

Diplomacy as Diaspora Management

The Case of India and the Gulf States



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Executive Summary

About eight million Indian workers are present in the Gulf Cooperation Council (GCC) states, and send about \$35 million worth of remittances per year to India. 80% of these Indian workers in the Gulf are low-skilled and semi-skilled temporary workers, and many suffer from exploitation and abuse that derive from the Gulf *kafala* or sponsorship system. Because of their size and complexity, these migration flows of Indian citizens to the Gulf countries have an impact on the diplomacy New Delhi conducts in the region.

Since the beginning of the twenty-first century, the issue of the Indian diaspora has been raised on India's diplomatic agenda. A Ministry of Overseas Indian Affairs (MOIA) was created in 2004 and then merged with the Ministry of External Affairs in 2015, with the aim of engaging and connecting with the Indian diaspora abroad. Elected in 2014, Narendra Modi has put even more emphasis on the need to tap into the migrants' potential role in promoting India's interests abroad, and to encourage inward investments from wealthy Non-Resident Indians living in the West.

Nevertheless, the government has largely failed to ensure the protection of the most vulnerable migrants, many of whom are located in the Gulf. This can be explained to a large extent by the deficiencies of India's legal protection system that dates back to the 1983 Emigration Act. The initial objective of this Act was to systematize and regulate emigration of unskilled and low-skilled Indian workers for contractual overseas employment, and to avoid their exploitation. However, the Indian government has failed to regulate and monitor the practices of private recruiting agencies, and this institutional framework has been inadequate to fight against corruption and exploitation of labor.

Yet, because of regional instability in the Middle East and increasing domestic pressures, Indian diplomats are increasingly considered as responsible for the security and safety of their citizens abroad, and their capacity to develop appropriate responses has become a legitimacy test for the Ministry of External Affairs (MEA). In this context, the Indian government has recently developed *ad hoc* policies that put the emphasis on protecting workers and implementing welfare initiatives abroad. In the Gulf region, new mechanisms aimed at improving the protection of migrants were put in place by the MOIA, in coordination with the MEA and

Indian missions abroad. Indian embassies and consulates in the Gulf region have recently been modernized, with the creation of new consular and social services delivered to the Indian diaspora.

But the limited budget and human resources of the MEA have strongly constrained India's ability to adapt to the new requirements of migration management, and the Indian diplomatic and consular missions in the Gulf are not able to provide adequate services to their nationals. Added to this resource issue is the important fact that India's diplomacy in the Gulf rests on a paradox: although diplomats have made increasing efforts to promote Indian migrants' rights, their political priority is directed towards maintaining emigration flows. Indeed, remittances sent by the Indian workers in the Gulf play a vital role in the economic development of several Indian states. This strongly impedes diplomatic risk-taking during negotiations with the Gulf States on labor rights, as Indian diplomats are afraid that too much activism could lead to a temporary ban on Indian workers. Today, there is no concrete evidence to show that bilateral agreements signed between India and Gulf countries have improved the protection of low-skilled Indian workers, and India's diplomacy has also been very limited at the multilateral level.

Finally, the rise of diaspora management on India's diplomatic agenda has forced the MEA to strengthen its performance by enlisting the help of non-state actors. In the Gulf, Indian diplomats rely heavily on the financial and material support provided by local Indian associations, which gather highly skilled workers and businessmen who are involved in charity works. This creates a favorable context for the politicization of a few Indian diplomats and the development of collusive transactions in the region, while constraining the conduct of other diplomatic activities.

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Introduction

In January 2016, the movie *Airlift* was shown in India.¹ Based on true events, it tells the story of the crisis that followed the 1990 Iraqi intervention in Kuwait. It depicts the bravery of the fictive character Ranjit Katyal, a successful Indian businessman settled in Kuwait, who stands against the inaction of the Indian Ministry of External Affairs (MEA). He organizes, under his own steam, the repatriation of thousands of Indian workers from Kuwait to Jordan. Although this story does not match the reality of the 1990 evacuation operation, it illustrates the popular perception that Indian diplomacy has been useless in ensuring the safety and security of its nationals in the Gulf.

Airlift also sheds light on the widespread expectations among citizens that state protection will be provided in the Gulf countries. Concomitantly with such aspirations, an exploding demand for consular services has emerged with the increase in tourists and migration flows.² Diaspora management, consular affairs and diplomacy have become increasingly enmeshed, reflecting both the growing interconnections between domestic and international issues, and the evolution of diplomatic practices toward increasing implementation of low-priority service tasks. India's diaspora policy in the Gulf region is a typical example of these phenomena.

The "Indian diaspora" refers to both Persons of Indian Origin (PIOs), who have acquired foreign nationality, and Non-Resident Indian (NRIs), who have Indian citizenship but have lived abroad for a certain period of time. In this paper, India's diaspora diplomacy is analyzed as applied to the NRIs, rather than PIOs. Contemporary migration flows from India are of two kinds. The first is the result of the emigration of highly skilled professionals, including workers with technical skills and students migrating to Western countries.³ The second is composed of semi-skilled and low-skilled workers, many of whom seek employment in Gulf countries. Because of this difference in the socio-economic profiles of Indian migrants, the aims and instruments of India's diaspora policy vary

1. The movie was written and realized by Raja Krishna Menon.

2. J. Melissen, A. Fernandez (eds.), *Consular Affairs and Diplomacy*, Leiden, Boston, Martinus Nijhoff Publishers, 2011.

3. I. Therwath, "The Indian State and the Diaspora: Towards a New Political Model", in: E. Leclerc (ed.), *International and Transnational Political Actors. Case Studies for the Indian Diaspora*, New Delhi, Centre de Sciences Humaines (Centre for Social Sciences and Humanities), 2011, pp. 45–63.

from one country to another. While the diaspora constitutes an important source of soft and economic power for India's diplomacy in the US, it largely constrains the conduct of Indian diplomacy in the Gulf States.

