
**Labor Migration in the State of Qatar
Policy Making and Governance**

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Introduction

The discovery of petroleum wealth in the middle of the last century completely reconfigured the political economy of the six Gulf Cooperation Council (GCC) member states of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. Due to the small local population size and low levels of labor force participation, the GCC states had to rapidly seek alternate sources of labor in order to meet the burgeoning labor demands of their ongoing development projects (Fasano-Filho and Goyal, 2004: 6). From about the 1960s onwards, foreign workers were increasingly brought in to address regional labor shortages (Thiollet, 2011: 105-107). Current estimates suggest that there are close to twelve million foreign workers employed across the six Gulf Cooperation Council countries. Following North America and Europe, the Gulf region currently comprises the third largest hub of international migration.

In the 1960s and 1970s, the majority of foreign workers in the hydrocarbon rich Gulf states originated from neighboring non-oil Arab countries, but over time migrants originating from outside the region replaced the expatriate Arab workforce. Prior scholarship on the subject suggests that in the 1970s Arab expatriates made up more than 70 per cent of the foreign population in the GCC, but over the course of the next 30 years this figure decreased dramatically (Nasser, 2010: 18; Tattolo, 2004: 5). Currently, across all six of the GCC states Asian workers far outnumber Arab foreign workers, who are assumed to make up less than 20 per cent of the foreign workforce region-wide (Tattolo, 2004: 5). The foreign populations that reside and work in the Gulf come from a variety of countries and continents. Obtaining accurate breakdowns disaggregated by nationality for Gulf-based migrants is no easy task due to poor migrant-tracking mechanisms in both sending and receiving states, and because such information is considered sensitive by the host countries and is not often publically disclosed. Data that does exist suggests that today migrants originate primarily from the South Asian countries of India, Nepal, Pakistan, Sri Lanka, and Bangladesh. In addition to the large numbers of South Asian migrants, the GCC states now increasingly draw workers from Sub-Saharan Africa, East and Southeast Asia.

Recent estimates indicate that across the region about 40 per cent of the population is non-national, and in several of the six GCC countries the majority population is foreign (Forstenlechner and Rutledge, 2011: 27). According to the United Nations, all six of the

GCC countries are listed amongst the top twenty nations in the world boasting the highest proportion of migrants to nationals. Foreign labor comprises a majority of all of the GCC nations' workforces (approximately 70 per cent of the regional labor market is composed of non-nationals), and the foreign population comprises an absolute majority of the populations of Kuwait, Qatar, and the United Arab Emirates (Baldwin-Edwards, 2011: 9, 11). These demographic breakdowns are quite astonishing – current estimates, for example, suggest that over 90 per cent of the population in Qatar is non-citizen (Ibid.: 8).

In light of the region's current situation, new demographics, and the increasing importance of labor migration, this paper will analyze the case of migration policy in Qatar, as an example of one Gulf state's response to the region's changing dynamics. In order to portray an accurate picture of the country's migration policy, the paper will first describe the migratory flow in Qatar and its ensuing effects on governance of migration by government agencies and rights-based organizations, and the effect on the formation of laws and policies to address the challenges and benefits of labor migration. It will then discuss the development of migration policy as the result of national perspectives, economic goals and regional influences. Finally, the paper will examine the evolution of migration policy in the mid-term and the likelihood of changes to be made within the current system of migrant labor.

Patterns of migratory flow in Qatar

In 1970 the population estimate for Qatar stood at around 111,000 people; it is currently estimated at close to 1.8 million, more than 18 times that amount. As recently as 2004 the population was just over 700,000 people – in eight years, it has grown by an additional million. This enormous growth has been the result of the increasing numbers of foreign workers brought in to meet the labor market demands, which have been caused by the country's rapid expansion of its exploitation of natural gas resources, as well as its extensive development plans. The size of the labor force has also increased from approximately 444,000 in 2004 to 1.3 million today, and 93 per cent of the total labor force is comprised of non-Qataris. The expectation is that by 2017 the population will need to grow to 2.4 million, at the very least, in order to meet projected labor market needs. Anticipated development needs combined with a segmentation of the labor market, which places nationals in public sector jobs and non-nationals in the private sector, means that for the foreseeable future Qatar will continue to rely on importing labor regardless of the demographic imbalance this creates. Cross-sectoral and multi-strategic policy and planning documents reflect the awareness that this demographic trend cannot be radically altered in the short term, and that in fact it is to be anticipated and planned for.

Out of a total of 1.3 million people reported as being active in the national labor force in 2013, only approximately 85,000 are Qatari citizens (see figure 1). As a result of the segmentation of the labor market between nationals and non-nationals, the bulk of the labor force consists of 'unskilled' or 'low skilled' workers who occupy low-paying positions in sectors such as construction, mining, and manufacturing. Migrants, however, also populate many other sectors of semi-skilled and professional positions, particularly in the private sector.

