

The Role of Private Sector and Other Stakeholders in Making Labour Migration Work for Development: KENYA EXPERIENCE

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KEY PLAYERS IN LABOUR MIGRATION

- Government
- Non-Governmental Organizations
- Business Sector
 - Federation of Kenya Employers (FKE)
 - Central Organization of Trade Unions (COTU)
 - Kenya Private Sector Alliance (KEPSA)
- Diaspora Groups - Kenya Community Associations
- Individual Migrants
- International Development Agencies

POLICY DIALOGUE

- There are two key instruments :
- Sessional Paper No. 6/2006 on Employment which has a chapter on management of foreign employment. It was developed through a participatory process involving various stakeholder groups.
- Draft Sessional Paper on Mainstreaming the Kenyan Diaspora in Development. The Kenya Communities Abroad (KCA) made a major input in its development.

PROGRAMMING

- Those that are envisaged are:
 - 1) On investments of remittances, by Kenyans living abroad , is estimated at US\$ 1 billion sometimes exceeding Overseas Development Aid. To encourage investment in stock exchange, bonds and other specific sectors.
 - 2) The investment body, Investment Promotion Centre (IPC) has been reorganized to become Kenya Investment Authority (KIA) to provide a one-stop-shop centre of information to facilitate investment.

PROGRAMMING (continued)

- 3) To improve consular services of foreign missions by making them more “*diaspora centric*”
- 4) In-sector dialogue for health-care workers for improved terms of employment both locally and abroad
- 5) Increased employability for the youth in selected foreign countries

PROTECTION OF RIGHTS OF MIGRANT LABOUR

- Protection against workplace abuse:
 - Employment Act requirement for attestation of foreign contracts
 - Accreditation procedure for Foreign Employment Agencies
 - Self Regulation through formation of Kenya Association for Private Employment Agencies (KAPEA) Code of Conduct

PROTECTION OF RIGHTS OF MIGRANT LABOUR (Continued)

- Social Security – There is still no system for transferability/portability of social security with any of the foreign/receiving countries therefore exposing Kenyans working abroad to hardships upon retirement or returning home.

PRIVATE SECTOR ROLE

- KEPSA has been instrumental in development of the Diaspora policy and organized a major workshop “ Homecoming Week” to encourage their involvement in national programmes and to inculcate mutual appreciation of their role and that of government in national development in general.

NON-GOVERNMENTAL ACTORS ROLE

- ILO – On the request of Government sent a consultant in 1988 to the then Ministry of Manpower Development and Employment, which recommended that government agencies should work together and needed to have an umbrella body to represent the private recruitment agencies.
- Subsequent to this, the Kenya Association of Foreign Employment Agencies was formed.

NON-GOVERNMENTAL ACTORS ROLE (Continued II)

- IOM – Commissioned two important consultancies aimed at strengthening foreign employment administration through capacity building, in terms of:
 - Training of government officials in MOLHRD
 - Development of a constitution for KAFEA
 - Development of a Code of Conduct
 - Forging of a Public, Private Sector Partnership

NON-GOVERNMENTAL ACTORS ROLE (Continued III)

- FKE and COTU have had a minimal engagement perhaps due to uncertainty as to specific role to play.
- Kenya National Chamber of Commerce and Industry (KCCI) has had governance problems and been moribund
- Joint Kenya Arab Chamber for Commerce and Industry (JKACCI) has limited itself in facilitating foreign employment agents in recruitment alone.

DEVELOPMENT OF POLICY BY GOVERNMENT

- PHASE I – Engagement prior to 1988 was restricted to provisions of the Employment Act and the Immigration Act.
- PHASE II _ (1988 – 2000) The government took a more proactive role through key agencies, which are responsible for labour, migration and police.
- PHASE III _ (2000s) The “Cruise ship” infamy and increased media reporting on rights abuse of Kenyan workers’ living in foreign countries gave rise to involvement of more actors such as:
 - **Ministry of Foreign Affairs**
 - **Central Bank of Kenya**
 - **Ministry of Planning and National Development**
 - **Ministry of Youth Affairs**
 - **International Agencies**

CHALLENGES

1. Limited capacity of Government :
 - Coordinating Authority of this process is not well established.
 - Bureaucratic procedures are an impediment to smooth implementation
 - Legislative gaps and contradictions
 - Weak human resource system

CHALLENGES (II)

2. Weak capacity of KAPEA:
 - Registered membership of the association is not all-inclusive
 - Quality of leadership rank
 - Weak lobbying and advocacy strategies
3. Capacity of Other stakeholders
 - Negative attitudinal problems among umbrella/national associations
 - Uncertainty of association role in policy process

CHALLENGES (III)

4. Development Partners:
 - Lack of Co-ordination (IOM, USAID, ILO, SID, NORAD)
 - No sharing of information resulting to duplication of efforts
5. Non-inclusive policy making process leaving out other important actors e.g. Faith Based Organizations (FBOs), Research Institutions etc.

LESSONS LEARNT

- There are many players in labour migration, with diverse interests and concerns that cut across social, economic and political spectrum as a whole.
- Labour migration is a politically sensitive issue requiring cautious handling
- Policy formulation requires evidence based interventions to arouse interests

LESSONS LEARNT (II)

- Diaspora are not a homogenous group and have diverse interests and concerns which need to be carefully balanced
- There is need to have champions for the labour migration course
- There is need for resilience in developing a comprehensive and viable policy



END



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KARIBUNI KENYA NCHI YETU