

**DRAFT**



**REPUBLIC OF KENYA**

**Diaspora Policy of Kenya**

Month, 2011

# DRAFT

## FOREWORD

Compared to countries in Asia, Middle East and Latin America, Kenya has few of its citizens in the Diaspora. However, emigration of our professionals and technicians is of vital concern to national development effort. Emigration of Kenyans in large numbers is a relatively recent phenomenon and has been caused in the past by deterioration in economic performance. The 1990's registered negative per capita income growth and worsened income distribution and unemployment amidst intensifying globalisation. The number of Kenyan Diaspora is currently estimated at 3 million. They possess immense human, material and financial resources. The Diaspora makes significant contribution in terms of remittances and transfer of technology. The amount of inward remittances is currently estimated at Kshs. 151.2 Billion (\$1.8 Billion) in 2010 according to the World Bank, Migrations and Remittance Factbook 2010, accounting for 5.4 % of the Gross Domestic Product. Lack of a structured institutional framework has inhibited the effective contribution of this important resource to national development. It is therefore necessary to have a policy that will mainstream the Kenyan Diaspora in the development agenda.

It is against this background that the Government has developed this Policy Paper to provide strategies to mainstream the Kenyan Diaspora Communities into the development agenda. The Policy emphasizes the need for creating an enabling environment to address identified challenges.

Among some of the key interventions proposed in the Policy are: curbing high cost of remittances, improving consular services to address diaspora issues, using the Kenyan diaspora to promote tourism, tapping into diaspora talents to reverse brain drain, and designing a system of collection of data on diaspora profiles.

The Government's vision to harness the Diaspora resource is set to be fulfilled through effective implementataion of the policy strategies and programmes which will be developed thereof in partnership with relevant stakeholders towards the realization of Kenya Vision 2030.

This Policy is structured as follows; chapter 1 gives a general global outlook and Kenyan perspective to diaspora issues; chapter 2 identifies challenges in mainstreaming contribution of Kenyan Diaspora to national development; chapter 3, outlines the guiding principles, policy objectives and strategies that will address the challenges identified; and chapter 4, lays out the institutional arrangement and implementation framework as well as monitoring and evaluation. This Policy will therefore go along way in creating an enabling environment and appropriate legal and institutional framework in Kenyan Diaspora administration.

**Hon. Moses Wetang'ula, EGH, MP  
MINISTER FOR FOREIGN AFFAIRS**

# DRAFT

## TABLE OF CONTENTS

<b>FOREWORD .....</b>	<b>ii</b>
<b>TABLE OF CONTENTS .....</b>	<b>iii</b>
<b>ACRONYMS .....</b>	<b>iv</b>
<b>CHAPTER I.....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
1.1    Global Outlook.....	1
1.1.1 <i>Diaspora; Perspectives</i> .....	2
1.2    The Kenyan Context .....	3
<b>CHAPTER 2 .....</b>	<b>5</b>
<b>CHALLENGES TO THE EFFECTIVE CONTRIBUTION OF KENYAN DIASPORA TO NATIONAL DEVELOPMENT .....</b>	<b>5</b>
2.1    Consular Services.....	5
2.2    Remittances .....	5
2.3    Tourism .....	5
2.4    Protection of Kenyans in Diaspora.....	6
2.5    Data - Base .....	6
2.6    Tapping Diaspora Skills .....	6
2.7    Diaspora Administration and Capacity Building .....	6
2.8    Information and Communication Technology (ICT) .....	7
2.9    Social Security Transferability and Portability .....	7
<b>CHAPTER 3 .....</b>	<b>8</b>
<b>DIASPORA POLICY OBJECTIVES AND STRATEGIES.....</b>	<b>8</b>
3.1    Guiding Principles.....	8
3.2    Objectives.....	8
3.3    Strategies.....	9
3.3.1 <i>Citizenship</i> .....	9
3.3.2 <i>Remittances, Trade and Investment</i> .....	9
3.3.3 <i>Tourism, Culture and Entertainment</i> .....	10
3.3.4 <i>Consular Services and Protection of Kenya's Diaspora</i> .....	10
3.3.5 <i>Diaspora Data Base</i> .....	11
3.3.6 <i>Tapping into Diaspora Skills</i> .....	11
3.3.7 <i>Diaspora Administration and Capacity Building</i> .....	12
3.3.8 <i>Connectivity to Information and Communication Technology (I.C.T)</i> .....	12
3.3.9 <i>Transferability and Portability of Social Security</i> .....	12
<b>CHAPTER 4 .....</b>	<b>13</b>
<b>INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION FRAMEWORK.....</b>	<b>13</b>
4.1    Coordination mechanism.....	13
4.2    External Remittances and Foreign Employment Committee .....	14
4.3    Government Agencies .....	14
4.3.1 <i>Ministry of Planning and National Development</i> .....	15
4.3.2 <i>Ministry of Foreign Affairs</i> .....	<i>Error! Bookmark not defined.</i>
4.3.3 <i>Ministry of Labour and Human Resource Development</i> .....	15
4.3.4 <i>Ministry of Immigration and Registration of Persons</i> .....	16
4.4    National Diaspora Council of Kenya (NADICOK) .....	16
4.5    Other Stakeholders .....	17
4.5.1 <i>Social Partners</i> .....	17
4.5.2 <i>Kenya Diaspora Associations</i> .....	<i>Error! Bookmark not defined.</i>
4.5.3 <i>Development Partners</i> .....	18
4.5.4 <i>Media</i> .....	18
4.6    Monitoring and Evaluation.....	18

