1.1 HISTORY OF MIGRATION

1.1.1 Motivating Factors – in the Middle Ages

Organized movement of people, either individually or collectively, is identifiable, thousands of years in the past. Ehrlich, et al. state that: “Hundreds of thousands of years ago, the early human from Homo erectus had spread from the Far East to the farthest reaches of Africa and Europe.” The human diaspora has many motivations – conquest, trade, greater access to natural resources for growth and development, improvement in the quality of life and the like; there have been movements to escape from famine, natural calamities, politico-religious prosecution – but, the numbers of these, is much restricted.

Anthropologists have held that, when the first wave of human migration was taking place, around 11,000 years ago, an unfortunate consequence of this was the extinction of many species of animal life – viz.- mammoths, camels, giant sloths and other large mammals. Ehrlich et al. say. “Much of the migration in the ancient world was involuntary; when a territory was conquered, the conqueror customarily took slaves from the defeated population. In its heyday, between a quarter and a third of the population of Athens – the “cradle of democracy”- were slaves. A single Roman military campaign could yield as many as 50,000 slaves. Beginning in the third century BC, the flow of slaves into Italy was so great that the economic basis of Roman society was changed, causing the failure of the Republic and the emergence of the Empire. The huge population (for it’s time) of imperial Rome, perhaps a million, was built and maintained largely by immigration of people from the countryside and outlying parts of the Empire, whether they came voluntarily or not.”

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It is an ironical footnote of history that, even today, we find the same trend persisting—either migrants come in as 'slaves', or large numbers of them are condemned to life as 'slaves.' It is hoped that the subsequent chapters would bear out this observation.

During the seventh century, the rise of Islam in the Arabian Peninsula stimulated a new wave of invaders, who, within a decade, dominated Persia and the Byzantine Empire. During the next hundred years or so, the Arabic language and Islamic religion had spread across North Africa and into Spain, and in the East, up to the Indus River. [It is recorded that the first conquest of Islamic fighters, in the Indian sub-continent, took place in 713 AD]. Therefore, this was not one, but, a series of migrations. These conquests were always followed by conversions to Islam.

So what started primarily as a military adventure, took different shapes in different places and times. Most of these military expeditions did not involve large-scale movement of people. Most of the conquering migrants were warrior-men, whose wives and children, usually stayed behind. They usually left behind their influence. In our context, it needs to be stated that the Muslim conquerors, invariably carried Islam, and gave it a footing wherever they conquered.

1.1.2 Migration during Colonization

After these migrations in the Middle Ages, the next major phase of migration starts with colonization by imperialist Spain, Portugal and England. In a later chapter, we shall analyse the characteristic features of one such migration — that of Indians to Mauritius. When these European powers started colonizing areas in the new world, to mine minerals, or to grow tropical crops like sugar, cotton, tobacco, tea, coffee, etc., they realized that, they themselves were most unsuited for hard labour, especially in such climatic conditions. So the demand for alternate sources of labour arose – which was initially filled up from Africa, and later, from South Asia. Ehrlich, et al (ibid.) state that between 1451 and 1870, nearly ten million West Africans were captured and transported across the Atlantic.
Historically, migration involved mass movements – conquerors, slaves, etc.; in the modern age, migration is often an independent decision – usually, part of a "stream" process - a few make the initial move, to be followed later by others; the Indian migration to the Middle East is a good example of this – initially what was a trickle, later became a flood – to subsequently hit a plateau and stabilize. Migration may be defined as a semi-permanent or temporary change of residence – this change could be between cities, states, nations; we are concerned with migration across nations; though in a subsequent chapter we shall have occasion to consider some aspects of inter-state migration, within India. Be that as it may, it appears at the generic level that, the motivation for various types of migration is similar – search for better jobs, improvement in living standards, joining other members of the family, etc.

1.1.3 *Push and Pull factors for Migration*

Migration is often considered as a result of "push" and "pull" factors; they are, however, not mutually exclusive; e.g., in a country where population is high, and economic development is low, there would be a "push" factor operating, sending surplus workers out of the economy; "push" may even operate in cases of natural calamities, famines, religious persecutions, etc; the "pull" factors, inter alia, may operate as a choice of destination for such workers being eased out of the economy by "push" factors; if, we assume that "push" factors send Indian workers to the Middle East, their choice of destination in the various countries of the Middle East, would depend upon the "pull" factors operating in these countries. The "pull" factor may be dependent upon labour scarcity in the destination country, or easy access. Migration is then, a function of "push" and "pull" factors.

Besides "push" and "pull" factors, there exists a third factor, which affects migration – "intervening obstacles": notwithstanding the existence of "push" and "pull" factors, migration may not take place – because of the distance involved or the obstacles in access; boat people of Vietnam, who wanted to migrate to Hong Kong, or boat people of Haiti, whose destination is USA, are prime examples of "intervening obstacles".
Biffl\textsuperscript{2} says that: “Policy targets in the field of migration differ according to national interests and may be classified into three broad areas. The first target is economic ends: migration is a source of labour in particular skill segments that ensures that labour does not become a limiting factor for economic growth. The second target concerns welfare; migration should not foster segmentation or limit the employment opportunities of nationals. The third target is a combination of business, military or diplomatic strategies that may be linked to migration...” This would suggest that migration policies would, largely be dependent upon, the requirements of host countries. Therefore, she goes on to say: “Migratory movements are to a large extent governed by the migration policies of the receiving countries, in the words, migration flows are mainly demand determined.” As with much of the trading in the world economy, prices are determined by demand more often, than by supply; in a buyer’s market, the buyer would determine the price and supplier would have to conform; it is no wonder that the over-whelming majority of migrant workers receive lower wages than home workers, for the same jobs; this is true, whether in the Middle East, or in the so-called sophisticated markets of Europe and N. America.

Biffl therefore says: “There are winners and losers in any immigration policy that makes the demand function dependent on politico-economic decision - making processes.” During the Clinton visit to India in March 2000, the Indian Government planned to take up the question of larger access to software professionals to the American markets. Mr. Richard Celeste, the American Ambassador to India, whilst speaking at an Indo-American Chamber meeting at N. Delhi prior to the Clinton visit, was seen making the right noises, in this regard. Obviously, both the home and host countries would try to drive a hard bargain.

