

THE SANFORD SCHOOL OF PUBLIC POLICY
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Recommendations for Migrant Labor Reform in Qatar to Fulfill the U.S. Foreign Policy Objective of Greater Respect for Human Rights In the Gulf Cooperation Council (GCC) Countries.

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EXECUTIVE SUMMARY

POLICY QUESTION

What types of migrant labor reforms should the United States Department of State propose to Doha, Qatar, a member of the Gulf Cooperation Council (GCC) in order to fulfill the US foreign policy goal to promote greater respect for human rights in the GCC?

BACKGROUND

The Gulf Cooperation Council is a political and economic union of six countries that border the Persian Gulf. In 1981, the nations of Bahrain, Qatar, Saudi Arabia, the United Arab Emirates (UAE), Oman, and Kuwait formed this regional and collaborative union. These six Arab nations share a common religious and cultural identity similar to that of other nations in the Middle East. They also are all major oil exporters that have experienced fast-paced growth in the labor population, and are heavily reliant on migrant labor.

At the beginning of the oil era the majority of migrant laborers came from surrounding Arab nations. The largest group was composed of Yemeni and Egyptian workers looking for better economic opportunities in Saudi Arabia. The Gulf nations were also a destination for Palestinians following the Arab-Israeli war in 1948 and the occupation of Palestine.ⁱ After the economic boom in 1973, the nations of the Persian Gulf were able to reach levels of development that were unmatched in many other Arab nations. This development resulted in a massive labor migration from Yemen, Egypt, Sudan, Jordan, Palestine, and Syria. The religious, cultural, and linguistic similarities initially made Arab labor more attractive than immigrants from other regions. However, the preference for Arab workers has changed significantly in recent years for many political and social reasons.ⁱⁱ

While the number of Arab laborers has decreased, migrant labor from South and Southeast Asia to the GCC nations has surged. The majority of migrant laborers emigrating to the GCC today are from South and Southeast Asia. Several factors make Asian laborers preferable to Arab laborers.

Foreigners are now a significant part of the Gulf States' population, ranging from 25% in Saudi Arabia to 66% in Kuwait, to over 90% in the UAE and Qatar.ⁱⁱⁱ In those foreign populations, there are now twice as many Asians as Arabs.^{iv} All six nations of the GCC receive immigrants from India, Pakistan, the Philippines, and Egypt. Four of them also take laborers from Sri Lanka and Bangladesh. The majority of the top sending countries are in South and Southeast Asia.

PROBLEM

Migrant laborers provide important services and support to the nations of the Persian Gulf and have been able to earn more than they would in their native countries. They have also boosted their home economies through substantial remittances. While the existing system seems ideal for both the receiving countries of the GCC and the sending countries, South/Southeast Asia migrant workers are often deceived and exploited by sponsors and recruiters in the receiving and sending countries. Patterns of labor exploitation in the Gulf are characterized by physical and emotional abuse, inadequate wages, poor living conditions, and denial of freedom to travel or change jobs. The recruitment agencies of the sending countries and the GCC's current labor laws do not favor the workers and have facilitated the continuation of these circumstances.

UNITED STATES-QATAR RELATIONS

The United States' friendly relationship with Qatar allows ideas about migrant labor reform to have a platform there. The country's effort to align itself with the United States can facilitate openness regarding migrant labor reform.

CRITERIA

The following set of criteria is used to evaluate the viable policy options.

- Effectiveness of these measures.
- Political feasibility.
- Contribute to interests central to U.S. foreign policy.

POLICY OPTIONS

1. Abolish the sponsorship system.
2. Create a government agency exclusively for overseeing migrant labor affairs.
3. Use bilateral engagement to reform the recruitment system.
4. Reform the current nationalization processes (GCC nation policy that replaces foreign workers with GCC country citizens).

RECOMMENDATION

Reform the sponsorship system through liberalization of the current system and reform the recruitment system through bilateral engagement between Qatar and other nations that have large numbers of citizens working in Qatar.

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INTRODUCTION

POLICY QUESTION

What types of migrant labor reforms should the United States Department of State propose to Doha, Qatar, a member of the Gulf Cooperation Council (GCC) in order to fulfill the US foreign policy goal to promote greater respect for human rights in the GCC?

CLIENT

My client is the political/economic section of the United States Embassy to Doha, Qatar. One of the United States' main foreign policy priorities is the promotion of respect for human rights. The United States believes respect for human rights is an important requirement for securing peace and supporting strong democracies.

BACKGROUND

In 1981, the nations of Bahrain, Qatar, Saudi Arabia, the United Arab Emirates (UAE), Oman, and Kuwait formed a regional and collaborative union called the Gulf Cooperation Council.^v These six Arab nations not only share a common religious and cultural identity similar to that of other nations in the Middle East, they also share key economic similarities. These six nations are all major oil-exporting countries that have experienced fast-paced growth in the labor population, and are heavily reliant on migrant labor.^{vi}

The member states of the GCC have experienced significant levels of foreign labor since the 1930s. However, the oil boom of 1973 in these countries allowed them to accumulate vast revenues from oil exports.^{vii} As a result, the nations of the Persian Gulf were able to invest heavily in infrastructure, energy stations, governmental ministries and services, social services, healthcare, and education. Although these nations possessed a significant amount of capital to invest in projects, they lacked a comparable workforce.^{viii}

At the beginning of the oil era the majority of migrant laborers came from surrounding Arab nations. The largest group was composed of Yemeni and Egyptian workers looking for better economic opportunities in Saudi Arabia. The Gulf nations were also a destination for Palestinians following the Arab-Israeli war in 1948 and the occupation of Palestine.^{ix} After the economic boom in 1973, the nations of the Persian Gulf were able to reach levels of development that was unmatched in many other Arab nations. This development resulted in a massive labor migration from Yemen, Egypt, Sudan, Jordan,

Palestine, and Syria. The religious, cultural, and linguistic similarities initially made Arab labor more attractive than immigrants from other regions. However, the preference for Arab workers has changed significantly in recent years for many political and social reasons.^x

