

**"SPONSORSHIPPED": REFLECTIONS ON TEMPORARY FEMALE  
MIGRATION FROM THE HORN OF AFRICA TO THE GULF  
AND LEBANON**

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*Female migratory flows from the Horn of Africa are mainly directed to Arab countries and tend to take the form of temporary legal migration. Like their Asian counterparts, these girls and women are subject to varying degrees of trafficking and even enslavement, working mainly as in-house maids in affluent Arab households, where they tend to be denied free and fair labour rights, under a harsh interpretation of the kafala, or "sponsorship" system, prevalent in Arabic countries. Although there are signs of better legal protection under international labour rules, the system in place and the culture that supports it impose a tense situation where maids are subject to everyday "structural violence" and employers have to bear an unwonted responsibility. The psychological, social and economic costs of this migration are well documented but there's still a lack of understanding of the trends of female agency that emerges as a direct reflection of the hardships of such forms of migration. This chapter reflects on the ways this situation is understood and managed in the hosting countries.*

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Human migration and trafficking<sup>1</sup> in the Western Indian Ocean has a long and complex history. Only slightly touched by centuries of Western political and military presence there,<sup>2</sup> it developed and matured under the various layers of formal and informal transnational networks of traders that connected the shores of the Eastern African coast, the Horn region, the Arabian Peninsula and the Persian Gulf, and frequently extended eastwards to the Indian subcontinent and beyond (Austen, 1988: 35-40; Harris, 1971; Sheriff, 1987). The general trend has been consistently unidirectional, in the sense that throughout the centuries East African populations have been repositories of migrant forced labour in the Gulf and further afield in North Africa and in the Western Indian Ocean shores (Alpers, 1975: 185-6; Ewald, 2000; Lovejoy, 2000: 1-29; Sheriff, 1987; Vernet, 2013). The gradual illegalization of slave-trading coupled with the fading of the Ottoman empire in the early 20th century produced a lull in these migratory flows until the boom in oil production and export after the Second World War became central to the radical transformation of the Gulf countries into a magnet for cheap, unskilled labour from both West Asian and East African migrants (Jureidini, 2003: 2-3). After 1972 in particular the Gulf witnessed a growing mass migratory flux of temporary unskilled Asian and African labourers and within a few years it became the world's leading region where the demographic imbalance between fixed residents and temporary migrants is highest. Up to 80% of the population living in the GCC countries have no proper national citizenship rights.<sup>3</sup>

Against this historical background of human trafficking in which the Arabian Peninsula interfaced between Eastern Africa and Western Asia, what has been called the feminization of migration has in the past thirty years become a particularly relevant factor in the characterization of a renewed transnational human trafficking set-up (Baldwin-Edwards, 2005: 15-7; IOM 2001; Chammartin, 2003, 2004; De Regt, 2010: 240). It involves millions of women from very di-

<sup>1</sup> Human trafficking is certainly a catch-all word of evanescent sense in the context of labour migration. I use it here with some caution and with full knowledge that its use doesn't preclude a variable quota of voluntary agency of those migrants who are subject to a game with harsh rules. See Aronowitz, 2009: 1-3, and Anderson & Davidson, 2003 (specifically on migrant female labourers: 42-53). For a review of research into contemporary trafficking in the MENA countries, see Calandruccio, 2005. See also Reyhan Atasü-Topcuoğlu (2014) on how the very notion of "human trafficking" is shaped by what he calls the "ideological closure" of anti-trafficking discourses and practices (Atasü-Topcuoğlu, 2014: 47 ff). Finally, see Anne Gallagher (2009: 791-2) on the disadvantaged position of human rights advocates facing the security standpoint during the so-called "Vienna Process" that led to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* - Nov. 15, 2000, S. Treaty Doc. No. 108-16 (2004), 2237 U.N.T.S. 319.

<sup>2</sup> Or, as Janet Ewald notes, under the shadow of its hegemony (Ewald, 2000: 77). On the competing European-Arab slave trading in the Indian Ocean, see Vernet, 2013: 244 ff.

<sup>3</sup> In the Gulf, nationality is totally based on *jus sanguinis*, via paternal descent. Although naturalization is possible, it remains exceptional and generally restricted to (Arab-speaking) foreign wives of the country's nationals. On the difficulties of precisely quantifying the massive foreign migration in the GCC countries, see: Cadene & Dumortier, 2008: 3-6. On the so-far meagre and mixed results of the 2010s policy reforms directed at job creation for nationals in Saudi Arabia, and in general in the GCC countries, see Bel-Air & Zahra, 2015; and Bel-Air, 2014.

verse regional backgrounds moving to and from the Gulf to work as domestic labourers and also in the tourist and sex industries<sup>4</sup>. Official estimates indicate a steady growth in the ratio of female migrant workers (30% in the early 2000s, up from 8% in 1980; Calandruccio, 2005: 273; Chammartin, 2004: 10-13) and that at any one time there are around 2 million female migrant domestic workers in the GCC countries (Fernandez, 2014: 3-4),<sup>5</sup> although unofficial reports from credible NGOs suggest the twice and even three times these numbers<sup>6</sup>. They presently originate mostly from Indonesia, Sri Lanka, the Philippines and the Horn of Africa (Bergem, 2006: 65; Chammartin, 2004: 12-13), catering for a pattern of "conspicuous consumption"<sup>7</sup> of an affluent lifestyle that is widespread in the Gulf countries.<sup>8</sup>