1.2 THE MIGRANT WORKER

Whereas the history of migration is replete with instances of “push” factor induced migration – e.g., religious prosecution, natural calamities, starvation, depletion of natural resources, etc., the current trend of migration is primarily individual-worker

\textsuperscript{2} Immigrant Labour Integration, Gudrun Biffl, in International Handbook of Labour Market Policy and Evaluation, Gunther Schmid et al. (Eds.), Edward Elgar, Cheltenhem, 1996.
driven -- of course, such individual workers, going on to form the "stream", referred to earlier. Most of these migrant workers are interested for short duration stay in the host country; however, if allowed, they would also consider bringing their families over. Since their major motivation is economic, they optimize their earnings, and remit back their savings, to their families. Neither the host country, nor the worker would have much interest in merging with the local environment.

Often, in the past, especially from the end of the Second World War up to the recession of 1973, most migratory movements took place between the erstwhile imperialist power, and the colony -- e.g., Indians and Pakistanis migrated to England; Jamaicans also migrated to England; Algerians migrated to France; of course, exceptions would also be evidenced. However, most of such migrants took up low paying jobs (comparatively), in sectors like construction, industry, hotels, etc. In the host country, the lot of such migrant workers is deplorable; they are in the country, but, not of it. They have to endure large doses of prejudices -- social, economic and often religious. In a later chapter, it is described that Muslim migrant workers in Saudi Arabia are treated slightly better than Hindus, though both are treated badly.

1.2.1 Types of migrant workers
Stalker\textsuperscript{3} identifies five types of migrant workers -- a) Settlers :- are people who move from one country to another, with the intention of permanently settling down there, e.g., movements of immigrants into USA, Europe, Australia, Canada, New Zealand etc; it is estimated that these countries received more than one million such immigrants in 1992; b) Contract Workers :- are people who are admitted into the host country on the explicit arrangement that they will work for limited period; the greatest number of such workers are to be found in the Middle East, where, in 1990, it was estimated that nearly 6 million of such workers were employed; this is the type of migration, with which we are concerned; c) Professionals :- are people with high educational qualifications, who, because of their skills and attributes are able to move from one country to another; they are often employed with Multi-National

Corporations, or academics, involved with higher education: d) Illegal immigrants are people who entered the host country illegally, or over stayed their visas, or took up employment illegally, when they had tourist visas; during the annual Haj pilgrimage in Saudi Arabia, large number of pilgrims stay back, and take up illegal employment; e) Asylum Seekers are refugees who flee their home country to escape from prosecution, to a host country, which is not only more developed than their own, but also willing to consider granting asylum. The recent hijacking of an Ariana Airlines plane to Stansted, England, is a recent, publicized example of this.

1.2.2 Position of the migrant in the host country

It is found that in the initial phase of migration, the migrant is more mobile than the local worker – of course, this is possible only in cases where such migrant worker is not tied to any particular project or employer. This comparative increased mobility of migrant workers ensures that development of the local economy is not handicapped for lack of manpower – so, the host country derives a double benefit from this. However, as time passes, and migrants get settled, they add to the burden on the civic system, and all consequential problems; therefore, host countries would tend to encourage short duration migration with little scope for family reunification, as in the case of Saudi Arabia. Further, the migrant worker affects the employment opportunities of the domestic labour force; economic prudence says that, all things remaining equal, if the law permits or acquiesces, an employer would engage a cheaper worker – usually the migrant. Therefore, migrant workers do have the potential of affecting the local work force, in the area of interse competition. Another benefit accruing to the host country, as a direct consequence of migration, is that, the imported worker is “ready for the job”; the host country and the employer, save the cost of training and skill upgradation required for the domestic worker – this then is another economic contribution of the migrant worker to the host country. Ironically, the migrant benefits very little from all this.
1.3 RAISON DE ETRE FOR MIGRATION

We have earlier said that migration is caused by what are known as "push" and "pull" factors: within the broad paradigm of this framework, there are various subplots, which also operate to induce migration. It is necessary to we identify some of them.

(a) Individual Approach – Luxurious Life

Stalker [ibid.] says: “Poverty, adventure, calculation, desperation. People uproot themselves to work in foreign lands with all kinds of hopes and plans. Many are looking for a new life in a new country, and, they can achieve striking success … others just want to boost their income temporarily and build up savings to take back home – thousands of temporary migrants return from the Middle East each year with large sums to invest in their business, their children’s education, or just their house.”

It is notable that, a visitor to the Central Travancore area of Kerala, which includes the district of Pathanamthitta, would marvel at the luxurious bungalows, which have been built by expatriate workers.

(b) Structural approach

Stalker (ibid) suggests that the basic cause of migration can be explained by taking recourse to two approaches – individual and structural. He says that in the individual approach, each migrant worker is deemed to be a natural human being, who assesses the various alternatives available to him, and, would in all probability, choose the most optimum alternative. This approach, obviously, focuses on the microeconomic aspect of migration, a very personalized approach. This is what makes a software professional from India go to USA, whilst the labour/clerical class would head for the Middle East. The structural approach focuses on the macro aspect, viz., social, economic, political aspects – these "push" them from their native lands, i.e., home countries, and are “pulled” into the host country. It is of course, not the case that the individual and structural position are mutually exclusive – as a matter of fact, there is an element of convergence; e.g., what may begin with an “individual” migration, may, in time, attract a stream of migrants from the same source, and become a structural manifestation.
(c) **Economic disparities**

Another major cause of migration is the disparities in economic and living conditions, amongst nations. As the rich nation become richer, the poor developing nations are becoming poorer; whilst, prima facie, this may appear to be a politically explosive and controversial statement, it can be supported by figures. Stalker (ibid) quotes from the UNDP Report, 1992, which states that the difference between the per capita income of the rich and poor countries, in US dollars, in 1960 was $1864, which, in 1989 became $15,149, i.e., the difference between the rich and poor nations increased nearly 14 times in 29 years!! Another aspect of this is that, the figures of unemployment in the developed world, are also volatile; in any case, the figures of unemployment are extremely sensitive in these countries; be that as it may, despite unemployment of the indigenous population, it is still possible that there would be scope for absorbing some migrant workers, to atleast take on, what are called 3D jobs, i.e., dirty, dangerous and demanding – which would not be preferred by the local population.