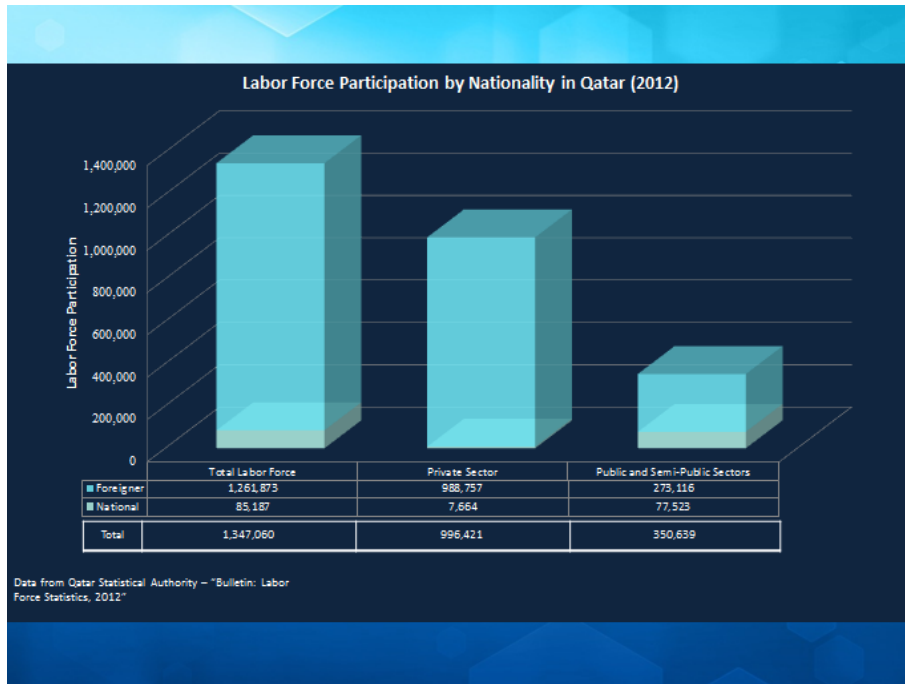
Figure 1

Year	Non-Qatari Population (Qatar Statistics Authority Figures) ¹		
	Economic ally active population (15 years & above)	Economic ally inactive population (15 years & above)	Total Population (15 years & above)
2007	768,292	80,091	848,383
2008	1,102,285	98,674	1,200,959
2009	1,193,144	103,201	1,296,345
2011	1,200,035	113,778	1,313,813
2012	1,261,873	128,653	1,390,526

Data in figure 2 suggests that nationality or country of origin have a strong correlation with how different migrants are integrated into the Qatari labor market. While there is limited time-tracked data disaggregated by nationality, it is assumed that in Qatar, as elsewhere in the Gulf, the national composition of the expatriate workforce has transitioned from one that was predominantly Arab two or three decades ago, to one that is now much more Asian. Both economic and political considerations have impacted Qatar's decision to shift to new labor supply sources, and to rely more heavily on migrant workers who originate from outside the Arab world. Much of the foreign labor force that currently comes to Qatar from Asia and Africa works in unskilled and low paid positions in the construction and service sectors. Expatriates typically of Middle Eastern, European, and North American origin occupy skilled and professional positions.

¹ Figures for 2010 were not available through the Qatar Statistics Authority.

Figure 2



(Table prepared by Author based on data from the Ministry of Labor and the Qatar Statistics Authority.)

Governance of migration in the State of Qatar

The kafala or employer-sponsorship system is the primary mechanism governing labor migration into the State of Qatar. This system binds a foreign worker's visa and legal status directly to a particular citizen-sponsor or kafeel who maintains control over the worker's mobility for the duration of his or her stay in the country. Sponsored migrant workers are not permitted to change their place of employment without obtaining prior approval from their employer-sponsor, nor can they exit the country without their authorization. The kafala is fixed to the contractual agreements drawn up between foreign workers and their sponsors, in most cases prior to the migrant's departure from his home country. Typically, workers' contracts provide for a two-year period of employment and residency in Qatar, but contracts may on occasion be renewed or extended. Upon the completion of the contracted period of employment, sponsors are responsible for ensuring that workers are immediately repatriated to their country of origin.

Several government agencies exist which are responsible for regulating migration policy.

The Ministry of Labor²

Given the complexity of labor migration to Qatar, and its social and political implications for the state, it is not surprising that many different government agencies are involved in formulating policy and managing migrants' presence in the country. The Ministry of Interior (particularly its department of Expatriate Affairs) and the Ministry of Foreign Affairs along with a host of smaller governmental organizations are involved in different aspects of migrant labor administration in the country. However, the central authority that bears primary responsibility for labor governance is Qatar's Ministry of Labor (MOL).

² Information on the Qatari Ministry of Labor's structure and primary responsibilities has been extracted from the MOL's website: <http://www.mol.gov.qa>, from publically available documents, from national press releases, and from assorted media.

The MOL is divided into a number of different departments, some of which are principally engaged in the management of the migrant labor population. There are three departments at the MOL, which bear primary responsibility for administering the migrant labor system in the country. These three key departments are the Department of Employment Administration, the Department of Work Inspection, and the Department of Labor Relations. Other departments of the MOL concentrate their attention on the employment needs of the citizen workforce and related human resource issues.

In 2011, Qatar, under the guidance of the MOL, established a national committee consisting of multiple public and private stakeholders, dedicated to addressing all aspects of workers' occupational health, safety, and rights' protection. This committee is still in its initial phase of operation, and, in collaboration with the International Labor Organisation (ILO), is in the process of devising policies and practices for improving the conditions of migrant workers in the country, and ensuring that they conform to the highest standards of international protocols³. The MOL is also looking to significantly enhance its capacity in order to ensure compliance with existing labor laws. As the migrant population in Qatar is anticipated to grow, a significant increase in inspection capacity and labor regulations enforcement will be required. Currently the MOL has a staff capacity of 150 inspectors, but this number will be increased to 300 in the next few years⁴.

Other actors in migration policy

Civil society in Qatar is extremely limited, and organizations that are engaging with the topic of migration, even in a very lateral fashion, are mainly quasi-governmental. However, in recent years Qatar has established a few key organizations that are mandated to focus specifically on human rights issues. In addition to these organizations, other Qatari institutions have recently begun making efforts to address migrants' rights and workers' rights.

Qatar National Human Rights Committee

The Qatar National Human Rights Committee (NHRC) was established in 2002 and is reflective of the broader push by the State of Qatar to demonstrate its commitment to prioritizing rights for all residents, and to engage with human rights as a good global citizen. The NHRC is the body deputed to receive and process complaints or reports on human rights violations. They work in collaboration and

³ Interview between author and Qatar MOL officials, June 2013.

