

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**MIGRANT LABOUR ISSUES IN INTERNATIONAL RELATIONS -
KENYAN WORKERS IN SAUDI ARABIA**

BY

EMMA ASHLEY MONG'INA

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SUPERVISOR: DR. A. KIAMBA

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DECLARATION

This research project is my original work and has not been presented for examination in any other university.

Signature

DATE

EMMA ASHLEY MONG'INA

R50/87318/2016

Declaration by Supervisor

I hereby declare that this research project was carried out under my supervision.

Signature: **DATE**

DR. ANITA KIAMBA,

Senior Lecturer;

Institute of Diplomacy & International Studies,

University of Nairobi

DEDICATION

This work is dedicated to my grandparents Mr. Elijah and Mrs. Margaret Omboto. For taking me to my first formal class at the age of five, and always supporting me, with the constant reminder that “Education is Key”, this should serve as the fruit of the seed they sowed many years ago. Thank you for your never ending love and prayers.

To my husband and children, this is for you too. Juggling between life, motherhood and school has not been easy. But, we made it! I hope that you grow up proud of your mother’s scholarly contributions as presented in this study.

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ACRONYMS

C189	-	Domestic Workers Convention, 2011 (No. 189)
GCC	-	Gulf Cooperation Council
HRW	-	Human Rights Watch
ILO	-	International Labour Organization
IOM	-	International Organization for Migration
ME	-	Middle East
MFA	-	Ministry of Foreign Affairs
MWC	-	Migrant workers convention
OECD	-	Organisation for Economic Co-operation and Development
SALL	-	Saudi Arabian Labour Law
UAE	-	United Arab Emirates
UN	-	United Nations

ABSTRACT

Over the past years, Kenya has been faced with instability and slowed economic growth, resulting in unemployment and high levels of poverty. This has had many Kenyans relocate abroad with the hope to improve their fortunes. Between 100,000 – 300,000 Kenyan migrants, most of whom are unskilled laborers, are currently residing in the Gulf cooperation council. Saudi Arabia claims the largest portion of this. However while there, it has been reported that these migrants face extreme labour violations and exploitation, as well as human rights abuse in varied forms. Given the high demand for inexpensive foreign workers in the Saudi Kingdom, the number of Kenyans migrating there is on the rise, despite the incidents of abuse. Yet, the Kenyan government has not fully formed a comprehensive protection policy. Neither has it developed proper bilateral labor arrangements and institutional/diplomatic capacity to safeguard Kenyan laborers in Saudi Arabia. This study examines the Kenyan government's complex role and its challenges with protecting its nationals in Saudi Arabia. It analyzes the emerging contemporary migration flow between the two countries, the challenges therein, and the attempts by both governments in addressing these challenges, as they both are beneficiaries of the flow. The study argues that the power asymmetry between the Kenyan and Saudi governments directly affects their bilateral relations, and puts Kenya at a disadvantage when it comes to policymaking on the issue of migrant welfare.

CHAPTER ONE

MIGRANT LABOUR ISSUES IN INTERNATIONAL RELATIONS

1.0 Introduction to the Study

Kenya is located within the East African region. The country enjoys the status of the region's powerhouse due to its relative peace, political stability and substantial economic progress over its counterparts Uganda and Tanzania.¹ Regardless, it has for a long time experienced internal struggles characterized by ethnic separations and deep political differences. Even with an increasing population of entrepreneurs, its economic and development course has been hindered by poor governance, ineffective rule of law that does not deliver results, and mismanagement of funds. The instability and slowed economic growth has resulted in unemployment and high levels of poverty. This has had many Kenyans relocate abroad with the hope to improve their fortunes.

The Arabian States of the Gulf have become popular destinations for Kenyan migrants. The pull is attributed to the many opportunities there and the high wages for labourers. Moreover, the proximity of the two regions and the easy processing of travel documents to these nations makes them even more alluring.

However, the Gulf seems not to be the Canaan the Kenyan migrants hope for. Reports of them being subjected to various forms of abuse and even killed when there, carry the day.²

¹"Kenya's Regional Hegemony," Stratfor, last modified December 5, 2013, <https://worldview.stratfor.com/article/kenyas-regional-hegemony>.

² Rose Wangui, "Slavery in The Gulf Part 1: Kenyans Facing Exploitation and Abuse in Gulf States,"

The migrants often fall victim to the breaches in the labour regulation system there, exposing them to treatment and is unlawful and unethical by employers and agents.³

In answering to the reports of harassment on its citizens in the Gulf, Kenya is facing a challenge of finding ways and means to protect its diaspora, while at the same time maintaining strong bilateral relationships for its own economic interests.⁴ This study focuses on Kenyan migrant workers in Saudi Arabia, and how issues emerging from the migration have impacted on the diplomatic relationship between the two nations.

1.1 Background to the Study

Migration of labour is not a new occurrence in the globe. For centuries, people have been migrating in search of employment away from their home countries. The International Labour Organization (ILO), reports that out of the approximated 232million international migrants as of 2013, 15 million of them were migrant labourers.⁵

The Gulf Cooperation Council (GCC) has emerged as a major haven for migrants in search of work. By 2016, the zone hosted 25.3 million international migrants, with Saudi Arabia alone accounting for 10 million.⁶ In fact, migrant workers account for a large populace in

³ Froilan Malit Jr. and Ali A. Youha, "Kenyan Migration to the Gulf Countries: Balancing Economic Interests and Worker Protection," *Migration Information Source*, May 2016, accessed July 8, 2018, <https://www.migrationpolicy.org/article/kenyan-migration-gulf-countries-balancing-economic-interests-and-worker-protection>.

⁴ibid

Qatar and United Arab Emirates, taking up to 95 per cent of the employment force in these States.⁷ Labour demand in the region is bound to increase as more opportunities are being created in preparation for The Dubai Expo 2020, Qatar World Cup 2022, and the construction of the Pan GCC railway that will run from Kuwait through Bahrain, Oman Saudi, The UAE and Qatar.⁸

Over the past years, migrants from Asian countries have filled this labour deficit. However, diplomatic tensions have since emerged between the sending governments and some of the GCC States over the treatment of these expatriates. For this reason, there has been a reduction in the number of Asian migrants coming into the gulf. In turn, an even higher demand for labour. This has prompted the GCC governments to open doors to migrants from other regions, particularly sub-Saharan Africa.⁹

Kenya and other labour sending countries in Africa have intensified the deployment of their nationals to the GCC. These migrants take up the positions of housemaids, taxi drivers, cleaners and construction workers.¹⁰ Being in these industries exposes the migrants to unlawful and/or unscrupulous hiring practices and labour oppression.¹¹

⁹ Froilan T. Malit, Jr. and Ali A. Youha, *Labour protection in the gulf countries; A comparative analysis of Kenyan governmental dilemmas in Saudi Arabia and the UAE*, (Cornel University, IRL School, 2016), accessed July 8, 2018,

¹⁰ *ibid*

¹¹ *ibid*

Migrant workers move to the GCC under the *Kafala* support program, a plan used to regulate the migrant residents. The *Kafala* demands that all immigrants have an official native sponsor accountable for their whole migration process and settling in their receiving countries. The sponsor entirely controls the movement of the migrant within the country, often times by confiscating their passports, identity cards and other key documents.¹² Moreover, home helps are not governed by the GCC countries' employment decrees. Therefore, the workers have no access to dispute resolution or mediation frameworks.¹³

To continue receiving the inexpensive labor they so much need, Gulf countries have seized the moment to establish stronger diplomatic and business ties with the sending States. For instance Saudi Arabia, which is emerging as the world's largest humanitarian donor away from the West, has sponsored various schemes in Kenya, including development of basic facilities and equipment, water, irrigation, and agricultural projects.¹⁴

As the reports of abuse of Kenyan migrants in the GCC intensify, Kenya finds itself in a position where it has to set up basic precautions to safeguard its nationals, while at the same time maintain beneficial bilateral relationships with the receiving countries.

1.2 Statement of the Research Problem

Apart from the numerous incidents of abuse, Kenyan migrants continue to stream into Saudi Arabia, with the assurance of securing jobs with good pay. The desperate lure is made worse by looking at past success stories of returnees who have made a fortune from working there.

The benefits of the migration cannot be overlooked. For one, it has eased the growing unemployment scourge in Kenya. Remittances from migrants serve to boost Kenya's economy. In addition, Kenya's increased engagement with Saudi Arabia has resulted in intensified bilateral trade, humanitarian aid assistance, and open immigration systems.¹⁵

Nonetheless, the cycle of abuse on the migrants continues. According to officials from Kenya's Diaspora Services and Consular Affairs office, on average, the Ministry of Foreign Affairs (MFA) handles two to three cases of Kenyan migrants killed in the Middle East (ME). These are only the formally reported cases. Some disappear, never to be heard of again.

It is imperative for the Kenyan government to take a proactive role in safeguarding its nationals in the gulf. This must include diplomatic efforts at the highest levels where the Kenyan government must engage Saudi Arabia in a bilateral labour arrangement that will

¹⁵ Froilan T. Malit, Jr. and Ali A. Youha, *Labour protection in the gulf countries; A comparative analysis of Kenyan governmental dilemmas in Saudi Arabia and the UAE*, (Cornell University, IRL School, 2016), accessed July 8, 2018, <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1181&context=workingpapers>.

establish stringent measures to protect Kenyan migrants.¹⁶ Kenya then must find a balance on how to achieve this without compromising the beneficial relationship that has come along with the migration flow.

1.3 Objectives of the Study

The main objective of this study is to examine how labour migration has shaped the diplomatic relationship between Kenya and Saudi Arabia.

The specific objectives of the study are;

1. To establish the issues faced by Kenyan migrant workers in Saudi Arabia.
2. To evaluate measures taken by both the Kenyan and Saudi Arabian governments in curbing the abuse against Kenyan migrant workers.
3. To assess the impact of labour migration on the diplomatic relationship between Kenya and Saudi Arabia.

1.3.1 Research Questions

The study seeks to answer the resulting following questions;

1. What are the issues Kenyan migrant workers face in Saudi Arabia?
2. What measures have both the Kenyan and Saudi Arabian governments taken to curb the abuse of Kenyan migrant workers?
3. What is the impact of labour migration on the diplomatic relationship between Kenya and Saudi Arabia?

¹⁶ Rothna Begum, "Working Abroad—and Facing Abuse," *Huffington Post*, December 18, 2015, accessed July 8, 2018

1.4 Literature Review

The International Organization for Migration (IOM), outlines relocation as moving of somebody or people, either within a state or across an international border.¹⁷ A migrant is any person who has moved or who is moving within a State or across an international border away from his/her common place of residence. This is not withstanding of their legal situation; whether the migration is involuntary or voluntary and the cause for the migration.¹⁸ Labour migration refers to the moving of people from one state to another or within their habitat nation, aiming to seek jobs.¹⁹

In discussing the global trends and issues in international migration, Castles argues that there's nothing objective about any definition of migration. We live in a world where remaining in ones county of birth is considered the norm while moving to another country is a variance. However, migration is not merely pegged on these border crossings. Most States have developed policies towards the movements, often concentrating on the reason for movement in the foreign nation. The policies are shaped to suit the state's political and economic goals, as well as public attitudes. Therefore, migration can only be understood in terms of a particular state's policies towards it, making the whole concept complicated.²⁰

It is the reason to date, the world does not speak in unison on migration.

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ Stephen Castles, "International Migration at the Beginning of the Twenty-First Century: Global Trends and Issues," *International Social Science Journal* 52, no. 165 (December 2002), accessed July 16, 2018

1.4.1 Forms of Migration

To bring some sort of universal order in the issue of migration, international migrants have been divided into several categories.

Castles classifies temporary labour migrants as persons who relocate for a short time to work and direct their earnings back to their family.²¹ Then there are migrants who are skilled. They are people with qualifications such as executives and professionals. These ones seek employment in areas where there are scarce skills, through global labour markets. Many States are welcoming towards such migrants.²² Irregular/undocumented/ unlawful drifters are people who move in to a state without the necessary forms or permission. Often times, they are looking for employment. This category dominates labour migration flows.²³ The 1951 United Nations (UN) Accord defines a refugee as somebody who is not able to nor willing to go back to their home country due to anxiety of persecution for details of religion, race, citizenship, or view of the public.²⁴ Similarly, asylum seekers are people who move across regions, seeking safety. However, they do not qualify to be considered refugees yet. They usually have applied for refugee protection and waiting for response to determine their status.²⁵

²¹ Ibid, p. 270

²² Ibid, p. 270

²³ Ibid, p. 271

²⁵ United Nations Educational, Scientific and Cultural Organization, "Asylum Seeker | UNESCO," UNESCO | Building Peace in the Minds of Men and Women, accessed July 17, 2018, <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/asylum-seeker/>.

Family reunification migrants are persons who migrate to join their kin who've already entered either of the categories mentioned above. Most States acknowledge basically the right to family getting together for lawful immigrants.²⁶

1.4.2 International Migration Legislation

As an exercise of their sovereignty, States assume complete control of the movement of persons in and out of their borders. Therefore, the States are at liberty to put down policies or laws to protect this supremacy. These regulations vary from State to State, where some are viewed as being more restrictive than others.²⁷

Regardless, migrants too are human beings. Their fundamental rights cannot be diminished by state regulations on migration. Moreover, human migration is a process even more natural than state borders. It calls for collaboration in order to manage movements in the interest of countries and migrants.²⁸ For this reason, there exists a set of international legal rules to guide the powers of States over migration. The norms have been created through state-to-state relations, negotiations (both bilateral and multilateral), and practices. They are mostly not imposed on anyone but are expected to be observed and reciprocated to maintain friendly relations.²⁹

²⁶ Stephen Castles, "International Migration at the Beginning of the Twenty-First Century: Global Trends and Issues," *International Social Science Journal* 52, no. 165 (December 2002): 271, accessed July 2018

²⁷ Susan Martin, *The legal and normative framework of international migration*, (Washington D.C: Global Commission on International Migration, 2005), accessed July 23, 2018, https://www.peacepalacelibrary.nl/ebooks/files/GCIM_TP9.pdf.

²⁹ *Ibid*, p12

Aleinkoff analyzes these legal provisions by grouping them into guidelines on: The duties and powers of individual countries to control the migration of persons across their boundaries; the duties and rights of cross-border drifters; and, State collaboration in controlling global migration of persons.³⁰

1.4.2.1 State Power and Responsibility on Migration

States adopt rules that determine who will be allowed into their territory and for what span of time. To enable this, States can ratify internal laws and regulations on identifications, confirmations, prohibition and ejection of outsiders and boundary control. In all these, the national security of the State is paramount.³¹

The Vienna Convention on Consular associations gives an obligation to countries to be the agent for the interests of their citizens who visit or live in other countries. This should be done by establishing consular posts where the nationals can seek assistance upon need.³²

1.4.2.2 Labour Rights for Migrants

Migrants are entitled to all fundamental rights relevant in global law. The International Covenant on Civil and Political Rights (ICCPR) characterizes such basic rights of all persons as: the right to life, freedom and safety; the right not to be held in subjugation or servitude; Article 2 is specific on the rights being availed without discernment of any type, such as skin colour, race, gender, language, religious affiliations, social or national origin.

³⁰ Ibid, p. 13

³¹ Ibid, p. 15

Away from the universal rights, different categories of migrants have varying rights. This study narrows down to the privileges of migrant labourers.

1.4.2.3 Rights of Migrant Workers

The International Labour Organisation (ILO) has numerous pacts guiding the provisions on the safety of migrants. Key among them is the Migration for Employment Convention (Revised) (No. 97), which obligates States to provide free and accurate information to migrants (Article 2), prevent misleading propaganda (Article 3), facilitate the departure, journey and reception of migrants (Article 4), prevent discrimination against migrants (Article 6), and to permit remittances (Article 9).³³ Forty-two States have ratified it.

Another key protocol is that of 1975 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143). This one requires States to respect the human rights of migrants (Article 1), to investigate, monitor and suppress trafficking (Article 2, 3, and 6), and to provide equality of opportunity and treatment in the areas of employment, social security, unions, and cultural rights (Article 10).³⁴ Only 18 countries have ratified it.

³⁴ "Convention C143 - Migrant Workers (Supplementar7 Provisions) Convention, 1975 (No. 143)," International Labour Organization, accessed July 23, 2018, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C143:NO.

The other major legislation is The United Nations Migrant Workers Convention (MWC), 1990.³⁵ The instrument asserts the necessity to perceive basic human rights customs appropriate to migrant labourers and their kin. It emphasizes on the protection against discrimination, torture and forced labour. It further provides that migrant workers should be treated similar to the state's nationals with regards to employment, remuneration, and the working hours and conditions.

Only 27 States have backed the MWC, with no main receiving nation amongst them.³⁶ Martin in her paper argues that most States are reluctant to ratify it on both practical and political grounds. She contends that the MWC is wide-ranging and intricate, posing technical and financial difficulties. Politically, the Pact raises rudimentary queries about State sovereignty. Many receiving States are alarmed that the rights approved to immigrants will impede their capability to regulate their activities.