(d) **Population imbalance**

The demographic transition, or, population imbalance, is another factor which influences migration. Statistics reveal that the population growth in developed countries, is far slower than those of the developing countries. Consequently, with growing economies, and falling birth rates, the developed countries would need additional input of manpower – this can be supplemented by drawing from the poorer, developing countries. Another factor, which aids migration, is the disparity in economic standard between rich and poor countries. This pattern is similar to the motivation which encourage shift of population from the relatively poor rural sector, to the better-off urban center; in the last fifty years or so, major cities in the Third World home experienced large-scale shift in population from the rural areas to urban centers, e.g., Mexico City, Mumbai, Calcutta, New Delhi, etc. An UNFPA Report of 1992 quoted by Stalker (ibid.) states that whilst in 1950, only 39% of the population in developing countries lived in the urban sector, by 1990, this had become 63%. A similar movement from the poor developing country to the rich developed country would also be predicated.
International economic order

An equitable international economic order has remained a dream for the developing countries, and a popular seminar topic for the developed countries. Since the developed world has a virtual stranglehold on international trade, including "trade" in manpower resources, it is to be expected that they would control the migratory movements as well. Stalker (ibid) says: "Today’s international division of the world into capital-rich industrialized countries and labour-surplus developing countries is no accident. Colonial powers extracted wealth from, and often stunted the economic development of, their colonies. And the process continues today, with the richer countries dominating the global flows of capital and goods, and getting even wealthier, as a result." [1994:29]. All colonial powers, with the exception of Belgium, have attracted migrant workers – to meet their economic requirements – whether in factories, railways, etc. Germany never had colonies, but had a systematic plan of GASTERBEITER [guest-workers], and attracted large number of migrants from Turkey, Italy, etc. [A brief analysis of this shall be done in a later Chapter]. "The richer countries have therefore deliberately chosen to recruit migrants. In some cases this has been for unskilled or unpleasant jobs which local workers would not undertake. But they have also used migrant workers as a buffer against uncertainty in industries vulnerable to fluctuation in weather and demand. This meant that recruitment was often intended to be temporary – on the assumption that workers could easily be returned when no longer required. In fact, migration tends to build up a momentum of its own. The tap once turned on, is very difficult to turn off." [1994:31].

Family Consideration

Family consideration is also a relevant factor in determining migration. Since the most important consideration for migration is economic, i.e., a search for improvement in living condition, the family would necessarily be the central focus of migration. Consequently, who should migrate from a family, would depend upon two factors – who is the breadwinner of the family, and secondly, who will be a better remitter. In the first instance, most usually the male head of the family or, then male sons who are employable, would migrate; usually, males are the preferred
migrants, unless the jobs is more suited to females, e.g., domestic maids; it has been found that, females, though earning less than males, are better remitters of money home; in such situations, females would be the prospective migrants.

(g) **Migration networks**

It is earlier mentioned that the “push” and “pull” factors induce migration – and referred to them in the context of rich nations pulling migrants and poor nations pushing them out. Interestingly, the push and pull factors operate at the micro level also; migrant workers in a country would attract or “pull” their friends and relatives to join them, and the local social system of the home country would encourage or “push” such workers, knowing that the succeeding batch of migrants is not going to an unknown place, but, to join friends and relatives. This sets up a network of migrants. “In the early 1970s, a man from the village of Chiang Wae in Thailand worked for an American company which was building an air base. In 1976, the company persuaded him to go and work for them in Bahrain. He worked for two years in Bahrain, then moved to Saudi Arabia for eight years. When he finally returned home, he was one of the wealthiest men in the village; he built a new house, bought an orchard and rice field, sent one child to University and became a money-lender. His success led other villagers to make the move and soon there was a regular stream of migrants from Chiang Wae to Saudi Arabia. One group of migrants inspired another. Those already abroad helped the new arrival settle, while some of the workers who returned started to act as recruiting agents in the village.” [Stalker: ibid:34]. When this researcher toured the Pathanamthitta District in Central Kerala, this was found to be a regular feature – elders got their sons, nephews, brother-in-laws, neighbours, friends, migrated to S. Arabia from small neighbourhoods.

(h) **Recruiting Agency driven**

Today, most migration to the Gulf is recruiting agency driven. In the early years of this migration, either companies employed migrant workers themselves, or did so, through their representatives [e.g., Bahrain]. Even today, all the recruitment for Government jobs, is either done by the Government itself, or, through its representatives. However, for the private sector employment, the recruiting agents
play a dominant, and some times, a dubious role. "... In most Asian countries, there are also a large number of unregistered agencies. Workers employed through these agencies are at some risk, first because they tend to be charged much higher fees... Migrants often find the conditions of work very different from those specified in the contract. Or worse, they may find no jobs at all if the agent simply pockets the large fee and disappears.” [Stalker: ibid:36]. In a later section, we shall examine in some detail, the role of recruiting agents.

1.4 MIGRANT AND THE HOST COUNTRY

The word ‘migrant’ denotes somebody who shifts his place of residence from one country i.e., the home country, to another, i.e., the host country. Immigrant would denote somebody, who shifts his place residence from one country to another, with the objective of settling down in that country, if possible. Whilst the two words may not signify much distinction at one level, yet, for the purposes of this paper, the two are separate and district. Stalker [ibid:67,68] has categorized immigrants as Citizens, Permanent settlers, Temporary immigrants and illegal immigrants. Within that categorization, we are dealing with “temporary immigrants.” What can be the rights of such persons? The ILO has two Conventions, dealing with the rights of migrant workers, viz. C97 of 1949 and C143 of 1975: in 1989, the general Assembly of the United Nations finalized a Convention on Migrant Workers. These and other international labour standards will be examined in a subsequent chapter. At this stage it is necessary to identify some of the issues and problems which migrant workers confront in the host country.

1.4.1 Problems of Migrant Workers

(a) Obstacles of Religion

Migrant workers are faced with obstacles in the path of their integration or assimilation with the local, ethnic population; countries which attract large numbers of migrants and immigrants, have tended to discourage integration and assimilation; this could lead to social discord and even unrest. It would however depend to a great extent on the consequences – economic, social and political – that the inflow of immigrants or migrants would predicate. Understandably, where stakes are high, the
chances of the host country encouraging integration and assimilation, would be low; further. some countries. e.g., the Arab States of the Middle East, because of religious, social and demographic reasons would not encourage integration and assimilation of the expatriate population.