Politically, leaders of the Gulf countries became particularly fearful of the radical social and political concepts that non GCC Arabs brought with them, such as secularist ideas and pro-Soviet ideologies. They did not want unwanted alliances to form and threaten the political structure of the GCC countries. Consequently, many Arab expatriates were prosecuted, jailed or deported during the 1970s and 1980s for participation in these activities. Additionally, Arab-led labor strikes threatened the internal stability of Saudi Arabia, Kuwait, Bahrain, and Qatar.^{xi}

Ideas of pan-Arabism also threatened the internal stability of the GCC nations. Pan-Arab viewpoints regarded the Middle East as a vast body united by a common language, religion, and culture and viewed national borders as artificial lines imposed by imperialists. They felt labor should flow freely and that wealth from oil revenues should also be distributed among all Arab nations.^{xii}

Socially, Gulf nationals found themselves threatened by the dominance of Egyptians in the educational field and the fear of Egyptian influence on the local dialect and culture of the Gulf nations. Palestinians were also viewed less favorably because Gulf nations wanted to refrain from heavy involvement in the Arab-Israeli conflict. Stereotypical attitudes of GCC nationals toward non-GCC Arabs have evolved into a distrust and dislike of Egyptians, a lack of respect for Yemenis, and disconnected cultural experiences from Jordanians and Palestinians. These prevailing attitudes have caused the number of Arab laborers to decrease over time.^{xiii}

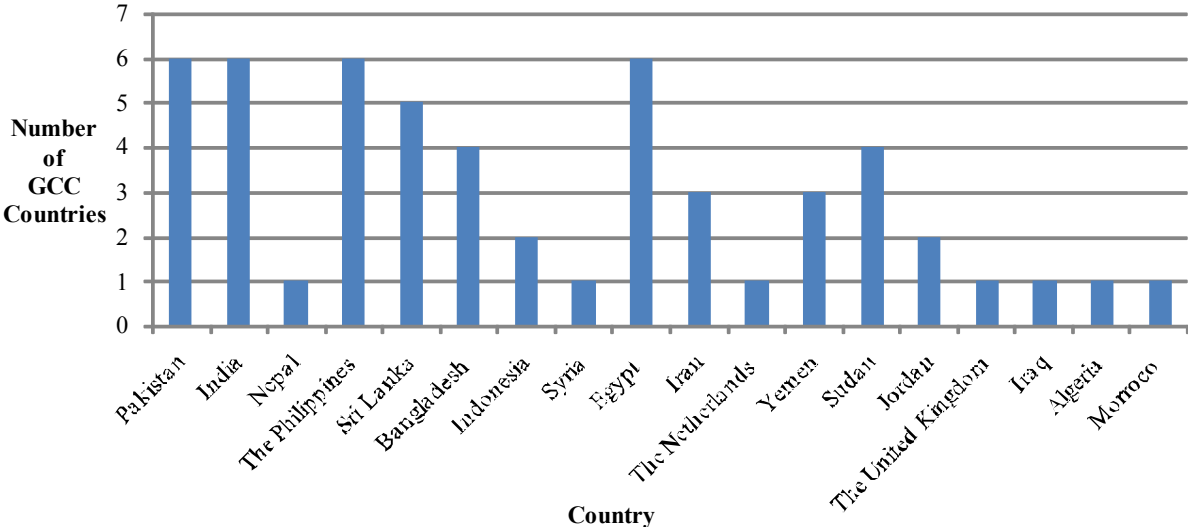
While the number of Arab laborers has decreased, migrant labor from South and Southeast Asia to the GCC nations has surged. The majority of migrant laborers emigrating to the GCC today are from South and Southeast Asia. Several factors make Asian laborers preferable to Arab laborers.

Asian migrant workers typically present lower costs to employers because they are viewed as more efficient, obedient, and manageable, less demanding, and easier to fire.^{xiv} Asians laborers are also more willing to come and work without their families, whereas many Arab laborers expect to bring their families and settle permanently. Because of the major contributions of migrant labor to the economy of Asian countries, mainly through remittances, Asian governments have been instrumental in recruiting their citizens to work in the GCC countries.^{xv} Effective recruiters were able to place a steady supply of Asian laborers in GCC nations during the post-1973 oil boom and have since continued this trend. The propensity for many South and Southeast Asians to be practicing Muslims also adds to their favor. The GCC countries greatly value religion and tend to be very conservative.^{xvi}

Thus, the combination of complementary religious beliefs and other positive factors has greatly influenced the number of migrant labor workers from Asia. Foreigners are now a

significant part of the Gulf States' population, ranging from 25% in Saudi Arabia to 66% in Kuwait, to over 90% in the UAE and Qatar.^{xvii} In those foreign populations, there are now twice as many Asians as Arabs.^{xviii} Chart 1 illustrates where the majority of immigrants in the GCC come from. All six nations of the GCC receive immigrants from India, Pakistan, the Philippines, and Egypt. Four of them also take laborers from Sri Lanka and Bangladesh. Of the top sending countries, the majority are South and Southeast Asian countries.

Chart 1: Top Source Countries of Immigrants in GCC Countries in 2010



Source: The Migration and Remittances Factbook 2011, World Bank.

While migrant laborers have fueled the labor needs of the Gulf countries, many members of the national population have started to feel pushed out of labor markets in their own countries. As a result, all GCC countries have attempted to “nationalize,” or promote higher participation of the indigenous population in the national workforce.^{xix}

The leadership of the GCC nations has stated that Nationalization is a favorable policy.^{xx} Programs such as Bahrainization, Emiratization, Omanization, and Qatarization have attempted to limit the amount of foreign labor by increasing the participation of the local workforce through training, skill acquisition, and incentives.^{xxi}

The Gulf nations were able to achieve higher participation of the citizenry in the public sector by lowering knowledge and experience requirements for recruits and offering higher salaries, job security, fewer hours, and more holidays.^{xxii} There has been less success in private sector jobs because of the irregular work hours and a greater emphasis on employee performance.^{xxiii} National populations often lacked the technical and professional qualifications needed to realize the necessary level of productivity in the private sector.^{xxiv} Many South/Southeast Asian workers also work in sectors that members of the national population will not, such as labor intensive jobs in construction, household upkeep, and janitorial services.