⁴ Interview between author and Qatar MOL officials, June 2013.

consultation with the Bureau for Human Rights located at the Ministry of Foreign Affairs. The NHRC is tasked with investigating complaints, to assist the complainants in seeking redress, and to report on the complaints they have received. The NHRC produces an annual report to reflect on the condition of human rights in the nation and corresponding legislative developments, and to highlight its own activities and achievements in addressing human rights as per its mandate. The annual reports covering various areas of engagement are supplemented by a series of recommendations and suggestions to the government of the State of Qatar for strengthening the protection of human rights. In the past few years, the NHRC has been more actively engaged on the topic of migrant workers' rights.

In its 2011 Annual Report, the NHRC raises a number of challenges related to ensuring protection for migrant workers in Qatar. The NHRC report underscores that legislative protection is provided for workers through Law 14, but that there is significant weakness in its implementation (National Human Rights Committee of Qatar, 2011: 43-44). The report also highlights issues such as misuse of the sponsorship system and the 'selling' of visas. The most frequently reported rights violations are: the lack of ability for employees to transfer sponsorship to a new employer, restrictions around exiting the country, and delays in salaries and benefits. Amongst other things, the NHRC recommends greater vigilance on part of the government authorities in terms of ensuring compliance with the labor law, that tougher penalties are imposed on those companies and employers who are violating workers' rights, tighter control over the activities of recruitment agencies, and a strengthening of efforts of inspection, both for work and living environments. The NHRC also underscores the need to allow workers greater ease of transferring sponsorship, and to ensure that employers cannot summarily cancel visas nor have their sponsored employees deported on spurious grounds (Ibid.: 44). Additionally, NHRC commented on a draft bill on domestic workers, which has been prepared, and is due to be turned into law⁵. The Peninsula, one of Qatar's major daily newspapers, reported in January 2013 that a draft law on domestic workers was being deliberated by Qatar's Supreme Council of Family Affairs, and that there was some disagreement amongst the stakeholders on some of the provisions included in the bill⁶.

The NHRC states that it is particularly concerned about human rights violations of domestic workers as they are not protected under current Qatari labor law. The NHRC also documents that they

⁵ Consultant was unable to obtain a copy of the draft bill on domestic workers, and only reference to it has been in the NHRC annual report of 2011 and in the Qatari press.

⁶ The Peninsula (2013, January 21), "Draft law on domestic workers stumbles on weekly holiday", <<http://thepeninsulaqatar.com/qatar/222658-draft-law-on-domestic-workers-stumbles-on-weekly-holiday.html>>.

have concerns over particular complaints demonstrating that domestic workers suffer long hours of work with insufficient weekly rest or free time, and are unable to seek recourse due to their lack of coverage by labor law. The NHRC strongly recommends that Qatar develop separate legal protections for ensuring the rights of domestic workers. Additionally, the NHRC raises the issue of not having an effective state entity or authority deputed to receive and administer complaints and reports of employer abuse from domestic workers.

Qatar Foundation for Combating Human Trafficking

In 2003 the State of Qatar established the Qatar Foundation for Combatting Human Trafficking (QFCHT), with the overarching goal of addressing the needs of victims of trafficking in Qatar, and to ensure that the state adopts adequate measures to address the issue of trafficking. Amongst other initiatives, QFCHT has created a 'safe house' for migrants who are fleeing conditions of trafficking or abuse. As part of its effort to support migrants who are victims of trafficking, the Foundation has set up emergency 'hotlines' for receiving complaints from migrants who believe they have been subjected to human trafficking. The Foundation provides language support for the victims of human trafficking by arranging for specialized interpreters to assist them in their communication with the Qatar guest center, members of the police force, lawyers, and the judiciary.

The Foundation organizes frequent lectures, workshops, and training sessions to raise public awareness on issues of human trafficking in Qatar. It also liaises closely with foreign embassies based in Doha, to create awareness of the transnational nature of human trafficking, and to closely collaborate with migrants' home countries in addressing exploitation or abuse. The Foundation has also been successful in lobbying the Supreme Judicial Council to increase the number of courts dedicated to hearing trafficking-related cases, so that the judicial mechanism for addressing workers grievances have greater capacity.

Qatar 2022 Supreme Committee

The Qatar 2022 Supreme Committee has publically articulated its commitment to ensuring the safety, health and dignity of all workers that are to be engaged in the swathe of projects to be undertaken for the 2022 FIFA World Cup. Given the international spotlight focused on Qatar in recent months as a result of its winning bid for the competition, the Supreme Committee has had to assume a proactive stance on issues relating to migrants' welfare and rights. Similarly to the Qatar Foundation, Qatar 2022 has instituted a Worker's Charter that promises to maintain workers' rights as core to its institutional mandate. The Supreme Committee has partnered with the globally recognized 'Institution of Occupational Safety and Health' for developing its Health, Safety, Security and Environment (HSSE) systems for ensuring the safety, security, and health of all migrant laborers who engage on projects related to Qatar 2022. The Supreme

Committee has announced that it is also working with Human Rights Watch and Amnesty International as well as various ministries to address migrant labor issues. However, it is still too early to assess how effective the Committee will be in managing workers' protections, as the infrastructural projects are still in their planning stages.

The Doha International Family Institute

DIFI is more of a policy-focused research center than an advocacy or practitioner organization. While its primary mission is to generate research on issues facing the Arab family, it has also promoted scholarship on the impact of migration on families. In 2012, DIFI organized a symposium to explore how international migration affects families in receiving/sending countries, and how family functions can be strengthened through good migration policies and practices⁷.