Stalker [ibid:80] says: “Religion has been a focus of ethnic conflict through every age of migration ... Nowadays the most serious religious conflicts are to be found in Europe, where the major incoming religion is Islam... Islam also offers a great challenge. Unlike most other religious, which are assumed to be matters of private conviction, Islam recognizes no distinction between the religious and the secular: it is a whole way of life. This has resulted in the creation of Islamic States in Asia and the Middle East, and there have also been attempts to create similar states elsewhere.” As the following chapters would unfold, religion plays a very crucial role in the migratory system in S. Arabia.

(b) Insecurity

It has been found that migrants tend to bunch up together in the host country; since the prime consideration for this bunching up is security, the bonding would reflect in settlements of migrants on the basis of country, religion, region, etc. This concentration of migrants, nearly resembling ghettos, would largely be consisting of workers on the lower end of the employment market, or sometimes. even clerical workers. professionals, senior executives, etc. even if belonging to the migrant category, would tend to live with their near equal counter–parts. Obviously, the sense of insecurity of such migrants is less than those of low paid workers; in effect, an indirect co-relation may be worked out between the income of migrants and their location of stay, in as much as, lower the income, greater the insecurity; therefore, the greater tendency for “ghettoization.” The low status of migrants also reflects in their low quality housing; in S. Arabia, many employers provide housing and food to their migrant workers; this is not out of any altruistic tendency, but, driven by hard commercial good sense. By keeping migrant workers together, it is ensured that they do not disperse and mingle with the local population; further, by restricting them in a single location, the employer is able to maintain better control over migrants’ movements, etc.; further, by restricting them together the employer is able to
maintain better surveillance over the migrant workers, as some co-residents may report on the deviant behavior of their colleagues.

This should not give the impression that this is all adverse for the migrant. As a matter of fact, since S. Arabia does not permit family transfer of migrants, unless they are of the top bracket, most migrant workers are required to stay there alone; as such, they are not interested in spending too much money on accommodation, and not too much time and money in arranging food, and, therefore, this hostel-type arrangement suits them well.

(c) **Occupational hindrances**

Occupation is another area where migrants face a raw deal. The reality of the situation is, that, the largest component of migrant workers do the work which the local labour force is not interested in performing. Stalker says: "Probably the greatest contrast between the local labour force and the immigrant population is in the Gulf States. In Kuwait, for example, most national employees work for the Government. As a result, private-sector manufacturing companies find it difficult to recruit Kuwaitis at all, and the most arduous work is certainly left to the foreigners. [ibid:95]. He further says: "Most countries have a ‘hierarchy’ of immigrant workers with the least favoured nationals doing the worst jobs.” In a later chapter we shall see how social discrimination operates in the Saudi labour market. Not only does the quality of work, but wages are also depend upon nationality. Immigrant workers in the Gulf have also been subject to this kind of exploitation. Although they are well paid by the standards of their home countries, by local standards their pay can be very low. Some of the home countries have in the past set minimum wages for their nationals employed overseas. For the United Arab Emirates for example, the Indian Government has specified that the minimum wages for unskilled labour should be 600 Dirhams, the Pakistani Government 650 Dirhams, the Bangladesh Government 400 Dirhams. However, the tendency is increasingly for market forces to determine the wages, and minimum standards are now crumbling in many countries. In 1991, the Government of Pakistan, for example, deregulated overseas employment wages." [Stalker: ibid:98]. This is another example of how poor home countries are reducing the level of their intervention and letting market forces take full control.

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LAW.
1.4.2 **FEMALE MIGRANT WORKERS – HARASSMENT FACED**

Women are now increasingly becoming major players in the migration process. Typically in the Middle East, most migrant women workers would be in the medical or the domestic sector. “While there are no global statistics on the employment of foreign domestic servants, the number is certainly increasing. In the United Kingdom the Anti-Slavery Society estimated in 1990 that there were up to 60,000 foreign female domestic workers – the majority coming from the Philippines, Columbia, Nepal, India and Sri Lanka.” [ibid:108]. India is also supplying large numbers of female migrant workers to the Middle East, mostly in the medical and domestic sector. Stalker says that since the domestic sector is isolated and invisible from the socio-legal regulatory mechanism, this increases the risk within the employment market. “Domestic workers in the Middle East work under particularly arduous conditions. In many cases, they are not allowed outside the home. One survey in 1990 found that over 70 percent did not even have a day off. Their passports were taken by employers and they were not allowed to change jobs without official permission. Many have been subject to physical and psychological maltreatment. Between 1981 and 1987, of all the complaints reported to the Sri Lankan Bureau of Foreign Employment, 80 percent concerned female domestic workers in the Middle East. One of the most common complaints was sexual harassment by the male head of household. At the beginning of 1992 the situation in Kuwait became so desperate that around 250 domestic workers had taken refuge in their country’s embassy. Many of these said they had been raped, cheated or abused by their employers.” [ibid:109-110].

1.5 **ROLE OF THE HOST COUNTRY**

1.5.1 **Migrant Receiving Country – Reasons for Migration**

Bohning⁴ [1996: Appendix], lists 67 countries which are migrant receiving countries. It would be relevant to reproduce part of the data compiled by Bohning, in relation to the six members states of the Gulf Cooperation Council (GCC):

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TABLE T-1: GCC Migrant Receiving Countries. 1990.