The effectiveness of nationalization programs is difficult to discern. Since nationalization programs have yet to be effective at replacing migrant laborers with GCC nationals with the same level of skills, GCC nations are likely to continue to receive large amounts of migrant labor to maintain their productivity. Most of the labor will continue to come from South and Southeast Asia. Table 1 illustrates how the migrant labor population continues to grow in Qatar, Oman, and Bahrain and slightly decreases or remains stagnant in the remaining GCC countries.

Table 1: International Migrants as a Percentage of the Population from 1990-2010

	1990	1995	2000	2005	2010
Bahrain	35.1	35.7	36.8	38.2	39.1
Kuwait	74.1	63.2	67.3	69.2	68.8
Oman	23.0	26.8	26.0	25.5	28.4
Saudi Arabia	29.2	25.3	24.7	26.8	27.8
Qatar	79.1	77.2	76.3	80.5	86.5
UAE	71.3	70.6	70.6	70.0	70.0

Source: United Nations, 2009

US- QATAR RELATIONS

The ruler of Qatar, Shaikh Hamad bin Khalifa Al-Thani has initiated efforts to politically liberalize Qatari society. Under these efforts, bin Khalifa Al-Thani has aligned Qatar firmly with the United States.^{xxv} In 1992 the two countries created a Defense Cooperation Agreement that has expanded into Qatar hosting a US airbase and a US central command center.^{xxvi} Qatar has also served as an ally to the United States in the war on terrorism by increasing its efforts to impede Al Qaeda from participating in money laundering. The United States and Qatar also have favorable business relations through economic ties in the oil and gas industry.^{xxvii}

The United States’ friendly relationship with Qatar, ideas about migrant labor reform have a platform in Qatar. The country’s effort to align itself with the United States can facilitate the openness regarding migrant labor reform.

PROBLEM

Migrant laborers provide important services and support to the nations of the Persian Gulf and have been able to earn more than they would have earned in their native countries. They have boosted their home economies through substantial remittances.^{xxviii} While the existing system seems ideal for both the receiving countries of the GCC and the sending countries, South/Southeast Asia migrant workers are often deceived and exploited by sponsors and recruiters in the receiving and sending countries.^{xxix} Patterns of labor exploitation in the Gulf are characterized by physical and emotional abuse, inadequate wages, poor living conditions, and denial of freedom to

travel or change jobs.^{xxx} The recruitment agencies of the sending countries and the GCC's current labor laws do not favor the workers and have facilitated the continuation of these circumstances.^{xxxi}

Poor Living Conditions

Many laborers are forced to live separately from the rest of the citizens in the Gulf countries. In the Gulf States, these housing accommodations are generally known as labor camps. Older or abandoned villas are rented to laborers for their accommodations. Many villas house 50 or more laborers. Other laborers live in more improvisational quarters such as uninhabited garages, plywood structures, shipping containers, or structures built from leftover construction debris.^{xxxii}

Physical Abuse

Many human rights organizations are aware of abuse to migrant workers in low wage jobs from varying sectors. Human Rights Watch documented that construction workers in the UAE suffer from high rates of injury and in some cases even death due to the poor conditions of the workplace.^{xxxiii} In Kuwait, a male Bangladeshi household worker was kept locked up in a home and brutally mistreated for six months before escaping and fleeing to the Bangladeshi Embassy.^{xxxiv} Because they are not citizens and have limited rights, the abused lack the ability to seek relief from their abusers. A Bangladeshi man working for a Kuwaiti family was beaten in the police station by his employer after the employer received notice that the man had filed a complaint of abuse.^{xxxv}

Sexual and Abuse and Exploitation of Women

In the case of female expatriate workers, the abuses reported are physical and sexual. Many women have sought refuge in the embassies of their home country. Mohammad Auwal, a California State University professor and Fulbright fellow at Qatar University in Doha, Qatar reports that in a 2009 visit to Kuwait he found 200 maids seeking refuge in the Indonesian embassy, 130 in the Filipino embassy, and over 100 in the Sri Lankan embassy.^{xxxvi} Many times these women have been beaten, forced to perform sexual acts, or been denied their wages.^{xxxvii}

The increasing rate of sexual harassment among Filipino maids has resulted in the Filipino government restricting women less than 21 years of age from migrating to Saudi Arabia.^{xxxviii} Because Saudi law strictly prohibits women from traveling alone, abused domestic workers cannot even flee to their home country embassies.^{xxxix}

Inadequate Wages

Domestic workers, janitorial workers, and grounds and facility maintenance workers are woefully underpaid or in some cases even denied wages in Gulf countries. Many of these workers are often from South Asian and Southeast Asian countries. A

comparison of United States workers occupying the same type of job reveals that an unskilled laborer in the Gulf is paid less than 10% of what their counterpart in the US is paid.^{xi} Janitorial workers in Kuwait have suffered starvation from being denied wages for months.^{xii}

In 2005, Asian workers protested in response to their low wages in the countries of Kuwait, Qatar, and Bahrain. In March 2006, hundreds of construction workers, mainly from South Asia, protested their harsh working conditions, lack of rights, and delayed pay in Dubai.^{xiii}

Deceptions in Recruiting

Recruitment agencies serving as labor brokers in the sending countries also play a part in the exploitation of many South/Southeast Asian migrants seeking work in the Gulf. Labor brokers charge a large fee to potential laborers in exchange for the opportunity to seek better employment abroad. Thus, it is in their interest to avoid discussing the common challenges and difficulties low skill migrants face in the region. Labor brokers often portray an image of higher wages and better working conditions and also fail to inform workers of the limited ability to return home.^{xiii}

Policy Response to Corrupt Recruitment

In response to the exploitation caused by recruitment agencies, some sending countries imposed outmigration policies that restrict their citizens from working in the Arab Gulf States.^{xiv} The Pakistani and Filipino governments have taken initiatives to limit and in some cases prohibit women from serving as domestic workers in the GCC. These governments viewed these actions as necessary because domestic workers have the least amount of protection under migrant labor laws.