Hune criticizes the Convention's failure to expressly address the rights and needs specific to migrant women. They often toil in sectors that lack regulation, specifically as home servants. The MWC may guarantee them the same treatment with the local inhabitants, but this will not help them, as in many cases, the regulatory structure on domestic workers is weak even in the receiving state.³⁷

³⁵ "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families," United Nations Treaty Collection, accessed July 23, 2018, https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&lang=en&mtmsg_no=IV-13&src=IND.

³⁶ Ibid

1.4.3 Kenya's Diaspora Policy

The Kenya Diaspora Policy, 2014, is the main document outlining the lawful and institutional framework requisite for successful management of diaspora affairs.³⁸ As defined in the policy, the Kenyan diaspora comprises both persons of Kenyan origin, who are not Kenyan citizens (PKOs), and Kenyan citizens that reside outside the country (NRKs). By 2014, their number was estimated to be at about three million, a figure which has definitely risen since then.³⁹

The United Kingdom is identified as the leading harbor for Kenyan emigrants, probably a result of the colonial ties between the two nations. Nonetheless, the emigrants are spread across different regions of the world. Those moving to Asian and Middle Eastern countries, primarily emigrate as workers.⁴⁰

The Diaspora Policy mainly aims at maximizing the potential of Kenyans abroad and incorporating them into the nation's development agenda. Its specific objectives include: implementing strategies and mechanisms to engage, empower, and partner with Kenyans abroad in the process of development; mobilize them to form unions for their representation, and to establish institutions for coordination and administration of issues facing Kenyans abroad.⁴¹

³⁸ Ministry of Foreign Affairs, *Kenya Diaspora Policy*, (Nairobi: Republic of Kenya, 2014), accessed July 24, 2018, <http://www.mfa.go.ke/wp-content/uploads/2016/09/Kenya-Diaspora-Policy.pdf>.

³⁹ Ibid, p.8

⁴⁰ *Migration in Kenya: A Country Profile 2015*, (NAIROBI: International Organization for Migration, 2015):pg., accessed July 24, 2018, http://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf.

⁴¹ Ministry of Foreign Affairs, *Kenya Diaspora Policy*, (Nairobi: Republic of Kenya, 2014): p.13, accessed July 24, 2018, <http://www.mfa.go.ke/wp-content/uploads/2016/09/Kenya-Diaspora-Policy.pdf>.

To attain this, the stratagem outlines a strategy centered on: constant dialogue with Kenyans abroad; enhanced capability to provide consular amenities and contrivances for guarding Kenyans abroad; developing a cohesive database on Kenyans abroad; harmonizing and conduct pre-departure training for emigrants, just to mention but a few.⁴² On institutional basis, the government of Kenya has various Ministry agencies and departments charged with the role of handling issues on migration. The Directorate of Diaspora and Consular Affairs under the MFA has a crucial responsibility in overseeing the enactment of the Diaspora Plan. The Directorate has established an online diaspora portal through which it engages with and provides support to Kenyans abroad.⁴³

Kenya is a member party to multilateral agreements and key international treaties and concerning to migration. They include several international covenants and conventions, United Nations conventions and regional African Union treaties.⁴⁴ However it has neither ratified nor signed several conventions relating to migration.⁴⁵

1.4.4 Labour Migration Policies in Saudi Arabia

Migrant workers have considerable domination over the workforce in all the Gulf States. Latest figures from Saudi's Ministry of Labor and Social Development indicate that by December 2017, the country hosted over 11 million foreign workers, with 2.3 million of

⁴² Ibid, p.15

⁴³ *Migration in Kenya: A Country Profile 2015*, (NAIROBI: International Organization for Migration, 2015): pg.138, accessed July 24, 2018, http://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf.

⁴⁴ Ibid, p.134

⁴⁵ Ibid, p.132

them being domestic workers, mostly, women.⁴⁶ The migrants are attracted by the high wages there and the opportunities created from the locals' reluctance to take up menial jobs. However, reports of horrific situations for the migrants are frequent. Often times, this has been attributed to the laws in the kingdom.

1.4.4.1 The Labour Law

Labour relations in Saudi Arabia are governed by The Saudi Arabian Labour Law (SALL).⁴⁷ The document spells out guidelines on wages, working hours, and dispute resolution mechanisms, among other related issues. However, Article 7 of the SALL excludes domestic helpers from its provisions. Instead, it provides that the Ministry drafts regulations for this category on communication.⁴⁸

In July 2013, a legislation was arrogated which entitles migrant menial labourers nine hours of rest daily (meaning they should work 15 hours), and have a day off every week. It further recommends a decent place of living, paid sick leave, a month's annual leave, and terminal dues equivalent to one month's remuneration after four years of labor.⁴⁹ In addition, the regulations state that a home helps must esteem the traditions of Islam, uphold the secrets of the employer. Maybe more interesting to note is that this law denies a domestic worker the right to refuse work or vacate employment, devoid of a valid reason.⁵⁰

⁴⁶ Mohammed Rasooldeen, "Saudi Arabia has 11 million foreign workers from more than 100 countries," *Arab News*, December 2017, accessed July 30, 2018

⁴⁷ "Saudi Arabia: Royal Decree No. M/51 Issuing the Saudi Labor Law," GLMM, last modified July 10, 2014, <http://gulfmigration.eu/royal-decree-no-m51-issuing-the-saudi-labor-law/>.

⁴⁸ *ibid*

⁴⁹ "Saudi Arabia: Decision No. 310 of 1434 on Domestic Workers," GLMM, last modified June 16, 2014,

⁵⁰ Agence France-Presse, "New Saudi Rules Set Rights for Domestic Workers," *Globalnation | Philippine News for Filipinos*, last modified 18, 2013

1.4.4.2 The *Kafala* System

The GCC countries, Saudi Arabia included, do not have a free labour market. Therefore, any competitiveness for the best compensating jobs or, among employers for the cheapest most qualified labourers is done prior to the migrants leaving their native States. Once the labourers get a contract and permit for work and residence in the GCC, they have a contractual tie to their sponsors known as the *kafalas*. The *kafala* withholds the workers passport and other identification documents. This basically means the *kafalas* control the migrants' movements, residence, salary, and their return home. Moreover, only the *kafala* can break the contract and not the migrants, even at their request.

In October 2015, Saudi Arabia effected some amendments to the SALL. The edits outlaw confiscation of the migrant employees' passports, failure to pay wages timely, and failure to present prints of contracts to personnel.⁵¹ Despite the modifications, most of the flatly abusive aspects of the system remain intact. For instance, Saudi Arabia still requires migrant workers to prove they have permission from their workers before receiving exit visas. Migrant personnel who change work stations without their employer's consent expose themselves to a risk of becoming undocumented.⁵²

An article published by The Economist contends that it is the *kafala* system itself that encourages the overly high numbers of migrants. The fact that it grants the migrants very few rights makes the Gulf nationals not view the migrants as a threat. "On the contrary,

⁵² *Facilitating Exploitation: A review of Labour Laws for Migrant Domestic Workers in Gulf Cooperation Council Countries*, (Brussels: International Trade Union Confederation, 2017), accessed July 30, 2018

they like having other people to clean their floors and work on their construction sites”. Hence, encourage more of them coming into their countries.⁵³

1.4.4.3 International Obligations

Saudi Arabia has agreed to a few notable international laws on migrant labour. These include: the Convention on the Elimination of All Forms of Discrimination against Women and its Protocols (CEDAW) and the ILO Conventions on Equal Remuneration; Abolition of Forced Labor.⁵⁴

Nevertheless, Saudi Arabia has expressed reservations on ratifying most international treaties. The kingdom considers how these agreements gel in with Islamic law which takes precedence. In case of any contradiction, the Kingdom is not under duty to ratify or take heed of the provisions of any Convention.⁵⁵

1.4.5 Gaps in the Literature

Indeed, there exists extensive research on studies on the various facets of migration. The reviewed scholarly works and other relevant writings like reports on migration of employees, particularly to the Gulf, appear to predominantly focus on the harms and abuse of migrant workers. These exploitative tendencies are believed to be emanating from poor state policies and practices.

⁵³ "Migration in the Gulf: Open doors but different laws," *The Economist*, September 8, 2016, accessed July 30, 2018,

⁵⁴ *Facilitating Exploitation: A review of Labour Laws for Migrant Domestic Workers in Gulf Cooperation Council Countries*, (Brussels: International Trade Union Confederation, 2017),pg. 18, accessed July 30, 2018

⁵⁵ *ibid*

Having looked at the large numbers of migrants moving from Kenya to Saudi Arabia, and the numerous cases of abuse when there, it is easy to point fingers both ways. One would ask themselves why the government of Saudi Arabia is allowing its nationals to repeatedly abuse migrants. On the other hand, they would also wonder why the Kenyan government allows its nationals to keep migrating to the Saudi kingdom despite the abuse. It is important to acknowledge that both countries benefit from this movement, and wouldn't want to jeopardize this relationship.

For this reason, both nations are taking steps in developing bilateral labor arrangements to safeguard Kenyans from the said exploitation, so as to continue the symbiotic relations. In April 2017, the two governments signed an agreement that would see Kenya lift a previous ban on emigration to Saudi, and on the contrary, send more workers there. In return, the Saudi government promised to enact more protective policies.⁵⁶

There is however no focus on the joint efforts, such as the 2017 agreement, their contents, implementation by both governments, and their impact on the migrants themselves. Further, not much has been written on how the influx of Kenyan migrants into Saudi Arabia has affected the overall bilateral relations. This study seeks to contribute to these aspects of the labour migration discourse.

⁵⁶ Wanjohi Githae, "Proposed plan to see Kenya export workers to Saudi Arabia," *Daily Nation*, April 16, 2017, xx, accessed July 31, 2018, <https://www.nation.co.ke/news/Kenya-to-export-100-000-workers-to-Saudi-Arabia/1056-3891314-13j9btz/index.html>

1.5 Justification of the Study

Whilst Saudi Arabia gets inexpensive labour from Kenya, the latter too benefits from the migration. For one, it has helped ease the unemployment scourge in the state. Further, the remittances from the diaspora in Saudi Arabia are a welcome addition to Kenya's development agenda.⁵⁷ Moreover, trade relations have since intensified between the two countries. In Saudi Arabia, Kenya has found a market for some of its agricultural products and textile materials. Saudi sends crude oil, chemical products and paper to Kenya. Additionally, Saudi Arabian investors have expressed interest in opening shop in Kenya, with some projects already taking off.⁵⁸ Further, Saudi Arabia has offered humanitarian assistance to Kenya in several instances. This is in turn helping Saudi Arabia's quest to achieve an international powerhouse status.

The nexus between protection of the Kenya's diaspora and the bilateral gains for the two countries comes into focus.

Kenyan policy makers face the challenge of formulating policies that will ensure protection of her nationals, while at the same time maintain the favorable relations with Saudi Arabia. For the Saudi policy makers, it calls for adjustment of their rather stringent policies on migrant workers, to instill confidence in Kenyans. Findings and recommendations from this study will be relevant to policy makers seeking to continue, or even strengthen the beneficial relationship.

⁵⁷ Froilan T. Malit, Jr. and Ali A. Youha, *Labour protection in the gulf countries; A comparative analysis of Kenyan governmental dilemmas in Saudi Arabia and the UAE*, (Cornel University, IRL School, 2016),

In exploring the Kenya - Saudi Arabia relations away from the issues of abuse of migrants, the study will shed light on other aspects of this migration, and the opportunities that lie therein. The emerging trading activities and investments between the two may be attractive to nationals from both countries.

The study will add new insight to academic works on collaborative efforts by States in dealing with migrant labour issues. As mentioned earlier, it is such efforts that often result in formulation of international policies and regulations on migration.

1.6 Theoretical Approach

By virtue of being a complex phenomenon that cuts across different disciplines, migration has attracted various theoretical perspectives and debates over the years. Each of this presents notable analytical differences that are more complimentary than contradictory. The theories are grouped into two main paradigms, that is; functionalist, and historical-structural theories.⁵⁹ Functionalists view migration from the point of an individual decision aimed at improving their income. To them, migration is a positive phenomenon contributing to greater quality for both migrants and hosts. On the other hand, structuralists blame migration on the inequality disequilibrium among societies. To them, people migrate from poor States to more developed States, not because they want to, but because the conditions they live in force them to. Their migration will continue the development process in the receiving States, at the expense of the sending States that will deteriorate.⁶⁰

⁵⁹ Stephen Castles, Mark J. Miller, and Hein de Haas, "Theories of Migration," in *The Age of Migration* (New York, N.Y.: Guilford, 2014), 27.

⁶⁰ *Ibid*, pg. 27

This study shall adopt the neo-classical economics theory of migration as best fit to describe the Kenyan- Saudi Arabia migration scenario.

1.6.1 The Neoclassical Economics Migration Theory

When formulating his ‘laws of migration’, 19th century geographer Ravenstein argued that the key causes of migration were mostly economic. Distance and population densities too were considered contributing factors. From this perspective, the assertion is that people migrate from low remuneration to high remuneration areas, and from highly populated to sporadically populated zones. The main motive here is the concept of ‘search of opportunity’ and ‘redistribution of labour’.⁶¹ The Neo-Classical Theory is a subsequent school that expounds further on Ravenstein’s view. This theory States that migration is impacted on by contrasts in benefits to work crosswise over business sectors. It explains both the micro and macro aspects of migration.

The macro theory originates from the 1932 writings of J.R Hicks. Hicks argues that, the uneven allocation of labour and capital at the macro level causes disproportion in earnings and living conditions. This is what motivates migration. The migrants advance to places where work, pay and other economic conditions are more beneficial to them. With this, they have a higher chance of terminating the imbalance in remuneration and standards of living between places.⁶² Todaro in his 1969 writing considers migration a key component

⁶¹ E. G. Ravenstein, "The Laws of Migration," *Journal of the Statistical Society of London* 48, no. 2 (1885): 168, accessed August 3, 2018, DOI: 10.2307/2979181.

⁶² J. R. Hicks, "The Theory of Industrial Disputes," *The Theory of Wages*, 1932, accessed August 3, 2018, doi:10.1007/978-1-349-00189-7_7.

of development. To him, drifting of workers from countryside farming regions, to urban mechanical zones (within and/across borders) will eventually achieve balanced economic growth. This is a result of shared manpower, and remittances from the migration.⁶³

Therefore, the leading argument of the neoclassical approach is centered on wages. It denotes a lineal relationship between wage disparities and migration flows. In Bauer and Zimmerman's illustration, regions with labour deficit as compared to capital, depict a high equilibrium wage. Contrary, areas with surplus labour comparative to assets, portray low equilibrium earnings. This income imbalance triggers a movement flow from low to high remuneration zones.⁶⁴ The outcome of this migration flow is an increase in labour supply for the high wage regions. It follows then that the wages in this region fall. Likewise, labour supply decreases in the low wage region, hence raising the wages. The migration flow ends when a wage balance is achieved.⁶⁵ Further, reversal of capital flows from the high wage to the low wage regions will aid in development.

On the micro level, the theory places the decision to migrate on an individual, as advanced by Sjaastad in his 'Human capital model'. The argument here is that individuals consider their levels of skill and what it can earn them in different areas, their homes included.

⁶³ Michael P. Todaro, "A Model of Labor Migration and Urban Unemployment in Less Developed Countries," *The American Economic Review* 59, no. 1 (1969): 139, accessed August 6, 2018, <https://www.jstor.org/stable/1811100>.

⁶⁴ Thomas K. Bauer and Klaus F. Zimmermann, *Assessment of Possible Migration Pressure and its Labour Market Impact Following EU Enlargement to Central and Eastern Europe*, (Bonn: IZA institute of Labour Economics, 1999), accessed August 6, 2018, <https://pdfs.semanticscholar.org/74a9/44e045d4cf2da18e7108a710214fd98aad9f.pdf>.

⁶⁵ *ibid*

Hence, migration happens if the yields in a prospective destination are higher than those in the origin country.⁶⁶ Before migrating, people contemplate on the costs of the migration. For instance travel expenses and the differences in the costs of living are key considerations. It's not just the monetary but the psychological aspects too, like the separation from family and friends. Each and every person assesses the price and profits in their own unique way, considering personal attributes such as sex, age, and literacy level.⁶⁷ Indeed, Kenya and Saudi are cases of a geographical variation in labour demand and supply. Kenya is endowed with surplus labour relative to capital. On the other hand, Saudi Arabia is rich in capital but with a deficit in labour. Kenyan migrants, with rational consideration of their earning at home, and the potential earnings in Saudi, make the decision to migrate. There, they have an assurance that they will get jobs and better wages as compared to what their little or no skill would give them back at home. This migration has been beneficial to both countries with focus on its contribution to the developmental agenda.

1.6.1.1 Critique of the Neoclassical Migration Theory

While detailed in its arguments, there's widespread dissatisfaction with the neoclassical theory of migration's primary focus on wages.