<table>
<thead>
<tr>
<th>Name of Country</th>
<th>Population (Millions)</th>
<th>Labour Force (Millions)</th>
<th>Foreign Born Population (% to total population)</th>
<th>Non-Nationals economically active (% to total Labour Force)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain</td>
<td>0.5</td>
<td>0.3</td>
<td>112000</td>
<td>132000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>32%</td>
<td>51%</td>
</tr>
<tr>
<td>Kuwait</td>
<td>2.1</td>
<td>0.9</td>
<td>-</td>
<td>731000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>86%</td>
</tr>
<tr>
<td>Oman</td>
<td>1.5</td>
<td>0.6</td>
<td>-</td>
<td>442000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>70%</td>
</tr>
<tr>
<td>Qatar</td>
<td>0.4</td>
<td>0.3</td>
<td>-</td>
<td>230000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>92%</td>
</tr>
<tr>
<td>S. Arabia</td>
<td>14.9</td>
<td>4.8</td>
<td>-</td>
<td>2878000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>60%</td>
</tr>
<tr>
<td>UAE</td>
<td>1.6</td>
<td>0.9</td>
<td>-</td>
<td>805000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>89%</td>
</tr>
</tbody>
</table>

The above table would reiterate the dominant economic position, in quantitative terms, that migrant workers play in the GCC countries. Bohning [1996:6] identifies the following reasons for migration:

(i) Admission for the purpose of training
(ii) Admission for professional or business purposes, etc. this category includes, primarily, employees of TNCs, who move between different units of the same company, located in different countries;
(iii) Admission tied to a project:- This would include workers – professional, managerial or ordinary workers – who may be alone or part of a group, which may be tied to a specific project in the host country;
(iv) Admission for ordinary employment purposes under contract: - this would include individuals who enter the host country on the basis of a service contract already executed with an employer or sponsor for a fixed period of time or for seasonal work: our focus is primarily on this category.
(v) Admission for ordinary employment purposes under settlement auspices; this category would include managers, professionals, ordinary workers and entrepreneurs, who would contribute economically to the host country, by creating employment.
(vi) The last category is migration of dependents; since this does not apply to a large majority of Indian migrants in the Gulf this does not concern us much.

Bohning suggests that policy formulation by host countries to regulate migration should address each of the above categories separately.

Bohning says: "Admission for ordinary employment purposes under contract auspices that are limited in time first took on large scale dimensions when individuals from the then backward Mediterranean countries moved North to countries such as Belgium, France or Germany. Contract migrants can now be found in many other countries. For example, Arab States tend to admit most Arab workers and all workers from non-Arab countries as contract workers with limited – duration permits which are sometime renewable, and sometimes not. Contract migration in various forms occurs throughout the world where unskilled or semi-skilled labour is needed at least temporarily – in countries with as diverse immigration regimes as Singapore, the United States and Venezuela." [ibid:8]. A recent trend in such contract driven migration is that of Indian software professionals to various parts of the world – most notably, the USA and Europe. However, even these highly qualified professionals, sometimes are caught in the vortex of the vagaries of the migration regimes.

It is said that globalization of the world economy is one major impetus to the present day migration pattern; the "pull" factor, which would determine the need for migrant workers in the host countries would be a combination of the requirements of the private, public and Government sector employers, and, the social system as a whole. The question therefore, which begs is, when would it be profitable for a host country to import labour; of course, it is presumed, and data confirms, that no country would import labour, unless it is profitable to do so – the profit must always be economic – if it is social as well, then, that is a bonus. The question is answered by Bohning: "Essentially such gains arise in a situation where the economy is launched on a growth trajectory, when labour market bottlenecks occur sooner or later that will throttle the economy's growth if the domestically available labour is insufficient in number or not willing to fill vacancies. Under-filling vacancies by
employing national workers insufficiently qualified to perform tasks would have the same effect, but on a smaller scale. Wages would tend to rise relative to the growth of productivity and the cost of capital; employers would be obliged to intensify capital-intensive production methods or accept production losses; and accelerated structural adjustments would be forced upon the economy. Few sectors may want to see either of those developments take place, or at least, not at the pace they threaten to occur. Without the admission of migrant workers, a given growth potential could not be fully exploited; particular labour-intensive sectors producing tradable goods would decline if they could not find the workers they needed; and labour-intensive non-tradable sectors – such as construction and many services – would also suffer.” [ibid: 14].

1.5.2 Regulation of Migrant Workers

In this section, we are examining the role that host countries may play in regulating migration. The first step in this direction would pertain to the arrival of migrants. There are three ways in which a Government may regulate the entry of migrant workers – through a centralized mechanism vested in the Government; through the private sector or recruiting agents; and through a combination of both. However, even if the private sector plays a dominant role in the in-migration process, the Government should play an increased supervisory role. In the context of S. Arabia, Bohning [1996] says: “... Arab States of the Gulf region which, following the oil price rises since 1973, admitted first non-national Arabs and later Asian workers on a massive scale in the absence of public institutions overseeing the labour market. Private middlemen or sponsors, called Kafeels in Saudi Arabia, took their place. A sponsor performed matching function on the basis of personal relationships, i.e., knowledge of what manpower an employer needed or how many domestics a head of the household wanted, rather than on the basis of processed labour market information. This was perhaps inevitable in the circumstances of the mid-1970s. Payment in return for matching services was natural and a willed component of the within-country redistribution of the oil-revenues. Sponsors initially took such payments from the large, often foreign employers; over time, they increasingly exacted fees from the migrants for whom they found jobs. Their key role has led to a
situation where the Government’s repeated attempts at reducing their economies’ dependence on migrants have run up against the sponsors’ opposing private interest in arranging employment for as many migrants from abroad as possible.” Obviously, importing manpower is a source of profit for the Kafeels, and they would definitely resist any attempt on the part of the Government, which would adversely affect their economic interests.5

There is, therefore, need to regulate the working of private recruiting agencies. The areas which would require the attention of the host Governments include:

- Verification of demand for labour import;
- Regulating the grant of authorization, etc;
- Supervision and control over the activities of recruiting agents, to check malpractices.

In a later chapter, we shall see some examples of blatant exploitation by recruiting agents. However, Bohning [ibid:26] lays down specific guidelines which host countries would do well to adopt in checking the malpractices in this area.

In the next chapter we shall examine, in theoretical terms, how a firm’s demand for labour may be measured; it would be appropriate—though not wholly accurate, but substantially so—to presume that a nation’s demand for labour would be the sum total of the demand for all its firms. Therefore, another crucial question, which is relevant at this stage is, how does the host nation determine its requirements for migrant workers. Necessarily, this would require a rational and credible criteria—the question is too complex to be left to the whims and fancies or discretion of the regulator or the migration authority. One option is to fix quotas.6

Having allowed a migrant worker into the country, the next stage would be, as to how such migrant workers are to be treated in the host country. The international

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5 The Asian Age, Mumbai of 28-4-2000 carried a brief news item, quoting the Saudi Defence Minister, as saying: “The sponsorship system is to be cancelled and the method of cancellation will be announced soon.” The news item, of course said this in the context of doing business in S. Arabia.