Today, about eight million Indian workers are present in the Gulf Cooperation Council (GCC) states (Saudi Arabia, United Arab Emirates, Qatar, Kuwait, Bahrain, and Oman). They send about USD 35 billion worth of remittances per year to India.⁴ The Government of India has very high economic and development stakes in the Gulf region, while facing increasing pressure to protect its citizens. Indeed, 80% of Indian workers in the Gulf are low-skilled and semi-skilled, and many suffer from exploitation and abuse by their employers. As a consequence, the presence of the Indian diaspora in the Gulf is one of the major determinants of India's regional policy, along with the need to ensure energy security (India imports 40% of its energy from the Gulf). India's Gulf diplomacy has become increasingly entangled with the management of consular and community issues.⁵

This paper seeks to evaluate the implementation of India's diaspora policies in the GCC states since the 1990s and to analyze their impact on the practice of India's diplomacy. It shows that, although the issue of Indian migrants' welfare has been raised on India's diplomatic agenda, India has, so far, failed to protect them against abuse and exploitation. Most of the empirical findings are based on interviews conducted between 2013 and 2015 with Indian Foreign Service officers in New Delhi, Muscat, Abu Dhabi and Dubai, as well as officials from Trivandrum (Kerala), and migrant communities in Oman and the United Arab Emirates. The paper first explains why and how the activity of the Indian Ministry of External Affairs (MEA) has been increasingly affected by migration concerns. The following section highlights the factors that have contributed to the development of an Indian diaspora policy in the Gulf region. The last two sections deal with the consular instruments of India's diaspora management in the Gulf and their limitations in improving the welfare of Indian nationals.

4. R. Abraham, "India and Its Diaspora in the Arab Gulf Countries: Tapping into Effective 'Soft Power' and Related Public Diplomacy", *Diaspora Studies*, 2012, Vol. 5, No. 2, pp. 124-146.

5. Because of the authoritarian political context of the Gulf monarchies, the successful Indian professionals and business people in the Gulf have very limited influence in their host countries and cannot be used as instruments of India's foreign policy, as is the case in the United States.

The Growing Link between India's Diplomacy and Diaspora Policy

The Indian diaspora: a rising issue on India's diplomatic agenda

From the 1920s until the independence of India, the Indian nationalist movement encouraged the contribution of overseas Indians to the struggle for freedom. The treatment of Indian workers in other British colonies constituted a central debate within the Congress Party before independence. But the position of the Indian government towards its diaspora changed completely in the post-colonial period, and Prime Minister Jawaharlal Nehru adopted a cautious foreign policy towards the Indian migrants abroad. He advised the expatriate community of India to accept the nationality of the countries they lived in and to remain loyal to their country of residence. This reflected the ideology of the post-colonial state, which placed great emphasis on national sovereignty, amicable international relations, non-interference and nonalignment. As a consequence, between 1947 and the end of the 1980s, contacts between the Indian government and its diaspora were sporadic and characterized by mutual political mistrust. The Indian migrants who had settled in the UK or in US were generally seen as traitors to their nation, and the Indian government never intervened diplomatically in cases of mistreatment of Indians abroad.⁶

This political neglect was particularly strong for the migrants located in the Gulf. Between 1947 and 1983, the General Controller of Emigrants (GCE), an institution inherited from the British empire, was in charge of ensuring the protection of Indian migrants abroad. It was attached to the MEA. Although the issue of the mistreatment of Indian workers in the Gulf had been drawn to the attention of Indian diplomats since 1947, no active policy was adopted before the late 1990s. Indeed, as early as in 1948-1949,

6. This happened in Kenya and Uganda in the 1970s, when India refused to welcome the Indians chased from their host countries. See M. Dubey, "Changing Salience of the Relationship between the Indian Diaspora and India", *Diaspora Studies*, Vol. 1, No. 2, 2008, pp. 73-84.

the MEA received numerous complaints from Indian migrants working for British and American companies in Kuwait and Bahrain.⁷ These workers denounced their deplorable working conditions and complained about low wages, poor living conditions, lack of access to medical facilities, and the interdiction to organize into trade unions. Back then, a few diplomats underlined the need for the ministry to better monitor the contracts signed by the workers in order to secure good working conditions and put greater diplomatic pressure on the receiving states to ensure the safety of Indian nationals in the region.⁸

Despite this, throughout the 1950s, the MEA took no initiative to address these issues. Various factors explained this lack of decisiveness. The main one was the refusal to acknowledge the real mistreatment of foreign workers by the British political representatives and petroleum companies. An additional reason was the idea shared among Indian Foreign Service officers that the workers who had decided to go to those countries should bear their own responsibility for this and thus not seek state protection. The absence of Indian diplomatic missions in Kuwait and Bahrain at that time also constrained the MEA's policy. Indeed, diplomatic relations between India and the Gulf States were very limited between 1947 and 1970 as the foreign relations of Kuwait, Bahrain, the Truce States (now the UAE), Qatar and Oman were controlled by the UK. It was the Indian legation of Baghdad that was supposed to "informally" monitor India's relations with the Gulf States, but with little or no success.⁹

The Indian attitude to its diaspora changed radically with the country's liberal turn, which started in the 1980s. This was also correlated to the increase in the emigration of high-skilled workers to the US, and the rise in remittances sent by NRIs. In 1990-1991, the Indian state faced an economic crisis and failed to mobilize the support of the Indian diaspora to top up the decreasing foreign exchange reserves. During this period, policy-makers therefore progressively realized that overseas Indians could serve as an important bridge to reach foreign governments, and could contribute to the economic development of the country. In 1998, the rise to power of the National Democratic Alliance (NDA) led by the Bharatiya Janata Party

7. Ministry of External Affairs, File No. 17 (11)-AWT/48, Secret, 1) Report on Bahrain prepared by Mr. Raja Gopalan, Registrar, Embassy of India in Tehran; 2) Proposal to send a mission of 2 members of the Indian delegation to the UN General assembly to visit Bahrain and Kuwait, 1948, New Delhi, National Archives of India. Ministry of External Affairs, File No. 18-AWT/49, "Treatment of Indian Employees in Bahrain", 1949, New Delhi, National Archives of India.