This chapter addresss female migratory trends from the Horn to the GCC and Lebanon, how these trafficking networks function and how employees, employers and traffickers cope with legal, ethical, linguistic and cultural constraints and barriers. It relies on data collected between 2011 and 2016 in sets of open interviews and informal surveys of men and women of different social standing during regular fieldwork research in the Amhara and Oromia regions (Ethiopia) and in Beirut (Lebanon). These were complemented by short visits to Dubai (UAE), and London (UK), surveys and exchanges using long-range communications (email, Skype, etc.), swiping of data in online social media forums, weblogs and news sites, reviews of available literature (reports from international organizations, university theses and dissertations, sociological and anthropological papers, grey literature from NGOs and national institutes and ministries), and screening of film and video footage (documentaries, internet videos and televised newsreels). The collected data was processed through content analysis and partial results were rechecked by qualified informants for control.<sup>9</sup>

<sup>4</sup> Or more frequently sliding down from (legal) in-house work towards (illegal) external house cleaning and nanny jobs and partial or full sex-work (see Mahdavi, 2011: 125 ff).

<sup>5</sup> According to IOM's lowest mean estimation, there were 14 million international migrants in the Middle East in 2003, or around 40% of the total population (Baldwin-Edwards, 2005: 1-2; Calandruccio, 2005: 268). For a more recent breakdown of migration in the GCC countries, see Bel-Air, 2016.

<sup>6</sup> Estimates vary, particularly due to the high percentage of non- or partially-documented migrants (that is, those who entered the country legally but lack work permits); see Fernandez, 2014: 4.

<sup>7</sup> S. Shami, 1996: *Emigration Dynamics in Jordan, Palestine and Lebanon*, Geneva, IOM/UNFPA, Policy Workshop on Emigration Dynamics in the Arab Region. 1996; in Bergem, 2006: 65.

<sup>8</sup> On the degrading power relations in households where maids, in quasi-slavery conditions, act as "status reproducers" of their employers' intended accession to, or maintenance of a high-status lifestyle, see Anderson, 2000; 2004: 108-10.

<sup>9</sup> Early outcomes of the ongoing research were presented and discussed at the 8<sup>th</sup> Iberian Conference of African Studies, July, 14-16, 2009, in the first and second editions of the *Intensive Course on Europe-Africa Relations – Border Crossings In and Out of Africa* (Erasmus Intensive Programme - Consortium ISCTE-IUL, EHESS and UNIOR - July, 7-19 2014; and Master of International Studies, ISCTE-IUL, October 28 – November 5, 2015), and later at the *Conference on The Current Refugees Crisis and Beyond: Narratives and Itineraries* (CEI-IUL, April, 18, 2016).

## Feminization of migrant labour in the Gulf

The phenomenon of temporary female mass migration from the Horn of Africa to Arab countries, which mainly uses air travel, is strikingly different in characteristics and global social perception from that of the perilous predominantly male land and sea crossings that draw so much attention in the (Western-led) international media these days, perhaps too focused on a morbid aestheticization of rough forms of travel and human suffering, and exploitation of collective fears of mass in-migration to Europe. Still, its scale is no less significant, the number of people involved being similarly astounding, and its root causes cannot be disentangled from those that lead to male migratory flows from the same region (on their use of the Libya-Lampedusa route, see Triulzi, 2013: 214 ff). As any traveller arriving or leaving Bole airport in Addis Ababa will readily testify, the sheer visual impact of hundreds of dazed Ethiopian girls and women uncomfortably dressed in newly bought hijabs waiting in line to board flights to Dubai, Abu Dhabi or Beirut, day in, day out, intuitively points to the weight of the phenomenon.

It is indeed widely recognized that global female migration is today no less relevant than that of men (see Momsen: 1999: 1-2), having expanded considerably in the last decades. The feminization of migration is a major concern of the IOM and other international agencies because of the vulnerabilities it entails (IOM, 2001). Regarding migration from the Horn of Africa to the GCC members and Lebanon (the preferred countries for this flow), the numbers are telling: between 200,000 and 600,000, depending on the type of estimates, or a third of the maximum female migrant population of those countries. Also, at least 50 to 60 percent of women migrating to the Gulf and Lebanon are documented with both entry visas and labour contracts.<sup>10</sup> Although perilous travel by land and sea does occur (to Sudan and across the Red Sea; De Regt, 2010: 251-4, 2012), the preferred means of travel is by air – to the extent that companies such as Emirates and Al-Etihad are sometimes called the 21<sup>st</sup> century slave-ships. This is, on the whole, understandable: travel costs are lower, the routes are safer, and (temporary) employability is more easily granted.