# **DRAFT**

## **ACRONYMS**

<b>BLA's</b>	-	<b>Bilateral Labour Agreements</b>
<b>CBO</b>	-	<b>Community Based Organization</b>
<b>COMESA</b>	-	<b>Common Market for Eastern and Southern Africa</b>
<b>COTU</b>	-	<b>Central Organization of Trade Union</b>
<b>EAC</b>	-	<b>East African Community</b>
<b>FBO</b>	-	<b>Faith Based Organization</b>
<b>FKE</b>	-	<b>Federation of Kenyan Employers</b>
<b>GDP</b>	-	<b>Gross Domestic Product</b>
<b>ICT</b>	-	<b>Information and Communication Technology</b>
<b>ILO</b>	-	<b>International Labour Organization</b>
<b>KAPEA</b>	-	<b>Kenya Association of Private Employment Agencies</b>
<b>KEPSA</b>	-	<b>Kenya Private Sector Alliance</b>
<b>KIA</b>	-	<b>Kenya Investment Authority</b>
<b>M &amp; E</b>	-	<b>Monitoring and Evaluation</b>
<b>MSE</b>	-	<b>Micro and Small Enterprises</b>
<b>NADICOK</b>	-	<b>National Diaspora Council of Kenya</b>
<b>NEPAD</b>	-	<b>New Partnership for Africa's Development</b>
<b>NESC</b>	-	<b>National Economic and Social Council</b>
<b>NGO</b>	-	<b>Non-Governmental Organization</b>
<b>ODA</b>	-	<b>Overseas Development Assistance</b>
<b>UN</b>	-	<b>United Nations</b>
<b>IOM</b>	-	<b>International Organization for Migration</b>

# **DRAFT**

## **CHAPTER I**

### **INTRODUCTION**

#### **1.1 GLOBAL OUTLOOK**

Over the last 45 years, the number of persons living outside their country of birth has more than doubled from an estimated 75 million in 1960 to nearly 215 million (UN, 2009) representing 3% of World population. About 30 Million Africans are living outside their home country. These figures clearly indicate how crucial the management of international migration is, especially in view of the magnitude of the movement of people across borders for employment. The debate has now moved to the top of policy agenda in many countries of origin, transit and destination. Governments at both ends of the migration spectrum are increasing their regulatory capacities to manage labour migration for the mutual benefit of society, migrants and the state. The term Diaspora has been used to describe people who have migrated from their countries of origin. There has thus arisen a need for structured understanding and legal mechanisms to manage and control the movement of goods and people regionally and internationally.

The African Union (AU) has recognized the role played by the Diaspora in the development of the continent and has recognized the Diaspora as the sixth region of AU organization structure. Regionally, people who left their countries to work or live in the neighboring countries form part of the Diaspora.