Qatar Foundation for Education, Science, and Community Development

Over the past two years, the Qatar Foundation for Education, Science, and Community Development has launched an initiative specifically targeting the protection of migrants' rights and intended to ensure migrant workers' welfare in relation to the Foundation's projects. The primary aim of this project has been to ensure the application of fair employment principles for workers occupied in construction activities and other services associated with the Foundation. The principal contribution of the project has been to develop a 'Migrant Workers Welfare Charter' – a set of standards and best practice guidelines intended to inform and govern the migration cycle from recruitment to repatriation, and to ensure at each stage that the rights of migrants are maintained. In October 2012 the Qatar Foundation signed the charter, to ensure that all elements of the Foundation's employment practices would reflect the core concern of ensuring workplace safety and humane working and living conditions for migrant workers.

In addition to instituting the Workers' Charter, Qatar Foundation is also adopting a set of 'Mandatory Standards of Migrant Workers' Welfare', which will help apply minimum requirements with respect to the recruitment, living, and working conditions, and the general humane treatment of workers engaged in construction and other projects. The mandatory standards will be incorporated into all agreements between Qatar Foundation and its various contracting agencies, including contractors, subcontractors, labor suppliers, and labor agencies.

In order to implement both the Charter and the Mandatory Standards, the Qatar Foundation has established a dedicated

⁷ Doha International Family Institute, Family, migration and dignity, <http://www.difi.org.qa/events/event-detail/event?item=7&backArt=394&page=3>

Workers' Welfare Department, which falls under the Foundation's Health, Safety, Security and Environment (HSSE) Directorate. The department will serve as a regulatory body within Qatar Foundation, ensuring that all parties working with the Foundation maintain the standards and regulations established to ensure migrants' welfare. The department will monitor the compliance of its various business partners with the Mandatory Standards of Migrant Workers' Welfare and retain their services based upon a regular assessment of their performance. Amongst other means of ensuring compliance, the Department will maintain regular 'welfare audits' of different contractors and subcontractors. These welfare audits will include inspection of work sites and workers' living quarters, reviews of workers' contracts and employment records, as well as interviews with management personnel, administrators, and workers themselves. In addition to compliance with Qatar's national labor law and ensuring commitments be present in individual workers' contracts, a lack of adherence to the Qatar Foundation's Mandatory Standards and Welfare regulations will entail corrective measures and may lead to termination of contracts between the Foundation and contractors deemed to be in violation.

Through this initiative the Qatar Foundation hopes to create an environment that serves as a benchmark to other organizations in the country, and to provide other economic actors with best practices that may guide them as they pursue the selection of their business partners, contractors, and labor recruiting agencies, and as they develop their relationship with contractors and subcontractors. Qatar Foundation aims to become an example to the rest of Qatar's business community, by demonstrating how organizations can embed their commitment to the ethical treatment of migrant workers' and can actually address some of the core issues on rights and protections by enhancing business and industry practices around hiring and employment. The Foundation has also commenced efforts to collaborate with other national stakeholders and government agencies engaged in discussions over how to improve working and living conditions for migrants.

Labor law in the State of Qatar

Migrants to Qatar have almost no agency in terms of obtaining permanent settlement or citizenship. This is particularly true for those migrants at the lower end of the income and skill scale. Current migration practices have removed pathways of traditional migration for settlement, and the kafala system is structured to only grant opportunities for temporary cycles of employment. Migrants may choose to engage in repeated cycles of employment within one or more of the GCC states, interspersed with periods of repatriation home. The Qatari Nationality Act 38 of 2005 does provide for a mechanism by which one may become a 'naturalized' Qatari citizen. However, the numerous conditions that must be met for a naturalization application are stringent and onerous: the applicant must have resided in Qatar for 25 successive years, and must have not spent more than two months outside Qatar during any one of those 25 years; the applicant must have been legally employed for the duration, must have a sufficient means of income generation, must have maintained a good reputation, must demonstrate good behavior, must not have committed any criminal act or act of 'moral turpitude', and must be conversant in Arabic⁸. The stringency of these conditions means that for most low-skill migrants present in Qatar, naturalization is an unlikely option.

Governance of migration in Qatar: the labor law⁹

In 2004 Qatar enacted its new labor law, Law 14, which provides several critical protections for workers in the country. Article 33 of Law 14 stipulates that licensed recruiters based in the country are not allowed to receive any recruitment fees or costs from migrant workers. Article 38 stipulates that a variety of information should be written into employer-employee contracts. The contracts should include details of the work that is to be undertaken and the wages that are to be paid for it. However, the article does not mention that

⁸ Qatari Citizenship Act 38, 2005 (English Translation and Arabic Original).

⁹ All Articles of the Law quoted in this section of the paper are taken from the English translation of Labor Law No. (14) of The Year 2004, State of Qatar Ministry of Labor, Labor Department, available at: http://www.mol.gov.qa/english/Laws_and_legislation/labor_law/Pages/default.aspx

contractual agreements must stipulate maximum work hours, paid overtime, sick leave benefits, or weekly and annual leave entitlements. Rather, there are specific stipulations in Law 14 that address these matters.

Articles 73 to 85 of the Law provide regulations on working hours, paid leave, annual leave, and sick leave¹⁰. While there is no mention of a minimum wage, specific attention is paid to the obligation of employers to ensure the timely payment of wages. Other articles in the labor law relate to health and safety rights for workers, and compensation for injuries incurred at the work place.

Law 14 of 2004 also provides for the establishment of 'workers organizations' and the right of workers to engage in collective bargaining. Under Article 116 of the law, any Qatari workforce of at least 100 workers are legally permitted to establish a 'Workers Committee', while workers of the same profession are permitted to establish professional associations. These workers' organizations are explicitly barred from taking part in any 'political or religious' enterprise. However, and this is a big however, the membership in such organizations is strictly limited to Qatari nationals.