De Haas points out that the theory is reducing on the determinants of migration, as it does not take into consideration all other aspects of the market such as additional costs and

⁶⁶ Larry A. Sjaastad, "The Costs and Returns of Human Migration," *Journal of Political Economy* 70, no. 5, Part 2 (1962): 85, accessed August 6, 2018, doi:10.1086/258726

⁶⁷ *Ibid*, pg. 86

relevant policies regarding the migration.⁶⁸ The theory treats migrants and migrant societies as similar, and predicts uniform behavior across board. He disagrees with the view that migration is beneficial to all saying it ignores how inequality (in the habitat society) and government restrictions (in the host society) push migrants into exploitative work conditions. De Haas holds the view that the benefits of migration often accrue inordinately to those already better off in both the home and destination societies. In fact, migration can actually reinforce social and geographical inequalities.⁶⁹

The Human capital theory is viewed as being overly optimistic on migration, which is not in all cases a voluntary process to maximize gains. Bowles and Gintis say, the theory's focus on an individual fails to recognize other factors beyond the individual that must be considered to understand one's extent of skill, income, and the eventual decision to migrate key among them is the migrant's family.⁷⁰

1.6.1.2 The Push-Pull Framework

To further explain why only some people from a particular area migrate and others don't, the 'push-pull' framework was developed. It attempts to explain the reason persons tend to move between certain regions in a spatially clustered and unmethodical design. Lee's framework proposes that the choice to move from place to place is ascertained by several characteristics associated with the origin area and place of settlement: as well as other ensuing challenges such as physical barriers, distance, and immigration and labour laws,

⁶⁸ Hein De Haas, *Migration Theory: Quo Vadis?*

⁶⁹ Ibid, pg. 8

among others.⁷¹ To a greater extent, personal factors also determine trends and magnitude of migration. They include; level of education, availability of a suitable position, marital status, and financial ability to pay the necessary fees including agency fees, documentation and airfare.⁷²

Lee observes that migration has a pattern of occurring in well structured “streams”, from particular regions at the origin to various regions at the terminal. He attributes this to the possibility of highly localized opportunities, and the flow of returns to encourage more movement.⁷³ Further, movement is particular to the individual adjustment of migrants since individuals react contrastingly to the different factors. Therefore, migrants cannot be taken to represent their community of origin.⁷⁴

1.7 Research Hypothesis

This study expects to establish how

1. Both the Kenyan and Saudi Arabian governments have taken measures to combat the abuse of migrants.
2. Labour migration has intensified diplomatic interactions between Kenya and Saudi Arabia.

⁷¹ Everett S. Lee, "A Theory of Migration," *Demography* 3, no. 1 (1966): 53, doi: 10.2307/2060063.

⁷² *Ibid*, pg. 51

⁷³ *Ibid*, pg. 54

⁷⁴ *Ibid*, pg. 56

1.8 Research Methodology

Kothari defines a research design as the key guide to guide the measurement, collection and data analysis. It is put in the form of an arrangement of relevant conditions necessary for collection and data analysis. This is to enable the smooth sailing of various research operations, for a maximum yield of information, with minimal expenditure of effort, time and money.⁷⁵

This section explains the approach that will be employed in this study

1.8.1 Study Approach

The study will take a qualitative approach where observation, description, interpretation and analysis of the people involved shall take precedence. The context and setting of the research will require a personal interaction between the researcher and the respondents.

The researcher will adopt a cross-sectional survey design aimed at determining the relationship between labor migration and intensified diplomatic interactions, with a specific reference to Kenya and Saudi Arabia. This will focus on the what, where and how of the issues arising. Data collected from the sample in this study will be representative of a larger population.

1.8.2 Target Population

The target population of this study includes; migrant returnees who have worked in Saudi Arabia, recruiting agencies, Department of Foreign Affairs and Global Trade, Department

⁷⁵ C. R Kothari, "RESEARCH DESIGN," in *Research Methodology: Methods & Techniques* (New Delhi: New Age International (P) Limited, Publishers, 2004).

of Labor and Human Resource Development, Immigration Department, The Embassy of Saudi Arabia in Kenya, as well as Kenyan diplomats who have served in various capacities. It will involve respondents obtained by purposive sampling. This deliberate sampling relies more on the sample's relevance to the study, rather than their 'representativeness'.

The snowball strategic method of sampling will also be used. Owing to the sensitivity of the topic, respondents may not be easy to reach. The interviewer shall rely on referrals from other people, directly or indirectly concerned with the matter, to help make contact with the subjects for the research.

1.8.3 Data Collection Methods and Instruments

The research shall rely on interviews and questionnaires. Some of the interviews will be unstructured to allow the respondents input without being preemptive or interruptive. However, those held with government officials and the diplomats may be structured to give a proper grasp of the concept.

Open ended questionnaires will be issued to those who may not be available for interviews. In addition, secondary data will be drawn from news media outlets and other online sources, like government publications.

1.8.4 Data Analysis

Data collected will first be coded. This will involve giving all statements numeric codes depending on their meaning, as a means to make easy the capturing of data. After coding,

the data will be entered and analyzed using content analysis. Secondary data will be analyzed through comparative methods in order to reach logical and practicable conclusions.

Qualitative methods will further be applied in analyzing the data collected. Observation shall play a key role where the interviewer is expected to take note of such key details as the interviewee's body language.

1.9 Chapter Outline

The study shall contain five chapters.

CHAPTER ONE: INTRODUCTION

This chapter outlines a brief history and background of the research. It also outlines the study objectives and hypothesis. The chapter reviews literature on the topic, and offers a theoretical framework to explain the emigration of workers. It also offers a justification to the study, with a description of the methodology that shall be applied in carrying out the research.

CHAPTER TWO: CONCEPTUAL ISSUES OF MIGRATION

This chapter analyzes the emerging trends and debates in international migration. It delves into migration of labour in the era of globalization, where the universe is viewed as a global village. It further examines the gains and losses of labour migration for both the sending and receiving nations.

CHAPTER THREE: KENYAN WORKERS IN SAUDI ARABIA

This chapter critically looks into Kenyan migrants working in Saudi Arabia and the conditions they are subjected to. It further examines the endeavors by both governments to tackle the issues of the migrants.

CHAPTER FOUR: KENYA – SAUDI ARABIA DIPLOMATIC RELATIONS

This chapter focuses on the relations between Kenya and Saudi Arabia as a result of the labour migration.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

This segment shall test hypothesis of study, in as far as they are confirmed, or disapproved. It will outline the general summary of the study and give recommendations with the intention of making a positive addition to the topic.

CHAPTER TWO

CONCEPTUAL ISSUES OF LABOUR MIGRATION

2.1 Introduction

In this chapter, the study brings to light a perspective in labour migration. It gives an overview of migration and globalization, the consequences of labour relocation and the impacts on host and sending countries.

The content of any phenomenon under study largely depends on its concepts and approaches. Concepts present different ideas of a particular theme, while the approaches outline ways of dealing with it. Therefore, it is conceptual issues and approaches that give us a better understanding of complex topics.⁷⁶

Migration is considered the most intricate and multidimensional component of human population. It attracts the views of scholars from diverse disciplines as it has aspects that cut across different fields. Movement of people is an outcome of an overall way of a society within which social, political, economic, demographic, and other aspects of character are encompassed. Hence, it would be impossible to have a concept that would be considered standard criteria acceptable across board.⁷⁷ As a matter of fact, there's no clear definition of the term migration.

⁷⁶ Sinha B.R.K, *Human Migration: concepts and approaches*, (Budapest: Hungarian Academy of Sciences (MTA), 2005), accessed August 13, 2018.

⁷⁷ *Ibid*, pg. 403

For instance, Eisenstadt explains migration as the corporeal progress of a common people or gathering, from one society onto the next.⁷⁸ Trewartha on his part puts emphasis on distance. He describes migration as the movement over some significant distance, which results in a change in permanent residence.⁷⁹ Whilst the most common definitions of migration would denote movement of people across borders, Clarke questions why the constant movement of pastoral nomads, or maybe the temporary and irregular movement of tourists is not considered migration, yet its movement of people across borders.⁸⁰

These concepts among others, are proof that the definition of migration remains inconclusive as it cannot at any point encompass the wide range of human mobility. However, their different approaches have common elements without which, it would be impossible to understand migration. They include: place of birth, kind of boundary crossed, distance travelled, intention for the movement, residential change, and the length of time spent in the new area.⁸¹ Not just for the definition, these factors also offer guides in classifying migration. For example, the kind of boundary crossed determines whether a movement is considered internal or international migration. Nevertheless, most approaches in classifying migration are pegged on the reason for relocation and the period of stay off the place of birth.⁸²

⁷⁸ S. N. Eisenstadt, "Analysis of Patterns of Immigration and Absorption of Immigrants," *Population Studies* 7, no. 2 (1953):167, doi:10.2307/2172030.

⁸⁰ John Innes Clarke, *Population Geography* (Oxford: Pergamon, 1972), p.123.

⁸¹ Sinha B.R.K, *Human Migration: concepts and approaches*, (Budapest: Hungarian Academy of Sciences (MTA), 2005):407, accessed August 13, 2018.

⁸² *Ibid*, pg.408-410

Further, there have been debates on factors of migration, where factors refer to aspects that influence the decision to migrate. Here, most scholars agree on the view that these factors are related to the origin and destination of the migrant. Both the destination and origin places are characterized by favourable (pull) and unfavourable (push) factors, which directly or indirectly influence migration. The attraction factors often found in the place moved to are appealing, whilst the unfavourable aspects mostly in the country of birth, cause a person to migrate. They range from economic, political, social cultural, religious, environmental and demographic aspects. How favourable or unfavourable a factor is, is completely within the discretion of an individual.⁸³

Interestingly, Bogue observes that migration usually happens when the favourable factors in the destination are more than by the unfavourable factors at the place of origin.⁸⁴ Deshpande, Arunachalam and Bhat say, the fascination urban areas hold for rural inhabitants causes them to migrate. This pull is in the form of employment and wage opportunities, Vis a Vis the scarce opportunities back home that act as a push.⁸⁵ Chapman agrees with them in as far as the push and pull factors are a result of differences in economic and social conditions. The inequalities in job opportunities and living standards are the most compelling reasons for migration.⁸⁶

⁸³ Ibid, pg. 411

⁸⁵ Chandrashekar Dunderaj Deshpande, B. Arunachalam, and L. S. Bhat, *Impact of a Metropolitan City on the Surrounding Region: A Study of South Kolaba, Maharashtra* (New Delhi: Concept, 1980), p.4-5.

The consequences of migration too are subject to conceptual debates. While its agreeable that migration has both negative and positive effects on both the origin and destination areas, the debate is on who benefits more than the other. The common effect is the distortion of the demographic structure in both places.⁸⁷

These arguments only go to show just how complex the study of migration is. The complexities extend to the different kinds of migration. This chapter will focus on labour migration.

2.2 Perspectives in Labour Migration

Just as in migration, there is no overall acceptable definition of labour migration. While it generally denotes movement in search of work, the only way to define labour migration is by examining the main actors, who are migrant workers. Yet, this too is not an easy concept.

According to the ILO, a migrant worker is someone who moves, or has moved from one State to another aiming to finding work, but not on his or her own account.⁸⁸ Elseways, the International Organization for Migration (IOM) groups migratory workers into labour and economic migrants. Labour migrants are defined as people who relocate seeking for jobs. Economic migrants constitute a larger group that encompasses persons getting into a State to carry out commercial endeavors, such as investors or business travelers.⁸⁹ The UN seems

⁸⁷ Sinha B.R.K, *Human Migration: concepts and approaches*, (Budapest: Hungarian Academy of Sciences (MTA), 2005):412, accessed August 13, 2018,

⁸⁸ "ILC87 - Report III (1B) Migrant Workers," International Labour Organization, last modified January 2000

⁸⁹ "Key Migration Terms," International Organization for Migration, last modified March 16, 2016.

to take a more inclusive approach by defining a migrant labourer as "someone who is to be hired, is hired, or has been hired in an activity where they get remuneration in a country of which she or he is not a native."⁹⁰

Salt, Clarke and Wanner question why the description of a migrant worker only relates to the ones moving specifically for employment motives; or, can it refer to anybody of working age who is likely to join the labour market in due course?⁹¹ They argue that the different kinds of migration are not rigid. Persons who are categorized as a particular type of migrant may easily become another and maybe even go back to the initial class. Accordingly, labour migrants shift in and out of the labour market. Does this then rob them off of the title of labour migrants?⁹² In addition, migrants moving for other reasons, say, domestic reunion, students, or even refugees, end up taking jobs in their new destinations. Does this then make them labour migrants?⁹³

From this, it appears basing the definition of labour migrants on the reason for movement may not be ideal. Indeed, the permutations of labour migrants cannot be exhausted. For this reason, many countries have opted to base their definitions of migrant workers on their 'foreignness'. This can be based on the citizenship of the person in question, place of birth,

⁹⁰ "Migrant | United Nations Educational, Scientific and Cultural Organization," UNESCO | Building Peace in the Minds of Men and Women, accessed August 23, 2018,

⁹¹ John Salt, James Clarke, and Philippe Wanner, *International labour migration*, (Strasbourg: Council of Europe Publishing, 2004), accessed August 14, 2018.

⁹² Ibid, pg. 11

⁹³ Ibid, pg. 12

country of last residence, or their ethnicity.⁹⁴ The concepts of ‘Diasporas’ and ‘transnational communities’ stem from this.

2.2.1 Diasporas vs Transnational Communities

Every now and then, the concepts of ‘diasporas’ and ‘transnational communities’ are used interchangeably, yet they do not mean the same thing. ‘Diaspora’ is a more established term. It is historically related with the idea of an indigenous population spread outside its original motherland. This split up was often believed to be forced; a result of either victimization, and/or alienation.⁹⁵ Transnationalism on the other hand refers to procedures and actions that cut across global borders. King and Christou consider this a more appropriate term in discussing migration, as it attempts to bring an understanding on the societal, commercial, cultural and political ties between migrants, native and destination countries.⁹⁶

Due to globalization and increasing transnational activities, the term ‘diaspora’ has turned out to be a topic with different explanations. However, the broad-ranging meaning coming out of these inferences is the reference to persons outside their homeland, inclusive of different sets such as political exiles, migrant employees, minorities in ethnicity and race, as well as all groups residing overseas.⁹⁷

⁹⁴ Ibid

⁹⁵ Piyasiri Wickramasekara, "Diasporas and Development: Perspectives on Definitions and Contributions," *SSRN Electronic Journal*, 2009, p.1, accessed August 14, 2018, doi:10.2139/ssrn.1837943.

⁹⁶ Russell King and Anastasia Christou, "Cultural geographies of counter-diasporic migration: perspectives from the study of second-generation ‘returnees’ to Greece," *Population, Space and Place* 16, no. 2 (2010): 3, accessed August 14, 2018, doi:10.1002/psp.543.

⁹⁷ Ibid 17, pg. 2

Sheffer's explanation goes deeper than simply identifying the diaspora as traditional marginal groups of migrants living and acting in host States. He says, these groups keep solid emotional and financial contact with their States of origin.⁹⁸ In line with this thought, Orozco insists that diasporas are not merely an outcome of dispersion, or simply people from the same motherland. For one to be considered diaspora, they must have gone through a process of motivation and influence. This process involves being conscious of the need, or having the yearning for a connection with the motherland at the most intimate level; the motherland's view of those who emigrate; the plans of outreach by their native governments; and the existence of links and relations between the motherland and the host countries.⁹⁹

Different nations and regions have adopted varied approaches in their attempt to define who their diaspora is. As per the African Union (AU) Executive Council; "The Diaspora entails persons of African lineage residing outside Africa, regardless of their nationality. Identity is not enough. They have to be taking part in the process of development and unification of the continent."¹⁰⁰ As a country, Kenya takes the approach of spatial dispersion and common ancestry, unlike the AU that dwells more on the readiness of the diaspora to subsidize to African progress. The Kenyan diaspora comprises both persons of Kenyan

⁹⁹ Manuel Orozco, *Conceptualizing diasporas: Remarks about the Latino and Caribbean experience*, (Washington DC: Inter-American Development Bank, 2006), accessed August 14, 2018.

¹⁰⁰ The Citizens and Diaspora Directorate, "The Diaspora Division | African Union," Home | African Union, last modified 2006, <https://au.int/en/diaspora-division>.

beginning, who are not Kenyan citizens (PKOs), and Kenyan citizens that reside outside the country (NRKs).¹⁰¹

2.2.2 Diaspora Numbers and Profiles

The complexities of labour migration are further seen in attempts to approximate the number and profiles of diaspora communities. The most common approaches focus on the migrants' origin, destinations, gender, age, and level of skill. Regardless, there are serious data challenges here resulting from a cocktail of factors.¹⁰²

The lack of a conventional and consistent description of diaspora makes it hard to even know whom to consider when making the estimates.¹⁰³ Further, it is very hard for States to trail the migrant groups overseas. It's not guaranteed that the migrants will not move again from the country they first settle in after leaving their own country. Hence, it's not easy to trail their movements. Moreover, some of them acquire citizenship in the host countries, bringing us back to the question of who is considered 'diaspora'. While at that, these migrants start families and have children. The resulting foreign-born generations pose even more challenges in the estimates.¹⁰⁴ In the recent past, many countries have set up electronic databases where the communities abroad are requested to register themselves on a voluntary basis. The response in many cases has been underwhelming, resulting in

¹⁰¹ Ministry of Foreign Affairs, *Kenya Diaspora Policy*, (Nairobi: Republic of Kenya, 2014), accessed July 24, 2018.