Whereas male migration from the Horn, because of its more informal, illegal and sinuous character, is difficult to quantify and break down by nationality (many Ethiopian migrants claim political refugee status by passing as Somalis or Eritreans, for instance), female migration is more easily quantifiable, though

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<sup>10</sup> On a discussion of legal vs. illegal, and contract vs. freelancing options for migrant female domestic workers in the Gulf, see Moors & De Regt, 2008: 153-4, 162-3.

its numbers are also often blurred by the so-called "free visa" problem (Gardner et al, 2014: 206). This was so clearly shown in 2013, when Saudi Arabia deported more than 6,000 undocumented female Ethiopia migrants.<sup>11</sup> From the registered numbers given by the authorities from Gulf countries plus Lebanon it is clear that Ethiopian women make up the undisputable majority of the African temporary labourers there, and that service as live-in housemaids is the standard option offered to them before departure. That is not to say that the numbers of hotel workers and independent cleaning jobs are not on the rise, and that a small percentage do not accept other menial and even degrading occupations (prostitution, especially), but overall the largest occupational pattern since the 1990s<sup>12</sup>, has been non-specialized domestic labour (i.e. performing a wide range of tasks, from cleaning to cooking, to caring for children, while living in the household).

In this labour cum enslaving market,<sup>13</sup> girls and women from the Horn/Northeast Africa (mostly Ethiopian, but also to a lesser degree Eritrean, Somali and Kenyan) seem to have occupied a position that falls below Indonesian and Philippine job-seekers in terms of both preference and pay.<sup>14</sup> The questions regarding their relatively low marketability relate to a number of factors: racial discrimination (see Beydoun, 2006: 1017; Jureidini, 2005: 48-71) that reflects historical Arab attitudes towards imported African slaves, but also perceived lower skills and assumed lower per capita income in the country of origin on the part of the employers. Like their Asiatic counterparts, Horn (and generally African) girls and women are equally subject to a harsh employment system that runs against international labour laws and directives – the so-called *kafala* (or "sponsorship") system.<sup>15</sup> And even though in some countries, such as Kuwait, Bahrain and Lebanon, the labour and residency laws seem timidly on the way to tackling the specific problems raised by the working conditions of live-in

<sup>11</sup> Part of the controversial *Nitaqat*, or Saudisation policy; see Bel-Air, 2014.

<sup>12</sup> After the fall of the DERG regime in 1991, the new Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) government removed legal restrictions on foreign migration (Fernandez, 2011: 439). On migration to the Gulf and Lebanon as an unintended demographic consequence of the rural interventionist development in present-day Ethiopia, see Gibson & Eshetu Gurm, 2012.

<sup>13</sup> Romina Halabi makes clear the link between the *kafala* and the slave trade in Saudi Arabia (Halabi, 2008: 43). On the legal aspects of the slide of female labour towards enslavement, in the particular case of Ethiopian maids in Lebanon, see Beydoun, 2006. See also Kathleen Hamill's legal analysis of the trafficking of migrant women in Lebanon (Hamill, 2011). On the general concept of housemaid servitude as quasi-slavery, and on rationalizing exploitation, see Anderson, 2003: 35-40.

<sup>14</sup> Diederich, 2005: 135. In Saudi Arabia, the continued reporting of abuse of Bangladeshi and Indian maids in the 1970s and 1980s, resulted in an anti-migration policy in Bangladesh that led to the opening of the Arab labour market to Indonesians, Sri Lankans, Pilipinos, and Africans. In Lebanon, a still-used nickname for maids today is *Bangladeshis*.

<sup>15</sup> See below, next section. For a comparative analysis of the legal framework of the *kafala* in the GCC countries, see: Zahra, 2015.

maids (and thus hesitatingly coming in line with ILO's regulations),<sup>16</sup> it is widely accepted that the actual labour relations, and the culture that supports them, are in general very far from abiding to these regulatory efforts (Bergem, 2006: 70-1; Bel-Air & Zahra, 2015: 164 ff).<sup>17</sup> In this respect, Yemen (but also Sudan and Saudi Arabia) stands out because of its geographical proximity to the Horn of Africa, and hence the lower travel costs involved (De Regt, 2010: 239; 2012; Yoseph Endeshaw et al, 2005: 24-6). Many migrants use the Red Sea passage via Djibouti and Somaliland (or fly to Saudi Arabia disguised as Hajj pilgrims),<sup>18</sup> and so tend to remain undocumented (i.e. without valid resident or work permits), which makes it growingly difficult for them to return to their country of origin (De Regt, 2010: 245-8). It also stands out because the pay tends to be much lower, on a par with the country's comparative poverty. Yemen is generally taken as a country of passage, either to Saudi Arabia and Lebanon, or the Emirates; but a very difficult passage it is, because of the environmental conditions and now the war currently raging in the country.