8. Ministry of External Affairs, File No. 17(13)-AWT/47, "Consular representation in Persian Gulf", 1948, New Delhi, National Archives of India.

9. Indian missions in the Gulf were set up in the following order: Riyadh (1948), Oman (1955), Kuwait (1962), Doha (1971), Bahrain (1973) and Abu Dhabi (1973).

(BJP), with Atal Bihari Vajpayee as prime minister, further reinforced this trend.¹⁰ The Vajpayee government first targeted high-skilled migrants located in the West and encouraged them to promote India's economic and political interests. In September 2000, Vajpayee established a High-Level Committee on the Indian diaspora, which published an all-encompassing report on the overseas Indian communities.¹¹ While focusing mainly on high-skilled migrants, the committee's report also mentioned the issue of the welfare of Indian workers abroad. One chapter in particular dealt with low-skilled migrants in the Gulf.

This report later led to the creation of a Ministry of Overseas Indian Affairs, in 2004. Set up with the aim of engaging and connecting with the Indian diaspora, this ministry also replaced the Ministry of Labor for the protection of Indian migrants, and worked in close co-operation with the Indian representations abroad. This new institutional set-up confirmed India's renewed interest in its overseas communities even in the absence of a formally declared diaspora policy.

Therefore, since the early 2000s, the government of India has deployed a range of policy tools designed to engage with the Indian diaspora abroad. These developments have had a direct impact on the practice of India's diplomacy, as Indian diplomatic missions face increased pressures to develop their outreach capacities towards the Indian communities. Elected in 2014, Narendra Modi has put even more emphasis on the need to tap into the diaspora's potential role in promoting India's interests abroad, and to encourage inward investments from wealthy NRIs.¹² Nevertheless, the socio-economic profiles of the Indian migrants are very diverse, and the Indian government has not yet designed an all-encompassing diaspora policy. There is a growing gap today between, on the one hand, the increasing attention that the Indian state has paid to the Indian diaspora in Western countries, and, on the other, the deficiencies of India's migration protection system.

10. I. Therwath, art. cit., p. 45.

11. Press release, "Report of the High-Level Committee on Indian Diaspora", available on: <http://indiandiaspora.nic.in>.

12. "Narendra Modi Urges the Indian Diaspora to Become an Extension of Foreign Policy", *The Guardian*, 2 March 2015.

The deficiencies of India's migration protection system

The main institutional device for the protection of Indian semi-skilled and unskilled overseas workers is the 1983 Emigration Act. It is administered by the Protector General of Emigrants (PGE) through eight field offices – i.e. Protectors of Emigrants (POEs) – in Chandigarh, Chennai, Delhi, Hyderabad, Kochi, Kolkata, Mumbai, Trivandrum, Jaipur and Raebareli. Originally attached to the Ministry of Labor, this institution was placed under the Ministry of Overseas Indian Affairs (MOIA) when it was created in 2004, and has now been attached to the Ministry of External Affairs.

Within the 1983 legal framework, Indian workers are divided into two categories: the Emigration Clearance Required (ECR) and the Emigration Clearance Not Required (ECNR) passport holders. The ECR category applies to the people who have not been schooled beyond secondary level. These ECR passport holders must ask for emigration clearance permission if they attempt to emigrate to 17 listed countries, including the GCC states.¹³ To get their emigration clearance, migrants need to provide the POE with their work visa and employment contract, as well as an attestation given by the Indian diplomatic mission in their host country.¹⁴ The emigration clearance is delivered by the POE after monitoring the terms and conditions of the contract.

The initial objective of this Act was to systematize and regulate emigration of unskilled and low-skilled Indian workers for contractual overseas employment, and to avoid their exploitation. In particular, the diplomats based in countries in which the Emigration Clearance Required procedure was implemented, including the GCC states, then became *de facto* more involved in the regulation system that was set up as they had to monitor the contracts and visas delivered to ECR workers. Nevertheless, this institutional framework has been inadequate to fight against corruption and exploitation of labor. In addition to the intensification of labor emigration from India, overseas recruitment practices have become increasingly complicated and pose an important challenge to the government of India.

13. The 17 ECR countries are: the UAE, Saudi Arabia, Qatar, Oman, Kuwait, Bahrain, Libya, Jordan, Yemen, Sudan, Syria, Lebanon, Afghanistan, Malaysia, Thailand, Indonesia and Iraq.

14. For more details on this topic, see I. Rajan, V. J. Varghese, M. S. Jayakumar, *Dreaming Mobility and Buying Vulnerability: Overseas Recruitment Practices in India*, London, Routledge Taylor and Francis, 2011.

One of the main structural issues is the over-reliance of the state on private recruiting agencies. Based in India, these agencies, which must register with the government, act as brokers between the employers in the Gulf and the Indian workforce. They are responsible for conducting the process of emigration from India to the Gulf, and they oversee the selection of the employees as well as the definition of the terms and conditions of the contracts. They are thus supposed to ensure the protection of the workers by their employers and to monitor issues such as delayed payment of wages, unilateral changes in the contract, arbitrary changes of jobs, denial of employment, and inhuman working and living conditions.