Article 104 of the Treaty for the establishment of the East African Community provides for free movement of persons, labor, services and the right of establishment and residence. *This is further reinforced in the Common Market for East and Southern Africa (COMESA) Protocol on the free movement of labor.* Bilateral Labour Migration Agreements (BLAs) formalize each side's commitment to ensure that migration takes place in accordance with agreed principles and procedures for the Diaspora.



The role of Diaspora in the development of host countries is therefore increasingly getting recognition. The international migration and development debate has increasingly emphasized this important role and its impact on countries of origin. A number of countries such as China, India, México and Israel have significantly benefited by capitalizing on their links with their Diaspora. Other countries have also initiated measures to design policies and legislation to create an enabling environment for the Diaspora to participate fully and contribute to the development of these countries. One such contribution is in remittances. Remittances to developing countries are three times the Official Development Assistance (ODA) to the developing countries. The remittances are estimated to be about \$325 Billion (2010e). The World Bank has suggested that remittances sent through informal channels could add to at least 50 per cent to the official estimate, making it the largest source of external capital in many developing countries.

### **1.1.1 Diaspora: Perspectives**

The term Diaspora has generated a debate around the World. This debate has however not elicited a universally agreed definition. Contributing to the debate, the International Organization for Migration (IOM) has defined Diaspora *as members of ethnic and national communities who have left, but maintain links with their homelands.*

1. The African Union defines the African Diaspora as, "*Consisting of people of African origin living outside the continent irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union*". Consequently, the Extra – Ordinary Summit of the Assembly of Heads of State and Governments of the African Union in its meeting held on 3<sup>rd</sup> February, 2003, declared the African Diaspora as the sixth region of the continent. The declaration was based on the recognition of the African Diaspora as an important part of the continent whose potential needs to be fully exploited in building the African Continent. In this regard, the Kenya



ratified the Amendment to the African Union (AU) Constitutive Act Article 3(q) that “*invites and encourages the full participation of the African Diaspora as an important part of our continent in the building of the African Union*”.

For the purpose of this policy paper, the Kenyan Diaspora is defined as *consisting of Persons of Kenyan Origin (PKO) and Non-Resident Kenyans (NRK's). PKO status designates foreign citizens of Kenyan origin or descent. On the other hand NRK status is for Kenyan citizens holding a Kenyan passport and/or having dual citizenship and residing outside the country for an indefinite period whether for employment, business, vocation, education or any other purpose.*

## **1.2 The Kenyan Context**

The migration of Kenyans abroad can be seen in three distinct waves. First, in the period preceding Kenya's independence in 1963, a small number of Kenyans were able to travel abroad in search of better education and training opportunities. Many of these pioneers participated in the struggle for independence and constitute part of the Diaspora. The second wave occurred during the great airlift where young Kenyans were taken abroad to acquire further education in order to come back and fill up positions in Government created by the young nation. The third wave constitutes those Kenyans who migrated to seek better economic opportunities in the face of falling living standards. This latter wave occurred prominently in the 1980s and 1990s.

To date, the number of Kenyans in the Diaspora is estimated at three (3) Million and is continuously on the rise. Indeed the Diaspora possesses immense human and capital resources that contribute to National Development. Part of this resource includes inward remittances, which is currently estimated at Ksh. 151.2 billion (USD 1.9 billion), accounting for 5.4% of the Gross Domestic Product (GDP).

# **DRAFT**

Despite this significant contribution, there are still many constraints that have inhibited the effective utilization of this financial and human resource for the socio-economic development of Kenya. These includes among others, lack of statutory provision for the establishment of structured institutional frameworks for addressing issues of concern to the Diaspora community.

# **DRAFT**

## **CHAPTER 2**

### **CHALLENGES TO THE EFFECTIVE CONTRIBUTION OF KENYAN DIASPORA TO NATIONAL DEVELOPMENT**

The Kenyan Diaspora has a potential to play a key role in the development of the country. This potential has remained untapped although its significance can be seen in terms of remittances and in the transfer of technology. This contribution to the development of the country is inhibited by the following challenges:-

#### **2.1 Consular Services**

The Government accords consular work high priority and is committed to providing comprehensive and effective consular services to all Kenyans living abroad. However, there are existing administrative challenges which inhibit proper provision of consular services and lack of policy framework that is responsive to Diaspora needs.