The Labor Law also establishes the authority of work inspectors with complete legal powers to implement the provisions of the labor law. Law 14 also provides for penalties for infringements of the law. For example, the penalty for charging recruitment fees from workers is up to one month in prison (Article 145).

¹⁰ Article 73 states that the maximum working hours per week are limited to 48 hours, with a maximum of 8 hours worked per day. Employers are permitted to ask workers to work up to 10 hours per day, however for each hour worked above the stipulated 8 hours the worker will be paid an additional 25 per cent. Workers who work between the hours of 9 pm to 3 am are to be paid 50% extra for each hour worked. Article 75 states that all workers are entitled to have a mandatory day off per week. Article 78 states that all workers are entitled to 10 designated annual days off which are related to Qatari national and holy days. In addition, Article 79 specifies that upon completion of a year of service, a worker is entitled to a minimum annual leave for three weeks. Article 82 provides the legal rights of workers to obtain paid sick leave. Articles 65-72 provide detailed stipulations regarding wages for workers.

Migration policy developments in Qatar: national and regional influences

This section will analyze the national perspective on labor migration issues facing Qatar, with specific attention to the current obstacles with the kafala system. Next, it will briefly discuss the discourse of labor migration policy in regards to nationals' concern toward the increasing number of non-nationals in the country. It will then examine the ongoing regional dialogue that has come about as a result of the recognition of the region's common challenges within the global context of migration.

National policy: Current issues within the kafala system

Scholarship on the Gulf region has drawn attention to the decidedly unequal power relations between worker and sponsor that are created through the kafala arrangements¹¹. The kafala has also been widely condemned by workers' rights groups for its inadequate ability to protect migrant workers' rights. At the same time, decades of migration under the sponsorship system have lodged these practices as normative in Qatar, and the business community and citizens have publically argued that economic competitiveness in the global arena would be significantly diminished if the sponsorship system were abandoned.

Many scholars draw attention to the fact that the kafala and the workers contracts, as tools of managing migration to Qatar, are but a component of a larger, profit-generating international migration system. The need to address the weaknesses of the transnational labor recruitment system is broadly acknowledged as being critical to ensuring healthy and productive outcomes for migrants working in the Gulf. Recruitment agencies and labor brokerages in both labor-receiving and -sending countries play a critical role in this system (Manseau, 2007: 27, 30). Recruiters in sending countries, along with a host of sub-agents, serve to link migrants in remote locations of

¹¹ For further reading, refer to Kamrava and Babar (2012) and Gardner (2010).

Asia and Africa with manpower agencies and employers based in Qatar. Recruiters and labor brokerages at both ends of the system financially benefit from the costs they extract from potential migrants. Unskilled and low-skill migrants typically pay between \$1,000 to \$3,000 for the opportunity of working in Qatar and for obtaining a two-year contract. The cost of migration varies greatly for workers depending on their country of origin. In most cases migrants and their families are only able to cover the cost of migration through incurring debt. Due to the lack of access to formal credit sources, many incur high-interest loans in their home countries in order to pay for the opportunity to work in Qatar.

Given that Qatar is so significantly affected by its particular demography, managing migration remains central to the state's overall policy making apparatus. While there is no doubt that limited indigenous labor supply combined with market-driven needs have strengthened the role of economic forces and actors in migration management, the particular circumstances in Qatar have meant that it is still primarily political factors which shape and develop migration policy. Migration policy in Qatar is embedded in broader state discourse that is expressed as an anxiety with the 'demographic imbalance' present in the national labor markets and population structure. Although this large workforce has been present for many years, it has certainly increased markedly over the past decade. Broader strategic development plans for the state are embedded in the notion of creating a knowledge economy (General Secretariat of Development Planning, State of Qatar, 2008). Efforts towards this end have driven up the need to bring in a range of skilled and highly skilled foreign workers to fill jobs in higher education, scientific institutions, and the technology sector. While much official commentary suggests that over time the Qatari labor market will evolve towards a higher proportion of skilled workers and fewer numbers of the low-skilled (as it transitions to the knowledge economy), a number of policy documents acknowledge that in the short term there will still be a need for many foreign workers to occupy positions in construction and associated infrastructural development sectors. The longer term goal presented through the guiding policy document of Qatar National Vision 2030 seeks to change the qualitative nature of the foreign work force in Qatar, to make it more appealing and attractive to the highly skilled, to perhaps seek ways of retaining them for longer durations within the national labor market (the Permanent Population Committee, 2011: 33-35).

Despite this, Qatar does not see itself as a destination for permanent settlement, and a variety of policy documents highlight the aspiration to build a citizen workforce and thereby alleviate ongoing dependency on foreign labor. Until that goal can be realized, however, the guiding principle around migration management is one that strives to ensure that the large foreign workforce currently dominating the national labor market remains strictly temporary in nature. Policies such as the kafala exist to control and manage the

large numbers of migrant workers that are an essential component of the national labor market. Policymaking apparatus is in place to ensure that these flows of foreign labor remain temporary in nature, and that pathways to permanent settlement are almost nonexistent. These policies reflect the deep anxieties felt by the Qatari government and citizens faced with a significant demographic imbalance within their own societies¹². In turn, the anxieties of the host state are reproduced as pressures felt by the foreign workforce.