The malpractices of these agencies have greatly contributed to the exploitation of Indian migrant workers. Indeed, these agencies often provide poor-quality services to their clients for disproportional fees, and the wages they establish are often below the norms set by the Indian government. The proliferation of subagents, visa merchants and clearance agents have further increased the opacity and deregulation of the emigration process, not to mention the fact that job-seeking workers resort to informal family and friendship links in the Gulf. Besides, POEs often do not insist upon the requirement that the relevant Indian mission abroad authenticates the specimen contract.

The institutional failure to regulate and monitor the practices of registered agencies, and to punish the activities of illegal ones, creates fertile ground for the development of irregularities once the workers reach the Gulf. Some workers are led to sign new contracts, with lower wages or more tasks, while others are often recruited to places other than the promised location, thus becoming irregular and even more exposed to exploitation. As it still does not have a comprehensive policy on labor migrants, the Indian government has recently developed *ad hoc* policies that put the emphasis on protecting workers and implementing welfare initiatives. These new measures and regulations are inherently linked to the rise of India's diaspora policy in the Gulf region.

The Rise of India's Diaspora Policy in the Gulf: Contributing Factors

The vulnerability of Indian migrants in the GCC states

Because of the long-standing trade relations between the Indian subcontinent and the Arab region, Indians have been found in the Gulf for centuries. At the beginning of the 20th century until the independence of the GCC states, Indian skilled workers played a key role in various sectors of the colonial administration. In the aftermath of the discovery of crude oil, semi-qualified workers were employed as accountants or clerks in the American and British companies established in the region. Between 1948 and 1970, India's presence in the Gulf region increased and the number of its workers jumped from 1,400 to 40,000.

The rise of oil prices in international markets from 1973 to 1987 led to a massive inflow of Gulf States revenues. The newly independent monarchies launched large-scale development programs in infrastructure, education, industry, service and agriculture. Due to the absence of a qualified labor force among Gulf nationals, local governments encouraged the immigration of foreign workers. Throughout the 1980s, South Asian migrants, considered as a cheaper, more competent, and less politicized manpower than Arab workers, progressively replaced the latter as the main foreign communities in the Gulf region.¹⁵

Today, the GCC region has the highest ratio of foreign residents in the world: foreigners make up 45% of the population of all GCC states. They account for 27.6% in Oman, 31% in Saudi Arabia, 40% in Bahrain, 70% in Kuwait, 80% in Qatar, and 88.5% in the United Arab Emirates (UAE).¹⁶ The Indian community is the largest expatriate community working in the private sector. Despite the economic recession and the slowdown in immigration of Indians to the Gulf States over the last ten years, India remains the main supplier of labor there. About 80% of new workers are from India. Although they come from all categories of labor – from white-collar and blue-collar workers to businessmen and professionals – most

15. H. Thiollet, "Managing Migrant Labour in the Gulf. Transnational Dynamics of Migration Politics since the 1930s", Oxford, International Migration Institute, *Working Paper*, No. 131, July 2016.

16. M. Azhar, "Indian Migrant Workers in GCC Countries", *Diaspora Studies*, Vol. 9, No. 2, 2016, p. 102.

(80%) are unskilled, low-skilled or semi-skilled, and illiterate. In 2015, about 306,000 Indian low-skilled workers migrated to Saudi Arabia, 225,000 to the UAE, 85,000 to Oman and 59,000 to Qatar. Most came from the states of Uttar Pradesh, Bihar, Tamil Nadu, West Bengal, Punjab, Andhra Pradesh, Rajasthan and Kerala.¹⁷

In the Gulf, most migrants come on a temporary basis, and the delivery of short-term contracts ensures the rapid turnover of migrants (i.e. the *kafala*, or sponsorship system).¹⁸ Only workers with a firm job offer and a contract with a sponsor (a *kafeel*) are permitted to enter Gulf countries. The contract obliges the employees to work during a fixed period at a set level of pay. In return, the sponsors are supposed to provide for their accommodation and food, and to cover the travel cost of their migrants. This complete dependence of the workers on their sponsors has led to many cases of abuse and mistreatment. In addition, the GCC governments deny citizenship as well as political and socio-economic rights to foreign migrants. Indian low-skilled and semi-skilled workers are, therefore, the most vulnerable group among Indian migrants, who thus depend on attentive protectors such as the Indian government.

The need to deal with geopolitical crises

The 1990–1991 Gulf War shed light on the high degree of vulnerability of Indian workers in the region, and on the high value of their remittances to the Indian economy. At that time, India's foreign exchange reserves fell sharply, to the equivalent of only two weeks' import requirements.¹⁹ The invasion of Kuwait by Saddam Hussein on 2 August 1990 led to the evacuation of 150,000 Indians from this country between 13 August and 11 October 1990. This first large-scale evacuation operation raised new challenges for India's foreign policy in the region.

Indeed, the MEA originally adopted a very moderate attitude towards Iraq and did not condemn its military intervention in Kuwait. The former Minister of External Affairs, Inder Kumar Gujral, led a delegation to Iraq to secure the evacuation of Indian migrants from Kuwait to Jordan, through Iraqi territory. Although successful in terms of securing the interests of its citizens, India's policy on Iraq raised strong criticism from the United States, the GCC countries and the United Nations. In November 1990, the V.P. Singh government was replaced by a short-lived coalition led by Prime

17. Indian Ministry of External Affairs, *Annual Report. 2015-2016*, New Delhi, 2016, p. 210, available at: www.mea.gov.in.

18. H. Thiollet, *art. cit.*

19. M. Dubey, *art. cit.*, p. 76.

Minister Chandra Shekhar, who quickly adjusted India's regional policy. Not only did the new government firmly condemn Iraq's belligerence, it also later supported the UN resolution enabling international intervention in case of the non-withdrawal of Iraqi troops from Kuwait by 15 January 1991.