6 USA issues a fixed number of visas under the HI-B category for professional migrant workers; under the WTO regime, manpower is considered as part of services; the quotas and restrictions on services would be examined in a subsequent chapter.
regulatory framework in this regard is the subject matter of a subsequent chapter. For the present, it needs to highlight some of the pressing issues.

(a) **Equality in Terms and Conditions of Work**

The first condition which should be satisfied is equality in terms and conditions of work; not only equality should be available for breach of conditions, the migrant should have an effective grievance redressal system; though most migrants, especially those belonging to the lower end of the employment market, come tied to a particular employer/job, it is desirable that alternative sources of employment should also be available to them.

(b) **Facility of Residence**

The right and facility of residence of migrant workers is another area which should be a concern to the host country.

(c) **Freedom of Association**

Freedom of association is a cardinal principle of human rights, and host countries should make this right available to their migrant workers; of course, some countries, like S. Arabia, do not extend any such rights of their workers.

(d) **Occupational Safety**

Host countries must also ensure that migrant workers enjoy reasonable levels of health care and occupational safety – this is more accentuated in respect of manual, unskilled workers, especially at construction sites, chemical plants, and other high risk areas. Host countries must also ensure that migrant workers are covered within the network of beneficial legislation covering social security – this would include medical care, maternity benefits, old age pension, disability benefits, etc.

Overall, if the host country takes the aforementioned steps, a fairly conducive regime would operate for migrant workers; however, one serious problem that most host countries, especially those which are attractive to migrant workers face, is that of illegal migrant workers – these take different forms in different states, but the overall pattern is fairly uniform – in USA – Cubans, Hispanics, Blacks, Chinese, etc.; in Europe, - Africans, Turks, Asians, Chinese; in the Middle East – S. Asians, Arabs
from other Middle East countries – all in search of greener pastures. Consequently, even if well intentioned, many host countries, end up taking drastic steps to keep out illegal migrants – even sometimes meting harsh treatment to legal migrants. This is a constant dichotomy which operates at the policy making and implementation levels, in many host countries.

1.6 MIGRANT AND THE HOME COUNTRY

1.6.1 Foreign Employment Policy vis-à-vis Home Country's Immigration Policy

Having examined some of the key issues which affect and concern host countries, it is now necessary to shift our focus to home countries. Abella says that the key elements of a sound foreign employment policy should include -

- consistency with overall development strategy
- ability to establish order in migration and respect for basic rights
- comprehensiveness
- fairness and transparency
- effectiveness and efficiency

Abella says that a home country's migration policy should be consistent with the country's overall economic policies, especially since "Labour migration does not usually draw on the pool of unemployed but has a tendency to deprive the country of the most skilled elements in the work force who are already employed." The record must be put right here, and said that this is not strictly true; in our discussion on "push" and "pull" factors, we say that surplus labour is "pushed" out and "pulled" into a deficit labour market; if Abella meant to refer to "brain drain" of skilled professionals, then, that has no application to our context, as we are concerned primarily with manual, skilled and clerical workers, who do not represent "brain drain." However, there is no gain-saying that it would be to the home country’s advantage to regulate and make orderly the migration process; order has to be imposed at the recruitment end in the home country, and the end-usage stage in the

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7 The Asian Age, Mumbai of 22-4-2000 carried a News report that the Indian Ministry of External Affairs has set up a new department, to exclusively deal with the 6 million NRIs and 20 million persons of Indian Origin. It’s job would be to create a comprehensive data-base, so that a holistic approach to their problems may be taken.
host country. It would be advisable to have home countries taking a holistic approach to the migration process; if this is done, then it would be possible for the home country to make optimum use of economic and social aspects of migration – the home country and the migrant worker would gain economically and the migrant and his family would also derive social benefits. Since big money is involved, it is necessary that the migration policy of home countries is fair and transparent. Abella says that policy initiatives are often mired by resolving contradictions – higher wages and greater employment; another contradiction, which is most often overlooked is the balance between greater wages and deficient rights. Finally, the policies of home countries must be effective and efficient. Abella makes a distinction between good intention and effective results, and cites the example of prohibition. India has ample evidence as to how every attempt to enforce prohibition has met with unmitigated failure e.g., Haryana, Andhra Pradesh, etc.

1.6.2 Objectives to be attained

Abella\(^{8(a)}\) lists the following objectives which must be achieved by home countries:

**Development objectives**:

- reduce unemployment
- generate greater foreign exchange income
- increase the rate of savings
- increase the social returns on investments in education.

**Social objectives**

- improve the wages and condition of employment of nationals working abroad.
- reduce the cost of emigration by curbing recruitment abuses
- provide safety net for migrants and their families
- stop undocumented migration and make migration processes more orderly

\(^{8(a)}\) ibid.
Strategic Objectives

- expand and diversify countries of employment;
- influence the skill composition of the emigrant workforce;
- use migration as a vehicle for acquiring new skills and know-how;
- minimize possible dislocation of domestic industries due to loss of skilled labour;
- reduce possible wage distortion that can be caused by extension of the labour market.

This broad framework comprehensively covers the gamut of issues and concerns which should form the bulwark of every home-country’s out-migration policy. We are however, more concerned with the social and strategic objectives. In a later chapter, we shall examine to what extent, these objectives are met by India.

It is therefore necessary that between the home country and the host country, a great deal of economic and political synergy must exist. It is now attempted to answer the question of relations between India and Saudi Arabia on the basis of two newspaper reports; of course, this may not be a comprehensive answer, but is definitely illustrative. One report appeared in The Economic Times, Calcutta, of 31-12-1993, date-lined Jeddah, titled: “Hindus in the Gulf paying price for Ayodhya.” The report said: “Simmering anger over the destruction of the Babri mosque in Ayodhya continues to affect non-Muslim Indians, especially Hindus, working in the Kingdom. What many non-Muslim Indians face is prospects of losing their jobs once their work permits expire.” The report further said: “…servants, maids, porters and drivers were being treated with even more contempt than is usually reserved for such South Asians by their Saudi employers.” The report estimated that nearly 1 million Indian expatriates were working in S. Arabia, of whom, nearly, 6,00,000 were from Kerala. This news story indicates the type of pressures which may bear upon the economics of migration – something, which can never be found in any text book. It must be noted that the story is carried more than one year after the Babri mosque was demolished; such is the long term impact of political incidents. Many later reports have indicated that S. Arabia, as the self-proclaimed defender of the faith, has taken
the lead in the jihad being fought in Jammu and Kashmir, at a diplomatic and support, level. The other report is from The Statesman, of 3-12-1994. It reports the visit of an Indian delegation to Riyadh, headed by the then Finance Minister, to participate in the fourth session of the Joint Commission meeting between the two countries. The Joint Commission was set up under a bilateral economic and technical agreement signed in April 1981. The current meeting aimed at expanding the level of cooperation and removing bottlenecks in the way of greater bilateral exchanges and exploring ways of promoting the flow of capital and services between the two countries. An inference is drawn that, despite politico-religious differences, the two countries would still try to improve bilateral economic relations.