Discourse on migration policy: concerns over the increasing number of non-nationals

Despite the stated objective of nationalizing or ‘Qatarizing’ the workforce, a mere glance at the numbers of Qataris participating in the private sector underlines how unrealistic it is to assume that this will occur seamlessly or quickly. Out of the roughly one million people engaged in the private sector, less than seven thousand are Qatari nationals. These numbers cannot be reversed in the near future, and, unless Qatar drastically alters its future development plans, the assumption is that the workplace will take in additional foreign workers in the coming years. In the run up to the 2022 FIFA World Cup, Qatar will be undertaking a host of new development projects, many of them involving the construction sector, all of which will need a steady supply of workers. Ever since being awarded the 2022 FIFA World Cup, Qatar has been coming under increasing international scrutiny regarding the conditions of migrant workers, with much attention being drawn to the poor implementation of the labor law and the restrictive nature of the kafala arrangements. In response to heated condemnation from international bodies such as Human Rights Watch, Amnesty International, and the International Trade Union Confederation regarding the treatment and conditions for workers, the Qatar 2022 Supreme Committee has stated that it has almost completed a ‘migrant worker charter’, which will be implemented for all World Cup-related infrastructure projects¹³. This charter is meant to ensure complete compliance with Qatar’s labor laws, and that the highest standards of workers’ safety are maintained.

¹² In 2012 Qatar’s Permanent Population Committee carried out a survey amongst Qatari nationals on Citizens’ Knowledge and Trends Towards Population Issues. According to the survey, 82 per cent of the respondents stated that Qatar suffers from a demographic imbalance. The two main areas of concern expressed were around the negative social and cultural impact on Qatari identity, and on the competition for employment linked to the high presence of foreigners on the labor market.

¹³ Construction Week (2013, February 10). "Qatar migrant worker charter ready by end of Q1". <http://www.constructionweekonline.com/article-20831-qatar-migrant-worker-charter-ready-by-end-of-q1/#.UTL3ImcY1Cw>.

A review of various policy statements coming out of different sections of the Qatari government seems to present a consistent message. Regarding the situation for the many unskilled, lower-income foreign workers present in the country, the articulated policy is to examine their conditions in relation to labor law, rights protections, work environment, and living standards, and seek ways of improving their work and living conditions and ensuring their rights (Permanent Population Committee, 2011: 35). It is also being considered how to improve the processes that are already in place, such as the structures of management at the Ministry of Labor (MOL), and revise the sponsorship system. Recently, the MOL has engaged the ILO to conduct a review of the labor migration system within the country and to draft recommendations for improving conditions for workers¹⁴. A focal point of action that has emerged out of the MOL's collaboration with the ILO is the need to develop more effective mechanisms for addressing the hazards that potential migrants are exposed to through the international labor recruitment channels that bring them to Qatar.

There is certainly no inclination to push the direction of the conversation to include discussion on options for permanent settlement. The absence of citizenship rights for temporary migrants is, in principle, defensible, if this is accompanied by greater provision of protection to safeguard their legal status, secure their human rights, and ensure greater mobility within the labor market. While refraining from any discussion of possible pathways to long-term residency for low-skill migrants, these same policy documents raise the need to implement changes for recruiting and retaining highly skilled foreign workers, especially if the country is committed to building a knowledge-based, diversified economy. The Permanent Population Council's document released in 2011 states that in order to recruit and preserve highly skilled foreign workers the government must implement a program that grants permanent residence to the highly skilled (Permanent Population Committee, 2011: 35).

For any deep, systematic reform of labor migration governance at the national level, the Qatari government needs to ensure a degree of buy-in from different social actors. The reluctance of parts of the government to initiate sweeping reforms indicates that there is a perception that such moves would be met with widespread opposition. Two different surveys carried out in Qatar over the past few years have attempted to assess how Qatari nationals feel about the presence of so many foreigners in the country (Diop et al., 2010:

¹⁴ There is nothing available on this either in the press or through the Ministry. I was contacted by the ILO consultant who has been hired to carry out this review, and had several meetings with him while he was in Doha during February 2013. It is preliminary at this stage to say much as the review is just being started, but my understanding is that much of the area of focus will be on reshaping the role of recruitment agencies and processes as they are considered to be most problematic in terms of migrants' rights.

173-87; Socio-Economic Survey Institute, 2010: 6-7). Interestingly, both surveys provided the same general conclusion, which was that the majority of Qatari citizens surveyed appear to appreciate the contribution of foreign workers to the development of the nation. The survey noted that citizens highlighted the hard work and skill levels of the foreign workforce, and also agreed that the presence of foreigners expanded nationals' appreciation and understanding of other cultures. There was concern, however, over the increasing numbers of foreigners in the country, and respondents indicated that the overall numbers needed to be reduced. The survey attempted to determine whether public opinion in Qatar is indeed entrenched around the subject of the sponsorship system, and the results of this specific question reinforces the perception that most citizens do not wish the state to abandon the kafala. When asked about the sponsorship system, nearly half (47 per cent) of Qatari respondents said that the system should be tightened to make the worker more dependent on his or her sponsor (Socio-Economic Survey Institute, 2010: 6-7). The results indicate that citizens perceive a personal and vested interest in maintaining the kafala arrangements, and have concerns about how its dismantling would impact their own economic conditions. While, due to sensitivities on the subject, there is limited public discussion on the presumed financial benefits that accrue to Qatari citizens from the sponsorship arrangements, amongst analysts the perception remains that this is a critical reason why the kafala has not yet been abandoned.

Regional perspectives: Policy and dialogue

In recent years, platforms for contributing to the international dialogue on migration have multiplied at the regional and interregional level. These efforts underlie the now common understanding that migration is a transnational phenomenon which impacts countries of origin, transit, and destination, and that balancing divergent national interests along with the needs and rights of migrants themselves is essential for ensuring beneficial development outcomes for all. Embedded in a common understanding that migration and development are inexorably linked, and underscoring that the economic, social, and human rights of migrants must be safeguarded, regional consultative platforms allow for improved dialogue and cooperation amongst nations that face similar challenges around migration. In addition to enhancing the exchange of experiences and improving policy coordination, such efforts also play an important role by diffusing regional perspectives into the broader, global migration agenda.