The different stances adopted by the two successive governments have been described by former Foreign Secretary J. N. Dixit as a critical illustration of India's confused policy on the region.²⁰ The episode constituted a milestone in the evolution of India's policy in the Middle East, with the safety of its workers becoming one of its main determining factors. A diplomat who was posted in the Gulf division of the MEA at the beginning of the 1990s explained: "1990 was a turning point. With the return of 100,000 Indians, policy makers realized that what happened in the Gulf, despite our policy of neutrality, did not stop from having an impact on Indian interests. We realized that we needed to be preventive and to prevent any blowback".²¹ Diaspora management therefore required that the Indian government develop a dialogue capacity with each Gulf state in order to curb potential political tensions. The most recent example is, in early June 2017, the suspension of diplomatic relations with Qatar by Saudi Arabia, the UAE, Bahrain and other countries. A few days after the crisis began, the Indian MEA made clear that India did not want to be involved in this crisis and to be affected in its own relations with each country in the region.²²

In fact, since 1990, India has conducted more than thirty evacuation operations, with the latest ones in Iraq (2015), Yemen (April 2015) and Libya (2014–2015).²³ These operations are usually coordinated by the MEA, in close co-operation with the Prime Minister's Office.²⁴ In addition, this ministry has developed an active public diplomacy in order to display the success of India's evacuation operations. Nevertheless, despite the relative success of these operations, the government has not yet published any codified evacuation doctrine, and the MEA still lacks important resources.²⁵

20. J. N. Dixit, *Indian Foreign Service: History and Challenge*, New Delhi, Konark Publishers, 2005.

21. Interview with an Indian diplomat (batch 1980).

22. Ministry of External Affairs, "India's Official Statement Following the Recent Developments Related to Qatar", June 10, 2017, available at: www.mea.gov.in.

23. C. Xavier, "India's Expatriate Evacuation Operations. Bringing the Diaspora Home", Carnegie India, December 2016, available at: <http://carnegieendowment.org>.

24. Ministry of External Affairs, *Annual Report. 2011-2012*, New Delhi, 2012, p. 136.

25. C. Xavier, *art. cit.*

Increasing domestic pressures

Since the late 1990s, the MEA's new interest in diaspora issues has stemmed from the need to meet the growing demands of Indian citizens abroad. The growing amount of assistance to citizens in need has made India's diaspora diplomacy more of a public matter. The issue of diplomatic and consular assistance for this population has gained increasing salience in Indian public debate, especially in Kerala where academics, journalists, human rights activists and politicians have been very vocal in denouncing the difficult conditions of Indian workers. For example, in Kerala, a popular TV program has been set up to help the families of missing Indian expatriates and to raise public awareness about this issue.²⁶ Indian state governments affected by large emigration flows have also started searching for ways to undertake programs that serve those who migrated to the Gulf states. In 1996, the Kerala government was the first state of the union to put into place a department in charge of emigration issues, called the Department of Non-Resident Keralite Affairs (NORKA).

Continuous with this regional move, the Indian government also increased its involvement in migrant issues in the Gulf, through the Ministry of Overseas Indian Affairs (MOIA). In 2004, the United Progressive Alliance (UPA), led by the Congress Party, replaced the NDA. The newly elected government continued the policy initiated by the BJP in favor of the Indian diaspora, while giving more weight to the issue of migrants' rights. This was to a large extent the result of the presence within the UPA of two politicians from Kerala: E. Ahamed, Secretary of State in the MEA from 2004 to 2009, and Valayar Ravi, Minister of Overseas Indian Affairs from 2006 to 2014.²⁷

New mechanisms aimed at improving the protection of migrants in the Gulf were put in place by the MOIA, in coordination with the Indian missions abroad. In 2015, the MOIA was transformed into a Division of Overseas Indian Affairs and integrated in the MEA. The objective of the administrative reshuffling was twofold: facilitating coordination between New Delhi and the diplomats abroad, and reducing government spending.²⁸ But, according to an Indian diplomat posted in the UAE in 2015, this measure has increased the pressures on the MEA's limited

26. The TV program is broadcast on the channel Kairali TV, and presented by a former deputy from the Left, P. T. Kunju Muhammed. Interviews with politicians in Kerala in 2015.

27. Interviews with Indian officials in the MOIA and NORKA, in 2015.

28. Ministry of External Affairs, *Annual Report. 2015-2016*, New Delhi, 2016, p. 206.

budget for implementing India's diaspora diplomacy.²⁹ Indian diplomats are now considered responsible for the security and the safety of their citizens abroad, and their capacity to develop appropriate responses has become a legitimacy test for the ministry. To adapt to these changes, Indian embassies and consulates in the Gulf region have recently been modernized, but with limited effect due to both budgetary and political constraints.

29. Interview with an Indian diplomat (batch 2005), January 2015. Although the MEA annual report shows a rise of 24% in the total budget of the MEA between 2014-2015 and 2015-2016, it does not mention how much was allocated to the division of Overseas Indian Affairs.

The Limited Diplomatic Instruments of India's Migration Management in the Gulf Region

Increased efforts to modernize India's consular services

Generally speaking, consular officials and diplomats posted abroad play a central role in protecting their migrants. They have the legal right to have access to their citizens and to communicate with them, as well as the legal capacity to negotiate with the host government on their behalf. In the case of India's diplomacy in the Gulf region, Indian missions started extending assistance to Indian migrants in the 1990s.³⁰ At that time, however, this assistance remained limited in scope, and relied on the individual initiative of Indian diplomats, with the financial help of Indian businessmen. Since the creation of the MOIA in 2004, a set of decisions has progressively been taken to facilitate interactions between Indian diplomats and the migrants. As a result, the current support services provided by the MEA include the following:

- An Indian Community Welfare Fund in each GCC state since October 2009. These funds provide workers with judicial assistance, medical care and the repatriation of dead bodies. They are mostly raised from a service fee charged by the embassies on all consular activities.³¹
- Overseas Resource Workers Centers to inform migrants and their families of working and living conditions in the Gulf. The first center was opened by the Indian embassy in Dubai in 2010. Similar centers are progressively being opened in the region.³²

30. M. Dubey, *art. cit.*

31. Ministry of Overseas Indian Affairs, *Annual Report. 2011-2012*, New Delhi, 2012, p. 30.

32. P. Wickramasekara, "Something Is Better than Nothing: Enhancing the Protection of Indian Migrant Workers through Bilateral Agreement and Memoranda of Understanding", Migrant Forum in Asia, February 2012, available at: <http://mfasia.org>.