Imposing these stipulations has had limited success in eliminating the problems household workers suffer and in some cases has resulted in contradictory outcomes. Migrant domestic workers found ways to evade the restrictive policies by traveling via third party countries, which increased their vulnerability to abuse. Also, because their home countries considered those who chose to travel via third party countries illegal, those workers had little recourse to seek from their home country embassies in the event that abuses did occur.^{xv}

In Kuwait, domestic migrant workers faced with very few options began to look to the labor agencies involved with their recruitment for assistance.^{xvi} The labor agencies in Kuwait originally viewed themselves as market intermediaries but began to take on state-like functions in the face of these rising cases of abused and mistreated domestic workers. These agencies began to serve as arbitrators between employer and employee, ensure regular and timely pay, provide legal assistance, and establish temporary lodging facilities.^{xvii} These agencies also played a major role in encouraging new legislation to protect migrant domestic workers such as setting a minimum wage

requirement, specified work hours and rest days, and establishing roles and responsibilities of domestic workers.^{xlviii}

Sending nations began to oversee the working situation with their citizens abroad by connecting with the labor agencies in Kuwait. Labor agencies were then required to register with the Labor and Foreign Affairs Ministries of sending nations and could not recruit women from these nations unless they received permission from the ministries to do so.^{xlix}

Countries sending large numbers of their citizens to the Gulf have also created domestic policies in response to corrupt recruitment systems. In India, the 1983 Emigration Act, a replacement of the 1922 Emigration Act, was created to provide more protection to Indian citizens working in the Gulf in the vulnerable industries of semi-skilled, unskilled and domestic work. The Act required that all recruiters register with the government before recruiting for overseas employment. The registered recruiting agents were then held responsible for worker complaints relating to mistreatment, non-payment or delayed payment of wages, poor working and living conditions, contract changes, and refusal of employment.ⁱ

In 2004, the Indian government created the Ministry of Overseas Indian Affairs. The ministry further amended the 1983 Emigration Act to implement welfare measures to supplement the protective measures.ⁱⁱ These objectives included the establishment of an Overseas Indian Workers' Welfare Fund, the creation of an e-governance project aimed at updating the offices of the Protectorate of Emigrants and simplifying the emigration process for uneducated workers, and the creation of a Universal Integrated Electronic Remittance Gateway designed to make the transmission of remittances more convenient and less expensive.ⁱⁱⁱ

While there are initiatives in sending countries and the receiving countries of the GCC nations to eliminate the hardships caused by deceptive recruiters and labor brokers, these efforts have had mixed results in decreasing abuses among the most vulnerable migrant labor populations seeking work in the Gulf.ⁱⁱⁱⁱ

Unfair Sponsorship Systems

The *kafala* system is the legal basis for residency and employment for foreigners employed by GCC nations.^{iv} Migrant workers receive an entry visa and a residence permit only if a GCC citizen or a GCC institution sponsors them. The employer is required to assume full economic and legal responsibility for the employees while they are contracted to that sponsor. The worker can only work for the employer that is sponsoring them. Thus, the worker's ability to remain in the country depends on maintaining their contract with that sponsor.^v

In the GCC states, the sponsorship system is the central institution that defines identities, rights, and obligations for employers and migrant worker employees. Although they can be renewed, entry visas are typically short-term and can be

terminated by the employer at any time.^{lvi} GCC country governments do not grant citizenship to migrant workers. As a result, the *kafala* system creates a sense of uncertainty and job insecurity.^{lvii}

On August 1, 2009, Bahrain introduced the Labor Market Regulatory Law known as Decision No. 79.^{lviii} The objective of the new law was to abolish the sponsor system, allow foreign workers to easily move in and out of new jobs, improve working conditions for migrant laborers, increase the ability for Bahrainis to obtain jobs by prohibiting employers from forcing workers to remain employed indefinitely, end the practice of bringing in workers and dumping them in the market for monthly fees, and increase salaries and wages.^{lix}

The law also requires companies to apply for a visa through the Labor Market Regulation Authority (LMRA) whenever they want to hire a foreign employee. The LMRA would then become the worker's official sponsor. Under this type of sponsorship, the worker will have the capacity to switch jobs after issuing an end-of-contract notice delivered by mail three months in advance.^{lx} The law applies to both the public and private sectors however it does not apply to domestic workers.^{lxi}

Weak Enforcement of Labor Laws

The cycle of exploitation continues because of the weak labor laws and the failure to prioritize migrant labor rights in both sending and receiving countries.^{lxii} Labor laws in GCC countries favor employers, and the enforcement of what established labor protections exist is not aggressive. Xenophobia among GCC country officials has led governments to implement laws and policies that violate the fundamental human rights of migrant workers.^{lxiii} Many GCC governments are not concerned when employers fail to provide appropriate safety conditions at the workplace, force workers to do outdoor work during the daytime under very high temperatures, ignore poor housing conditions, delay salary payments, or force overtime work without proper compensation.^{lxiv}

Dr. Susan Martin, Donald G. Herzberg Associate Professor of International Migration at Georgetown, Director of the Institute for the Study of International Migration, and Fellow at the Center for Social Justice in Washington, D.C., believes the biggest impediment to guaranteeing migrant laborers more rights can be summed up as a combination of problems created by unfair sponsorship systems, deceptive recruiters, and unresponsive governments. She says:

“The sponsorship system, and the power that recruiters, labor contractors, and employers have, is problematic, largely because workers do not have the right or capacity to change employers when there are abuses. They come with high debt because of the expense of migrating and are then trapped into an employment relationship that they cannot change. There is little regulation of the recruiters, labor contractors, and employers so the governments do not identify or do anything about the abuses and there is little labor union activity—in combination, this puts the workers in a highly vulnerable situation.”^{lxv}

Dr. Martin's summary illustrates that there is a need for a more liberal sponsorship

system, more government enforcement, and more transparency and accountability on behalf of those recruiting migrant laborers in order to alleviate and ultimately eliminate mistreatment and hardship foreign workers experience.