¹⁰² Piyasiri Wickramasekara, "Diasporas and Development: Perspectives on Definitions and Contributions," *SSRN Electronic Journal*, 2009, p.4, accessed August 14, 2018, doi:10.2139/ssrn.1837943.

¹⁰³ Ibid, pg.4

¹⁰⁴ ibid

substantial underestimations.¹⁰⁵ Further, there is the issue of irregular and undocumented migrants who make it even more difficult to keep any reliable records.

The United Nations Population Division approximates the number of migrants in 2017 to be at 258 million, worldwide. Migrants here refer to both foreign citizens and those born abroad. The estimate was arrived at by looking at the migrants' age, sex origin and destination. While majority of the migrants are of working age, 14% of them are below the age of 20. Women comprised 48.4% of the migrants. Approximately 25 million of the migrants are from sub-Saharan Africa, with Kenya alone accounting for 1.1 million.¹⁰⁶

2.2.3 Diaspora Roles and Contributions

In the last few years, migration has been linked with the development process, especially in the origin countries. While this contribution by the diaspora is widely acknowledged, there are varied views on the diversity of their role. The most inclusive description appears to be that of Patrick and Newland. It States that: "For quite a number of countries, the Diasporas are a chief source of foreign direct investment (FDI), market expansion, sharing of skills in technology, as well as enabling the flow of knowledge in key aspects of society's functioning, political and cultural influence."¹⁰⁷

¹⁰⁵ ibid

¹⁰⁷ Kathleen Newland and Erin Patrick, *Beyond Remittances: The Role of Diaspora in Poverty Reduction in their Countries of Origin*, (Washington DC: Migration Policy Institute, 2004), accessed August 18, 2018.

To evaluate the mentioned roles and other possibilities, one has to consider three key factors. The first consideration is that diaspora societies are beneficial to both host and native States.¹⁰⁸ It would be wrong to base the migration-development discourse on contributions to home countries alone. By all means, it is the host countries that receive the principal contribution from these migrants. Whether skilled or unskilled, the input of these migrants injects a push in the development process of the host country. It's only after they find success in these host countries that they send remittances back home.

Secondly, one has to differentiate between the actual and potential input of the diaspora. Often times, the potential of their input appears so big and attractive. Yet, there's no guarantee that it will be realized, as this is within the discretion of the migrants themselves. It's always a case of "the diaspora is capable of doing this" instead of "the diaspora has done this."¹⁰⁹

In addition, diaspora contributions can be either pragmatic or adverse. While most times the interest is on the positive contributions, it's important to take note of the opposite.¹¹⁰ For instance, the diaspora communities of some countries like Somalia, Sudan and Sri Lanka have been accused of playing key roles in nation-wrecking activities at their home countries. They've been said to fuel and finance revolt ideas and activities.¹¹¹

¹⁰⁸ Piyasiri Wickramasekara, "Diasporas and Development: Perspectives on Definitions and Contributions," *SSRN Electronic Journal*, 2009, p.22, accessed August 14, 2018, doi:10.2139/ssrn.1837943.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Steve Vertovec, *Trends and Impacts of Migrant Transnationalism – COMPAS*, (Oxford: University of Oxford, 2004), accessed August 18, 2018.

2.3 Migration and Globalization

The globalization process has made the world more integrated and interdependent. Recent trends show that countries, economies, cultures and beliefs in diverse areas of the world have become more intertwined. The emerging sophisticated technologies have enabled the rapid movement and sharing of capital, products and services, data and concepts across countries and regions. Generally, an expanding global economy comes with the prospects of better opportunities in life.¹¹²

Regardless, the movement of people and labour across borders remains limited. Globalization has brought about much more regulatory immigration laws and policies to contain the potential easy movement of people. This is to ensure the principle of state sovereignty remains.¹¹³

Globalization in itself is considered both a ‘pull’ and ‘push’ factor in international labour movement. The remarkable developments in information and communications technology (ICT), have made it easy to link international labour markets. This has created opportunities for labourers, especially those with high tech skills that are in demand. Also, comprehensive trade activities have reduced the necessity for migration by generating jobs

¹¹² Piyasiri Wickramasekara, Patrick Taran, and Ibrahim Awad, *International labour migration: A rights-based approach*, (Geneva: International Labour Office, 2010), accessed August 20, 2018.

¹¹³ International Labour Office, *A fair globalization: the role of the ILO: report of the Director-General on the World Commission on the Social Dimension of Globalization*, (Geneva: International Labour Office, 2004), accessed August 20, 2018.

in countries of origin. Further, Virtual movement made possible by ICT, has also endorsed outsourcing and more employment opportunities in source areas¹¹⁴

Taran and Geromini hold a contrasting opinion that in fact, the said improvements in trade and investments resulting from globalization do not hold a significant impact on the inclination of humans to constantly migrate. On the contrary, these improvements will only bring about a constant and high demand for labour across regions, where the differences in wages and standards of living have a direct impact on ordering the direction of migration flows.¹¹⁵ In that breadth, globalization is seen to be widening the imbalance in job openings, earnings and standards of living, as well as human safety across the world. For instance, in a good number of States, the increasingly liberal trade activities are substituting or destabilizing native agricultural and industrial inventions, by encouraging alternatives like cheaper imports. This is to the disadvantage of those working in these sectors who end up being without income, and eventually opt for migration as a way to make ends meet.¹¹⁶ Hence, globalization is a key factor leading to migration.

2.3.1 Growing Demand for Migrant Labour

Globalization and unrestricted trade mean increased demand for labour across board. Both industrialized or developing countries need workers to help with the development process.

¹¹⁴ Ibid 34

¹¹⁵ Patrick Taran and Eduardo Geronimi, "Globalization, labor and migration: protection is paramount" (Paper presented at Human Rights and Trafficking in Persons in the Americas: The Hemispheric Conference on International Migration, Santiago de Chile, 2002).

¹¹⁶ Patrick Taran and Eduardo Geronimi, "Globalization, Labor And Migration: Protection Is Paramount"

The countries are still desirable to migrant workers from third world countries for their opportunities and wage differentials.¹¹⁷

Even with the relative ease in present times, some small and medium-sized companies which are often labor intensive, may not have the ability to relocate their operations abroad. They often go for cost-cutting measures that only guarantee work at the lowest level of employment.¹¹⁸ The work is considered dirty, degrading and dangerous. Hence, unattractive to the nationals who have other alternatives for employment. The jobs are left to migrant labourers, as they are still better paying than what they have back home. Leam observes that notwithstanding the considerably high rates of joblessness in a number of industrialized States, overseas labor force including irregular migrants, find employment with ease.¹¹⁹

Expanding service sectors require skilled labour. However, most have been faced with serious shortages, especially in ICT. Competition for highly educated specialists has seen many countries relax their policies to attract the skilled launch recruitment strategies for highly qualified immigrants.¹²⁰

¹¹⁷ *ibid*

¹¹⁸ Lin L. Lim, "Growing Economic Interdependence and its Implications for International Migration in United Nations," in *Population Distribution and Migration* (New York: United Nations, 1998), 277, <https://www.poline.org/node/527811>.

¹¹⁹ *Ibid*, pg.277

¹²⁰ Patrick Taran and Eduardo Geronimi, "Globalization, Labor and Migration: Protection is Paramount"

Demographic patterns and elderly work forces in developed countries may need labour migration to reinforce the active population.¹²¹ For instance, in 2000, it was estimated that Germany would lose approximately ten million of its citizens by 2050, due to low rates of birth and decreasing settlements in the country. The country has since opened her doors to immigrants and integrated them into the labor market. This, coupled with improved population/demographic policies, has seen the latest projection say the country's populace by 2060 could be well above 80 million. Availability of workers may not be as badly impacted on as earlier perceived.¹²²

These factors only mean that the pressures of migration are increasing and so are the issues that come along with labour migration.

2.3.2 Exploitation of Migrants

Over the years, Migrant labor has been used as a cheaper way to bolster some money making ventures, and at times, keep afloat entire economic sections that are not as viable nor competitive as others. Even with globalization, this remains the case. Migrant workers (mostly irregular) are often concentrated in sectors like agriculture, domestic service, construction, and provision of service, particularly, the sex industry. With this, levels of exploitation are only increasing, with little or no legal protection.¹²³

Contemporary labour market needs have necessitated migration policy changes. Many countries now focus on hiring highly qualified migrant workers, often ignoring the low-

¹²¹ *ibid*

¹²² Michael Heise, "Population, Ageing and Immigration: Germany's Demographic Question," World Economic Forum, last modified April 27, 2017

¹²³ Patrick Taran and Eduardo Geronimi, "GLOBALIZATION, LABOR AND MIGRATION: PROTECTION IS PARAMOUNT"

skilled.¹²⁴ However, most employers prefer the least qualified workers as they will not demand much in terms of salary and work conditions. Due to the absence of legal procedures that would permit for their proper entrance into numerous destination nations, the low-skilled migrants opt for clandestine means. This exposes them to many dangers, among them, human trafficking.¹²⁵

2.3.3 Fundamental Policy Dilemmas

In many nations, migration is supported and countered at the same time. There is outright contradiction in what States lay down as migration policies, with the actual happenings on the ground. These policies have been reduced to simple political rhetoric. Whilst many governments purport to reinforce controls against illegal migration in policy, most of them informally tolerate it. This only means that there's continued supply of cheap labour, where the migrants are still considered illegal, hence have no means whatsoever of defending themselves against any exploitation.¹²⁶

Globalization has seen finance and trade progressively become liberalized and consolidated across regions and the world over. Interestingly, policies on migration which should go hand in hand with these have not been liberalized. On the contrary, immigration

¹²⁴ *International Mobility of the Highly Skilled*, (Paris: OECD, 2002), accessed August 21, 2018, https://read.oecd-ilibrary.org/employment/international-mobility-of-the-highly-skilled_9789264196087-en#page1.

¹²⁵ Florian A. Albuero and Danilo I. Abella, *Skilled labour migration from developing countries: Study on the Philippines*, (Geneva: International Labour Organization, 2002), accessed August 21, 2018, <http://public.eblib.com/choice/publicfullrecord.aspx?p=4954361>.

¹²⁶ Patrick Taran and Eduardo Geronimi, "GLOBALIZATION, LABOR AND MIGRATION: PROTECTION IS PARAMOUNT"

laws and policies are becoming more and more restrictive. Neither have they grappled with the issue of continual demand for inexpensive workers and the growing availability of such labor in supplementary nations. These strict border regulations have not stopped migratory flows. Contrarily, they have become further constraints on the migrants. With only a few possibilities existing for legitimate migration, irregular migration channels remain the only way to go.¹²⁷

2.3.4 Discrimination against Migrants

Present day migration has almost every State as either a country of source, passage, endpoint, or all three. Yet, many countries are becoming increasingly intolerant to non-nationals. Racial discrimination and xenophobic tendencies have been witnessed against migrants. Racism commonly indicates dissimilarity built on differences in bodily appearances like colour of skin, type of hair, and facial structures, among others. Whilst, Xenophobia describes outlooks, biases and behavior that discard, exclude and often belittle people, due to the view that they are outcasts.¹²⁸

Migrants experience discrimination in certain circumstances as in discriminatory job advertisings, recruitment practices, work conditions, remuneration, and termination of employment. This discrimination is manifested in extreme forms such as physical and psychological abuse, intimidation and abuse by authorities, stigmatization and stereotyping, as well as overt violence perpetrated in collective and individual attacks.

¹²⁷ ibid

¹²⁸ ibid

Often times, such behavior is comprised as an integral part of environments where discriminatory attitudes are justified, inspired, and socially/politically supported.¹²⁹

Taran and Gächter are of the opinion that generally, laws, policies and practices including those established by the State as well as institutions, allow for the discriminatory treatment of migrant workers.¹³⁰ As countries continue to apply restrictive policies on migration, the nationals increasingly view migrants as villains. Migrants and migration are often associated with misconduct and, now, terrorism. This seems to be cushioned by use of the terms “unlawful/illegal migrants”. Describing migrants as illegal or alien only goes to show that these migrants are the problem. They are not like the nationals and must not be accepted. Hence the nationals opt for draconian measures, and violence against foreigners.¹³¹

2.3.5 Gender and Labour Migration

The aspect of gender cannot be left out of any discussion on migration. It is gender that determines the motive for migrating, the migrator, place to migrate to, how people move and the links they use, chances and means available at destinations, and associations with the country of source. Further, the gender shapes the roles, expectations, dangers, insecurities and needs of a potential migrant. Even so, this often varies extremely from one group to the other.¹³²

¹²⁹ Patrick Taran and August Gächter, "Discrimination against Migrant Workers: Global Trends, Responses, Challenges and Ways Forward Today and Tomorrow"

¹³⁰ *ibid*

¹³¹ Patrick Taran and Eduardo Geronimi, "Globalization, Labor and Migration: Protection is Paramount"

¹³² Gender and Migration," International Organization for Migration, last modified March 8, 2018, <https://www.iom.int/gender-and-migration>.

The IOM defines gender as the character traits, responsibilities and roles, approaches, activities, ideals, relative power and guidance that a society attributes to people based on their assigned sex. Gender does not solely refer to females, males or additional gender groups, but to the connection between them.¹³³ The UN Women points out that the concepts of gender and women should not be interchangeable. Debates on gender often emphasize on females since they as a group, are most impacted on by perception on the basis of their sex.¹³⁴

Taran and Geronimi observe the differential and unequal opportunities for migrant workers. Whilst migrant men get slightly decent opportunities, most women find themselves doing domestic work, and in the sex industry. These are the most unregulated sectors globally. Hence, female migrants are at greater threat of abuse and discrimination. Moreover, women usually have limited access to material that is helpful on relocation and hiring networks abroad. In most instances, they may not be as prepared as the men in surviving the generally different conditions in the countries they move to.¹³⁵

Further, policies that are not gender-inclusive and regulations for admittance and entrance into destination countries often deepen the prevailing inequalities between male and female migrants. The definition of women upon entrance into the host country affects other

¹³³ "Gender Thematic Page | Migration Data Portal," Global Migration| Migration Data Portal, last modified July 2, 2018, <https://migrationdataportal.org/themes/gender>.

¹³⁴ "Gender Equality Glossary," UN Women Training Centre ELearning Campus, accessed August 23, 2018,

¹³⁵ Patrick Taran and Eduardo Geronimi, "Globalization, Labor And Migration: Protection Is Paramount"

communal rights and privileges whilst there. These includes the potential to be granted lawful residency in good time, as well as access to language-teaching programs, and platforms that will assist them with the safekeeping of their earnings.¹³⁶

These among other reasons make gender an intricate aspect of migration that needs to be incorporated appropriately in the contemporary migration debate.

2.4 Consequences of Labour Migration

The effect of migration of labour on both the host and origin countries has been greatly debated. While some are of the view that labour migration has had an important role in development for both the countries, studies over time have deduced negativity. This has led to antagonism towards migrants and migration as a whole. This segment summarizes labour migration consequences on host and source countries, separately.

2.4.1 Impact on Host Countries

For the host countries, foreign workers have a remarkable influence on the job market. They increase the workforce in these countries by taking up jobs that are otherwise rejected by the nationals. In doing so, they boost the fast-growing sectors, as well as save the declining sectors that may have had to close shop due to shortage in labour.¹³⁷ Ortega and Peri put it that: immigration soars labor supply, which escalates employment, then production, and in turn, the Gross Domestic Product (GDP).¹³⁸

¹³⁶ Monica Boyd and Elizabeth Grieco, "Women and Migration: Incorporating Gender into International Migration Theory," Migrationpolicy.org, last modified March 2, 2017

Further, as illustrated in the case of Germany and most European countries, younger and more educated migrants fill up the gap that would otherwise have been left by older retiring nationals. This serves a boost to the working-age population.¹³⁹ Some of these skilled migrants contribute much to innovation and specialization in the destination countries. Hunt points out that The United States is a huge beneficiary of migrants' input to research, innovation and technological progress.¹⁴⁰

In addition, migrants give more in social contributions and taxes than they collect in individual gains. For instance, a study by Liebeg and Mo shows that in Switzerland and Luxembourg, foreign habitants deliver a predicted net gain of around 3% of GDP to the public kitty, as is the case in most OECD countries.¹⁴¹ Hence, migrants do contribute to the financing of public infrastructure in the host countries, even though to a lesser extent than the nationals.¹⁴²

The benefits notwithstanding, many have negative views on labour migration. The arguments focus on the challenges that come with integration of immigrants, competition for job opportunities between migrants and native workers, and the costs a host country would incur in the attempt to provide proper social services to the migrants. Further,

¹³⁹ Ibid 63, pg.2

¹⁴⁰ Jennifer Hunt and OECD, "Skilled immigrants' contribution to innovation and entrepreneurship in the United States," *Open for Business*, November 2010, 260, accessed August 24, 2018, doi:10.1787/9789264095830-13-en.

¹⁴¹ Thomas Liebeg and Jeffrey Mo, "The fiscal impact of immigration in OECD countries," *International Migration Outlook 2013*, June 2013, 156, accessed August 24, 2018.