- Shelters for women in distress, who escape from their employers, in the embassy of Saudi Arabia, Bahrain, Oman and the UAE.³³
- A 24-hour phone line to receive workers' complaints.³⁴
- Open-house days organized on a weekly basis in all Indian representations in the Gulf in order to facilitate diplomats/workers interaction.³⁵
- Enhanced monitoring of overseas recruitment procedures in all 17 ECR countries since 2015, with embassy attestation being made mandatory in respect of all women and unskilled category workers.³⁶

In India, various states have also expressed concern about the strong flows of emigration to the Gulf countries. To address such concerns, the Indian government has encouraged policy coordination between diplomats and state governments. Since 2006, a biannual conference has been held to convene the Indian ambassadors based in the Gulf and in nine other countries,³⁷ the representatives of the Indian states concerned about large emigration flows, the secretary (West) of the MEA, and representatives from the Home Ministry and Ministry of Labor.³⁸ Nevertheless, with the lack of appropriate financial and human resources allocated to the Indian missions in the Gulf region, all these consular instruments have limited impact on the protection of Indian citizens in the region.

India's frugal diplomacy

The limited budget and manpower resources of the MEA have strongly constrained India's ability to adapt to the new requirements of migration management. In 2016, the MEA had only 912 Indian Foreign Service officers of rank A. This shortfall in staff is particularly pronounced in the Indian missions in the Gulf, where diplomats are not sufficiently equipped compared to more strategic missions in South Asia and the West.³⁹ For example, the Indian consulate in Dubai employs only 12 rank A diplomats

33. Interviews with members of the Indian welfare wing in Oman, May 2015. Interviews with Indian diplomats in Oman and the UAE in May 2015.

34. *Ibid.*

35. *Ibid.*

36. K. Rajimon, "No More Direct Hiring of Indian Workers: Online System Opens", *Times of Oman*, 1 June 2015.

37. These countries are Jordan, Yemen, Malaysia, Maldives, Nigeria, Tanzania, Kenya, South Africa and Iraq.

38. Interview with a civil servant in NORKA, Trivandrum, April 2015.

39. Interview with an Indian diplomat (batch 1982), January 2017.

and about a hundred support staff in charge of three million Indian migrants.⁴⁰

My interviews with Indian diplomats who worked in Bahrain, Oman, the UAE and Saudi Arabia elicited constant complaints about their excessive workload. In addition, Indian diplomats and their staff often do not have the technical skills required to handle labor issues. Most are posted in the Gulf with neither knowledge of Arabic nor sufficient understanding of national laws and judicial practices. As the costs of legal services in the Gulf are high, Indian missions also lack the financial resources to provide legal assistance to their nationals. The missions are also short of Arabic and Indian regional language interpreters.

As a natural consequence, the Indian diplomatic and consular missions in the Gulf are not able to provide adequate services to their nationals. Although diplomats are responsible for their citizens arrested abroad, Indian Foreign Service officers do not have time to visit them in jail, provide assistance during judicial cases, or visit labor camps to evaluate working conditions. Indian embassies also have the duty to verify that employers fulfill the agreed terms and conditions fixed by the Protectors of Emigrants and the recruiting agencies. For example, it is mandatory for employers to register the name of Indian employees with the embassy of India after arrival, but Indian missions do not have such records.⁴¹ In fact, neither the government nor the missions in the Gulf countries have accurate knowledge of the number of migrants present in the region, whether regular or irregular, and they rely on the figures provided by Gulf governments.⁴² Lastly, there are many shortcomings in the services already delivered by the Indian missions. For example, many workers live in remote areas and are therefore not able to go to the embassies during weekdays, while offices are closed during weekends and holidays.

The paradox of India's consular diplomacy in the Gulf

Theoretically, India's consular diplomacy in the Gulf region embraces diverse activities such as negotiating labor legal frameworks with host countries or sustaining talks with relevant Gulf Ministries in order to resolve intractable situations of irregular or abused migrants. However,

40. Interview with an Indian diplomat (batch 1995), April 2015.

41. A. Heller, "Blue Collar Emigration from India and Governance", *Social Policy & Administration*, Vol. 49, No. 6, 2015, pp. 695–717.

42. Interview with an Indian diplomat (batch 1992), May 2015.

this consular diplomacy rests on a paradox: although diplomats have made increasing efforts to promote Indian migrants' rights, their political priority is directed towards maintaining emigration flows. Indeed, remittances sent by the Indian workers in the Gulf still play a vital role in the economic growth and development of several Indian states. This strongly impedes diplomatic risk-taking during negotiations, as diplomats are afraid that too much activism on the issue of labor rights could lead to a temporary ban on Indian workers.⁴³ Since the early 1990s, specific dynamics have made the implementation of India's ambivalent consular diplomacy in the Gulf region a challenge.

In the past twenty to thirty years, Gulf monarchies have tightened their immigration policies and strengthened their procedures against the settlement of migrants. The 2011 Arab uprisings have made them particularly worried about the socio-political impacts of local unemployment. They have enforced labor nationalization programs in order to curb the absenteeism of their local workforce in the job market, and to reduce the economic loss generated by the remittances sent by workers to their home countries.⁴⁴ In addition, the economic crisis that has been affecting the Gulf States since 2015 has led to reduced employment in the energy and construction sectors, the closure of companies and deterioration in working conditions.