PROBLEM IN QATAR

Restrictive Sponsorship System

Qatar employs a sponsorship system like the one described above. Although there are laws in Qatar set up to protect migrant laborers, there are reports that forced labor does happen in Qatar and instances where the government did not enforce the law.^{lxvi} More than 85% of the workforce is made up of third country nationals who are entirely dependent on their sponsor. In the event that employers were required to give consent in order for their workers to leave, some temporarily withheld their permission and forced employees to work longer. Like the rest of the GCC, in Qatar, unskilled workers and domestic servants are the most vulnerable group to this type of abuse.^{lxvii}

Poor Working Conditions

Qatar also has provisions for ensuring employees work in acceptable conditions. The country does not have an official minimum wage. In most cases, the pay foreign workers receive is not sufficient enough to provide a decent standard of living for a worker and family. Under Qatari law, the workweek is not supposed to exceed 48 hours and should include a 24-hour rest period.^{lxviii} During the month of Ramadan, workers are not supposed to work more than 36 hours a week.^{lxix} The law was often disregarded with respect to unskilled laborers and domestic and personal employees.^{lxx} Many of these workers worked seven days a week and more than 12 hours a day and received few holidays and no overtime pay.^{lxxi}

Mistreatment and Abuse

Similar to the rest of the GCC, mistreatment and abuse mostly involves nationals of South Asia, Indonesia, and the Philippines. Accounts of mistreatment include non-payment or late payment of wages, sexual harassment, nonrepatriation, contract switching, physical torture or torment, and overwork. Embassies in Qatar are also known to provide shelter and relief to their citizens who have fled as a result of altercations and abuses. In 2007, the Embassies of India, Nepal, and Sri Lanka received a combined total of more than 15,000 complaints from both male and female workers reporting mistreatment by their employers.^{lxxii} Many workers did not press charges for fear of losing their jobs.

Inadequate Living Conditions

Foreign laborer living conditions are also a concern in Qatar. Diplomatic representatives who visited labor camps reported that the majority of workers are living in poor conditions. The living quarters were characterized by a lack of running water, electricity,

or food, and were overcrowded and dirty.^{lxxiii} An investigation by the Labor Inspection Section concluded that many of the labor camps investigated through random assignment were below minimum standards.^{lxxiv}

Lack of Government Enforcement

The Ministry of Energy and Industry, the Ministry of Health, and the Labor Department are responsible for the enforcement of the labor regulations created by the government.^{lxxv} These agencies are reported to be improving but suffer from weak training and low levels of personnel.^{lxxvi}

Qatar shares many similarities with the GCC as a whole in regard to migrant labor. As the GCC nation with the highest percentage of migrants in their population, Qatar can benefit from migrant labor reforms. As a country undergoing much liberalization, Qatar may be one of the nations that is also most receptive to reform measures and can set an example for the rest of the GCC.

DATA AND METHODS

In order to answer the policy question, I used a combination of academic research and interviews from various sources. I focused on the problems regarding migrant labor that are common to all six GCC countries and then researched policy options were applicable to each GCC member.

Academic Research

I used academic research to illustrate the commonalities among the GCC countries in culture, language, economy, religion, views on immigration, and the countries of origin that supply the labor. This research will demonstrate the shared problems of migrant labor in these nations and why reforms are necessary. I will also use academic research to discover what policies GCC countries have previously implemented or are currently implementing in order to inform the policy options I develop.

Interviews

The Doha, Qatar campus of the Georgetown School of Foreign Service has a Center for International and Regional Studies where 12 academic scholars have composed a working group to compile research on a sub-regional level regarding the Gulf Countries. I interviewed five Gulf migrant labor experts who are working on one of the few analysis of migrant labor in the Gulf at the Georgetown School of Foreign Service's Center for International and Regional Studies. The scholars include ethnographers, anthropologists, policy professionals, and political scientists.

LITERATURE REVIEW

There is a lack of numerical and statistical information on the human rights abuses that occur in the Gulf nations due to the fact that many go unreported in formal agencies and also lack of record keeping among GCC states. Demographic information on migrant workers in the Gulf states is also somewhat difficult to find because the Census data from GCC countries is very general and scant in their information of non-nationals. Many accounts of abuse, salaries, living conditions, working conditions, and other information has been collected anecdotally through interviews of sending and receiving country officials, diplomats, and migrants themselves.

The following literature present efforts on behalf of migration scholars and international organizations to best address migrant policy reform and governance.

Evaluation of Migrant Labor Policies in Gulf Countries

Viewpoints: Migration in the Gulf^{lxxvii}

This document is a collection of research papers composed exclusively by scholars of Middle Eastern studies, migration policy in the Gulf, or the study of human rights in the Gulf region. Each paper analyzes a different aspect of migrant labor in the Gulf as a way to foster awareness of the issue and propose policy solutions. The overall analysis is broken into three sections: patterns and profiles, impact, and responses and reflections. The paper address questions regarding the size and characteristics of non-national workforce, the effect of migrant labor on sending and receiving countries and the migrants, conclusions on current migrant labor policies, and potential policy reform.

Evaluation of Migrant Labor Policies from the Asian perspective

Labour Migration, Employment and Poverty Alleviation in South Asia^{lxxviii}

This report is an updated summary of the proceedings of the Regional Seminar on “Labour Migration, Employment and Poverty Alleviation in South Asia.” One of the features of this body of work is that identifies the main receiving countries for South Asian migrants, the economic impact of migrant labor for the sending South Asian countries, the challenges migrant workers face, and goals for improving migrant labor conditions and ways to be more accountable for the safety and well-being of their citizens. The main policy prescriptions from this report call for the need for sending countries to develop more precise information on migrants abroad, approach the abuses of migrant labor as a human and economic issue, and to establish a taskforce.