¹⁴² OECD, "Is migration good for the economy?" *Migration Policy Debates 2* (May 2014): 3, <https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf>.

immigrants have been accused of bringing social tension and criminal aspects to the host countries.¹⁴³

2.4.2 Impact on Sending Countries

The most agreeable implication of migration probably is the issue of remittances. Through both formal and informal channels, migrants do send remittances to their motherlands which serve as a vital source of external financing. As per the World Bank, these payments have an income fortifying effect from down the household level, to the country, as a macro entity. 2017 alone recorded up to \$466 billion in remittances to underdeveloped and developed countries.¹⁴⁴

Diaspora communities act as channels between native and host communities. They facilitate networking between the foreign communities; hence increase the opportunities to access international financing.¹⁴⁵ Goldring discusses the aspect of philanthropic remittances where the diaspora form hometown associations to collectively finance development projects in their home areas.¹⁴⁶ Further, returning migrants bring information and skill with them, to the betterment of their native society. Most importantly, they serve as a key source of foreign investment as they understand their native countries well, and know what needs to be invested in, and how, to be able to maximize on benefits.¹⁴⁷

¹⁴³ World Bank Group, "Impact of Migration on Economic and Social Development: A review of evidence and emerging issues," World Bank, last modified 2010,

¹⁴⁴ Ibid, pg.2

¹⁴⁶ Luin Goldring, "Family and Collective Remittances to Mexico: A Multi-dimensional Typology," *Development and Change* 35, no. 4 (2004): 806, accessed August 24, 2018.

¹⁴⁷ Ibid 72, pg. 3

On the flipside, emigration of workers, especially the skilled ones implies a loss in labour resources. In turn, there's a reduced productive capacity. Docquier, Shen and Rapoport point out that the said 'brain drain' hits most on the health and education sectors of small countries, by causing severe shortages in personnel.¹⁴⁸

On the social aspect, migration escalates the risk of family malfunction, crumbling of social linkages and psychosocial strain. Often times, migration separates families, which is sad on its own, and also leads to different members of the family playing roles that shouldn't be theirs. Feelings of loss, abandonment and rejection stem from this.¹⁴⁹

In as much as migration is usually a voluntary decision made by an individual, the realities of it mostly turn out to be so negative, contrary to the initial expectations. Many migrants have found themselves trapped in situations of human trafficking, abuse, discrimination and slave-like ventures.¹⁵⁰ Apart from injuring the individuals, this poses a challenge to the source countries who must find ways of protecting the emigrants. This is an addition to the already existing problems the sending governments have to deal with.

¹⁴⁸ I-Ling Shen, Frédéric Docquier, and Hillel Rapoport, "Remittances and inequality: a dynamic migration model," *The Journal of Economic Inequality* 8, no. 2 (2009): 201, accessed August 24, 2018, doi:10.1007/s10888-009-9110y.

¹⁴⁹ World Bank Group, "Impact of Migration on Economic and Social Development: A review of evidence and emerging issues," World Bank, last modified 2010.

¹⁵⁰ Ibid, pg 6

CHAPTER THREE

KENYAN WORKERS IN SAUDI ARABIA

3.1 Introduction

In this chapter, issues of Kenyan home helps in Saudi Arabia and their safety are analyzed based on both primary and secondary data. The chapter commences by bestowing an overview of the issues of Kenyan domestic workers in Saudi Arabia before analyzing the employment conditions these workers go through in the hands of their employers.

3.2 An Overview of Kenyan Workers in Saudi Arabia

Research shows that the leading category of people in need of migrant workers are richer Asian and Middle Eastern countries, mainly United Arab Emirates, Saudi Arabia, Kuwait and Malaysia. Put together, these countries required 13.5 million migrant workers by the end of 2009.¹⁵¹ Dubai alone is inhabited with a populace that is only 20 percent Emirati and 80 percent foreign born. Over 50 percent of the total population comprises workers originating from South Asia.¹⁵² An increasing occurrence in Asia and the Middle East is labor trading through legal hiring. Migrant employees under this class are not documented. Instead, they are lawfully hired in their own State and moved to rich “demand” countries, after which they are forced into conditions of involuntary or bond labor.¹⁵³

¹⁵¹ Caplin, Jessica. Mirage in the Desert of Oasis: Forced Labor in Dubai and the United Arab Emirates. *Harvard International Review*, 28-31 (2009), p28

¹⁵² *ibid*

¹⁵³ *ibid*

Saudi Arabia, a Kingdom in the Middle East has been on the limelight for human trafficking that is portrayed in the mode of acquisition and ill-treatment of foreign workers, including females and minors. The Territory has been named as a Tier 3 country by the United States Department of State in its 2005 Trafficking in Persons Report. Tier 3 denotes those States whose regimes do not comply fully with the lowest standards of Trafficking of Victims Protection Acts. ¹⁵⁴

While global, trafficking of persons to work in forced domestic labour is most particularly witnessed in areas where there is a confluence of wealth and people, as is the case in the GCC. The countries boast of rich oil reserves that have made them among the leading providers of petroleum products across the world. As a result, their nationals enjoy lavish lifestyles from the proceeds of these, hence the never ending demand for workers who can take up menial jobs that the nationals feel are beneath them. Despite most GCC countries having clear laws on the responsibility of the employers and recruiters towards the migrant workers (which includes catering for their travel costs), these laws are often flouted. The burden of costs is left with the migrants, hence increasing the likelihood of debt incurrence. The migrants pay for this by having their initial wages taken away for a certain period of time, usually between six to twelve months. ¹⁵⁵

¹⁵⁴ Wangui, Joyce. Kenyan Migrants Treated like “Trash” in Saudi. Africa News. Retrieved on 14th July 2013 from http://www.africanews.com/site/list_message/35023

¹⁵⁵ Ibid, p29

Travel costs and fees aside, other conditions of domestic workers widely reported throughout Saudi Arabia include poor accommodation provisions (sleeping in the laundry, kitchen or lounge); long hours (sixteen to eighteen hours per day, and often on-call for twenty-four hours); little or no leisure time (one day per week, a few hours on a Sunday for religious services, or not at all); severe restrictions on leaving the house (some are locked in as part of recruitment agency "guarantee" conditions); lack of food (often fed with leftovers); physical and sexual abuse where the physical includes beating, burning with hot irons, intimidations, verbal abuse and disgrace by shaving heads.¹⁵⁶ In addition, there is no set minimum pay in Saudi Arabia. The mean monthly salary for a worker depends on their ethnicity, skin colour and religious inclinations.

Various international human rights groups have noted that the state of human rights conditions for domestic workers in the GCC are wanting. The organizations repeatedly talk about the physical and sexual abuse particularly against female domestic workers there, their forced incarceration and denial of food.¹⁵⁷ Despite the significant economic interests in encouraging labour migration to Saudi Arabia, sending countries have attempted to apply minimum labor conditions within the labor contracts by establishing a licensing procedure for private recruitment agencies.¹⁵⁸

¹⁵⁶ Ibid

¹⁵⁷ Gibney, Matthew J. & Randall A. Hansen. *Immigration and Asylum: from 1900 to the present*. New York: ABC-AGLIO

¹⁵⁸ 4 StateGov. Kenya (Tier 2 Watchlist). Retrieved on 8th July 2013 from <http://www.state.gov/documents/organization/210740.pdf>

3.3 Kenyan Workers in Saudi Arabia

Kenyans willingly move to other nations in search of jobs, where they are sometimes misused in exploitative domestic servitude, indecent occupations in massage parlors and brothels, or forced manual labor in general.¹⁵⁹ In Saudi Arabia, reports show that 75% of the foreign workers there come from East Africa, substituting migrants from the Philippines and Indonesia, who have in the recent past settled to prohibitions due to the cases of abuse.¹⁶⁰

3.3.1 Why Kenyans migrate to Saudi Arabia as Domestic Workers

In this study, respondents were asked about the factors that makes Kenyans end up employed as domestic workers in Saudi Arabia. Figure 3.1 summarizes the findings. The findings showed that better pay and lack of employment emerged as the two most recurring themes among the different categories of respondents, accounting for sixty percent and thirty percent of the cases, respectively. For example, Dennis Gichovi, an interviewee who worked in the department of Diaspora and Consular Affairs Directorate of the Ministry of Foreign Affairs, says this:

“Lack of employment and low wages for domestic workers here in Kenya pushes Kenyans to those countries... We have cases of Kenyans using backstreet and unlicensed recruiting agents to facilitate their travel to the Middle East just to make ends meet.”¹⁶¹

¹⁵⁹ StateGov. Kenya (Tier 2 Watchlist). Retrieved on 8th July 2013 from <http://www.state.gov/documents/organization/210740.pdf>

¹⁶⁰ Blackett, Adelle. Domestic Workers at the Interface of Migration & Development: Action to Expand Good Practice. 2011.

¹⁶¹ Intern in the Ministry of Foreign Affairs, interviewed on 29/08/2018.

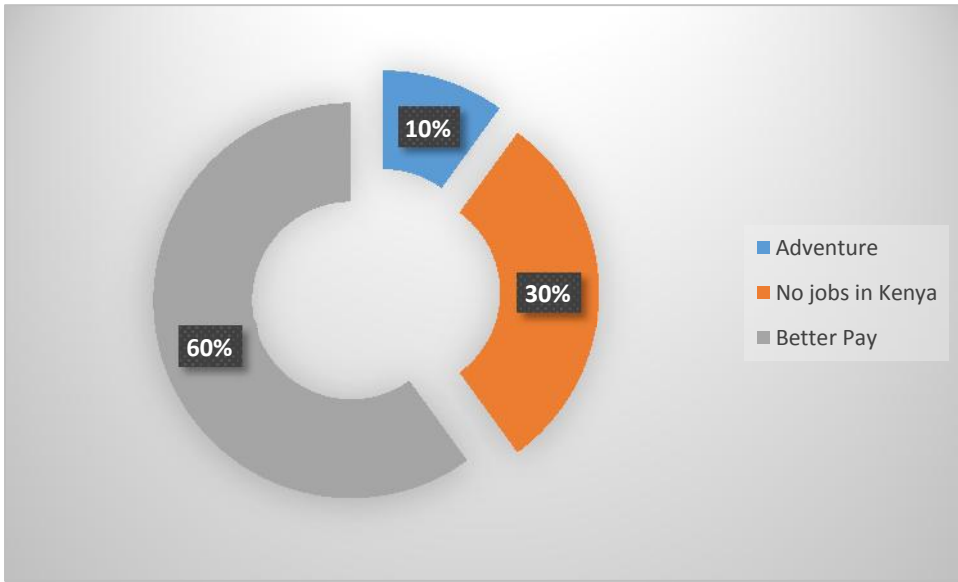


Figure 3.1: Factors that Make Kenyans end up Employed as Domestic Workers

The foregoing observations are shared by an Official at the Ministry of Foreign Affairs in a rather punctuated way:

“Better pay. Prestige. No jobs in Kenya. Greener pasture.”¹⁶²

These sentiments depicts the general labour market situation in Kenya and suggest that there is a perception among Kenyans migrating to the Saudi Arabia to be employed as domestic workers that there are “greener pastures” in these countries.

3.3.2 Monitoring and Control of Workers Migrating to Saudi Arabia

The statistics on Kenyan house helps in the Middle East vary wildly. However, a statement by the Ministry of Foreign Affairs puts the general number of workers to be at more than

¹⁶²MFA Official. Interviewed on 29/8/2018

200 thousand, as of February 2018.¹⁶³ Media reports indicate that annually, enrolment agencies organize roughly 16,000 visas for Kenyans to work in Saudi Arabia alone.¹⁶⁴ This study suggests that inconsistency in the numbers is mirrored in the challenge regarding the monitoring and control of home helps exported to the ME. The most recurring theme across the respondent categories was that domestic workers do not register with the Embassies. This sentiment was shared by over two-thirds of the interviewees in the study. For example, a Foreign Service Officer in the Ministry of Foreign Affairs lamented thus;

“The challenges are in monitoring the house girls who do not register at the Kenyan embassies in Middle East. We don’t know who they are so how can we trace them and protect them? They only come to the embassy when they have a problem.”¹⁶⁵

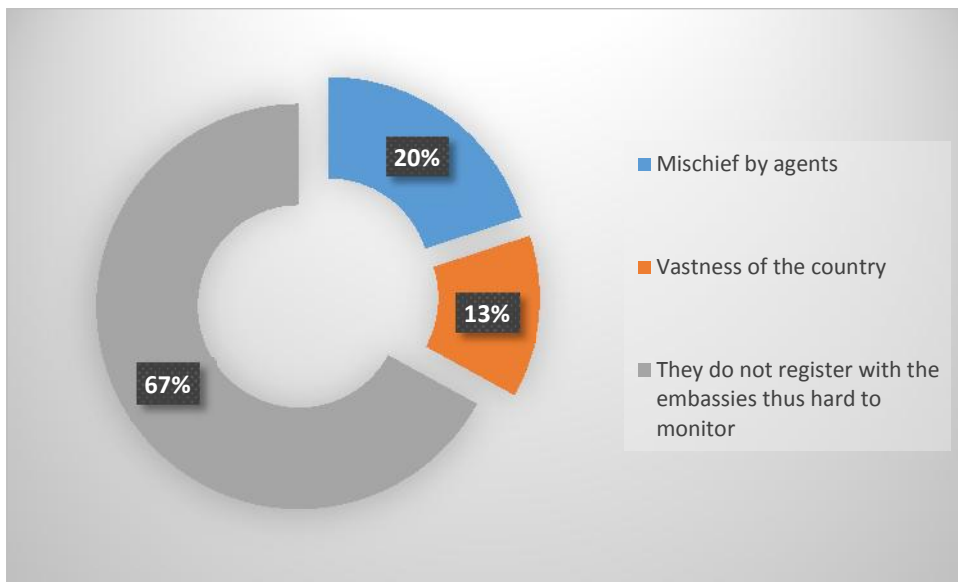


Figure 3.2: Major Challenges regarding the Monitoring and Control of Domestic Workers exported to the Middle East

¹⁶³ "Middle East of Great Strategic Importance to Kenya," Ministry of Foreign Affairs, last modified February 27, 2018, <http://www.mfa.go.ke/middle-east-great-strategic-importance-kenya/>.

¹⁶⁴ Ibid

¹⁶⁵ Foreign Service Officer, Diaspora Affairs, Ministry of Foreign Affairs, interviewed on 29th August 2013

3.3.3 Working Conditions in Saudi Arabia

Notwithstanding the lack of clarity about the exact number of Kenyan native employees in Saudi Arabia, there's information that these home helps work in servile conditions.¹⁶⁶ For instance, the workers may not be remunerated for a long period, or may have to make do with insufficient salaries as employers reimburse themselves the amount (roughly \$5000) they used to facilitate the travel of the workers.¹⁶⁷ Moreover, there are constant reports of killings of migrant workers in the kingdom. Media records show that in the year 2011, seven Kenyans reportedly died under the hands of their Saudi employers.¹⁶⁸ A report by the Human Rights Watch indicates that In January 2010, Saudi officials promptly deported a Kenyan migrant Fatma Athman, just within seven days after she fell of a third-floor balcony. Fatma sustained serious injuries from the ordeal that she strongly claims was an intentional push by her employer in a murder attempt.¹⁶⁹ No action was taken against the employer. A similar state of Kenyan native employees in Saudi Arabia is further depicted in this study where by the general perception was that domestic workers worked under deplorable working conditions. For example, a 26 year old lady who worked in the Middle East for eight months but came back narrated as follows:

“There are no jobs in Kenya and I have not gone to school well. I am a first born from a poor family. I went through a recruitment agency that I don't know. I was taken from my home in Mumias by a relative, they looked for me a passport, and visa and we paid Ksh.20, 000. Then the agent escorted me to the airport and was met the other side by another agent. I faced a lot of problems while in Jeddah. I

¹⁶⁶ Munene, Mugumo. The Ordeal of Kenyans in Arab 'Slave Markets'. Retrieved on 10th July 2013 from <http://syndication.nation.co.ke/contentdetail/index/article/125>

Ibid.

¹⁶⁸ Kithi, Ngumbao. Even at home, they are slaves of poverty. Standard Digital. Retrieved on 13th July 2013 from <http://www.standardmedia.co.ke/?articleID=2000057582>

¹⁶⁹ Human Rights Watch. Saudi Arabia: Domestic Worker Brutalized. Human Rights Watch. Retrieved on 12th July 2013 from <http://www.hrw.org/news/2010/09/02/saudi-arabia-domestic-worker-brutalized>

was a house help. The working conditions are poor, there is little food it is horrible. I decided to escape through the window and hurt myself. I was taken to hospital by neighbors then the hospital took me to the embassy... Kenyans are suffering. Those people are not human beings.”¹⁷⁰

The respondent’s experiences are echoed by majority of the views of legislatures from both the Department of Labour and Foreign affairs. The study has gathered that the daily life of a Kenyan house help in Saudi Arabia is characterized by a normal working day of between 18 to 22 hours, persistent threat of sexual abuse from the bosses, as well as beatings and other dehumanizing acts, often orchestrated by the women of the homes.¹⁷¹ Despite that, Saudi authorities and the Kingdom’s Criminal Justice System provide no legal assistance to migrant victims in such situations.¹⁷²

3.3.4 Workers’ Condition in Saudi Arabia Compared with Kenya

The study asked whether the domestic work situation in Saudi Arabia was any different from that of domestic workers locally. Respondents generally concede that the situation is indeed different, whereby they paint the picture of employment conditions in Saudi Arabia as harsh and intolerable, as compared to that in Kenya. This was corroborated by nearly three-quarters of the respondents across the respondent groups.