Of course, for many female migrant workers in the other Gulf countries the return trip may not be easily granted, due to the difficulties posed by the contract terms on compensation and discharge implied by the *kafala* bondage mechanisms. Also, returning home often becomes a positive (that is, not a forced) choice only when the worker has saved enough money to meet her financial obligations to her employer, employment agencies and her family. The family may have lent her money for her travel, either by using their own funds or taking out high-interest loans or mortgages. Ideally, at least, she can start a business or some other independent livelihood.<sup>19</sup>

The unending flow of dramatic stories of abuse, humiliation and trauma that many foreign maids reportedly endure while living and working in Arab family households, and the myriad sad cases of reintegration problems upon their return home (Yoseph Endeshaw et al, 2005: 36 ff; Abebaw Minaye, 2012, Waganesh

<sup>16</sup> For a comprehensive review of the latest reforms in domestic migrants' legal protection in the Gulf, see Varia, 2011.

<sup>17</sup> Of the four types of visa available under the *kafala* system (for domestic labour, company work, official government and business partnerships), the house visa is the one most prone to trafficking and the denial of rights and freedom (Blanchet, 2002: 27 ff).

<sup>18</sup> Or fly via Kenya and Tanzania, to avoid the restrictions imposed by the Ethiopian Private Employment Agency Proclamation (1998), that seek to protect Ethiopian migrant workers' rights and dignity in the Gulf (Adepoju, 2005: 78-79, IOM, 2001).

<sup>19</sup> Female migrant remittances are today a crucial source of income, both to their families and to the home country's economy in general (Chammartin, 2004: 14-5). This is true in most cases and not only for the Horn countries. But even if the total amount of remittances is, comparatively, smaller than those sent by Asian workers, their economic impact is still of great relevance (Mohapatra & Ratha, 2011: 11-17). Still, the difficulties faced by migrants in Yemen are of a slightly different nature, as they often become stranded in a poor, convoluted country without the necessary means to return home or to move on to richer places (De Regt, 2010: 245-8).

Zelege et al, 2015) overshadow two other realities in the literature. These are the positive or simply non-negative outcomes of this temporary migration for those women that decide to work abroad – which greatly contributes to its perpetuation -, and their Arab employers' anxieties caused by a largely unregulated labour system whose insecurity and risks they have to shoulder individually – a burden which they are not likely to help change due to the patronizing policies that prevail in the GCC countries.

So, just as there are many deeply traumatized migrant women returnees, cases abound of women who have managed to become financially and psychologically independent from their families, who have gained a more emancipated social position, who have broadened their knowledge of the world beyond their otherwise closed cultural environments, who have learned new social and linguistic skills and who endured and overcome formidable culture shocks (De Regt, 2010).

## Women from the Horn and the *kafala* system

Conditions that apply to female migrants from the Horn (and elsewhere in Africa, such as Madagascar, Tanzania or Cameroon), though not different in nature from those of their Asian counterparts, are nonetheless deemed harsher and less gratifying. But, as Andrew Gardner (2014: 4, 6-7) posits when discussing the "structural violence" inherent in migration in the Gulf, "still they come".<sup>20</sup> Even today they come to Yemen (De Regt, 2010; 2012), especially since Saudi Arabian, Kuwaiti and Lebanese authorities agreed with the Ethiopian federal government to impose caps and outright interdictions on Ethiopian female migration there after 2012-13 as a consequence of the much-publicised suicide of the Ethiopian maid Alem Dechasa. In Saudi Arabia, it was a result of a "cleansing" programme by the Saudi police and in Kuwait after a much-highlighted infanticide case involving an Ethiopian maid.<sup>21</sup>

It seems clear, both from direct observation and from most comparative analyses, that female migrant workers from the Horn tend to be less aware of the kinds of tasks required in an affluent Arab household, less familiar with modern domestic technology, and more ignorant of the changing nature of their contracts. This is particularly because they are induced by their facilitators and dealers

<sup>20</sup> Andrew M. Gardner draws on Paul Farmer's concept of an age-old "social web of exploitation" regarding Haiti: "structural violence is the natural expression of a political and economic order that seems as old as slavery" (Farmer, 2004:317).

<sup>21</sup> Official estimates suggest that Ethiopians working abroad (both permanent and temporary) number between 800,000 and 1 million. In 2008, the recorded inflow of remittances from migrants was worth over US\$800 million (National Bank of Ethiopia's 2006 and 2008 reports, in Fernandez, 2010: 248-9). Unofficial estimates suggest that the figures of unrecorded migrants and informal remittances are at least equivalent, if not higher.



before departure (*delaloch*, in Amharic) to accept conditions that rarely materialize, or that are very far from the promises made – often putting them in situations of forced labour that easily descend into virtual (or real) slavery (Yoseph Endeshaw, 2005: 47-8). First-time migrants are often not sufficiently warned by previous migrants (frequently of the same family or neighbourhood), or by the employment agents, about the working and living conditions and the cultural and technological requirements they are going to face.

