the leading destinations for victims of human trafficking (TIP, 2015). In the late years of the 20th century through to the first decade of the 21st century, there were illegal recruitment agencies from Saudi Arabia that recruited Kenyans in partnership with local criminal gangs. These recruitments were done in major towns in Kenya through workshops organized in hotels. These foreign agents facilitated the entire logistics including processing passports, visas and other travel documents within the shortest time possible at their own costs. Unfortunately, upon arrival to Saudi Arabia, the employer or sponsor of the job seeker could confiscate their passports in a system called Kafala thereby enslaving the job seekers.

In 2014, realizing the mistreatment and illegality in labour migration, the government of Kenya put a ban on these recruitments. The ban was lifted in 2017 for other countries excluding Saudi Arabia and other Middle East countries unless the agency was vetted and licensed. Later on, the government of Kenya entered into a bilateral agreement with Saudi Arabia that allowed only registered agencies which stood at 320 as of 2020 to recruit job seekers through an online platform called the Musaned system. This would allow tracking of the job seekers by the two governments. However, black market recruitments continue albeit the legal frameworks put in place. Currently, victims of these black-market trafficking pay approximately Ksh. 200,000 to be facilitated to seek job opportunities in Saudi Arabia. The illegal agents process of these victims visit visas and once the visit visas expire, the job seekers are left to fend for their own exposing them to maltreatment as they are aliens in those countries (National Crime Research Centre, 2014).

Kenya has put in place legal frameworks to curb human trafficking anchored in the Constitution of Kenya of 2020. These acts, read together with internally ratified statutes such as the Palermo Protocol, CEDAW, CRC, ACRWC and CAT helps Kenya to deal with issues of human trafficking. These laws allow the state to prosecute and imprison perpetrators of human trafficking for between 5 years and life imprisonment.

Kenya has enjoyed cordial relationship with Saudi Arabia since the late 19th century before colonialism when Saudi Arabia monarchs set base in the Coastal region of Kenya before they were replaced by the Portuguese and later the British. This is evidenced by the Swahili language that can be linked to the Arabs which is currently the second official language for Kenya. To this end, Kenya has maintained cordial bilateral relations with Saudi Arabia which was cemented by the diplomatic visits by the second president of Kenya and other government officials and interest groups including businessmen to Saudi after the death of Mzee Jomo Kenyatta (Kariuki, 2015). King Abdul-Aziz and President Moi focused more in establishing strong relations between the two countries.

Key objectives that drove the need for bilateral relations between the two countries revolve around economic relations, political relations, and direct foreign investments. Saudi Arabia opened direct flights to Kenya where Kenyan farmers and businessmen benefitted a lot. For instance, Saudi Arabia imports horticultural and dairy produce from Kenya and Kenyan businessmen import cars, electronics, and textiles from Saudi Arabia. Additionally, with the relative peace enjoyed by Saudi Arabia, close to 130,000 Kenyan expatriates work in Saudi Arabia as of 2020. Political relations between the two countries can be traced to the mid 1960's when Kenya had established strong diplomatic relations with Israel and Saudi was pressurizing Kenya to cut these ties and build new relations with Saudi. Though Kenya lessened the ties with Israel, it did not fully cut ties with them, and this prompted set up of new alliances with Saudi in 1973. Saudi Arabia made substantive efforts to ensure Kenya and Israel relations did not recur through facilitating and supporting Kenya's Muslim community.

Despite the cordial bilateral relationship, the problem of human trafficking has in the recent past tainted the relation between the two countries. Poor and unemployed Kenyan youth are enticed to seek job opportunities in Saudi Arabia (Dottridge, 2002). Most of these youth will end up being abused and tortured by their Saudi employers (Daily Mail, 2020). Even with several cases having been reported through the media, the Saudi Arabian government has not presented any evidence of efforts to combat this issue (TIP, 2015). Saudi Arabian government had over the recent years, demonstrated non-compliance with the rules and regulations for user follow-up and victim protection (TIP, 2015). In addition, Saudi is monotheistic government, and sharia contributes to the fear of the judiciary because of its violation (TIP, 2015). Further, any foreigner with work or resident permits in Saudi that intends to leave the country is required to obtain a visa which ironically must be facilitated by the employer or sponsor. This enslaves most of the migrant workers legal and illegal alike (NOQO, 2015).

This has over the years raised jitters among diplomats in Kenya and Saudi and thus formed the basis for the study to specifically assess the impact of human trafficking on Kenyan foreign policy with Saudi Arabia.