¹⁷⁰Mwanaisha Hussein, a resident of Mumias interviewed on 28th 8, 2018

¹⁷¹ Wangui, Joyce. Kenyan Migrants Treated like “Trash” in Saudi. Africa News. Retrieved on 14th July 2013 from http://www.africanews.com/site/list_message/35023

¹⁷² ibid

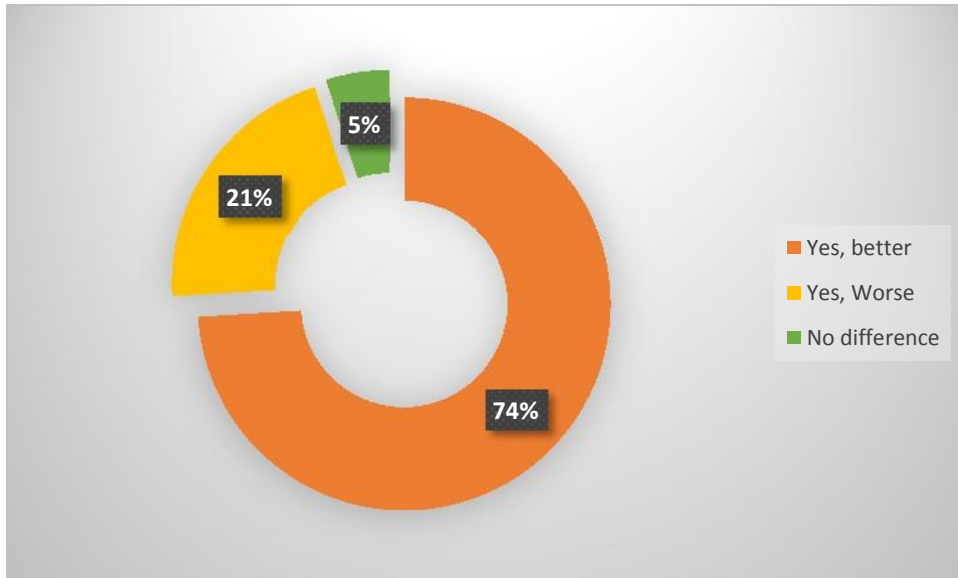


Figure 3.3: Work Situation in Saudi Arabia is any different from the plight of domestic workers in Kenya

These respondents attribute the poor working conditions of home helps in Saudi Arabia to cultural differences and culture shock. Foreign Service Officer, Diaspora affairs who was interviewed on 28th August 2018 says:

“The situation in the Diaspora is unique because Kenyans could be working in countries with a different culture from theirs. Arabs are bossy people who view their employees very lowly. They can’t share their food or sleep in the same house with them.”¹⁷³

Another interviewee from the Ministry of Foreign Affairs adds that:

“Yes it is unique because the culture, climate, remunerations, nature of work and lifestyle differs from our local conditions. From their dressing style, to the food they eat and the language they use. Everything is different and can be frustrating to an outsider.”¹⁷⁴

¹⁷³ Head of Security, Administration Department of Ministry of Foreign Affairs.

¹⁷⁴ Resident of Mumias who was not working interviewed on phone on 28/7/2013.

Narrating her experience, one returnee who managed to escape from an abusive employer in Saudi Arabia says:

“Before I went to Riyadh, I was a maid here in Kenya, but there is no day I was ever treated as bad as I was treated in Riyadh. In those people’s eyes, a maid is not a human being like them.”¹⁷⁵

However, one recruiting agent in Kenya has a different view. He says the incidents of abuse are a result of the concerned parties not sticking to what is stipulated in the initial contracts.

“Some of these girls get there and want to run away immediately because their friends lie to them that another employer will pay them more. When they leave Kenya, they know very well that they should stay with one employer for at least two years. Even you, if you are an employer, you can get very annoyed after you have spent so much money to bring her to Saudia.”¹⁷⁶

3.5 Conclusion

The chapter has shown that the foremost groups in the demand for migrant workers are the rich Asian and GCC countries, mainly United Arab Emirates, Saudi Arabia, Kuwait and Malaysia. Kenyan migrants are particularly attracted to the Kingdom of Saudi and the United Arab Emirates. Yet, these two have been adversely mentioned in incidents of abuse against migrant domestic workers. The findings show that Kenyans migrate to these nations to be employed as house helps because of the lack of opportunities here, as well as the promise of better pay there for such a job that doesn’t require formal skills.

However, the exact number of Kenyan workers who have migrated there is not clear. Respondents link the challenge regarding the monitoring and control of these exported domestic workers to the fact that they do not register with the Embassies. The chapter has

¹⁷⁵ Ibid

¹⁷⁶ Ali, recruiting agent interviewed.

shown that the migrant domestic laborers operate under deplorable working conditions that they would otherwise not be subjected to at home. This has been attributed to not adhering to the stipulations of the contracts on the part of the employers, agents, and workers, together with the extreme cultural differences between Kenya and these countries.

CHAPTER FOUR

KENYA – SAUDI ARABIA DIPLOMATIC RELATIONS

4.1 Introduction

It is impossible to deny the importance of diplomacy in strengthening a nation's power, not only in external but also in internal affairs. Diplomacy, which is the managing of global relations by negotiations, is the result of long-proven state practices affirmed by the practice in itself, as well as the statutory provisions and legal decisions of State law.

The finale of World War II initiated the most remarkable progression in State cooperation in the history of the world. This came about with drastic transformations in the political formations of existing States, the creation of independent entities, as well as their relations with one another. The emergence of many new States and their acquired influence in global affairs, coupled with the strengthening of multilateral cooperation facilitated by well-established organizations like the UN, has certainly resulted in widespread conception of diplomatic practice.¹⁷⁷

Diplomatic relations are regulated by the law of nations. The norms and practices considered as forming international law, are looked upon by States to govern their relationships in both the political and legal aspects of their interaction. Modern international law is a fairly recent phenomenon.¹⁷⁸ It originates in the 16th and 17th Century

¹⁷⁷ Lee, Everett S. "A Theory of Migration." *Demography* 3, no. 1 (1966), 47. doi:10.2307/2060063.

¹⁷⁸ *Migration in Kenya: A Country Profile 2015*. NAIROBI: International Organization for Migration, 2015. Accessed July 24, 2018. http://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf.

Europe. Even so, certain communities which acted as entities governed by some sort of organized law existed in Europe before the said period. They include ancient Rome and Greece. Most of these were run on Christian based laws that form the basis of present day international law.¹⁷⁹

Diplomacy normally involves the exchange of diplomatic missions between States, where issues pertaining to their relations and that of their nationals are formally addressed. Similarly, permanent or at least consistent involvement in the activities of the UN and other major intergovernmental bodies is requisite of the States.¹⁸⁰ Initially, diplomatic relations were conducted on a bilateral basis. Today, multilateralism has become one of the key characteristics of modern diplomacy.

Advancements in ICT in this age of technology demand a more collective approach to international problems. This is unlike the previous era where multilateralism was only resorted to after periods of war as a temporary means to bolster some peace, until another war broke out. Such instances were during the signing of the treaty of Westphalia (1648), and the Vienna Congress (1815).

¹⁷⁹ "ILC87 - Report III (1B) Migrant Workers." International Labour Organization. Last modified January 2000. <https://www.ilo.org/public/english/standards/relm/ilc/ilc87/r3-1b2.htm>.

¹⁸⁰ OECD. "Is migration good for the economy?" *Migration Policy Debates 2* (May 2014), 1-4. <https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf>.

But as the world experienced revolutions within the 19th Century, issues of political nature, as well legal, economic and technical ones became increasingly similar among States. It is then that the States realized that it would be prudent to jointly address these issues and put their energies together towards finding common solutions that would be functional. From this idea, organizations like the UN were born. Once these organs had been established, and the envoys sent, the question arose as to how they were to be protected. It led to the formulation of the Diplomatic privileges and immunities. This then brings us to the crux of the matter of this study, that is, the fundamentals of the Diplomatic privileges and immunities.¹⁸¹

These exemptions accorded to diplomatic agents are to allow them carry out their duties without interference from the local powers. As espoused in The Vienna Convention of 18th April, 1961 the entitlements and exemptions are part of international law (customary) and should be observed on reciprocal basis.

4.2 Foreign Policy, Diplomacy and National Interest

Since the Treaty of Westphalia in 1648, States are considered the ultimate/principal actors in the global system. The States serve as the ubiquitous of political legitimacy with no authority beyond them. They are in complete control of their relations with each other.¹⁸²

For this reason, State security is the prime concern of any state government. Diversified

¹⁸¹ Dr. H. G. Brauch et al, (2008) Globalization and Environmental Challenges: Reconceptualising Security in the 21st Century (Hexagon Series on Human and Environmental Security and Peace) Springer Publishers.

interests and cultures among the different States dictate that each of these States create and execute distinct foreign policies, to pursue the varying national interests in different States.¹⁸³ It therefore is impossible for a State to have a standard foreign policy towards all its associates.

Sir Ernest Satow (1929), describes diplomacy as the “use of intellect and wisdom in engaging in formal interactions involving two or more governments of self-governing States.” Summarily, it encompasses State interactions by engaging in exclusively harmonious means. Policies in this case can be termed as strategies taken by nations for the sake of protecting national interests, and to achieve definite aims and objectives. Thus, it follows that the objectives and aims of any State be aligned with the State’s interests, internationally. This is in fact why often times, foreign policies of a State are just domestic policies elevated to the global level, and aimed towards fulfilling certain purposes and principles of the particular State.¹⁸⁴ Of all interests States hold, the protection of its citizens is paramount.

In essence, both Kenya and Saudi Arabia’s foreign policy incorporates the relationships and strategies either one of these governments chooses to pursue discretely, in order to achieve their interests, as well as maintain the image of their country on the global arena.

¹⁸³ Don Nanjira, Daniel, (2010). African foreign policy and diplomacy: from antiquity to the 21st century. Volume 1. California: Praeger, An Imprint of ABC-CLIO, LLC.

¹⁸⁴ *Saudi Investors Express Appetite to Set Shop in Kenya | The Presidency*. Nairobi: Presidential Press Unit, April 12, 2017. Accessed August 3, 2018. <http://www.president.go.ke/2017/04/12/saudi-investors-express-appetite-to-set-shop-in-kenya/>.

Kenya's strategic geographic location and its generally sound interests in other States, present a fertile ground for Kenya to cultivate good relations with various nations and international organizations.¹⁸⁵ The Kenyan government then must adopt a dynamic foreign policy that will strengthen this relations and put Kenya on a favorable pedestal in the international community. Even as it retains the traditional national, military, political and economic interests, the current foreign policy has taken a more intricate approach to include feasible expansion of its economy, cultural diplomacy and conservation of the environment. It further advocates for equity and the emancipation of marginalized groups in society.¹⁸⁶ On the overseas policy, Kenya continues to emphasize on non-alignment, Pan-Africanism, as well as open and subtle decrees on matters of international concern. The country's diplomatic practices take both bilateral and multilateral forms to make the most out of its international interactions.¹⁸⁷ This approach is mainly engineered towards protecting the country's major self-interests categorized as follows:

4.2.1 Security/Political

Without peace and stability, social and economic development cannot be achieved. It then follows that a government must guarantee its citizens of their security by whatever means, for as long as the State remains sovereign with well secured borders. Only such a safe

¹⁸⁵ Tyrus, A. *Kenyan Foreign Policy: An Introduction*, (2012). Retrieved August 12, 2013 from <http://theforeignpolicyanalyst.wordpress.com/2012/10/28/kenyan-foreign-policy-an-introduction/>

¹⁸⁶ *ibid*

¹⁸⁷ Kenya mission to the United Nations - Kenya Foreign Policy. Retrieved August 12, 2013 from www.kenyamission-un.ch.

political environment can allow both the government and citizens to focus on the development agenda.¹⁸⁸

4.2.2 Economic Development

Kenya's current foreign policy is largely shaped by the desire for economic expansion. It takes into consideration the need to have an open market in line with the now liberal international trade, as well as means to acquire foreign economic assistance in the forms of Foreign Direct Investments (FDI) and Official Development Assistance (ODA).¹⁸⁹

4.2.3 Geo-Political Factors

In its foreign policy, Kenya takes into consideration its geographical location in the region, and the fact that it's strategic in its international relations. For instance, since Kenya is a coastal State bordering the Indian Ocean, its position influences how the neighboring landlocked States and their allies relate with Kenya, to benefit from its being littoral. Moreover, being more economically developed and politically stable than its neighbors in the East African region, makes Kenya a favourable ally for Western powers and organizations seeking to expand their interests to the region.¹⁹⁰

¹⁸⁸ Tyrus, A. *Kenyan Foreign Policy: An Introduction*, (2012). Retrieved August 12, 2013 from <http://theforeignpolicyanalyst.wordpress.com/2012/10/28/kenyan-foreign-policy-an-introduction/>

¹⁸⁹ ibid

¹⁹⁰ ibid

4.3 The Role of the Ministry of Foreign Affairs in Diplomatic Engagement

Kenya's Ministry of Foreign Affairs is the government's arm charged with safeguarding the nationals in the Diaspora. As such, it assumes an informational and arbitrator duty in the well-being of Kenyan domestic workers abroad. The specific requirements of the Ministry are that it should establish and run missions in countries abroad especially where most of its nationals are settled. On the same, it should be able to provide comprehensive consular services for Kenya's diaspora.¹⁹¹ Indeed, the Ministry maintains an Embassy in Riyadh where Kenyans in Saudi Arabia can seek to have their issues addressed. However, there has been disquiet on the ambassadorial appointments to this mission, with strong views that Kenya would be better off a Muslim ambassador in Saudi Arabia owing to the Islamic practices of the State.¹⁹²

Further, the MFA is needed to send attaches to missions that require special attention as is the case of Saudi Arabia regarding the issue of abuse against Kenyan workers there. In April 2017, Kenya sent three special envoys to Saudi, the UAE and Qatar to in a bid to address the issue of abuse on a diplomatic level.¹⁹³

¹⁹¹ "Functions of the Ministry," Ministry of Foreign Affairs, accessed November 1, 2018, <http://www.mfa.go.ke/functions-of-the-Ministry/>.

¹⁹² Lewis Nyaundi, "Muslims Want One of Their Own as Ambassador to Saudi Arabia," *The Star*, Kenya, last modified July 27, 2018, https://www.the-star.co.ke/news/2018/07/27/muslims-want-one-of-their-own-as-ambassador-to-saudi-arabia_c1794068.

¹⁹³ Dalton Nyabundi, "Kenya Sends Diplomats to Middle East to Combat Workers Abuse," *The Standard*, last modified April 5, 2017, <https://www.standardmedia.co.ke/business/article/2001235114/kenya-sends-diplomats-to-middle-east-to-combat-workers-abuse>.

It is the duty of the Ministry to officially inform the nation on matters affecting Kenyan nationals abroad. In this case, the MFA ought not to shy off the topic of abuse of Kenyan workers in the Middle East as part of a public awareness campaign. One responded pointed out that:

“This issue of girls being abused is not a national matter. It is for those few who choose to go there and they know very well they will be abused. Why should we compromise our relationship with Saudi Arabia because of a few desperate individuals?”¹⁹⁴

The Ministry should make it known to Kenyans that anything that impacts on one of them, is a threat to the entire nation as an entity. And in the event Kenyans abroad need the intervention of the government in handling certain matters, it is the Ministry that should step in and take care of the necessary protocol.¹⁹⁵ The failure on this part has come up a lot in the Middle East still, where families of victims of abuse say the MFA hasn't been very helpful in facilitating the return of their kin.

“I came back to Kenya and left my sister in Jeddah as she could not manage to escape. A few months later we were told that she killed herself. My sister's body came home after six months with some parts missing. Why couldn't the government just bring her body to us immediately so that we could bury her in one piece?”¹⁹⁶

On the obligation of facilitating migrant labour, the MFA needs to have in place clear policies on emigration out of Kenya. Of which, this is still a work in progress as most of the policies are still on the formulation process. Moreover, the Ministry is expected to

¹⁹⁴ Recruiting agent, interviewed 14th August 2018

¹⁹⁵ "Functions of the Ministry," Ministry of Foreign Affairs, accessed November 1, 2018, <http://www.mfa.go.ke/functions-of-the-Ministry/>.