While the GCC states have not to date formally harmonized policies for managing migration, they have begun to take a more proactive role in addressing the issue as a bloc. Perhaps this is in belated recognition of the fact that all of the states face similar

concerns around migration, as well as the fact that they are collectively the target of a stream of criticism leveled at them for their supposed apathy in protecting migrant workers. Regardless, during the past few years the GCC states have initiated regional cooperative efforts at migration policy reform. In 2005, five of the six GCC countries, as observers, attended the annual meeting held under the Colombo Process. The Colombo Process brings together a number of migrant-sending countries of Asia, and is primarily concerned with the protection of overseas workers. Building on this involvement, and spearheaded by the United Arab Emirates, all six of the GCC states in 2008 launched the Abu Dhabi Dialogue. The Abu Dhabi Dialogue is a regional consultative process on labor migration to the Gulf. It serves to bring labor-sending countries from South and Southeast Asia together with labor receiving countries of the Gulf, with the aim of addressing the concerns of both. The Abu Dhabi Dialogue, however, evolved primarily as a response to increasing international sounds of alarm around migration management in the Gulf, as opposed to strictly GCC-based concerns.

Within the framework of the Abu Dhabi Dialogue, and as part of their involvement in the Global Forum for Migration and Development, the GCC states have tried to steer the direction of the conversation towards modalities of 'enabling sustainable development' in the countries of origin, and posit that the streams of 'circular' migration to the Gulf states link labor mobility to enhanced development outcomes in the migrants' home countries. The focus has been on highlighting the fact that the GCC states, by providing economic opportunities for low-income migrants, are contributing toward labor mobility-driven development in the poorer states in Asia and Africa. Within this framing of the issue, the GCC states have claimed to be seeking ways to cooperate with sending-country governments, to enable the circulation of skills and talent and to ensure positive outcomes for the sending-countries, for the labor-receiving states, and for migrants themselves. The Abu Dhabi dialogue has not provided a coordinated response from the GCC states in terms of addressing core areas of concern such as the dismantling of the kafala or worker-sponsorship system and the hazards of the transnational recruitment channels that bring workers to the Gulf. These issues are under consideration within the GCC, but steps that have been taken to reform the kafala, strengthen the mechanisms of existing labor law, and improve the processes for recruitment have been done so on an individual basis by the member states rather than by the region as a bloc.

Managing the delicate balance between the constraints to the population structure and national development needs continues to be one of the most testing policy issues for all of the governments in this region. Given the increasing scrutiny of the issue of migrants' rights, maintaining their domestic requirements without drawing international censure requires the regional leadership to show dexterity and skill. There is, however, considerable discussion amongst both state actors

and local citizens about the potential costs of hosting such large numbers of non-nationals for long periods of time. These costs are not merely economic in nature, but are also potentially social and cultural. The massive influx of foreigners from all over the world is often seen as a threat to national heritage and cultural values, and even a latent threat to political stability.

Implications of Qatar's migration policy for international firms

International companies wishing to establish business activities in Qatar, and aiming to recruit workers will need to be in compliance with national labor law. Companies are required to obtain work and residency permits for all workers who are not nationals of either Qatar or one of the other five GCC states. All foreigners hired to work in Qatar in order to obtain work and residency permits will require sponsorship, and typically their sponsor is their employer or the company that they are working for. The one exemption to this in practice is that foreign female spouses who accompany their husbands to Qatar are eligible to work while remaining under their husbands' sponsorship. This, however, does not extend to male spouses who are accompanying their sponsored wives to Qatar. Men who accompany their wives to the country will have to change their sponsorship to their employer if they obtain a job.

All foreign workers must possess a valid work permit, which is issued by the Ministry of Labor, and a special department exists at the MOL, which has the responsibility to process, approve, and reject applications. The MOL also must review and attest each work contract before a foreigner can be hired. Contracts must be written in English and in Arabic, and it is the Arabic contract that is retained, referred to, and used by the Ministry. Foreign workers are subject to Qatari labor law and under the law enjoy certain rights. The new Labor Law of Qatar (Law 14 of 2004) strives to balance the rights of employer and employees. The Labor Law specifies the requirement for a written employment contract (vetted by the Ministry), provides for a maximum number of hours worked per day and per week (a maximum of eight hours per workday and no more than six work days a week), provides for mandatory time off/vacation days, mandatory paid overtime, and institutes end of service benefits. Additionally, foreign companies may also need to incorporate certain elements of the Human Resources Law (Law No. 8 of 2009) in terms of aligning the benefits and entitlements that they provide to their staff with local practices.

Once expats have found a sponsor, they are in turn allowed to sponsor their own family members to come reside with them in Qatar for the duration of their work contract. However, not all sponsored workers are eligible to sponsor their families, as sponsorship of

dependents is tied to monthly salary amounts. Under Qatari labor law, foreign workers are only able to apply for family residency visas if they earn a minimum monthly salary of 2,746 US dollars or 10,000 Qatari Riyals.

Foreign companies looking to hire staff need to be particularly vigilant if relying on locally-based recruitment agencies to source manpower. Recruiters have been known to engage in illegal practices, such as charging foreign workers expensive fees for placement with a Doha-based company. Such practices in some cases saddle workers with debt that they have to pay off in installments.

Another element of national Labor Law that is of significance to international companies looking to work in Qatar is the implementation of the affirmative action policy of 'Qatarization' or nationalization of the workforce. In broad strokes, Qatarization is the strategic means by which the state hopes to ensure increasing employment for its citizens, and to decrease its dependency on foreign workers by replacing them with Qatari nationals. Given the particular construction of Qatar's political economy, Qatarization is not equally applied to all sectors. For example, it is highly unlikely that Qatari citizens would be interested in working in lowly paid jobs in the construction or service sectors, and it is certainly unrealistic to imagine that the 600,000 or so foreign workers who populate positions at the lower end of Qatar's labor market will be suddenly Qatarized. However, the implications of Qatarization for private sector companies can be quite significant, as the state seeks actively to implement the policy to nationalize a healthy percentage of private sector jobs.