A case in point is the numerous diplomatic meetings organized between Indian and Saudi representatives following the launch of the Saudi nationalization (*Nitaqat*) program in 2011. Continuing Saudi nationalization policies adopted in 1994, this program aimed at increasing workforce participation of nationals in the private sector. The program was based on two measures: the imposition of a quota of Saudi workers in order to restrict the ability of private-sector enterprises to employ expatriate workers, and the limitation of the duration of expatriates' residency to a maximum of six years. The program led to the closure of many business establishments that did not respect the quota of local employees, which resulted in thousands of Indian migrants losing their jobs or being deported. The Indian government conducted active negotiations with Saudi authorities in order to guarantee the return of the Indians to their home country, as they needed an exit visa delivered by

43. M. H. Ilias, "South Asian Labour Crisis in Dubai: The Prospects of Indian Policy in the Arab Gulf Region", *Indian Journal of Politics and International Relations*, Vol. 4, No. 1 and 2, 2011, pp. 74-102.

44. Z. Hussain, "Nitaqat – Second Wave of Saudization. Is It an Answer to the Domestic Discontent?", in: I. Rajan (ed.), *India Migration Report 2014*, Cambridge, Cambridge University Press, 2014, p. 210.

their employers to be able to leave Saudi Arabia. Such events have increased India's concern about a potential cutback in the number of visas delivered to Indian citizens by the Gulf government.

Such concern is reflected in India's initiative to negotiate bilateral agreements with Gulf countries. Indeed, the Indian government has so far been careful not to assert migrants' rights too forcefully when involved in labor negotiations with host countries. India signed memoranda of understanding (MoUs) on labor issues with the UAE (2006 and 2007), Qatar (1985 and 2007), Kuwait (2007), Oman (2008), Bahrain (2009) and Saudi Arabia (2014 and 2016). These agreements generally aim at enhancing co-operation in the field of labor and manpower, and facilitate regular meetings of joint working groups in charge of reviewing and resolving labor issues. However, there is no concrete evidence to show that such bilateral agreements improved the protection of low-skilled Indian workers.⁴⁵ Only the MoUs signed between India and Bahrain explicitly mentioned the need for the protection and welfare of migrant workers. Therefore, negotiations of MoUs have been intended more as a contractual tool to ensure continued access to labor markets of destination countries rather than a guarantee of the rights and welfare of migrant workers.

The involvement of India's diplomacy has also been very limited at the multilateral level. In fact, neither India – nor the Gulf countries for that matter – have signed the conventions on migrant workers of the International Labor Organization⁴⁶ and of the United Nations.⁴⁷ The Indian government participates in the so-called “Colombo process” launched in 2003 in Manila by the International Organization of Migration (IOM), the fifth summit of which was organized in Sri Lanka in August 2016. This process gathers eleven Asian states and eight observer states, including Qatar, Kuwait, and Saudi Arabia, with a view to sustaining dialogue between Asian labor-sending countries on common issues related to temporary migration.

This “Colombo process” led to the establishment of the Abu Dhabi dialogue in 2008, which aims at facilitating discussions on labor issues between Asian labor-sending states and the host GCC countries, as well as Yemen. This multilateral forum has the advantage of facilitating collective discussions on sensitive issues with the Gulf governments.⁴⁸ For instance,

45. Piyasiri Wickramasekara, art. cit.

46. ILO Migration for Employment Convention (Revised), 1949 (No. 97); ILO Convention C-143 – Migrant Workers, 1975 (Supplementary Provisions).

47. UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 45/158, 18 December 1990.

48. Interview with an Indian diplomat in Abu Dhabi (batch 1995), May 2015.

the 20 participating countries established a model contract format that includes the provision of free food, accommodation, local transport and medical facilities for migrant workers by their employers. However, this has not led to the implementation of relevant policy changes.

Finally, in the absence of any reform of both Indian and Gulf legislation on the working conditions of migrant labor, India's consular diplomacy is likely to remain deficient. Indian diplomats do not have sufficient political tools to engage in negotiations with the Gulf states on a wide range of issues. As explained by one diplomat: "This is very frustrating work. The only thing that we can do is to be sure that they [the migrants] keep quiet and respect the law of their host countries."⁴⁹ This statement contrasts sharply with the Philippines' consular diplomacy, which has been much more proactive in ensuring the protection of their workers, sometimes at the risk of provoking a ban on the issuance of work permits by the Gulf governments.⁵⁰

49. Interview with an Indian diplomat in Oman (batch 2002), May 2015.

50. A.O. Yoon, "Oligarchic Rule and Best Practice Migration Management: The Political Economy Origins of Labour Migration Regime of the Philippines", *Contemporary Politics*, Vol. 22, No. 2, 2016, pp. 197–214.

The Interdependence between State and Non-State Actors

The establishment of public-private partnerships

The rise of diaspora management on India's diplomatic agenda has forced the MEA to strengthen its performance by enlisting the help of non-state actors. In the Gulf, Indian diplomats rely heavily on the financial and material support provided by local Indian associations, which gather highly skilled workers and businessmen who are involved in charity works.⁵¹ "Forums of the Indian volunteer community" (not to be confused with the Indian Community Welfare Fund) have recently been established in Indian embassies. They provide workers with medical, judicial and financial help, especially during open days dedicated to migrants by the Indian diplomatic missions.⁵² The judicial help provided by voluntary lawyers to the workers who either have an issue with their employer or who have been arrested, is particularly essential. Other volunteers also play the role of interpreters between the migrants and Indian diplomats in case they do not speak the same regional language.