In an attempt to describe the significance of out-migration from India to the Middle East, for India, Saith\(^9\) (1989:28) says: “For several Asian countries, and several million Asian migrant workers, the Middle-Eastern interlude has revived their economic fortunes in a dramatic fashion.” Nayyar\(^9(a)\) (ibid:103) says: “International labour migration from India, since Independence, has been associated with two sorts of financial flows, both of which have acquired significant dimensions during the past decade. First, there are the inflows of remittances that represent unrequited transfers from migrants to support their families, whether for consumption or for investment. Second, there are inflows of repatriable deposits, an overwhelming proportion of which probably originate from migrants in the industrialized world.” Most studies, especially, Amjad\(^9(b)\) (1989), have focused on the economic aspects of migration – the flow of remittances, their utilization in the domestic economy, their import on the total economy.

1.7 MIGRATION AND THE MIDDLE EAST

1.7.1 History of Migration in the Middle East

The Gulf States have an unusually high migrant population. The area has only 0.4% of the world’s population, but accommodates, as in 1990, nearly 13% of the total

\(^9\) For a detailed examination of the economic aspects and consequences of Indian migration to the Middle East, see Rashid Amjad (ed.). To the Gulf and Back, ILO 1989; also see Diminishing Returns, India Today, May, 2000.
\(^9(a)\) ibid.
\(^9(b)\) ibid.
world wide migrant population. The Gulf Coordination Council [GCC], which comprises Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE, had more than 5 million migrants in 1990. The following table gives an idea about size and impact of the migrant population:

**TABLE T-1 : No. of Non-national workers & their % to labour force**

<table>
<thead>
<tr>
<th>Country</th>
<th>1975</th>
<th>1985</th>
<th>1990</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>000,</td>
<td>%</td>
<td>000,</td>
</tr>
<tr>
<td>S. Arabia</td>
<td>475</td>
<td>32</td>
<td>2662</td>
</tr>
<tr>
<td>UAE</td>
<td>234</td>
<td>84</td>
<td>612</td>
</tr>
<tr>
<td>Kuwait</td>
<td>48</td>
<td>70</td>
<td>552</td>
</tr>
<tr>
<td>Oman</td>
<td>103</td>
<td>54</td>
<td>336</td>
</tr>
<tr>
<td>Qatar</td>
<td>57</td>
<td>83</td>
<td>157</td>
</tr>
<tr>
<td>Bahrain</td>
<td>39</td>
<td>46</td>
<td>101</td>
</tr>
<tr>
<td><strong>Total GCC</strong></td>
<td><strong>1125.3</strong></td>
<td><strong>47</strong></td>
<td><strong>4417</strong></td>
</tr>
</tbody>
</table>

[Source: Stalker; 1994:241]

The history of migration in the Middle East can be divided into six distinct phases. The **first** phase covered the period from 1945 to 1973; though British and American workers had been working in the Middle East, along with Indian manual and clerical workers, yet, the major characteristic of this period is the large-scale migration of Arabs within the region and across it – Arabs from Egypt and Middle East States outside the GCC could migrate into these GCC States, with relative ease. The **second** phase consists of the period 1974-1975. After the huge increase in the prices of crude oil in 1973, the incomes of all oil producing countries in the Middle East rose sharply. This led to increased Government spending in development and infrastructure projects – to meet the increased work-load; labour migration from Yemen, Jordan, Sudan, Syria, etc. became dominant. Such Arab migration accounted for nearly 80% of the total migration into GCC States, the remaining 20% comprised of Indians, Pakistanis, etc.
The third phase of migration during the period 1976-1979, saw large inflows of migrant workers from non-Arab Stock - mostly from the Indian sub continent; by 1975, nearly 1.25 million Pakistanis and 5,00,000 Indians were working in the Gulf States. The fourth phase of migration covers the period 1980 to 1984. During this period, because of the increased inflow of migrant workers, the Governments realized that a prospective problem was developing on their hands – with the increase in the migrant population. Governments started the process of regulating the migrant work-force; this period also saw the rise in domination of private employment agencies, recruiters, etc.; another characteristic feature of this phase was the expansion of the home country of origin to East Asia – Korea, Philippines, China, etc. The declining oil revenues of the period 1985-1990, led to the stabilization of the migrant work force, and could be called the fifth phase in the history of migration in this regime: this period saw the shift in the occupation pattern from construction workers to service workers. “Fewer workers were needed for construction but there was a rising demand for service workers : Gulf nationals were increasingly using hotels and restaurants for leisure activities, and domestic servants and chauffeurs had become prized status symbols.”