Evaluation of Migrant Labor Policies on an International Scale

World Migration Report Report 2010: The Future of Migration: Building Capacities for Change^{lxxix}

This report is an attempt to address shortcoming in migration policy around the world and how to manage migration successfully in an increasingly globalized society. This collection of research papers, maps, and graphs presents the current state of migration policy by world regions. The report focuses on capacity building as a way to improve migration policy. Specifically, there is a need to improve management and accountability systems and make public institutions more efficient. They also advocate eliminating old and outdated methods of recording keeping and management. The report also emphasizes creating objectives of migration management policies in each area and to begin thinking of new ways for States and other actors to work together.

Trends in the Literature

While much of the literature stresses the need for GCC countries to increase accountability and record keeping for migrant laborers within their borders, less mention is made of how to change these processes with international pressure. Scholars Susan Martin and Andrzej Kapiszewski highlight diplomacy as a necessary component to transform GCC treatment of migrant workers. I explore this perspective more; specifically as it relates to the United States, Qatar, and major sending countries. That is one major question I explore in my policy options and analysis.

CRITERIA

The following set of criteria is used to weigh the validity of the proposed policy options.

- *Ensure effectiveness of these measures.*

Any potential recommendation if introduced into Qatar society should be effective in alleviating the issues of migrant labor in Qatar.

- *Ensure political feasibility.*

Political feasibility refers to what is possible given the political economy and culture of the GCC nations. It refers to what policy makers in the GCC will be able to successfully implement in their countries without facing major opposition from employers, business owners, religious leaders and other GCC citizens.

- *Protect and promote interests central to U.S. foreign policy.*

Interests central to U.S. foreign policy are promoting human rights around the world, maintaining peace and stability in the Middle East, and maintaining and establishing business and market relationships.

POLICY OPTIONS

1. Liberalize the sponsorship system.

Due to the intertwined nature of the sponsorship system and cultural views on foreign workers in the country, outright abolition of the sponsorship system may not be a choice Qatar is willing to consider. While Qatari officials recognize there is a need for change in their nation's migrant labor policies, abolishing the sponsorship system is perceived as giving foreign workers too much autonomy as temporary workers. Liberalization is an alternative to abolition that can improve the lives of migrants while they are working in Qatar. Examples of liberalization include imposition of a minimum wage, increased ability to move from one job to another, the right to leave the country, and the right to move freely within the country.

2. Reform the recruitment system through bilateral relations with large sending countries.

Under this policy option, Qatar would bilaterally collaborate with large sending nations to combine their record keeping and documentation of migrant workers. The goal is to increase accountability and monitoring of migrant workers as a way to discourage deceptive and misleading recruitment agents and labor brokers.

3. Create a government agency exclusively for overseeing migrant laborers and enforcing migrant labor laws.

The third policy option calls for the creation of an agency that would be dedicated to keeping records on all the migrant workers in Qatar. The agency would ensure employers adhere to the existing labor laws that include decent living and working conditions, timely payment, and specified work days and rest days. The agency would also be responsible for investigating complaints from migrant workers and providing recourse when mistreatment or abuse takes place.

4. Revamp the nationalization process currently in place.

Qatar has implemented nationalization efforts in the past that aim to replace a certain percentage of foreign workers with Qatari citizens in public sector and private sector jobs. Features of the nationalization process included lowering knowledge and experience requirements for recruits and offering higher salaries, job security, fewer hours, and more holidays in order to attract more Qatari nationals.^{lxxx} While this practice increased the number of workers in the public sector, it was not successful in the private sector. Many Qatari nationals lack the high-level skills, training, and motivation necessary to compete with the foreign workers currently occupying those jobs. Also, a system of incentives without

adequate productivity will ultimately be unsustainable for Qatar. A revamped nationalization process would be aimed at reinvigorating the nationalization efforts through more intense training and recruitment of high performing Qataris attending colleges and universities where these skills are being developed.

ANALYSIS

In the analysis, I weigh the above policy options against the criteria to evaluate which policy options are the most viable. Liberalization of the sponsorship system and reformation of the recruitment system through bilateral engagement are the strongest policy options.

1. Liberalize the sponsorship system.

Maximize effectiveness.

The results from Bahrain's new legislation suggest abolition has not been entirely effective. Observers have stated that the passage of the law appeared to be merely symbolic because many of the measures taken were applauded by the media but had no real impact for migrant workers. Reports state that while the law now requires new workers to be sponsored by the government, this law is not significantly different from the previous system. Under the previous system, the government issued the two-year work visas prior to the law. Also, workers are still required to have a company or individual sponsor them in order to remain in the country.^{lxxxix}

The law has strengthened migrant laborers' ability to move from one sponsor to another with more ease. The capacity to leave has helped workers escape abusive employers or demand better working conditions and wages through their actions. However, the new law is wrought with technicalities that favor employers.^{lxxxii} In the event that a worker does want to leave his employer, vengeful sponsors can punish their workers by canceling their visas before they have a chance to switch sponsors. The law has also had little to no effect on deceptive recruiting practices.^{lxxxiii} These practices still occur in high numbers.^{lxxxiv}

Although reforming the sponsorship system through abolition seems to be ineffective in Bahrain, as an outside observer of Bahrain, Qatar has the opportunity to implement different policies where Bahrain sponsorship policy has not been effective. Qatar may be unwilling to abolish the sponsorship system, however liberalizing certain aspects of the system can be effective. Liberal policies include being able to transition from one job to another without permission and being able to move freely within the country and in and out of the country. Liberalization is not evident in the Bahrain system, however if Qatar were to adopt liberal measures as a means of improving the sponsorship system the nation would be successful in improving migrant labor.