#### **2.2 Remittances**

The Kenyan Diaspora continues to play an important role in the development of the country through remittances. According to World Bank Reports the amount of inward remittances increased from Kshs. 70 Billion (USD1.0 billion) in 2005 to about Ksh.151.2 billion (USD 1.9 billion) 2010, representing 4.6% and 5.4% of the GDP respectively. This amount is at times higher than the Overseas Development Assistance (ODA). There is however, lack of administrative structures and mechanisms for Government to tap (leverage) directly into these foreign inflows from the Diaspora as an asset for investment and national development.

#### **2.3 Tourism**

Kenya's *Vision 2030* anchors the tourism sector as one of the pillars for growth and development towards its attainment of middle-level income country status. Tourism continues to be one of the major foreign exchange earners for Kenya and as such, there is need to continue marketing the country as a preferred tourist

destination. However, there is lack of clear structures and avenues to facilitate Kenyan Diaspora to play a proactive participatory role in promotion of Tourism.

#### **2.4 Protection of Kenyans in Diaspora**

A large number of Kenyan Diaspora lack necessary work permits and documentation. There is lack of inter-state collaboration in regularization of undocumented Kenyans in the Diaspora. In addition, non-registration by Kenyans in the Diaspora with Kenya Missions abroad hampers their protection and further constraints provision of consular services to them.

#### **2.5 Database**

There is lack of accurate and reliable data on demographic profiles (population, location, income levels, education and training and work experience) of the Kenyan Diaspora. Without access to timely, simplified, reliable and relevant data on the Kenyan Diaspora, both the Government and the Diaspora will lose the mutual benefit of the same.

#### **2.6 Tapping Diaspora Skills**

Kenya continues to experience migration of its citizens to other countries notably the developed world. The total number of Kenyans in the Diaspora is estimated to be about three (3) million. The professional Kenyan Diaspora possesses immense intellectual resources even though there is no proper documentation of the same. However, the Government is unable to attract her qualified and skilled human resource from the Diaspora community, thus inhibiting reverse transfer of technology.

#### **2.7 Diaspora Administration and Capacity Building**

Diaspora issues are multifaceted, complex and involve various actors. There is visible lack of policy coherence between, among and within the various state and non-state agencies dealing with Diaspora issues. In addition, dis-harmonization has resulted to poor co-ordination, duplication of efforts and wastage of resources. The Ministries and Agencies dealing with Diaspora issues do not have the



requisite resources and capacity to effectively deal with the challenges facing the Kenyans in the Diaspora.

**2.8 Information and Communication Technology (ICT)**

ICT plays a major role in trade, virtual education, flow of remittances and investment. Although there is increased demand for basic information services, the sub-sector is not fully expanded due to slow uptake of the infrastructure recently introduced in the industry that aimed at improving connectivity and lowering costs. The resultant effect of this has been under-utilization of the potential of this important infrastructure.

**2.9 Social Security Benefits Transferability and Portability**

Kenyans in the Diaspora contribute to the various social security services in their countries of destination. On termination of their contracts, there is lack of bilateral agreements that would facilitate the transfer of their social security savings to Kenya.

# **DRAFT**

## **CHAPTER 3**

### **DIASPORA POLICY OBJECTIVES AND STRATEGIES**

#### **3.1 Guiding Principles**

The success of this policy framework is pegged on the following guiding principles:-

- The first principle is the *involvement* of the Diaspora in National Development;
- The second principle is the *recognition* of the important role played by the Kenyan Diaspora in the socio-economic development of the country;
- The third principle is *participation*. This principle recognizes the need to synergize the efforts of all the stakeholders in the Diaspora issues. The stakeholders will therefore be involved in policy formulation, implementation, monitoring and evaluation of the strategies;
- The fourth principle is *sustainability* where Diaspora data is used to monitor, evaluate performance and implementation of the policies and programmes to facilitate appropriate intervention measures; and
- The fifth principle of the policy is *gender* specific response. This recognizes that a gender-blind Diaspora Policy can lead to inappropriate responses that do not take specific expectations into account. Male and female Diaspora members may face different opportunities and challenges, and often draw on different resources, networks and institutions.