Maids' unwillingness to share their experiences and knowledge with their kin and friends back home is correlated with the psychological need to stick to a positive narrative of migrating to fulfil their families' original expectations, to justify the heavy financial investment made – in other words, to “save face”. Given that this kind of migration tends to be temporary due to the terms of the contract, the need to weave a “success story” through letters, phone calls or any other communications means it is paramount to ensure adequate social and familiar integration upon return home. Such self-censorship in communications with home contrasts with the almost obsessive impulse to share negative experiences with co-migrants if, and when, possible, which does much to help create a much-needed communal feeling.

Notwithstanding, the spread of rumours of dramatic and even tragic situations, especially through institutional and social media, has caused important breaches in this careful filtering of negative stories. The irregular burst of media attention to stories of rape, suicide, murder, etc involving migrant maids fuel sudden states of social panic and condemnation in the sending country that lead to exaggerated generalizations, based on an obvious lack of information about the specificities of the working and living conditions of migrants in the Gulf. The migrants' response tends to be one of distancing themselves and holding on to an equally exaggerated positive narrative. This is duly corroborated by an increased need to display material signs of affluence, as evident in the pressure to send remittances reflected in apparent material benefits of their families, and in the flashy style of their clothing and accessories when they return.

This said, the *kafala*, or “sponsorship”, relationship has been under fire from various quarters for some time now (Western, Indian and local NGOs being on the forefront of a “glocal” battle over changes in labour relations and human rights in the context of the ambiguous modernization of Arab countries). The most obvious claim against it is that it fosters a type of labour relationship between employer and employee that falls beyond and below state control and consequently state protection. This lays it open to systematic forms of human-rights abuse and induces a socially unquestioned situation of “structural

violence" in the migrant labour market (Gardner, 2010: 211-14, 2014: 4-6; also, Jureidini, 2003).<sup>22</sup> To have an entry visa that allows migrant workers to temporarily reside in the country, authorities demand that they have a personal contract with an Arab national, who will be (in principle) solely responsible for their stay, work bond, until the time of their return to their country of origin.<sup>23</sup> The *kafala* as it is understood today was an *ad hoc* legal solution to deal with the first influx of migrant workers that took place in the 1950s, and was widely adopted in the region to cushion states from claims to fixed residency and other legal rights (social security, health care, etc).<sup>24</sup> The iniquity and inadequacy of the *kafala* solution started becoming more or less obvious during the *tafra* ("boom") that led to the sudden expansion of the GCC countries' economies. The boom was initially driven by the early 1970s global oil embargo and the resulting demand for large amounts of temporary migrant labourers, which were and are mostly from the Indian subcontinent, to perform unskilled, manual work in the construction sector and oil industry (Osella & Osella, 2011: 10-11).

It is a known fact that the GCC countries have one of the most unbalanced demographic relations between native, or permanent residents, and temporary migrants in the world. As mentioned, around 80% of the population is of foreign origin and lacks the guarantees given by birth to Arab nationals, be it in terms of residency rights, labour protection, social security and access to education and health services, not to mention political rights or the ability to tap into the otherwise rich and generous financing system for both employed and entrepreneurial nationals. In Europe, for instance, an entry visa, being dependent of the presentation of a contract, is a process that allows the future employee to be independent from the employer and not necessarily tied to a particular job. Employees have the chance (and inherent guarantees) to quit the original job and employer and some time to find a new one.<sup>25</sup> On the contrary, in the GCC countries and Lebanon (and also in Jordan), migrant workers are bound to the employer from the time of arrival (their passports are often withheld until

<sup>22</sup> Silvia Pessoa, Laura Harkness, and Andrew M. Gardner refer to the *kafala* as the "antithesis of a free labour market" (Gardner et al, 2014: 205). On the Arab states' complicity in establishing the parameters of such situation of "structural violence", see also Gardner, 2010: 215-16.

<sup>23</sup> Except for Yemen and Bahrain, all Gulf countries (as well as Lebanon and Jordan) also have a strict exit visa policy that is part of the *kafala*: the foreign worker is required to secure clearance from the employer, who declares that the worker has fulfilled the terms of the contract and his/her services are no longer needed, to be able to return home when his/her employment period ends; the exit visa may also be withheld if there are court charges or penalties due to the administration.

<sup>24</sup> On how the segmented nature of the labour markets in the GCC countries stimulates the spread of (legal and illegal) migration intermediaries, both in source and destination countries, see Fernandez, 2014: 5.

<sup>25</sup> Such guaranties don't necessarily prevent the harsh reality of human trafficking in Europe; see Aronowitz, 2009: 54-6, 58-60.

departure, or until the employer releases them from their original job). From the point of view of the employer, this is a guarantee that workers will comply to their duties, as the employer has to pay a large amount to the brokers/agencies who deal with the migration process (travel costs, visa and other legal documentation). From the point of view of the authorities, this is an easy way to delegate to a private person or company (the *kafeel*) the responsibilities of controlling, managing and caring for the worker's obligations and needs (Bergem, 2006: 70).<sup>26</sup> From the worker's point of view, though, this situation offers few advantages besides his/her employability. Little or no pressure is exerted on employers to fulfil their duties, such as adequate (or actual) monthly pay, and any other contractual obligations (in terms of health, weekly days off, workload, and working hours). Furthermore, little or no prior knowledge of Arabic is frequently a poignant hindrance, as workers are generally made to sign a contract upon arrival that is, at best, read to them in conditions that leave them few options. If they do not sign it they will be deported and have to repay all the travel costs due to the employer, the broker (and the agencies in the country of origin), which is virtually impossible for most migrants (since they are to pay their expenses with their future work). In general, as Strobl shows when discussing the Bahraini case, the inequity of *kafala* is made clear by the harsh criminalization of allegedly runaway, thieving, seductive or violent migrant domestic workers coupled with the laxity or inexistence of sanctions towards employers and traffickers (Strobl, 2009: 178-9).