Other tasks have been externalized by Indian diplomatic missions. In Oman's capital Muscat, for example, a shelter for women set up in the Indian embassy is funded and managed by a charity of the Indian Social Club. It is mainly managed by the Indian expatriates' wives, who take care of women who have run away from their sponsors. More generally, the community regularly funds the return tickets of absconded workers. In the event of urgent repatriation of workers, Indian community networks in the Gulf also constitute efficient informal channels that enable the Indian government to track, monitor and access their expatriates. Although they are often unofficial, these public-private partnerships increase state capacity to satisfy the growing demand for homeland involvement in procuring assistance for the diaspora. But the involvement of the Indian

51. Interviews with members of Indian cultural associations in Oman and the UAE, April 2015.

52. R. Abraham, *art. cit.*, p. 134.

community also bears the risk of increasing politicization and corruption among Indian Foreign Service officers.

Diplomacy and potential conflicts of interest

The specific context of diaspora management in the Gulf monarchies favors the development of regular interactions between private actors and Indian diplomats. In the Gulf, political organizations are banned, and only religious, regional, and cultural associations sponsored by Indian embassies can be legally acknowledged by the host authorities. The Indian ambassador is therefore held responsible for all public activities organized by the expatriates' associations. The way these associations are organized varies from one country to another. In Oman for example, the Indian Social Club is the only official Indian association legally registered. It gathers various Indian community groups, mainly organized along regional lines. In Abu Dhabi, five social, regional and Indian religious associations are officially registered under the responsibility of the Indian embassy.⁵³ In Saudi Arabia, religious associations are registered under the responsibility of the Islamic department, while cultural clubs are managed by the embassies. In addition, the 80 or so Indian schools run by the Indian community in the GCC states have to be officially supervised by the Indian ambassador.⁵⁴

As a consequence, a large part of the diplomatic work in the Gulf is inseparable from the work of various Indian associations, often organized along geographical, linguistic or religious lines. Diplomats are therefore constantly solicited by the expatriate communities and expected to attend many community events. One French diplomat based in Muscat explained: “While we have to attend one event per evening, the Indian diplomats have to go to three or four events per evening”.⁵⁵ These community events are mainly funded by Indian businessmen and organized by regional groups. An important requirement for the diplomats is therefore not to favor one community over another, and to avoid getting embroiled in regional rivalries. This is particularly true for Keralite officers, who often have a large private network in the Gulf region.

53. These associations are the Indian Social Cultural Centre, the Kerala Social Centre, the Abu Dhabi Samaaj Kerala, the Indian Ladies Centre and the Islamic Centre.

54. R. Abraham, *art. cit.*, p. 129. In 2012, there were 31 Indian schools in the UAE, 19 in Oman, 17 in Kuwait, 3 in Bahrain and 3 in Saudi Arabia.

55. Interview with a French diplomat in Oman, in April 2015.

In spite of the Gulf states' restrictive laws, many associations active in the Gulf are in fact miniature copies of Indian political parties.⁵⁶ This is the case, for example, of the Kerala Muslim Cultural Centre (KMCC), which is affiliated to the Muslim League party of Kerala and has branches in each Gulf state. Many Indian politicians from Kerala and other emigration states, therefore, often visit the Gulf countries in order to build political links with the Indian community. This creates fertile ground for the politicization of Indian diplomats. For example, Indian politicians often try to interfere in the diplomats' work in order to influence or contest policies that have an impact on their communities.

According to a former Indian ambassador who was posted to the UAE and Saudi Arabia, in this particular context some of his colleagues sometimes focus only on local political and community issues when they are posted to a Gulf country. Cases of collusive transactions between diplomats and the communities they represent have also been reported (during interviews conducted in Oman and the UAE). For example, diplomats might influence nominations to high-level positions in Indian schools or cultural centers, or receive personal compensation from the funds provided to the embassy by local Indian communities.⁵⁷

56. Interviews with members of Indian cultural associations in Oman and the UAE, in April 2015, and with Indian political parties in Kerala, in January/May 2015.

57. *Ibid.*

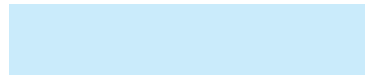
Conclusion: the Difficulties of Reconciling Migration Management and Diplomacy

India's diaspora diplomacy draws attention to the social components of diplomatic practices. In the Gulf countries, despite the scarcity of resources allocated to the Indian MEA, diplomats are experiencing a growing need to protect their citizens. This affects India's diplomacy in the region, exposing it even more to public opinion, as it shifts towards more service-based tasks. One of the main functions of Indian ambassadors in the Gulf is to protect the financial and economic interests of Indian states that send nationals to the Gulf. In addition, the Indian expatriate community is increasingly perceived by mainland Indians as entitled to government assistance through consular, social and cultural services. Migration management has, therefore, emerged as a regular practice of India's diplomacy in the Gulf region. Nevertheless, the government of India and the diplomats posted in the Gulf still lack the means and manpower to implement an adequate protection policy. Indian migrant associations thus often play a critical role in complementing the state. This creates a favorable context for the politicization and corruption of Indian diplomats.

Helene Thiollet has shown that, since the 1980s, the Gulf countries have used migration management, through the selection of migrants and the governance of labor communities, as a political and diplomatic tool that has favored their integration into regional and global politics.⁵⁸ In sharp contrast, this issue has largely constrained the conduct of India's regional diplomacy. Indeed, because of the heavy workload they face, Indian diplomats find it difficult to reconcile the imperatives of diaspora management with the conduct of other diplomatic activities. Conducting diplomacy with the Gulf countries requires the establishment of personal links with rulers, so as to facilitate economic and political negotiations. Yet, Indian officials often don't find the time to socialize with local elites. In this context, the challenge for Indian diplomats in the Gulf today is to be able to engage more closely with host institutions to promote other aspects of

⁵⁸ H. Thiollet, *art. cit.*

diplomacy such as economic diplomacy and defense cooperation, while improving services for their most vulnerable citizens.



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