#### **3.2 Objectives**

The overriding objective of this policy is to mainstream the Kenyan Diaspora in the development agenda by creating an enabling environment into which the Diaspora is effectively integrated and able to make significant contribution to the development of the country. The main thrust is therefore, to harness the Kenyan Diaspora as a resource for development.

# DRAFT

The specific objectives of this Policy are to:

- Develop comprehensive multi-dimensional strategies to the Diaspora challenge with the aim of harnessing Diaspora resources and mainstreaming it to national development;
- Embrace as a long term goal, the need of mobilizing the Kenya Communities Abroad to form Umbrella Associations;
- Provide the fullest possible opportunity for each Kenyan in the Diaspora to participate and contribute to National Development;
- Encourage measures that enhance protection of Kenyans in the Diaspora in order to safeguard their basic rights and standards;
- Secure maximum dialogue and cooperation from the Diaspora; and
- Establish the necessary institutions for the co-ordination and proper administration of Diaspora issues.

### **3.3 Strategies**

In order to realize the above goals, the Government commits herself to mainstream the Kenyan Diaspora in Development by creating an enabling environment to fully enable them participate in national building.

#### **3.3.1 Citizenship**

The Constitution of Kenya, 2010 has appropriately put in place necessary statutory provisions to provide for dual citizenship. This will enable Kenyans in Diaspora to access rights, privileges and obligations of citizenship for both the host country and Kenya. **Kenyans who will not be able to enjoy dual citizenship due to non-acceptance of such arrangements may be granted an ‘Overseas Citizenship Card’ which will guarantee them a ‘visa for life’ to come visit Kenya, as often as they wish.**

#### **3.3.2 Remittances, Trade and Investment**

The Government will create necessary structures to address the high cost of transmitting remittances with a view to attracting remittances for investment and trade. The Government will also offer incentives to the Kenyan Diaspora such as

tax holidays, special investment vehicles, tailor made retirement benefit for the Diaspora and create a special counter at the Central Bank of Kenya to enable them remit and invest in the country. In order to address any adverse macro-economic impact of Diaspora remittance inflows, the Government will encourage the Kenyan Diaspora to direct their remittances towards investment in development and productive ventures. Further, Government will work out modalities for holding constant briefs with Kenyan Diaspora to inform them of investment issues and opportunities in the country. The Kenyan Diaspora will also be encouraged to import and consume Kenyan products in their host countries.

### **3.3.3 Tourism, Culture and Entertainment**

In recognition of the Diaspora's potential to promote tourism and market the Kenyan culture and entertainment, the Government in collaboration with Kenya Diaspora Communities (KDC) will support the activities of these sectors by letting the Diaspora promote Kenya's tourism, artists and athletes. Further, the Government will encourage the Diaspora community to invest in pro-active mass media and broad-casting stations that will promote local programmes and culture in the host countries. In addition the Government will support grass-root talent development and enforce laws that protect patents and copy-rights, among other interventions. The Government will also encourage Kenyan Diaspora to participate in philanthropic activities in the country.

### **3.3.4 Consular Services and Protection of Kenya's Diaspora**

The Government accords consular work high priority and is committed to providing comprehensive consular services to all Kenyans in the Diaspora through the Kenya Missions abroad. In this regard, Government will strengthen and enhance the capacity of Missions to effectively deal with Diaspora issues. It will also provide adequate policy framework for Consulates to address Diaspora related issues. In addition the Government will encourage Kenyans going abroad to obtain the necessary travel documents and work permits, notify the Ministry of Foreign Affairs before departure and register with the Kenya Missions upon arrival in their countries of destination.

# DRAFT

The Government will further continue to strengthen the Foreign Policy framework to make it more supportive in addressing the issues related to Diaspora. Government will also encourage irregular Kenyan immigrants to regularize their immigration status through bilateral agreements.