The invasion of Kuwait by Iraq in 1990 marks a watershed in the migration history, and is the sixth phase in the process. Nearly two million migrant workers were repatriated from this region – mostly Indians – who were ferried across by special services run by Air India – some of them fled leaving behind their hearths and homes – virtual paupers; it was a challenge for the Indian Government to manage this problem – a Kuwait Cell was opened in the Indian Ministry of External Affairs, to liase with the U.N. Tribunal. Indian workers had to face the brunt of this onslaught as India was amongst the few countries who showed open support to Iraq - with the then Indian Minister for External Affairs flying to Baghdad, and meeting with President Saddam Hussain. Stalker says : “The legacy of the Gulf conflict of 1990-91 will affect the character of migration to the regime for many years to come. Most

9(c) ibid.
severely affected have been the Arab workers from countries whose Governments sided with Iraq in the conflict...10

1.8 CONDITIONS OF WORK.

1.8.1 Accessibility for Work

Till some time back, it was relatively simple for migrant workers to enter into the Gulf States. As a matter of fact, till the Gulf conflict of 1990-91, Yemenis could work in S. Arabia, without any work permit. Stalker says: "Even Indian and Pakistani workers at that time found it relatively easy to enter and bring family members to join them."10(a) However, this may be substantially true in respect of Kuwait and other states in the Eastern fringe of the Arabian Peninsula: this facility was never available to them in Saudi Arabia. “The Gulf countries have always insisted, however, that immigrants are guest workers rather than settlers: they have excluded even Arab Workers from many of the benefits open to the native population and placed even greater restriction on Asians. In recent years the controls have generally become much tighter.”11

Stalker uses the words migrants and immigrant, interchangeably: the Concise Oxford Dictionary. 1995. defines immigrant as: “come as a permanent resident to a country other than one’s native land;” migrant is defined as: “move from one place of abode to another especially in a different country;” in this thesis, the words are used in contradistinction to each other; therefore, in a sense, there is an inherent contradiction in the above quote, in so far as, immigrant and guest workers are concerned. Further, Bohning says: "‘migrant’, ‘immigrant’, ‘foreigner’ and so forth will be used interchangeably." The semantic complexity is compounded by Biffel, who says: “Part of immigration is labour migration.”12

1.8.2 Contract Service

Most Asian workers are recruited on a one-year contract, extendable; during this period, they are not allowed to change their jobs or leave the country. The usual
practice is that the passport is taken by the employer – so that these condition may be
effected. Migrant workers are not allowed to organize themselves into trade unions,
and collective bargaining and strikes are unheard of. The vast majority of migrants
are unable to shift their families, it may of course be argued that, for a large majority
of manual and clerical workers, this may not be a very restrictive proposition, as
they, in any case, do not intend to shift their families - to maximize their savings,
and optimize their remittances. In Kuwait, e.g., in 1992, the
Government fixed a limit of $ 1,573 and $ 2,270 for Government and private
employment, to enable workers to bring their families; at that time the average wage
of unskilled workers was $ 140.

1.8.3 Role of Sponsors
One of the striking features of the labour market is the role of Kafeels - i.e. – the
sponsors; these could be large companies, or, recruiting agents acting on their behalf.
The overwhelming powers of the Kafeels and the corresponding low rights of the
workers, “…inevitably lead to abuses.” [ibid. 244]. Workers are often cheated about
the nature of jobs contracted for, or, even, the wage payable. Stalker says that
though the unskilled labourer is lowly paid, this pay compares very favourably with
the pay receivable in the home country. “In Saudi Arabia wages are determined
neither by a free market nor by a rate for the jobs, but by the income level in the
workers’ country of origin. So a Thai can earn four or five times what a Bangladeshi
might earn for doing the same jobs.” 13

1.8.4 Domestic Workers – Working hours
Amongst all the low-level workers, the plight of domestic workers is the worst; here
also, wage is dependent upon nationality – e.g., Sri Lankan women earning nearly
half of the earnings of Filipino or Indonesian women. Working hours could extend
up to 15 hours a day, or even, be on permanent call; weekly offs and holidays are
imagined luxuries; sexual abuse of female domestic workers is rampant; so much so
that Bangladesh, Pakistan and India have banned women from going to Kuwait as

13 Supra
domestic servants. The Asian Age, Mumbai in its edition of 2-3-2000 carried the following AFP report, datelined, Kuwait City:

"INDIA BANS DOMESTIC WORKERS TO KUWAIT"

Kuwait City, March 1: India has banned its nationals from going to work in Kuwait as domestic staff because of maltreatment at the hands of unscrupulous agents, the embassy announced on Wednesday.

'This restriction has been imposed by the Centre based on information received from some of the 100,000 plus Indian domestic workers living in Kuwait, an embassy official said.

'Complaints to human rights organization in the country highlighted the difficulties faced by Indian domestics working here. They did not receive proper treatment from either the Indian or Kuwaiti agents' he said, on condition of anonymity.

'There was a hue and cry about wide scale abuses in the Indian media last May, and the Government ordered a crackdown on recruitment agencies in June. 'Domestic workers seeking fresh residency permits in Kuwait will not get immigration clearance for the time being. Those with residency visas, however, can come and go as they please,' he said. Foreigners can only live and work in this Emirate under the sponsorship of a Kuwaiti national."

Though this news report does not specify the gender of the domestic workers involved, they would in all livelihood be women. Stalker confirms that Indian women are not permitted to go to Kuwait as domestic workers.14

1.8.5 Clandestine Migration

Birks and Sinclair15 say that a major issue in labour migration, in the Middle East, is clandestine migration. In 1978, the Government of S. Arabia attempted to legalize

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14 ibid.
all employment. Every migrant worker is required by law to have a local sponsor and in 1978, all migrants were to be brought under this system. In the general amnesty that followed, 1,00,000 illegal workers were legalized; even then, 13,700 workers were deported, as they had not registered themselves. One of the sources of illegal workers are the pilgrims who enter the Kingdom for Haj, and then take up employment. The Bombay Times of 16-3-2000 carried a news report that 400 beggars had been sent to Mecca, disguised as pilgrims, by touts; the beggars were from the slums of Mumbai; the earnings of the beggars is shared with touts who keep 60% of the collection. It is likely that many of them would try to enter the Saudi labour market, once the pilgrimage is over. The Economic Times, Mumbai, dated 22-10-2000 carried a news report that, faced with the problem of illegal immigrants, the United Arab Emirates is planning to offer a three-month amnesty to violators - during this period, they may leave the country without paying any penalties. It is estimated that the UAE has 1.4 million foreign workers, of whom 53.3% are Indians. In the private sector, Asians account for 87.1% of the workforce.

In this Chapter, history of migration, and its causes were discussed; note was also taken about some key demographic issues pertaining to labour markets in the Middle East in general, and Saudi Arabia, in particular; an analysis of the role of the host and home countries was also undertaken; finally, some prima-facie characteristics of the labour market in the Middle East were also highlighted. This is an introductory analysis of our subject-matter.

In the next Chapter, with the help of some theoretical tools, it shall be attempted, as to how the labour markets function, and what role does migration play in the labour market.