It must be said that from the point of view of the employers the situation is also unsatisfactory. The personal responsibility the sponsorship imposes on them is the main factor explaining the recurring, spiralling tension that characterizes many complaints – fear of the worker running away, fear of the worker being infected by STDs (especially HIV), fear that rash behaviour on their part may lead to food poisoning or child molestation on the part of the worker, suspicion of criminal acts (unauthorized use or even stealing of property and food), or anxiety towards imagined mystical powers (such as witchcraft and black magic).<sup>27</sup>

In fact, what makes the situation of many foreign workers highly problematic is the combination of the restrictions typical of the *kafala* (in which the employer

<sup>26</sup> Bina Fernandez, discussing the role of intermediaries in Ethiopian female migration to the Gulf, refers to J. Black's notion of "decentred approach to regulation", whereby governments' monopoly on regulation is lacking, making regulation occur "within and between other social actors". (J. Black (2002) "Critical Reflections on Regulation." *Australian Journal of Legal Philosophy*, 27, 1-35 (in Fernandez, 2013:816).)

<sup>27</sup> On the impact of foreign maids in child-rearing in Arab countries, and more generally on Arab research on employer/maid relations in Arab households, see: Al Omari, 2003; Al Zikra, 2005; Khalifa & Nasser, 2015.

is required to pay travel and visa fees in advance) with the financial aspects of trafficking, and in particular the so-called "recruitment fee system". In order to obtain a job in the Gulf, foreign workers need to pay large fees in their home country to a long chain of beneficiaries that includes recruiters, employment/training agencies, traffickers and government departments and officials). These high costs, which can amount to thousands of dollars, can often only be met by high-interest loans from moneylenders that result in debilitating debts or land and house mortgages for the families, who then become dependent on the worker's regular remittances. This exerts enormous pressure upon the migrants to 1) accept whatever job they are offered on arrival, no matter how different from what was promised back home, and 2) try to keep the job, whatever the working conditions are. Likewise, it puts the employers in a situation of neurotic fear and suspicion against the worker. Media coverage of single cases fosters a state of societal "moral panic" (see Cohen, 2002), that can lead (and has led) to embarrassing bilateral diplomatic hurdles (Jureidini, 2003: 11-2).

The mechanism that was put into place throughout the Gulf states to deal expeditiously with the expanding needs for a cheap foreign work force is itself a variation of very old form of labour bond in the Gulf countries. Anh Longva (1997: 25, 106-7) claims it originates in the ancient pearl fishing economy on the Gulf shores, where pearl divers' and their families' expenses would be sponsored by boat owners, to be deducted from their wages in the end of the pearling season. But, as is revealed in the case of Saudi Arabia (Vasilev, 2000: 89-90, 884-5), where slavery was only formally abolished in 1962, there has been a clear legal and sociological overlap between slavery and the *kafala*, because they seem two faces of the same patriarchal and patronage system of labour relations built to deny Arab citizenship to migrant workers and their progeny (or, in the case of low status Arabs from the north of Yemen, access to higher echelons of Saudi society).

As the number of migrant labourers grew exponentially, the positive sides of this patronage system dwindled. The personalized bond in which the employer bears extensive legal and economic responsibilities for the worker's welfare is no longer adequate or controllable when the tight social pressure typical of small close-knit societies disappears, and employers suffer no sanctions for violating their legal commitment towards the foreign worker. In the specific case of domestic workers, the *kafala* functioned also as the traditional regulator of labour relations between indigenous female workers from rural or nomadic backgrounds (and later from poorer Arab countries) employed in rich urban merchant families' houses. In exchange for domestic work, the maid would be given protection

and rights that would make her almost a member of the employer's extended family (see al-Najjar, 2002: 4).<sup>28</sup> The *kafala* did not simply regulate the relationship between an employer and a worker but rather established a bond of responsibility between two families within a tribal society. When applied to labour relations between Gulf nationals and non-Arab foreigners, this integrative essence necessarily had to be lost. Particularly in the case of African migrants, it resurrected attitudes relating to another historical type of labour bond – one that didn't require an established relation of responsibility between families, slave ownership. Like pearl fishers and poor maids, slaves or forced labourers were given patronage, protection from outside aggression and rights to food and health, but this time simply in exchange from the denial of their freedom and the obligation to work for the *kafeel* and his/her extended family, to make up for the financial investment made.