### **3.3.5 Diaspora Database**

In order to improve access to timely and quality Diaspora information, the Government will put in place an Integrated Diaspora Information System to collect, collate, analyze and disseminate the information to enhance Diaspora engagement. The Government will also build capacities and network institutions dealing with the Diaspora to provide linkages between providers and users of the same. In addition, measures will be put in place to strengthen existing institutions and documentation centres that specialize in Diaspora – related information.

In this regard, the Government through the Ministry of Foreign Affairs and in conjunction with the Ministry of Labor and Human Resource Development will maintain and update a database on the Kenyan Diaspora as part of the integrated Diaspora information system.

### **3.3.6 Tapping into Diaspora Skills**

The Government will put in place deliberate strategies with Diaspora Associations to mainstream the Kenyan Diaspora in its *Vision 2030* development plan. In view of this, Diaspora issues will be contextualized on the next *Second Medium Term Plan of the Kenya Vision 2030* to facilitate coordinated implementation and monitoring. Further, the Government will, in collaboration with stakeholders, develop robust programmes aimed at tapping into the potential of Kenyans living abroad. Further, the Government will reach-out to the Diaspora and create awareness in areas of investment potential. In addition, the Government will make employment opportunities available to the Diaspora on a competitive basis with emphasis on meritocracy. The Government will encourage the Professional Associations to closely collaborate and affiliate with international and other related professional associations to enable the Kenyan Diaspora professionals

engage fully in their relevant fields. The Government will also put in place structures, programmes and incentives to attract and utilize qualified and skilled Human Resources from the Diaspora.

### **3.3.7 Diaspora Administration and Capacity Building**

The Government will harmonize Diaspora issues and in collaboration with development partners, strengthen and enhance the capacity of public and private sector agencies dealing with Diaspora issues. Further, it will encourage partnership, linkages and networks that will help realize the objectives of mainstreaming the Diaspora issues into the national development agenda.

### **3.3.8 Connectivity to Information and Communication Technology (I.C.T)**

The Government through her *e-Government programme* will put in place ICT strategies in order to enhance efficiency in engagement with the Diaspora. The Government will therefore put in place an integrated Diaspora Information System which will assist in collecting, collating, analyzing and dissemination of the same. Further, service providers and users of the system will be interlinked. In addition to this, the Government will build capacities and network institutions dealing with the Diaspora.

### **3.3.9 Transferability and Portability of Social Security Benefits**

Possibilities of entering into Bilateral Agreements with countries of destination where Kenya's Diaspora are domiciled will be explored to enable Kenyans transfer the social-security contributions back to Kenya on completion of their contracts.

# **DRAFT**

## **CHAPTER 4 INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION FRAMEWORK**

The Government is committed to the implementation of strategies outlined in this Policy which are meant to mainstream Kenyan Diaspora Communities in the development agenda. To achieve these outcomes, it is important to have an effective implementation, monitoring and evaluation framework.

The Government further recognizes that successful implementation will require involvement and active participation of Diaspora Associations, Private Sector, Civil Society Organisations, Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), and various Faith Based Organizations (FBOs). This framework therefore provides for the roles and responsibilities of institutions and agencies entrusted with the implementation of the policies and programmes. It also enables reporting and regular feedback.

### **4.1 Coordination mechanism**

Effective co-ordination is critical in the formulation and implementation of policies as it is also a pre-requisite for enhanced monitoring and evaluation. Currently, Diaspora functions are scattered in various Government Ministries and Departments. For instance, while the Ministries responsible for Finance, Planning and National Development, Trade and Industry, Immigration and Registration of Persons, Foreign Affairs, Youth Affairs, East African and Regional Affairs Tourism, Labor and Human Resource Development are undertaking some critical Diaspora functions, there is however no clear co-ordination and linkage mechanism between the implementing agencies to enhance policy harmonization and streamline the signals given by the respective actors. This has resulted in disjointed policy actions, duplication of efforts and wastage of scarce resources.

In order to address the challenges above, the Presidential Circular No. 1 of 2008 on Organization of Government placed the coordinative role of Diaspora related

# DRAFT

issues in the Ministry of Foreign Affairs which will, in consultation with other stakeholders work towards eliminating the overlaps and promote consistency in the management of Diaspora issues.