Ensure political feasibility

Although legislation to abolish the sponsorship system passed in Bahrain, the measure was not without opposition. While Bahraini Labor Minister Dr. Majeed Al Alawi likened the sponsorship system to modern slavery, the decision was met with fierce opposition from the business community, which was so furious with the measure that they called for Al Alawi's resignation.^{lxxxv}

Similar discontent exists in other GCC nations. Emirati business leaders in the UAE also strongly oppose abolishing the sponsorship system, as they believe it will affect the interests of the private sector and alter the demographic structure.^{lxxxvi}

While there is strong opposition, there are also sentiments that there needs to be an alternative to the sponsorship system. It was reported that a Bahraini proposal to build a consensus among the GCC nations on alternatives to the controversial sponsorship system and for imposing residence caps on foreigners was endorsed by the six GCC countries.^{lxxxvii}

Lieutenant General Dhani Khalfan Tamim, Dubai's Police Chief, supports abolishing the sponsorship system because, "Emiratis have become responsible for each and every detail of their employees' lives. This system has overburdened UAE nationals and made them accountable for their employees' problems and therefore it should be scrapped."^{lxxxviii} Al Alawi has been the forefront of this movement in the GCC.

In spite of the opposition in other countries, desires to change the sponsorship system exist among influential decision-makers in Qatar. In 2010 Qatar Prime Minister Shaikh Hamad Bin Jasem Bin Jabor Al Thani agreed changes regarding the sponsorship system were necessary. He stated, "The government is now seriously looking into the sponsorship system and in light of the latest developments, the issue requires some legal and other measures."^{lxxxix} Even if Qatar officials are not keen on eliminating the system, they are open to making changes to the system, which could include changes like liberalization.

Protect and promote interests central to U.S. foreign policy.

Reforming the sponsorship system should bring about conditions for improved human rights and stable political conditions; both things conducive to positive business connections. Removing the sponsorship system in Qatar would improve the status of most migrant workers and reduce their risk of exploitation. Reforming the sponsorship system would also increase worker's ability to select where they work ultimately forcing employers to provide better conditions and better wages.^{xc}

In spite of Bahrain's mixed results, Qatar can reform the sponsorship system through liberalization by creating laws that favor of migrant workers. Imposition of a minimum wage, increased ability to move from one job to another, and the right to leave the country and move freely within the country are examples of ways Qatar can reform the

sponsorship system that will promote the United States foreign policy interests in human rights and political stability.

2. Reform the recruitment system through bilateral relations with large sending countries.

Maximize effectiveness.

Reforming the recruitment system through bilateral engagement with nations that have large numbers of their citizens working in the Gulf would be effective. Some sending countries and the GCC nation of Kuwait have created domestic policies to eliminate the number of deceptive recruiters and to provide more accountability for low-skilled and unskilled migrant workers in leaving and entering their respective countries.

Dr. Andrew Gardner, Professor of Anthropology at the University of Puget Sound in Tacoma and researcher of the unskilled labor force in Qatar states, “many of these labor migrants have little or no contact with their official sponsor anyway, but instead face a phalanx of managers and middle men who are often the direct culprits in creating the problems they face.”^{xcvi} A collaborative effort between Qatar and sending countries that have many citizens working in Qatar will increase the scrutiny on deceptive recruiters looking to exploit uneducated migrant laborers and eliminate the inefficiency caused by confusing networks that lack transparency and accountability.

Requiring labor agents to register and receive a permit which is a practice in India is one way to decrease the number of exploitative labor recruiters. Qatari officials can collaborate with officials in the sending country embassies on monitoring the treatment, payment, and living conditions of foreign workers. Combining efforts through bilateral collaboration can have positive results.

Another dimension that Dr. Garner highlights that can aid in making this measure more effective is the nature of the policy. A policy that has less emphasis on shaming Qatar for the nation’s practices and has more emphasis on collaboration and cooperation with other countries will be more successful. Bilateral engagement between Qatar and the sending countries present a newer alternative to outside pressure from other nations.

Ensure political feasibility.

Reforming the recruitment system through bilateral relations with large sending countries would be politically feasible in Qatar. No aspect of Qatari society has spoken out against bilateral collaboration with sending nations. According to Dr. Mary Breeding, a consultant with the World Bank’s Independent Evaluation Group, this type of engagement is already taking place on some levels.^{xcvii} The Ministry of Overseas Indian Affairs has worked with Qatari officials in some capacity and has encouraged them to be more open with their record keeping and documentation.

Dr. David Mednicoff, Assistant Professor of Public Policy at the University of Massachusetts-Amherst and specialist in Middle Eastern politics explains another

reason why Qatari officials would be open to bilateral engagement. He states, “Qataris will feel like the finger isn’t just being pointed at them, both countries will be regulating the policies. Qatar really cares about diplomacy, foreign relations and treaties make it a more complex policy game that could work very well.”^{xciii} From the Qatari government standpoint, a policy that takes the blame off them is viewed as favorable. Qataris will be supportive of bilateral collaboration because it will take the blame off of their government and allow other nations to actively participate in tackling this problem.^{xciv}

Protect and promote interests central to U.S. foreign policy.

Reforming the recruitment system through bilateral engagement will help protect and promote interests central to U.S. foreign policy. Accountability from both Qatar and the sending country will have a double impact on decreasing the deception that occurs when labor recruiters take advantage of unknowing workers. Increased accountability will also reduce the number of abuses that happen without recourse. Workers will be more empowered to take action against the wrongs they suffer in regard to nonpayment, delayed payment, poor working and living conditions, and all forms of abuse.

Bilateral cooperation in the migrant labor industry can also help to promote economic and political stability in the sending countries. Nations sending large numbers of migrants to work in the Gulf will also benefit from increased accountability. The remittances foreign workers will be able to send back to their home economies can be greater if they suffer less abuse, receive payments on time, and work and live decently.

3. Create a government agency exclusively for overseeing migrant laborers and enforcing migrant labor laws.

Maximize effectiveness.