2. STATEMENT OF PROBLEM

Governments globally strive to build internal and external relations with other countries of mutual interests. Of significant importance in setting up these relations is economic, political and security interests. Economic relations are more focused on wealth generation through exchange of goods, services as well as expertise. These are geared towards developing the country. However, in setting up such relationships, the country puts utmost effort to ensure its sovereignty and protection of its citizens within and abroad. The relation between Kenya and Saudi Arabia traced back to the pre-colonial era has seen set up of bilateral agreements of economic, political and security nature including set up of economic blocs. However, spots of insecurity incidences that have marred these countries ranging from terrorism to human trafficking and inter-tribal conflicts for the case of Kenya have tainted the diplomatic environment between these two countries.

Economic diplomacy is the paramount pillar for Kenya's foreign policy. However, human trafficking remains a major concern and impediment to Kenya's diplomatic relations with other countries. And globally, human trafficking is one of the largest global crime syndicates generating huge sums of money annually. Despite Kenya and Saudi Arabian governments signing bilateral agreements as late as 2017 to curb the vice, the black market still flourishes with illegal agents finding ways to evade the set legal and policy frameworks to smuggle/traffic desperate Kenyans to Saudi Arabia or smuggle into Kenya other nationalities. This has raised jitters in the diplomatic realm raising questions on the impact of this illicit trade on the foreign policies of the two countries. This study therefore sought to unearth the impact of human trafficking on Kenya's foreign policy with Saudi Arabia.

3. THEORETICAL FRAMEWORK

The study is guided by the Diplomatic Theory of International Relations by Paul (2009) as discussed in depth hereunder. The study adopted the Diplomatic Theory of International relations postulated by P. Sharp in 2009 to guide the study. The theory postulates that diplomacy is a tool that seeks to establish the relationship between groups differing socially, emotionally, morally, in policy or even economically. Therefore, diplomacy is a paramount tool that sets to resolve the differences between these groups allowing them to build consensus. Paul (2009) emphasizes the supremacy of diplomacy in international relations and business negotiations.

The study found the Diplomatic Theory of International relations relevant for this study since the theory reiterates the importance of employing diplomatic knowledge, attitude, and practices in international relations (Paul, 2009). The foreign policy of Kenya is anchored on diaspora and economic pillars which have had to provide avenues for labour force exchange between Kenya and Saudi Arabia. However, instances of human trafficking have tended to hamper the relationship between the two countries thereby raising a query on the country's foreign policy. And as opined by Paul (2009), diplomacy is key in building the relationship between Kenya and Saudi Arabia.

4. RESEARCH METHODOLOGY

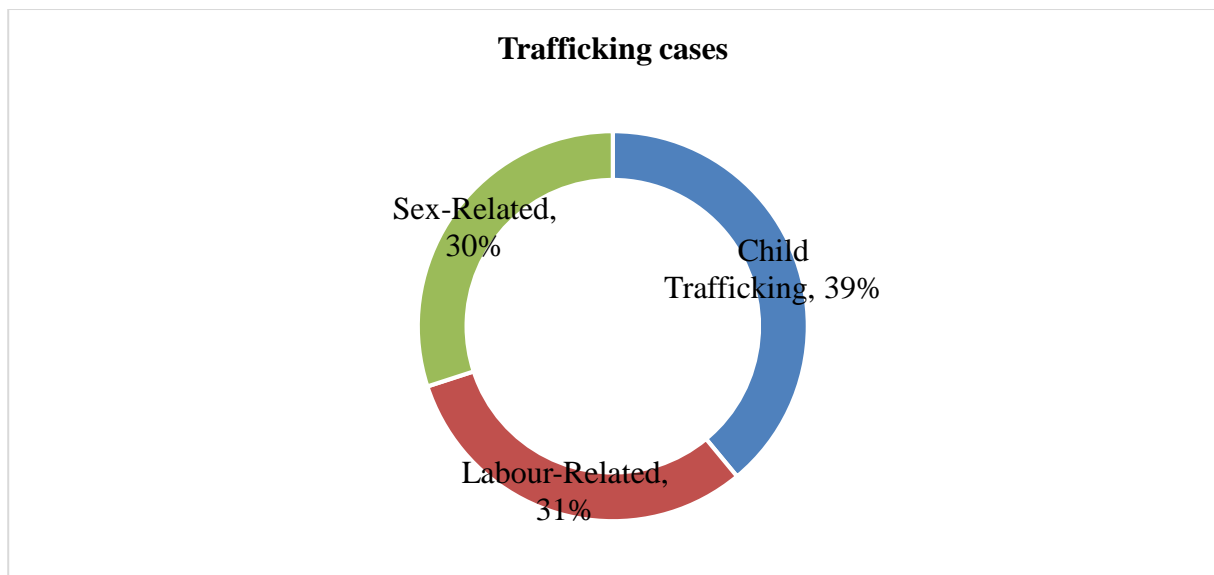
This was a descriptive survey as it set to describe the current situation on the relationship between human trafficking and Kenya's foreign policy with Saudi Arabia. The population of the study entailed 25 officials drawn from Government of Kenya Foreign Affairs office, the directorate of criminal investigation, the national police service, and Embassy of Saudi Arabia and the UNHCR. The study used a mix of purposive and snowball sampling to select all the 25 respondents. This study used both primary and secondary sources of data. Interview guides were used to gather primary data from the Ministry of Foreign Affairs, Saudi consulate, Kenya national police service personnel and the directorate of criminal investigation officials. The study piloted the research instruments over 8 respondents from the Ministry of Foreign Affairs office in Kenya. From the pilot, the study calculated the reliability index using Cronbach's Alpha test. The study sought expert opinion from the supervisor and lecturers to establish content and construct validity of the study instruments. By methodically and impartially identifying specific themes from the data that represent the foreign policies guiding diplomatic relations between Kenya and Saudi Arabia, content analysis was used to analyze the data.