The following institutions will be key in implementing this policy and its programmes:

#### **4.1.1 National Diaspora Council of Kenya (NADICOK)**

The Ministry of Foreign Affairs will oversee the formation of the National Diaspora Council of Kenya (NADICOK), which will comprise of the following: Ministry of Foreign Affairs, Ministry of Labor and Human Resource Development, Ministry of Planning, National Development and Vision 2030, Ministry of Youth Affairs and Sports, Ministry of East African Community, Ministry of Finance, Ministry of Tourism, Ministry of Trade, Ministry of Education, Ministry of State for Immigration and Registration of Persons, Ministry of Information, Ministry of Gender, Vision 2030 Delivery Secretariat, Central Bank, Retirement Benefits Authority, Kenya National Bureau of Statistics and representatives of Kenya Diaspora Communities. Other members may be co-opted as and when deemed necessary. The Ministry of Foreign Affairs will be the secretariat to the Council.

NADICOK will be anchored in the Ministry of Foreign Affairs and will meet on a quarterly basis to deliberate on issues and receive feedback from the key stakeholders. It will also be responsible for Monitoring and Evaluation and development of the National Plan of Action. Further, the Council will be charged with the responsibility of organizing Annual Diaspora Home-coming conferences and any other Diaspora activities, within and outside the country.

#### **4.1.2 Government Agencies**

The Government will facilitate Diaspora participation in development and economic activities by creating a favourable legal and policy framework for Diaspora operations. Specific areas in which Government will provide support

include: governance and constitutional rights, research and development; training and education; infrastructure development; and protection of intellectual capital. The multifaceted nature of Diaspora issues and the diversity of interest means that effective implementation of this policy framework will require action and attention from all Agencies of the Government.

#### **4.1.2.1 Ministry of Foreign Affairs**

The Ministry will enhance and provide consular services to all Kenyans living abroad. It will also provide policy framework for Missions/Consulates to address Diaspora related issues. It will work closely with the Kenya Communities Abroad to provide the necessary advice on issuance of travel documents, Visa and Work Permit requirements. It will also initiate dialogue with destination countries to enter into bilateral agreements to ensure protection of Kenyans. The Ministry will also establish and continuously update the database on Kenyan Diaspora as received from online registration.

#### **4.1.2.2 Ministry of Labor and Human Resource Development**

The Ministry will include issues of Diaspora in developing policies and programmes on human resource planning and utilization. The Ministry will establish and continue to update the database on the Diaspora Community, including an inventory of the available skills, locally and abroad. Further the Ministry will put in place measures to ensure that Kenyans working abroad are accorded favorable terms and conditions of employment and that they are not exploited.

The Ministry will also reach out to Diaspora and create awareness on employment opportunities within the country. It will also put in place structures and programmes to ensure effective utilization of the Diaspora skills for the socio-economic development of the country.

#### **4.1.2.3 Ministry of State for Planning National Development and Vision 2030**

The will ensure that issues to do with the Diaspora are mainstreamed into the national development agenda. Accordingly, the Ministry will ensure that all



Government agencies will integrate in their policies and programmes the objective of maximizing the contribution of the Diaspora

#### **4.1.2.4 Ministry of State for Immigration and Registration of Persons**

The Ministry will provide policy framework on migration and emigration. It will also facilitate processing of travel documents for Kenyans seeking to travel abroad. The Ministry will closely work with the Ministry of Foreign Affairs to assist irregular Kenyan Immigrants to regularize their migration status.

#### **4.1.2.5 Ministry of Finance**

The Ministry of Finance commits to ensuring a conducive investment climate for all investors, including a fair and transparent incentives; Liaise with stakeholders to address any regulatory challenges that impact on the cost of remitting money to Kenya; and to work with other agencies such as CBK, KenInvest, CMA RBA and others under her purview to develop Diaspora targeted investment products and opportunities.