Creating an agency exclusively for overseeing migrant laborer affairs risks being ineffective. The agencies that collectively oversee the migrant labor affairs in Qatar are The Ministry of Energy and Industry, the Ministry of Health, and the Labor Department. These agencies lack staff members and proper training. The creation of a separate agency risks experiencing the same problem.

Zahra Babar elaborates on this point when she says, “In Qatar one of the issues is also just lack of state capacity in terms of monitoring the conditions for workers. They have set up agencies such as the National Human Rights Council and other bodies to protect workers rights, but the capacity is still lacking. Creating a separate agency may be well intentioned but ultimately ineffective if Qatari officials lack the expertise and training to oversee agency functions.

Ensure political feasibility.

Dr. Gardner, has observed change on behalf of Qatari labor officials in their view of enforcing labor laws. Dr. Gardener states, “For the first time in a decade, I was hearing labor migrants in the camps talking about labor courts and positive (or at least non-devastating) verdicts on those courts.” The existence of labor courts and the increased enforcement of existing labor laws indicate that government officials in Qatar are attempting to use institutions to limit mistreatment among foreign workers. Thus, a government agency created exclusively for overseeing migrant labor rights is politically feasible given the observed changing atmosphere regarding migrant labor.

Zahra Babar also feels the creation of a new agency is politically feasible. Qatar has recently established an agency designed to support migrants in accessing the legal system when a worker has a dispute with his employer over wages or working conditions. The point of the agency is to provide assistance to migrants when they are in dealing with the courts.^{xcv}

Protect and promote interests central to U.S. foreign policy.

Establishing an effective oversight agency to handle migrant labor affairs will help protect and promote U.S. interests in human rights by demonstrating accountability and transparency. Documenting migrant workers, monitoring the way they are treated, and enforcing existing migrant labor laws when they are broken will increase the protection the migrants have in Qatar, ultimately promoting the U.S. interest in human rights.

Creating an agency exclusively for migrant rights can also promote political and economic stability. An agency perceived to monitor migrant labor affairs and enforce migrant labor laws can help promote stability domestically by addressing issues appropriately and fairly. A separate agency handling migrant affairs can quell the possibility of unrest among migrant workers.

4. Revamp the nationalization process currently in place.

Maximize effectiveness.

Revamping the nationalization processes will have little to no effect on improving the human rights situation for migrant workers because as a cultural norm, Qataris do not occupy low skilled to unskilled and domestic positions.

Nationalization efforts in Qatar, or Qatarization are very important to helping nationals feel secure about their cultural identity in a country where almost 90% of the inhabitants are third country nationals. However, nationalization efforts have had little impact on other employment sectors. Dr. Gardener states, “The GCC States have been talking about localization [nationalization] for decades and it's had almost no impact.”

According to Zahra Babar, Project Manager at the Center for International and Regional Studies at the Georgetown School of Foreign Service in Qatar, revamped

nationalization efforts will most likely not succeed. She states, “Considering that there are only about 100,000 Qataris in the workplace (or less) and about a million foreign workers, Qatarization is never going to result in Qatari citizens taking all the jobs. The problem with Qatarization is that it virtually guarantees Qataris job placement either in the public or private sector, and as a result impedes motivation, competition, and proper skill development for advancement amongst Qataris.” Because Qataris are highly unlikely to work in positions of low-skilled, unskilled, and domestic occupations, revamped nationalization efforts will not have an impact on migrant workers occupying these fields.

Ensure political feasibility.

Revamping the nationalization efforts is politically feasible in Qatar. Nationalization efforts are an enduring movement in many GCC countries in different forms, including a sub regional proposal presented in 2004 at the Gulf rulers’ summit to limit the period a foreigner can work in all Gulf States to six years.^{xcvi} In 2008, Qatar the Minister of Labor and Social Affairs Hassan Al Dhabit Al Dosri announced that all private sector and public sector companies had to reserve 20% of their workforce for Qatari citizens.^{xcvii}

The government also wants Qataris to be able to compete in the private sector and has taken action outside of mandating quotas to ensure this. In 2003 the country announced plans for a sweeping reform of the kindergarten through 12th grade education system with help from the Rand Corporation.^{xcviii}

Between 1998 and 2008, American universities have been invited to set up campuses in Qatar’s educational and research facility, Education City. These include Virginia Commonwealth University, Weill Cornell Medical College, Texas A&M University, Carnegie Mellon University, Georgetown University School of Foreign Service, and Northwestern University. There are many reasons for sweeping educational reforms and increased attention to education

Protect and promote interests central to U.S. foreign policy.

Revamping the nationalization efforts in Qatar will have a minor effect on protecting and promoting interests central to U.S. foreign policy. Replacing foreign workers with local workers in certain occupations can potentially help Qataris feel at ease in their home country and less threatened by foreigners. However, because Qataris typically do not occupy unskilled, semi-skilled, and domestic job occupations, foreigners will continue to work in those professions and the issue of human rights abuses will continue to be an issue.

However, limiting foreign workers can have a negative impact on political and economic stability in Qatar by causing unrest among those foreigners that will be replaced if the nationalization process is successful. Revamped nationalization can also impact the sending countries by decreasing remittance flows to their countries and causing them to work in other parts of the world.

RECOMMENDATION/CONCLUSION

I recommend reforming the recruitment system through liberalization of the current system and reforming the recruitment system through bilateral engagement between Qatar and other nations that have large numbers of citizens working in Qatar. Of all the policy options, liberalization and reform through bilateral engagement are the most viable after being weighed against the three criteria. These two options best fulfill the criteria of maximizing effectiveness, ensuring political feasibility, and promoting US foreign policy interests.

The creation of a separate agency may be ineffective due to the lack of training and qualified staff members that already exists in other government agencies. The nationalization programs that currently exist in Qatar are aimed at replacing skilled migrant workers in the public and private sector with Qatari citizens. Revamping the nationalization system will have little impact on the lives of Qatar's most vulnerable migrant population who are largely semi-skilled, unskilled, and domestic workers.

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