5. RESEARCH FINDINGS

According to the 2022 Trafficking in Persons Report for Kenya by the United States Department of state, Kenya is ranked at Tier 2 in its anti-trafficking capacity. This ranking is based on Kenya's ability to track and curb human trafficking. The

report also points out that officials from the Kenyan government negotiated for pay below the minimum wage for Kenyans working in Saudi thereby exposing the job seekers to trafficking. The report further recognizes the following types of exploitation experienced by Kenyans being trafficked to Saudi.

According to Figure 1 below, trafficking in children was the most common type, accounting for 39% of all cases, followed by trafficking in labor and prostitution, which accounted for 31% and 30% of all cases, respectively. The prevalence of child trafficking clarifies the research's conclusions, which support the idea that children are working as children as mentioned in other sections of the study. Children are particularly vulnerable to human trafficking, which separates victims from their families and may make them more exploitable because they are less likely to have an adult fighting for them to receive fair wages and respectable working conditions.

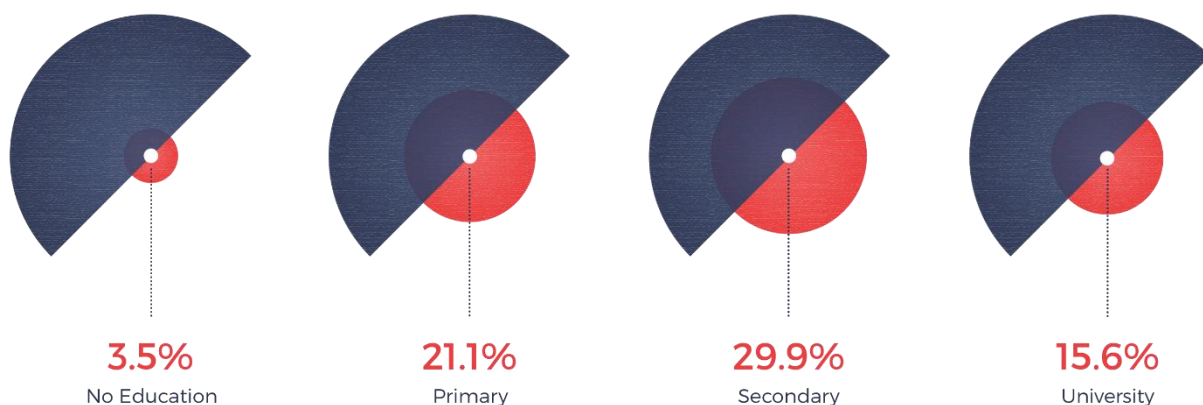


Source: *Trafficking in Persons Report for Kenya (2022)*

Figure 1: Prevalence and Forms of Trafficking

“Different recruitment agencies in the country have been linked with human trafficking. These agencies dupe innocent jobless Kenyans through recruitment. To be facilitated to get an employment in Saudi, the victim pays a fee of approximately Ksh. 150,000. This fee caters for visa processing, flight ticket and other expenses. However, on arrival, the immigrant’s passport is confiscated by the employers.” Kenya Ministry of Foreign Affairs Official.

“It does not matter the level of education of the job seekers since they all have become easy targets due to desperation.” DCI.



Source: *National Crime Research Center (2021)*

Figure 2: Education attainment of Kenyan victims of human trafficking.