¹⁹⁶ Returnee, interviewed 20th August 2018

educate Kenyans on the legal stipulations on domestic labour, both at home and abroad, be there need to migrate. Majority of the respondents in this study observed that most employers and employees remain uninformed on this front.¹⁹⁷ The best the government has done is to arrange for occasional pre-departure orientation programs where emigrants are given the available information on the opportunities abroad, and the potential risks they may face when outside Kenya.¹⁹⁸ Besides putting in place proper policies and reforms, the MFA should work towards having a proper database on migrant workers abroad, so as to be able to keep track on them. In a bid to achieve this, Kenya with the help of the IOM, is in the process of establishing a fully-functional Labour Migration Unit where emigrants are expected to register and receive helpful information.¹⁹⁹

4.4 Collaboration between the Ministry of Foreign Affairs and the Ministry of Labour

Whilst the issues of Kenyans abroad are left to the Ministry of Foreign Affairs, matters pertaining labour migrants may be too wide to be solely left to the MFA. The Ministry has sought to work hand in hand with other concerned governments agencies, specifically the Ministry of Labour to address the plight of Kenyan migrant workers abroad.

This study sought to establish from the respondents how the MFA was working with the Ministry of Labour to protect Diaspora workers in Saudi Arabia. Respondents indicated that both Ministries constantly hold joint inter-ministerial committees and stakeholder meetings to address the concerns. Jointly, the two Ministries are making strides in

¹⁹⁷ "Functions of the Ministry," Ministry of Foreign Affairs, accessed November 1, 2018, <http://www.mfa.go.ke/functions-of-the-Ministry/>.

¹⁹⁸ Regional Mixed Migration Secretariat. *Mixed Migration in Kenya: The scale of movement and associated protection risks*. 2015. p16. Retrieved on 7th July 2013 from <http://www.regionalmms.org/.../pdf>

¹⁹⁹ Ministry of Foreign Affairs, accessed November 1, 2018, <http://www.mfa.go.ke/>.

streamlining the operations of recruiting agents in the country. At the moment, all Kenyan agents are required to get verification and sign a bond with the Ministry of Labour, before getting the go ahead to operate in the country. This is much to the chagrin of the agents.

‘...Foreign affairs and Labour people are making our lives so difficult. It is no longer easy to operate because they keep inspecting all agencies to find out whether you have the right documents and are licenses to carry out business. These things are expensive and the conditions they put are very hard to meet. Many times we are forced to work when hiding’²⁰⁰

In addition, they share information and verification of some of the agents that recruit in Saudi Arabia; that is, the Ministry of Labour with the help of the MFA, verifies some of the companies and agents in Saudi Arabia before allowing them partner with Kenyan agents to send house helps there.

The MFA has opened a consular directorate where all foreign employers are supposed to inform both Ministries of their operations. Respondents also mentioned that they ensure signed documents from both Ministries agree for the transportation of the worker to Saudi Arabia especially at the airport. Both the Ministry of labour and the MFA hold pre-departure briefings and trainings for those legitimately migrating to Saudi Arabia for work. The briefings are centered on the cultural and language differences as well as the rights and entitlements of the migrants as they go to work in Saudi Arabia.²⁰¹

²⁰⁰ Ali, recruiting agent interviewed 14th august 2018

²⁰¹ Ministry of Foreign Affairs, accessed November 1, 2018, <http://www.mfa.go.ke/>.

4.5 The Role of Diplomacy in Promoting Collective Bargain

Respondents were asked to indicate what they perceived of as the role of Diplomacy in promoting collective bargain for Kenyan domestic workers in the Diaspora. The themes of awareness and bilateral agreements strongly emerged from the views of the respondents. The suggestions included; that the government should have awareness campaigns where the workers are informed of the dangers of going to Saudi Arabia; the government should spear-head the protection and awareness of the domestic workers rights as Kenyan citizens in the Diaspora; draft bilateral agreements such as the one ongoing between Saudi Arabia and Kenya; and supporting the formation of workers unions for migrants working in Saudi Arabia.

The findings showed that bilateral agreements were ongoing between Kenya and Saudi Arabia. The study sought to determine the key challenges surrounding the enforcement of such bilateral agreements. Four challenges were consistently mentioned across the respondent groups with varying frequencies.²⁰² They are: lack of proper policies and regulations in place for both the skilled and the unskilled workers recruited and exported abroad, policy issues between the governments because of different laws, different constitutions and different cultures and religious affiliations; and lack of enforcement of existing labour laws. Moreover, some respondents lamented that the contents of such agreements are not known even to key stake holders like the local worker's trade union officials, so as to help the migrants ensure they know what they are provided for in such

²⁰² Sjaastad, Larry A. "The Costs and Returns of Human Migration." *Journal of Political Economy* 70, no. 5, Part 2 (1962), 80-93. Accessed August 6, 2018. doi:10.1086/258726.

agreements. Francis Atwoli of the Central Organization of Trade Unions in Kenya argues that:

‘Those people hold meetings and they don’t even tell us what these meetings are about. How can you want what you don’t even know to be enforced? We have presented to them the issues our workers face in Saudi Arabia but they never tell us what agreements they reach with those other countries. It is purely political.’²⁰³

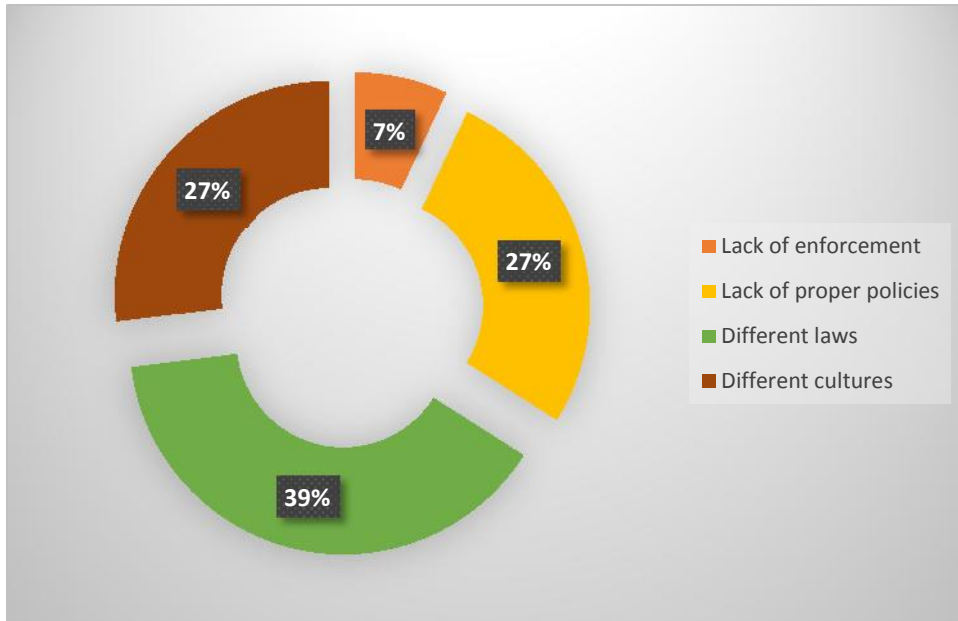


Figure 4.1: Key Challenges to the Enforcement of Bilateral Agreements

²⁰³ Francis Atwoli, Secretary General, Central Organization of Trade Unions- Kenya.

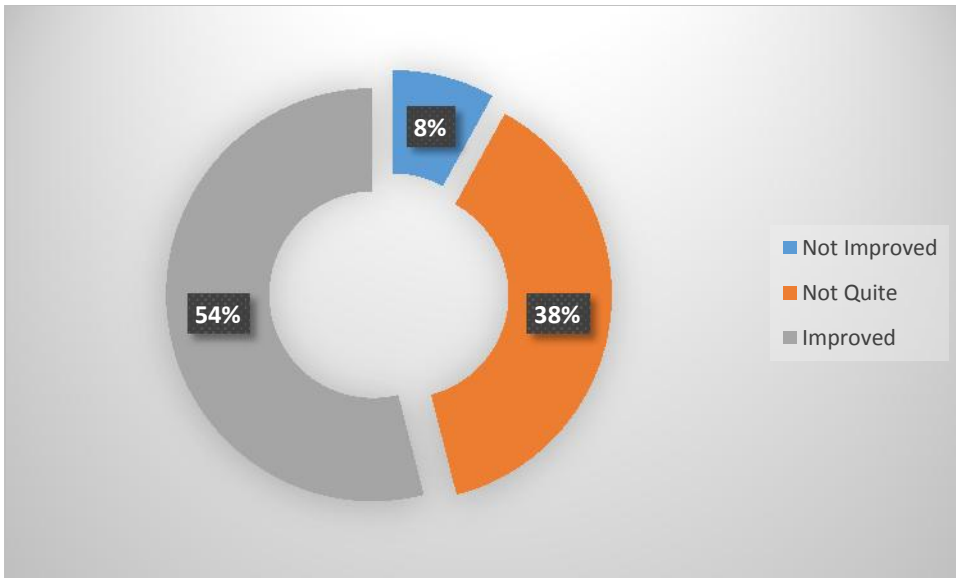


Figure 4.2: Improvements in the Handling of the Plight of Kenyan Domestic Workers

4.6 Cooperation from Saudi Arabia

The study sought to determine whether the Kenyan government gets cooperation from the government of Saudi Arabia regarding the implementation of bilateral agreements. From the findings, there was a general consensus that there was cooperation between the two governments of, citing bilateral negotiations in advanced stages. The fact that Saudi authorities actualized the ban on Kenyan domestic workers going there by not issuing work visas, also came out as an illustration of its cooperation in the fight against migrant worker abuse.

Another act of commitment cited by the respondents is Saudi Arabia's 2017 amnesty for domestic workers to be repatriated to Kenya as part of its campaign dubbed "A nation without violators." The Kingdom gave illegal and undocumented migrants, as well as

runaway workers ninety days to complete all the formalities that would have them brought back to Kenya, free of any legal or fiscal charges.²⁰⁴

Others pointed out the fact that there's increased media coverage of incidents of abuse in Saudi Arabia, means there's a little more freedom within the Kingdom as victims are able to find means of having information reach the relevant officials and the public at large.

In 2017, Saudi Arabia for the first time sent a huge delegation of over eighty officials to Kenya, led by its Minister for Commerce and Investment to address among other issues, the plight of Kenyan migrant workers in the Saudi Kingdom. The two governments signed memoranda of understanding on the way forward regarding the issue.²⁰⁵

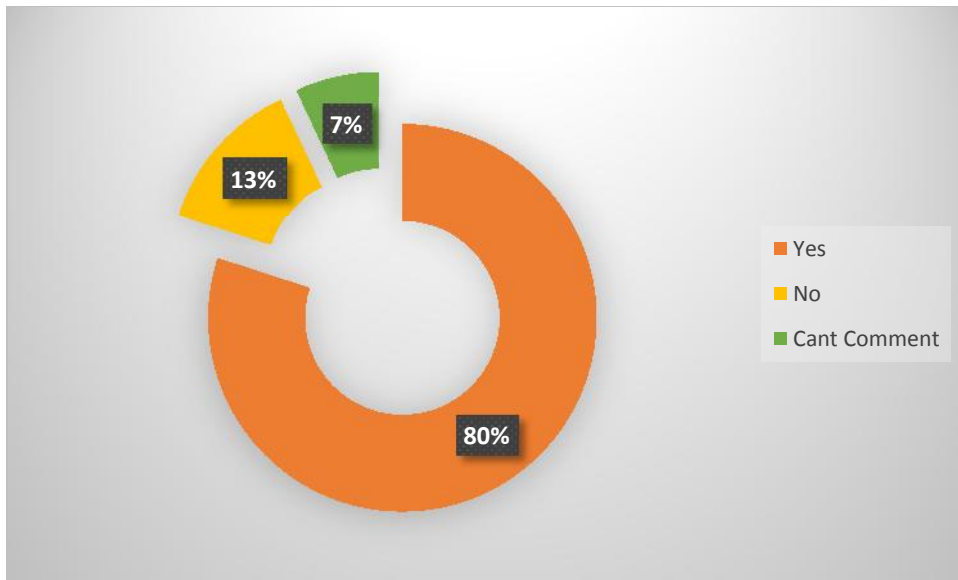


Figure 4.3: Cooperation from Saudi Arabia

²⁰⁴ "Kenyans Illegally in Saudi Arabia Asked to Leave During 90-day Amnesty," The Star, Kenya, last modified April 5, 2017, https://www.the-star.co.ke/news/2017/04/05/kenyans-illegally-in-saudi-arabia-asked-to-leave-during-90-day-amnesty_c1538351.

²⁰⁵ Daily nation, <https://www.nation.co.ke/news/Kenya-to-export-100-000-workers-to-Saudi-Arabia/1056-3891314-13j9btz/index.html> (2017)

4.7 Conclusion

This chapter has analyzed the role of the Kenya and Saudi Arabia governments in safeguarding the welfare of Kenyan domestic workers in the Kingdom. The chapter has shown that the temporary ban by the Kenyan government forbidding domestic workers from migrating to Saudi Arabia has been partly effective. However, there's still a huge number of Kenyans using backstreet and unlicensed recruiting agencies to facilitate their travel to Saudi Arabia. It has shown that diplomacy has taken center stage in Kenya's efforts to protect its workers in Saudi Arabia. Despite the economic interest that Kenya has in its relations with Saudi Arabia, some effort has been put in place to find a diplomatic solution to the issues facing Kenyan workers in Saudi Arabia, albeit still wanting. Several bilateral meetings have been held between the two countries, but the agreements arrived at are not clear and the implementation of the known ones has not been fully successful. The findings show that there have been notable improvements in the handling of incidents of abuse encountered by Kenya labourers in Saudi Arabia. Some have attributed this to the intensified media efforts to expose such cases, whereas others feel the ban by the Kenyan government was a step towards this. Further, the chapter shows that Kenya's Ministry of Foreign Affairs has taken a raft of initiatives including joint inter-ministerial committees and stakeholder meetings to address the issue. It is also evident from the chapter that both Kenya and Saudi Arabia are still engaging in ongoing negotiations on how to handle the issue of Kenyan workers migrating to Saudi Arabia going forth.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The main objective of this study was to establish the migrant workers' issues in international relations, with a focus on Kenyan workers in Saudi Arabia. In this chapter, a synopsis of the analysis in this study are presented. A discussion of the findings is then made in view of previous theories and assumptions of the study. Conclusions are then drawn based on the discussions and finally, recommendations made for consideration in the matter.

5.2 Summary of Findings

From the data collected, it is clear that Kenyans voluntarily move to Saudi Arabia to pursue recruitment opportunities. Better pay and lack of employment come up as the two most compelling reasons for Kenyans who make the decision to migrate to Saudi Arabia, accounting for sixty percent and thirty percent of the cases, respectively. The study established that there is a perception among Kenyans migrating to Saudi Arabia to be employed as domestic workers that there are “greener pastures” or better opportunities there. It also comes out clearly in this study that majority of these Kenyan workers who migrate do not register with the relevant authorities, hence making it very difficult to trace or monitor them.

The findings of the study present a general perception that Kenyan domestic workers in Saudi Arabia work under deplorable conditions. Reports by several international

organizations and bodies like the Human Rights Watch note that a number of Kenyans working in the Saudi Kingdom face a wide range of acts and situations of abuse in the hands of their employers. The most frequently reported manifestations of the abuse include; unregulated recruitment processes that expose the migrants to slavery and servitude; physical, psychological and sexual abuse from the employers; food deprivation; working more than double the recommended working hours with only four hours of rest a day; and, involuntary detention. Majority of the respondents and the supporting secondary data attribute these conditions to the extremely different cultures among the Kenyans and Saudi Arabians. Another reason observed is the failure by either party to comply with the stipulations of the contracts signed before employment.

Following constant reports of incidents of abuse meted on Kenyan labourers in the GCC, in 2014, Kenya placed a ban on domestic workers going to either one of these countries, Saudi Arabia included. This was the second time a ban was being effected following the June 2012 one that was lifted just five months later. The 2014 ban still stands. In interrogating the effectiveness of the ban, the study found out that its success has only been felt to a certain extent. While some countries like Saudi Arabia have adhered to the ban and stopped issuing work permits to these category of migrants, many Kenyans still use scrupulous agents to facilitate their migration there for the said jobs as they are still in high demand. Respondents from the government Ministries strongly contended that since the ban, cases of abuse reported to them have drastically reduced.

The findings present a common view that there is little, or maybe no power politics at play in Kenya's efforts to protecting its house helps in Saudi Arabia. Respondents explained that relevant authorities are often times not sure of the total sum of Kenyan labourers in Saudi Arabia, hence unable to keep track on them.²⁰⁶ This makes it difficult to offer them the protection they need. However, contrary opinions arose from those respondents who felt Kenya is not putting Saudi Arabia to task when it comes to protection of the migrant workers. Majority of these who are officials from the MFA and diplomats serving in different capacities believe that by now, Kenya should have summoned the Saudi Arabian ambassador to Kenya and asked for serious acts of commitment from the Saudi government in ensuring Kenyan workers there are well protected. They felt Kenya is being lenient on Saudi Arabia for the economic benefits that come along with good relations between the two. Regardless, Saudi Arabia has shown some effort in addressing the issue. In 2017, the Saudi Arabian government offered amnesty for Kenyan domestic workers to be repatriated. As a means of taking a different approach in tackling the incidents of mistreatment of Kenyan migrant labourers, the Ministry of Foreign Affairs charged with the duty of protecting Kenyans abroad, has taken the initiative of bringing aboard other government Ministries and agencies to help in this bid. The MFA now works hand in hand with the Ministry of Labour to ensure that only properly licensed recruiting agents are operating, and Kenyans who legally migrate to Saudi Arabia are well briefed before departure.