Whereas the *kafala* suffered changes throughout time as recognition of the mandatory nature of labourers' rights (most of the GCC countries are signatories of a variety of international treaties and regulations that grant protection to workers worldwide), in the case of domestic workers – and particularly female domestic workers living in extended family homes – the situation is still one of great disenfranchisement in terms of their status and rights to protection and also a source for various coping and reactive strategies:

- Laws, when they exist, rarely regulate working hours, workloads, days off, rights to healthcare, etc.
- In legal and often in practical terms, the worker has little or no say in the termination of the contract (except in the short trial period: usually the first three months), or in the transfer of the *kafala* bond from the original employer to subsequent employers and has no prior knowledge of the working conditions.
- The enforcement of the laws is problematic, with few or no inspections and little or no sensitivity to investigate and prosecute employers in case of complaints by maids. The opposite is generally the case, as runaway maids are usually considered criminals who have escaped the bond and are thus in a position to be deported, and so are returned to the employer.
- Lack of experience and linguistic or other skills is generally blamed on the workers, never on the *kafeel*. Employers are obviously not interested in the levels of knowledge and experience of the maids from their context of origin. They are

<sup>28</sup> Knut V. Bergem points out that, today, in this mostly unregulated and unbridled live-in domestic service market that is dependent on foreign labour, it's simply unthinkable that Arab females be hired as maids in the Gulf, due to what he calls a "culture of shame" (Bergem, 2006: 66-7) – house service being considered degrading and irreconcilable with the social dignity due to the citizens of a modernized state, it paradoxically has guaranteed the perpetuation of "an archaic institution like unlegislated domestic servitude".

interested and invest primarily in the acquisition of the knowledge and experience that is useful in their own context). This is generally combined with a total lack of privacy and even denial of the right to leave the home. The argument for this is either to protect a female servant or as a consequence of the *kafala* bond that makes the employer responsible to whatever happens to the worker. The most common fears are of her running away before termination of the contract, and somehow acquiring sexually-transmittable diseases. All this fosters a situation that easily becomes akin to forced labour, and falls under what is internationally defined as human trafficking and enslavement, with resulting forms of unchecked abuse: psychological and physical aggression, sexual assault, starvation, denial of medical treatment, etc (see Abebaw Minaye, 2012: 117-126; Waganesh Zeleke et al, 2015).

This situation promotes a whole range of misrepresentations, fear, suspicions and tensions that can, on unfortunately too frequent occasions (and subsequently in much expanded rumour networks and with viral effects in online social media), descend into a spiralling slope of hostility, suspicion, aggression and abuse. On the other hand, maids from the Horn of Africa do have a reputation in the Gulf for, unlike Asian women, standing up against their employers and counter-abusing them, with recourse to verbal confrontation, veiled menaces, and even displays of violent or erratic conduct. Often, these displays (that include repetitive body movements, regressive behaviour and even catatonic states), though they frequently indicate probable confused and hyper-stressed mental conditions due to recursive psychological tension (Waganesh Zeleke et al, 2015), are usually dismissed by the employers simply as theatrical forms of pressure to be released from work or to escape the *kafala* contract.<sup>29</sup>

Notwithstanding the multiple degrees of family coercion and personal choice that shape the push factors of female migration from the Horn, and the highly varied ways they are received and treated by their employers, the fact is that one finds a number of commonalities in their experiences, hopes and complaints: racial prejudice, cultural misunderstanding and lack of concern for work rights and personal privacy. But there is a sense of personal enrichment that comes from living at least temporarily away from the bounds of the patriarchal and male-dominated family environment of their home country, that, coupled with the attraction of material benefits (however small: usually clothing and other personal accessories), makes up for the hardships, traumas and loneliness of

<sup>29</sup> In the context of Arab countries, Lebanon stands out as a special case, in terms of collective class action: with the help of local NGOs, maids have staged demonstrations in Beirut, have organized collectives that offer peer-support (see Pande, 2012: 398-400).

their migratory experiences. On the other hand, when listening to Arab employers, one is overwhelmed with stories that speak of shared stereotypes: maids from the Horn of Africa are inept at using sophisticated home appliances than Asian women, but more trustworthy when it comes to dealing with employers' personal valuable items (jewellery, silver and gold, in particular). They are known to stand up to their employers, and to take advantage of the work situation by playing on the fears of Arab women by using "African" witchcraft to sexually entice husbands or other family members, hurting or abusing children and babies, food poisoning, etc. And, whereas migrants often deride their female employers as vain, lazy and arrogant, they themselves can become a subject of bewilderment. Why would a racially inferior and less civilized African woman harbour, and surreptitiously display, a sense of moral superiority towards their employer? Such perplexities rarely lead to engagement in cross-cultural understanding, be it because of language barriers or depersonalizing attitudes. Instead, they linger on, feeding small talk inside families and in social circles. Furthermore, when it comes to trusting African maids to look after their babies and children, tensions arise quickly due to the employers' fear of racial lines becoming blurred, their jealousy of growing empathy between maid and child, leading to suspicion of evil-doing and feeding the perpetuation of racially-charged stereotypes.<sup>30</sup>

Employers tend to be aloof of the fact that the maids they hire from the Horn of Africa are frequently urbanite, high-school educated young women that travel abroad with the full knowledge that this is but a temporary destination<sup>31</sup> and that, traumatic as it may be to many, working in the Gulf may be conceived as a rite of passage to female emancipation from an age-old patriarchal society – in some cases an unintended one, in others an expected and even sought one.