Employers in Qatar are also coming under increasing scrutiny for their disregard for ensuring transparent and accountable recruitment practices, for irregular work contracts, and for failing to ensure the basic rights of workers in terms of health, safety, and environment. International companies looking to establish activities in Qatar need to be aware of the additional scrutiny their actions will come under, and to be proactive in ensuring that high standards are maintained in terms of hiring and recruitment practices, compliance with labor law, and that the working and living conditions of their staff are above reproach.

Prospective view: Evolution of Qatar's migration policy

For decades migration in Qatar has been perceived by nationals and the state as being a time-bound condition, which at some point in the conceivable future will come to an end. The vision presented is that the nation has been and remains on a hyper, upward development trajectory, where certain core projects have to be implemented so that

the country can achieve its economic, social, and political goals. This articulation is embedded in the notion that there exists a migration 'endpoint', when necessary development and infrastructural projects are finally complete, when critical social and economic goals have been realized, when the capacity, skills, and educational levels of nationals have advanced to meet the nation's needs, and when as a result of all this the dependency on large streams of foreign workers will eventually naturally abate. This conception of migration perceives the phenomena itself and the presence of migrants as being not only a temporary structural feature of a time-based context, but also as something that is dangerous and damaging to the fabric of the state and society. What remains vague and unarticulated in both policy and planning is exactly when and how this endpoint is to be achieved, and whether it is even realistic to contemplate a future Qatar which is solely reliant on its indigenous population stock to manage the broad and deep requirements of its labor market. From the vantage point of one scrutinizing the current labor market peculiarities of Qatar and reviewing projected ambitions for the country, a long-term decrease in the overall numbers of migrants may be conceivable; however, a drastic reduction and complete reversal in the demographic trend is not. That is, unless of course there is a serious and total realignment of the state's strategic developmental choices.

Still, it is this notion of the 'temporary' nature of the migration-driven demographic affliction that must be (from the state's perspective), if not entirely corrected, then at least restrained by policy-making tools. It is this that has led to the nation's longstanding reliance on the kafala, and what continues to drive domestic resistance to its drastic revamping or dismantling. While there is growing domestic recognition that it is far from an ideal mechanism for managing inward migration, the resilience of the sponsorship system lies in the fact that it has for many years served its fundamental role of allowing the state to facilitate economic stakeholders in quickly and cheaply importing labor, for different levels and varied sectors of the job market, without resulting in long-term or permanent changes to the national population. The kafala provides the reassurance to state actors that workers who are brought in are done so on the basis of an accepted impermanence in their status, where their presence is tied to their occupational contribution, and on the presumption of their guaranteed eventual return to their home countries upon completion of their contractual period of residence.

Qatar is far from unique in how it frames and views its concerns around migration management; nor is it unique in how it aims to deflect the strains of migration on its demography and polity. The kafala has been under a glaring international spotlight not for how it ties migrants to temporary, work-related durations of stay, but rather for the degree of power it provides to employer-sponsors, for how it restricts migrants' mobility (both within the labor market and in terms of personal mobility), and for the potentially abusive conditions

it may create. Limited discussion from international organizations or advocacy groups focuses attention on the restrictions placed on length of stay or the lack of access to permanent settlement. This silence no doubt reflects the changing nature of global discourses on migration, which over the past two decades have increasingly justified temporary guest-worker programs. Temporary guest-worker programs have been increasingly on the rise in Europe and North America for the past twenty years. Like the kafala, these programs are embedded in legal regimes and national dialogues which support the differentiation in treatment between high-skilled and low-skilled foreign workers, and which rationalize the state's intentions to distinguish between 'the right sort of migrant' from the 'wrong sort of migrant'. Such programs which justify the lack of access to permanent settlement for migrants are also couched in the language currently prevalent in the GCC and in Qatar, that temporary migration enables host countries in the developed world to support 'development' in migrants' home countries, through remittances of one form or the other (Castles and Miller, 2009: 186-187).

In the era of globalization, states reliant on external labor sources to meet the requirements of their domestic labor markets have to adapt to the changing environment and become more flexible in immigration policy if they wish to attract the best workers. Qatar's recent policy articulations regarding its long-term view of addressing rights to settlement for migrants are very much in line with contemporary global conversations. While still at an extremely nascent stage, national policy discussion has at least recently placed on the table the need for Qatar to attract and maintain an international cadre of highly trained workers. Embryonic conversations are commencing in certain policy circles regarding the possibilities of removing some of the restrictions that sponsorship places on highly skilled migrants. As elsewhere, Qatar seeks ways in which to retain a highly qualified and select group of migrants. There appears to be little inclination to extend such policy liberalization to other categories of migrants.

The heavy censure that the kafala has come under has certainly raised national awareness of the need to revisit the system, and there is growing agreement that relying on labor law alone to ensure rights and protections is not enough. Efforts are being made towards developing and strengthening state capacity and institutional oversight to ensure that rights of fair treatment for all categories of foreign workers are maintained. It is recognized that the current capacity to empower and implement the labor law is weak and that more needs to be done to ensure greater control over employers and sponsors, and to address the hazards of the labor recruitment system through more vigorous supervision of recruiters and manpower agencies. However, at this stage, completely abolishing the kafala does not appear to be under serious consideration. In order for Qatar to dismantle the sponsorship system, it would need to replace it with another tool that would better address some of the inequities and

imbalances of the kafala, but would still ensure the fixed duration of migrants' stay in the country, and their rapid return.

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