²⁰⁶ Regional Mixed Migration Secretariat. *Mixed Migration in Kenya: The scale of movement and associated protection risks*. 2013. p18. Retrieved on 7th July 2013 from <http://www.regionalmms.org/.../.pdf>

The themes of awareness and bilateral agreements strongly emerged from the views of the respondents. The findings show that bilateral discussions are ongoing between Kenya and Saudi Arabia on the way forward regarding the issue of migrant labour between them. However, the lack of information on the talking points, and/or the progress of these discussions comes out as a challenge among the stakeholders. The respondents pointed out four key areas that the discussion should focus on which include: lack of proper policies and regulations in place for both the skilled and the unskilled workers recruited and exported, policy issues between the governments emerging from different laws, different constitutions and different cultures and religious affiliations; and lack of enforcement of existing laws and agreements. Nonetheless, most respondents agree that the bilateral negotiations are a sign of cooperation between the governments.

5.3 Discussions

From the findings, it is clear that the migration of Kenyans to Saudi Arabia and the Middle East in general to be employed as domestic workers was voluntary. This agrees with a previous study conducted by Romina²⁰⁷ who argued that the Kenyans who move to the GCC are not coerced, contrary to what is perceived traditionally. However, unlike Romina's study findings which suggested that the migrants were on adventurous escapades, and/or seeking education as well as higher social status; this study established that Kenyans were attracted to the Middle East because of the employment opportunities

²⁰⁷ Romina, Halabi. Contract enslavement of female migrant domestic workers in Saudi Arabia and the United Arab Emirates. *Human Rights and Welfare*, 2006 , p.43

there vis a vis the lack of it back at home. Further, house help jobs in the Middle East pay almost as good as a skilled job in Kenya.

It was also apparent from the study that the migration of Kenyans to Saudi Arabia and the Middle East at large to work as domestic workers was poorly regulated, consistent with past findings by the Human Rights Watch. This was suggested in the fact that domestic workers do not register with the Embassies, a theme that frequently recurred from the findings.

The findings suggest that there is a gap between the perceptions of Kenyans regarding the surroundings of the workplace in the Middle East, and reality. For example, that the picture painted of employment conditions in Saudi Arabia is very harsh as compared to that in Kenya, is in stark contrast to the intended meaning of “greener pastures” which seems to drive Kenyans to the Saudi Arabia. That the poor working conditions of Kenyan domestic workers there was attributed to cultural differences and culture shock, suggests that Kenyans migrants lack the necessary information they needed to make decisions on accepting these jobs in Saudi Arabia. This is further exemplified in the findings which showed that despite the ban on Kenyans migrating to the Middle East as domestic workers, some Kenyans are still using backstreet means to find employment there.

From the findings of this study, it can be inferred that the demand for migrant workers was the main push for agencies to find alternative means of facilitating Kenyans to the Middle East. For instance, most of them are now directing migrants to Qatar as an alternative. This

agrees with previous observations by IOM that following the prohibition of Kenyans to migrate to the Middle East as house helps, some emigrants opted to use alternative routes such as Dar es Salaam, to access the Middle Eastern nations.

As presented in the findings, Kenya has taken steps towards shared responsibility among government institutions, in the effort to safeguard its migrant labourers in Saudi Arabia. The study points out that other than the Ministry of Foreign Affairs, the Ministry of Labour too is very much involved in this issue. This then implies that before the Ministry of Labour and the other stakeholders were brought on board, the MFA was single handedly tackling the issue of the plight of Kenyan workers in Saudi Arabia, and may not have managed to do so appropriately. Consistent with institutional theory arguments, the MFA could not solve the problem on its own hence had to involve others who would help in tackling key issues such as the prevalence of unlicensed recruiting agencies. The joint interministerial committees and stakeholder meetings, as well as instituting an office of a Consular Directorate to handle matters of Kenyans employed in the Diaspora, are welcome moves in the efforts to address the plight of Kenyan migrant workers.

5.4 Conclusions

The problem of Kenyans migrating to Saudi Arabia to be employed as domestic workers boils down to two reasons: lack of employment in Kenya, and the promise of better pay in Saudi Arabia. The Kenya government's ban on Kenyan's movement to the Middle East to be employed as domestic workers has been of some substantial consequence, but agents are still using alternative means to facilitate their travel to the Middle East. The existing

power politics at play in the relations between Kenya and Saudi Arabia are not enough to interfere with the effective protection of the Kenyan workers in Saudi Arabia. On the contrary, the problem lies in the dragging process of signing agreements between the two nations regarding the issue, and the emphasis on their implementation. In addition, the major culprit appears to be the unscrupulous recruitment agencies that continue to lure Kenyans to the Middle East illegally.

5.5 Recommendations

There is need for the Kenyan government to fast-track the bilateral agreements with Saudi Arabia and make known to the public the contents and resolutions of these agreements. This will resolve the question of policy and provide a basis for enforcement of the agreements in both countries. Making it public will aid in educating potential migrants on their entitlements and what they are up against in their decisions to migrate to Saudi Arabia. On the hand, it will sound a warning to agents and employers who are out to take advantage of the migrants. All the same, even before the agreements are arrived at, the Kenyan government should ensure Kenyans are given the necessary information about the realities of employment conditions in Saudi Arabia, to guide their decisions to migrate. Part of the information is to encourage them to have proper documentation and refrain from pursuing illegal avenues of travel.

The government should further compel recruiting agents to prepare the migrants by training them and exposing them to the Arab culture, customs, religion and beliefs before they can qualify to travel to Saudi Arabia. For example, they should be oriented on the practice that

women supposed to cover their heads, and should never walk alone without being accompanied by a man.

In addition, there should be intensified monitoring and control of the migration of domestic workers to Saudi Arabia by ensuring signed legitimate documents from all the relevant agencies, among them the Ministry of Labour, MFA and the immigration department. The Kenyan mission in Saudi Arabia should also liaise with the MFA by confirming legitimate job opportunities and employers before the Kenyan migrants are allowed to travel out. It is the mission's duty to stay accessible to Kenyans in Saudi Arabia at all times and ensure they receive the necessary help if, and when need be.

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APPENDICES

APPENDIX I: INTERVIEW QUESTIONS FOR THE RETURNEES

1. How was life before you left to work in Saudi Arabia?
2. Why did you make the decision to go to Saudi?
3. Did you know anyone else who had gone to Saudi Arabia? How did you manage to go there? Through a recruiting agent or which other means?
4. If through a recruiting agent, how did you meet/learn about the agent?
5. What was the recruitment process like? Include the fees
6. Were you aware of the government's ban on domestic workers going to Saudi Arabia?
7. Did you get a valid passport, visa and/or working permit? What was the process of getting them?
8. Did you know anything about Saudi Arabia before leaving? Your worries and concerns before leaving
9. Were you told anything about your employer and the kind of job you would be doing? How much you would be paid?
10. How was the reception when you got to Saudi Arabia?
11. How did you locate your employer? Describe the reception at your new job
12. Describe your typical day at work. What time did you start, your breaks and when did you stop?
13. Were you allowed to leave your employer's compound/homestead?
14. Did you have days off? What did you do with them?
15. If Christian, were you allowed to exercise your faith?

16. Did you encounter abuse? If yes, describe incidents of the abuse you faced.
17. How often was the abuse and how long did it last? How long did you stay with the abuse?
18. Who did you talk to about this abuse?
19. Did you get any help from the Kenyan embassy in Riyadh?
20. Was it easy or difficult to contact/locate this embassy/consulate?
21. What was the experience with the officials at the embassy?
22. How did you manage to leave the employer's home?
23. Has the Ministry of Foreign Affairs reached out to you since your return?
24. What do you think the Kenyan government should do to help migrant workers facing abuse in Saudi Arabia?
25. What do you think the Saudi Arabian government should do on the same?
26. What are the positive aspects of your experience and migration to Saudi Arabia?
27. What more would you like to say that may not have been covered in the questions?

APPENDIX II: INTERVIEW QUESTIONS FOR THE RECRUITING AGENT

(KENYA)

1. Do you run your agency or you work for/with someone else?
2. How long has your agency been operational?
3. In which town or cities does the agency offer its services?
4. Is the agency registered as per the requirements of the Kenyan laws? If yes, when?; No, why?
5. Does your agency place Kenyans to work only in the GCC or does it also send them to any other parts of the world?
6. How does the agency go about recruitments for migrants seeking unskilled jobs in Saudi Arabia and the GCC in general? Describe the process
7. How do you meet or know your potential clients?
8. How do you vet those who qualify to go through the recruitment process? Any requirements?
9. Does the agency assist the clients with the process of getting passports and visas, or work permits? What kind of visas?
10. How long does the entire process take? Until the potential migrants leave for the GCC.
11. Does the agency orient the clients before they leave? Are they told about where they are going, their employer, payments and what to expect generally?
12. Are the clients trained on any language that they may use when abroad? How does the agency prepare them for communication?
13. How much does the entire process cost? How are the payments done?

14. What do the contracts entail?
15. Once they arrive in the destination country, does the agency follow up to know if they have settled?
16. It is no secret that these migrants face abuse in Saudi Arabia. What do you think causes the abuse?
17. Do the migrants manage to communicate with the agency in case of such a situation?
18. Have the migrants your agency handled experienced any abuse? If yes, how did your agency handle this?
19. Does your organization provide them with any resources to cope with the abuse?
20. How has the ban for domestic workers to Saudi Arabia by the government affected agencies?
21. Is it effective in protecting these migrants?
22. What more do you think the Kenyan government should do to protect Kenyan migrants in Saudi Arabia?
23. What should the Saudi Arabian government do?
24. What opportunities does this migration present to Kenyans as a whole?

APPENDIX III: QUESTIONNAIRE FOR THE IMMIGRATION OFFICIAL

Please answer the following questions

1. How can you describe the current flow of Kenyan workers to Saudi Arabia?

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.....

2. What is the procedure for those seeking to travel to Saudi Arabia for work?

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.....

3. Do you vet recruiters sending Kenyans to Saudi Arabia before working with them?

Yes []

No []

Sometimes []

4. Explain your answer to Q.3

.....
.....
.....

5. Are you aware of immigration officials collaborating with illegal recruiters to process travel documents to Saudi Arabia?

Yes []

No []

I don't know []

6. If yes, what has been done about such officials?

.....
.....
.....

7. Is the immigration department aware of the abuse Kenyan workers face in Saudi Arabia?

Yes []

No []

I don't know []

8. If yes, what has the department done to help the Kenyans facing abuse?

.....
.....
.....

9. Has the department addressed the issue with the Saudi Arabian immigration department?

Yes []

No []

I don't know []

10. If yes, what resolutions have been reached so far?

.....
.....
.....

11. Other than the department, what do you think Kenya as a country should do to curb this abuse situation?

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.....
.....

12. How can you describe the diplomatic relations between Kenya and Saudi Arabia?

Good []

Bad []

I don't know []

13. Please explain your answer to Q.12

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14. What in your opinion is the impact of labour migration on the diplomatic relationship between Kenya and Saudi Arabia?

APPENDIX IV: QUESTIONNAIRE FOR THE M.F.A OFFICIAL

Please answer the following questions.

1. On average, how many cases of abuse of Kenyan workers in Saudi Arabia does the Ministry handle at a given time?

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2. What was the final stroke that made the Kenyan government ban domestic workers from migrating to Saudi Arabia?

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3. Do you feel the ban has made any difference so far

Yes []

No []

I don't know []

4. Explain your answer to Q.3

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.....

5. The ban aside, what other policies/measures are there to address the issue of migrant workers in Saudi Arabia?

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.....

6. Has the Ministry engaged officials from Saudi Arabia on the issue?

Yes []

No []

I don't know []

7. If yes, what resolutions have been reached so far in handling the issue?

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.....

8. Do you think the efforts have been fruitful?

Yes []

No []

I don't know []

9. Please explain your answer to Q.8

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.....

10. Does the Kenyan embassy in Riyadh have proper procedures on how to handle Kenyan workers who have been abused?

Yes []

No []

I don't know []

11. Please explain your answer to Q. 10

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.....

12. Does the Ministry have any programs to help with rehabilitation of the victims?

Yes []

No []

I don't know []

13. Please expound on your answer to Q.12

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.....

14. What is the greatest challenge the Ministry is facing in protection migrant workers in Saudi Arabia against such abuse?

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.....

15. What is the Ministry looking at as a long term or maybe permanent solution to this situation?

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.....

16. How can you describe the diplomatic relations between Kenya and Saudi Arabia?

Good []

Bad []

I don't know []

17. Please explain your answer to Q.15

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18. What do you feel has been the impact of labour migration issues on the diplomatic relationship between Kenya and Saudi Arabia?

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APPENDIX V: QUESTIONNAIRE FOR THE LABOUR OFFICIAL

Please answer the following questions.

1. What does it take to license a recruiting agent sending Kenyans to work abroad?

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2. How does the Ministry ensure the agencies meet the laid down standards?

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3. Why do you think there are so many unlicensed agencies operating in Kenya?

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4. What measures is the Ministry taking to ensure the exploitative recruiting agencies are not taking advantage of Kenyans seeking jobs in Saudi Arabia?

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5. Is the Ministry aware of employees who may be colluding with the agents?

Yes []

No []

I don't know []

6. If yes, what has the Ministry done about it?

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7. Are there laws that allow the government to prosecute these illegal agents?

Yes []

No []

I don't know []

8. If yes, what are some of the successful prosecutions you know of?

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9. What role does the Ministry play before Kenyans migrate to Saudi Arabia for work?

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10. Has your Ministry tried to work with the Saudi Arabian officials in addressing the issue of unscrupulous recruitment of Kenyan workers to Saudi Arabia?

Yes []

No []

I don't know []

11. If yes, what are some of the solutions that have been reached?

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12. Do you feel the efforts have had any impact in protecting Kenyan workers in Saudi Arabia?

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13. What do you think the Kenyan government should do to protect Kenyan workers in Saudi Arabia against abuse?

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14. How can you describe the diplomatic relations between Kenya and Saudi Arabia?

Good []

Bad []

I don't know []

15. Please explain your answer to Q.14

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16. What do you feel has been the impact of labour migration issues on the diplomatic relationship between Kenya and Saudi Arabia?

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APPENDIX VI: QUESTIONNAIRE FOR THE SAUDI ARABIA EMBASSY

OFFICIALS

Please answer the following questions.

1. Is your embassy aware of the cases of abuse against Kenyan workers in Saudi Arabia?

Yes []

No []

I don't know []

2. If yes, what do you think is causing the said abuse?

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3. What has your embassy done in a bid to address the issue of abuse against Kenyan workers in Saudi Arabia?

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4. What procedure does your embassy follow in issuing documents to unskilled Kenyans seeking work in Saudi Arabia?

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5. How has your embassy dealt with the issue of unscrupulous recruiting agents?

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6. Has your embassy identified the possibility of rogue employees who could be colluding with the agents to illegally issue the necessary documents?

Yes []

No []

I don't know []

7. If yes, what measures are taken against such rogue employees and to deter others from the same?

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8. How does your embassy prepare Kenyan migrant workers before they leave to Saudi Arabia? (What briefings do they receive?)

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9. Has your embassy reached out to the Kenyan government to jointly address the issue of Kenyan workers in Saudi Arabia?

Yes []

No []

I don't know []

10. If yes, what are some of the resolutions that have been reached?

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11. What do you feel has been the impact of the said joint efforts in addressing the issue?

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12. What more in your opinion should be done to achieve a long-term solution to the issue of abuse against Kenyan workers in Saudi Arabia?

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13. How can you describe the diplomatic relations between Kenya and Saudi Arabia?

Good []

Bad []

I don't know []

14. Please explain your answer to Q.13

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15. What do you feel has been the impact of labour migration issues on the diplomatic relationship between Kenya and Saudi Arabia?

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APPENDIX VII: QUESTIONNAIRE FOR DIPLOMATS

Please answer the following questions.

1. Are you aware of the cases of abuse against Kenyan workers in Saudi Arabia?

Yes []

No []

2. What do you think is causing the abuse?

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3. In your opinion, has the Kenyan government done enough to protect its workers in Saudi Arabia?

Yes []

No []

I don't know []

4. Explain your answer to Q.3

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5. In your opinion, has the Saudi Arabian government done enough to address the issue?

Yes []

No []

I don't know []

6. Explain your answer to Q.5

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7. What do you think is the biggest challenge the Kenyan government is facing in protecting Kenyan workers in Saudi Arabia?

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8. What in your opinion should the Kenyan government do to protect Kenyan workers in Saudi Arabia?

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9. What in your opinion should the Saudi Arabian government do to protect Kenyan workers in Saudi Arabia?

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10. How can you describe the diplomatic relations between Kenya and Saudi Arabia?

Good []

Bad []

I don't know []

11. Please explain your answer to Q.13

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12. What do you feel has been the impact of labour migration issues on the diplomatic relationship between Kenya and Saudi Arabia?

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