Figure 2 above presents the study findings where a majority of the victims of human trafficking in Kenya have attained secondary schooling at 29.9% followed by primary schooling at 21.1% and then University at 15.6% and lastly no formal education at 3.5%. This indicates that majority of the victims lack requisite skills for better paying jobs and as such are exposed to low paying manual jobs with exploitative payments and wages.

The most common form of victim trafficking, at 60.4%, occurs outside of Kenya, while the prevalence of victim trafficking within the country's regions was 33.8%. Further investigation into the various forms of trafficking in Kenya revealed that, at 60.2%, victim trafficking from Kenya to other countries dominated, with trafficking from 67 other countries coming in at 14.7% while the country serving as a transit point for victims moving from an outside country to a destination beyond Kenya stood at 16% (Trafficking in Persons Report for Kenya, 2022). Based on these findings, it can be inferred that human trafficking is, at 60%, quite common in Kenya. Additionally, the nation is home to over 350,000 refugees, with an increasing number coming from South-Central Somalia. Kenya is also documented as a hub for human trafficking and smuggling. In addition, 300,000 people were displaced internally following the postelection violence of 2007/2008 thus subsequently became susceptible to various wrongdoings, such as smuggling and human trafficking.

Regarding the extent to which trafficking is prevalent in the country, existing records indicate that that the extent is high (Trafficking in Persons Report for Kenya, 2022). This conforms to the notion that Kenya has also been identified as a country that irregular migrants, who are largely ignored, use as a source, transit, and destination in addition to being actively engaged in trafficking/smuggling.

From the research interviews, The main payment expense, at 46.7%, was the cost of the agent commission. However, 28.6% of those surveyed claimed they were unaware of these expenses. Transportation expenses, registration fees, incentives for brokers and agents, medical expenses, document processing fees, and funds for lodging and food were also listed as additional costs associated with human trafficking. The costs associated with various tasks, such as victim recruitment, transportation, housing, and disposal, range widely. The majority of the time, the victim of trafficking or the victim's family is responsible for paying these expenses. It is significant to remember that human trafficking is a lucrative industry with numerous costs and is a form of contemporary slavery. Human trafficking is influenced by a number of variables, such as an individual's personality, their family's economic situation, their peer networks, and their local environment (Kenya Ministry of Foreign Affairs, 2022). For both internal and external needs, poverty and unemployment often force many victims into the world of human trafficking. Poverty stands out as a significant causal factor in both domestic and international trafficking, accounting for 47.1% and 37.6% of cases, respectively, while unemployment ranks second highest, accounting for 34.1% of cases of international trafficking and 23.7% of cases of domestic trafficking (Kenya Ministry of Foreign Affairs, 2022).

The most typical forms of recruitment include deception filled with false promises, enticements, and handouts. Other sources include media, kidnappings, and recommendations from family members (Directorate of Criminal Investigation, 2022). The victims are lured in with promises of employment abroad, foreign marriage, or an improved life abroad. The victims are typically chosen by the traffickers from schools, colleges, and villages for a fee ranging from 10,000 to 40,000 Kenyan shillings per person. Hajj, Oumra, and other Muslim pilgrimages are occasions when young women and girls are lured to Saudi Arabia and other Arab nations under the pretense of attending religious ceremonies.

Border officials' cooperation, brokers' use of agents, and luring victims through sponsorships have all been observed as additional recruitment techniques over time. There are a number of recruitment techniques that have been discovered over time, ranging from tricking families and kids to asking for help voluntarily from strangers like truck drivers. While some recruiters promised to make victims richer in exchange for money or gifts, other victims were trafficked through agreements between guardians and family members or other parties. Some of the testimonies where children were supposed to be registered in their schools have also implicated religious organizations.

There was a general view by the Ministry of Foreign Affairs officials and Saudi Consulate interviewees that Kenya enjoyed a positive long-lasting relationship with Saudi Arabia. This was in line with existing literature which traces that the cordial relationship between Kenya and Saudi could be traced to 1979 initiated by President Daniel arap Moi which was also boosted by President Mwai Kibaki's visit in 2012. This resulted in various Foreign direct investments by Saudi in Kenya.

According to the Kenya Ministry of Foreign Affairs respondent, Saudi has a large investment in Kenya including in the hotel sector with several Saudi investors like Prince Al-Walid bin Talal bin Abdul Aziz Al-Saud investing assets worth \$24 billion in the hotel sector in Kenya. In addition, Saudi Arabia has offered ample employment to Kenyan youth, Said the official.