#### **4.1.2.6 Ministry of Education**

The Ministry of Education commits itself to continue providing globally competitive quality education and re-orienting the education system to focus on producing graduates capable of creating jobs rather than seeking jobs after completion; to profile Kenyan students in the Diaspora and keep the records of those facilitated to study abroad; to instill patriotism, positive attitude towards and love for our country to school children to enable them appreciate the importance of returning to build Kenya; develop ICT infrastructure in education institutions and promote E-learning to enable access to information and encourage communication and networking between Kenyans at home and those in the Diaspora; promote Kenyan culture and heritage through national and regional sports, games, music and drama festivals and encourage the Diaspora to participate; encourage/promote exchange programmes between Kenyan Institutions and those from other countries and market Kenyan Institutions of higher learning; develop policies and structures on management of harmonized education systems; and develop and implement capacity building programmes for

# **DRAFT**

education managers, staff and stakeholders on leadership and management of resources.

#### **4.1.2.7 Ministry of Information**

#### **4.1.2.8 Ministry of Tourism**

#### **4.1.2.9 Independent Electoral and Boundaries Commission (IEBC)**

Article 82, section (1) subsection (e) of the Constitution of Kenya 2010, provides for the progressive registration of citizens residing outside Kenya and the progressive realization of their right to vote. To actualize these provisions, the IEBC will provide a policy framework and requisite legislation to provide for the progressive registration of Kenyans in the Diaspora. The IEBC will also work closely with the Ministry of Foreign Affairs and the Ministry of Immigration and Registration of Persons as well as build partnerships with Stakeholders to assist in the implementation of these provisions of the Kenyan Constitution, 2010. In this regard, the Commission, in collaboration with the Ministry of Foreign Affairs will update the database on Kenyans in the Diaspora.

### **4.2 Other Stakeholders**

Government is committed to building partnerships with stakeholders in mainstreaming of Diaspora in the National Development Agenda. While diverse stakeholders will play different roles in this endeavor, it will be necessary to effectively co-ordinate their roles along a common strategy. This is essential in: enhancing consensus building amongst stakeholders and implementing agencies; avoiding duplication of roles and the resultant conflicts; promoting effective policy implementation; and exploiting existing synergies. Thus the roles of various stakeholders will include the following:

#### **4.2.1 Kenya Diaspora Communities**

The Government through its consular services is committed to strengthen and capacitate the existing Kenya Diaspora Communities and where they do not exist, encourage Kenyans to form them. Government recognizes the significance of these Associations in promoting Diaspora issues through consultations, lobbying

and advocacy. This is important for National Development through structured investment. The Associations will supplement Government effort with information on the Diaspora.

#### **4.2.2 Social Partners**

Government recognizes the significance of the Social Partners, notably the most representative organizations of employers and workers who have been in the forefront in promoting the contribution of the Diaspora to National Development. In order to ensure effective implementation of this policy framework, the Social Partners will be expected to take a lead role in facilitating the implementation of the identified strategies, monitor and evaluate the impact of this policy and lobby.

#### **4.2.3 Development Partners**

The Government recognizes the significance of a collaborative and partnership approach in mobilizing, allocating and utilizing resources for mainstreaming Diaspora in national development goals. In this respect, development partners will support and supplement the Government, the private sector, social partners and the civil society, in their respective roles in terms of financial and technical support within the framework of this Policy.

#### **4.2.4 Media**

The Government recognizes the critical role and significance of media in publicizing and educating the public. Awareness creation is imperative in showing the development contribution of Kenya's Diaspora. In this respect, the Government will collaborate with the media and Kenya Diaspora Communities in highlighting and educating Kenyans on the important role of the Diaspora in development issues.

### **4.3 Monitoring and Evaluation**

Lack of a clear and comprehensive Monitoring and Evaluation system among others, has led to inadequate implementation of previous Government policies and programmes and evaluation of their impact. To achieve the targets and objectives set out in this Policy, it will be necessary to have an effective coordination,

# **DRAFT**

implementation, monitoring and evaluation framework. To this end, NADICOK will establish a comprehensive monitoring and evaluation system to facilitate identification of deviation from set targets and take corrective measures. The Framework will provide for regular consultation and feedback between Agencies entrusted with the implementation of this Policy.