Evidently, the collective price to pay, in the Horn of Africa and elsewhere in other African and Asian lower-income countries, is the perpetuation of the deeply flawed and inhumane international labour-bondage *kafala* system centred in the Gulf countries.

## Conclusion

The use of the notion of "trafficking networks" to define the myriad ways though which women temporary migrate from the Horn of Africa to work as

<sup>30</sup> As Bridget Anderson puts it: "Employing a foreign migrant domestic worker, or one from a different ethnic, social, or religious group, enables households to perpetuate and promote the idea of other races and social groups as servers and doers of dirty work that they themselves are too important to do. When the worker is charged with looking after children, these power relations are quite literally reproduced" (Anderson, 2001: 28).

<sup>31</sup> She will either return home after her contract terminates, or may in some cases extend her stay, usually by working free-lance without a visa; or may move on to another country (Lebanon, Europe or the US, preferably).

live-in maids in the Gulf is made possible may perhaps be misleading. Although employment agencies in all Gulf countries have legal status, and some of them are long-established, state control can be scant or non-existent. Their relations with recruitment agencies from the sending countries may be direct or mediated by the migrants themselves, who act as recruiters of new workers via family and neighbourhood contacts or by interacting with the sending agencies. Arab employment agencies rarely or never have offices in the Horn countries (except for a few in Addis Ababa), and prefer to establish informal contacts – and share the benefits – with local agencies. This means that the costs of the recruitment and training processes (when they exist), travel expenses and legal exit and entry documentation are passed on to the worker (or her family) and the employer's family, on both sides of the Red Sea. This set-up multiplies the number of intermediaries, which in turn exacerbates the unaccountability of the system, totally distorting the original concept of "sponsored" responsibility in which the *kafala* is supposed to be based.<sup>32</sup>

Still, one should fend off the idea that such networks – or meshes or arrangements – are strictly structured and highly regulated. The case is often quite the opposite – very fragmented, immensely varying, extremely personalised – which makes it very difficult to gauge (and to reform), and quite prone to diverse readings (particularly evident in the in-country official vs NGO arguments, and in inter-country diplomatic interpretations). The recent history of female migration from the Horn to the Gulf is laden with traumatizing experiences, with often dramatic and even tragic stories, the socialization of which has through the years fostered and crystallized an accepted collective discourse of mutual fear, suspicion and disdain, both in sending and receiving countries. It is also common that migrants stifle their grievances and negative experiences when communicating with their family and friends for reasons of self-preservation and self-image. But in all it seems that success stories tend to outweigh dramatic and tragic ones. So, the trafficking of female workers doesn't necessarily need to be perceived as coerced, lacking agency on the part of the migrants themselves, and based on a conspiratorial view of the recruiters as demonic agents. Trafficking as an integral part of the migration process, and bondage as an integral condition of the work system, foster a state of collectively accepted structural violence of the *kafala* system shaping the foreign maid labour market of Arab countries. But reading this system, and the position of female migrants from the Horn of Africa in it, in terms of a clear-cut contrast between hapless victims and malignant villains

<sup>32</sup> On the three main channels of migration to the Gulf ("public migration", "private employment agencies", "illegal brokers"), see Fernandez, 2010: 251-3.



offers little room to understand the complexity and variety of female migration to the Gulf countries, the evolution of the *kafala* bond and the social and cultural impact of such migration in source countries.

There are too many factors that help keep the system in place to expect major changes and improvements, in the short run. Somehow, it suits most parties involved in it. International trafficking networks linking the Horn of Africa and the Arabian Peninsula do exist but are multi-centred and multi-layered – legal employment agencies, both in sending and in receiving countries, exist and are trackable, and to certain small extent accountable, but a great number of people use informal contacts, and a variety of mediators. The major factor of future change, all over the Gulf, is the perilous mixture of falling oil prices (the GCCs main source of income), and a continued demographic expansion coupled with growing youth unemployment and changes in the domestic structure of Arab family setups. Foreign maids are not likely ever be replaced by Arab nationals, but potential changes in the affluent Gulf life-style may cause reduced attractiveness of the migratory trend. Also relevant are the fast-evolving political and economic situations in the Horn of Africa. As Eritrea's dictatorial regime spirals towards its downfall and war-torn Somalia sees little prospect of overcoming its immense hurdles, the appeal of migration from there to the Gulf won't wither. As for Ethiopia, despite its recent fast economic growth, it is not likely to decrease and will probably increase, continuing to push its growingly urbanized but unemployed or underemployed youth away from the country. Hence, it's not likely that the female migration flows from the Horn, or more generally from Africa, to the Gulf will drastically dwindle in the next decade.

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