Further, MOFA interviewees pointed out the long-lasting relationships between Kenya and Saudi that span to decades ago. The interviews pointed out several trade missions and exchange visits that have been done between the two countries by business entities and government. This includes facilitation of Kenya to showcase her diverse and rich culture as well as trade opportunities in trade fairs in Dubai and other middle east countries. This relationship was boosted by Saudi Arabia's joining the World Trade Organization.

The study reviewed existing literature and the MOFA to establish the provisions of Kenya's policy on foreign relations. Since pre-independence, Kenya has fought for its liberation and sovereignty guided by five paramount pillars of peace, economic development, diaspora, environmental and cultural diversity. These pillars have anchored the post-independence Kenya's foreign policy to date albeit the different approaches and vision by the different presidents over the years. This is because the ultimate goal of the pillars is to leverage Kenya's bilateral and multilateral relations for sustainable development in keeping with the 2030 vision and the sustainable development goals.

The foreign policy for Kenya was first drawn and written in 2014 guided by the country's hope for peaceful coexistence between Kenya and countries with similar objectives while promoting Kenya's political, economic, and social interests as reflected in the Constitution, Kenya Vision 2030, and Kenya's National Anthem. The policy aims to create bilateral and bilateral relationships in practice. Kenya pursues its socio-economic and political goals by fostering sub-regional and regional integration and cooperation, placing special emphasis on intra-African trade as the foundation for the continent's socio-economic and political unification. In order to increase the access of Kenyan goods to international markets while also boosting investments for the nation, Kenya continues to strengthen and consolidate its trade and investment links with traditional partners through economic diplomacy.

With the help of this policy, Kenya aims to strengthen its relationships and collaborations with the Kenyan diaspora in order to take advantage of and utilize their knowledge and skills for the benefit of the country. Kenya also aims to support environmentally sustainable management by addressing the effects of current environmental issues like global climate change, ozone layer loss, ocean and air pollution, and resource degradation.

In order to foster positive and sustainable economic activities and trade relations, Kenya's rich and diverse culture is used to foster friendship and mutual understanding at the national, regional, and international levels, particularly through mutually beneficial cultural exchanges.

Five-year strategic plans were created to ensure the achievement of the determined priorities through efficient implementation of the specific strategies in order to incorporate foreign policy into the national development agenda as envisioned in the Kenya Vision 2030 and the medium-term plans.

Five-year strategic plans were created to ensure the achievement of the determined priorities through efficient implementation of the specific strategies in order to incorporate foreign policy into the national development agenda as envisioned in the Kenya Vision 2030 and the medium-term plans.

Kenya continues to pursue its foreign policy goals through bilateral agreements in trade, politics, the environment, and culture with other nations. Members of the East Africa Community, who are strategic trading partners of Kenya, are included in the list of priority nations. These nations continue to be the focus of the Kenyan business community and are home to a sizeable population of expatriate Kenyans. As part of its afrocentric foreign policy, Kenya also seeks to establish bilateral relationships with nations in other African sub-regions.

Kenya's foreign policy agenda, which emphasizes emerging economies and economic zones, includes the implementation of bilateral agreements with nations outside of Africa as a crucial element. Through the establishing of diplomatic missions in nations with significant strategic importance and the exchange of high-level visits, Kenya will further strengthen its bilateral relations. Further, the advancement and defense of the interests of the numerous Kenyans living abroad will continue to guide the development of bilateral ties with other nations.

Kenya can benefit from regional integration in a number of ways, including increased trade and regional stability. As a result, regional integration still serves as a pillar of Kenya's foreign policy. Kenya's main channels for pursuing its foreign policy objectives are the East African Community (EAC), Inter Governmental Authority on Development (IGAD), Common Market for Eastern and Southern Africa (COMESA), and the African Union (AU).

6. CONCLUSION

In view of the findings above, the study concludes that Kenya's foreign policy has established key avenues for establishing and maintaining sustainable diplomatic relationships between Kenya and Saudi Arabia albeit the challenges posed by human trafficking. For instance, the policy provides avenues in economy, diaspora, peace, environment and diverse culture for Kenya to establish lasting bilateral relationships with Saudi Arabia.

7. RECOMMENDATION

The study recommends that Kenya and Saudi Arabia finds more diplomatic means of handling the human trafficking challenge as opined by the diplomatic theory of international relations. The study also recommends that future studies critically look at the impacts of human trafficking in the relationship between Kenya and Saudi Arabia. In addition, the study points out the proposed study's scope was on Kenya's foreign policy and human trafficking and as such the study recommends that future studies look at other diplomatic factors influencing the relationship between Kenya and Saudi Arabia.

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