

LABOR MIGRATION REGIME IN THE GULF COOPERATION COUNCIL COUNTRIES

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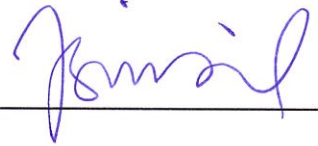
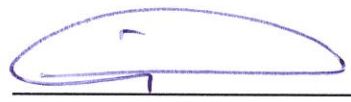
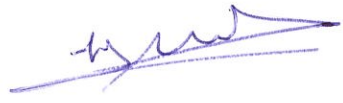
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This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts in Political Science and International Relations

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ABSTRACT

LABOR MIGRATION REGIME IN THE GULF COOPERATION COUNCIL COUNTRIES

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This thesis aims to explain the underlying factors that create a specific migration regime in the Arab Gulf. The Gulf region is hosting millions of migrants and guest workers for years, however, there are major human rights violations against them. Also different from other migrant friendly destinations, long term migrants do not have the chance to become naturalized citizens. The thesis first explains the characteristics of the labor migration regime in the Gulf through some examples in the media and the judicial system. Then, it argues that the rentier state development and the distinctive demographics of the Gulf explain the labor migration regime, where tribalism facilitates it as an intermediary factor.

Keywords: Migration, Gulf Cooperation Council (GCC), Expatriates, Rentier State Development, Tribalism, Human Rights Violations

ÖZ

KÖRFEZ İŞBİRLİĞİ KONSEYİ ÜLKELERİNDE GÖÇMEN İŞÇİ REJİMİ

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Bu tez Arap Körfezi'ne özel olan göç rejiminin altında yatan nedenleri açıklamayı amaçlamaktadır. Körfez bölgesi yıllardır milyonlarca misafir işçi ve göçmen ağırlamaktadır; ancak bu göçmenlere karşı işlenen ağır insan hakları ihlalleri vardır. Ayrıca, dünyadaki diğer göçmen yanlısı ülkelerin aksine Körfez'deki uzun dönemli göçmenler vatandaşlık elde etme hakkına da sahip değildirler. Bu tez ilk olarak Körfez'deki göçmen işçi rejiminin niteliklerini medya ve hukuk sisteminden örnekler vererek anlatmaktadır. Daha sonra bu rejimi açıklayan nedenlerin rant devletlerine özgü politik ekonomi ve Körfezin ayırt edici demografisi olduğunu, ayrıca kabileciliğin de aracı bir faktör olduğunu iddia etmektedir.

Anahtar Kelimeler: Göç, Konsey İşbirliği Konseyi (KİK), Rant Devletleri, Kabilecilik, İnsan Hakları İhlalleri

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CHAPTER 1

INTRODUCTION

In a world where more than 200 million people live and work outside of their countries of birth by choice or necessity, migration is a remarkable phenomenon. Hence, many pundits and scholars try to explain and understand this phenomenon of migration, how it evolved over time and took different forms. It is important to keep in mind that in migration it is living human beings that are in motion, and as such, they have specific needs, cultural backgrounds, and that families they had left behind. Thus, migrants constitute a specific group of rights-claimants. As a human phenomenon, migration has very complex dynamics that cannot be explained in its entirety by some grand theory that applies to every case in the world. Rather, the specificities of every case need to be accounted for. In this vein, this thesis tries to capture the dynamics of labor migration to the Arab Gulf region.

In this thesis, I study the dynamics and consequences of the labor migration regimes in the Arab Gulf countries, namely Saudi Arabia, United Arab Emirates (UAE), Qatar, Kuwait, Oman, and Bahrain.¹ The Arab Gulf region has received enormous inflows of migrants since the second half of the 20th century. These inflows of migrants have accelerated over time, with small exceptions of stagnation in years of economic and political crises, and affected the Gulf countries as a whole.

There are many countries in the world –mostly the economically developed ones– such as the U.S., Canada and Australia who get massive migrant influxes. However, there are peculiar characteristics to the Gulf region that separates them from other migrant-destinations. In that respect, the Gulf is an interesting case that begs for an explanation. There are three unique characteristics of the labor migration regime in the Gulf region. First of all, the ratio of migrants in total population in Gulf states are

¹ The Gulf region consists of more countries. However, since the labor migraton regimes of the countries I mentioned is similar, in this thesis when the Gulf region or the Gulf States are mentioned, these six countries (Saudi Arabia, the United Arab Emirates, Qatar, Kuwait, Oman, and Bahrain) should be understood. These countries also make up the Gulf Cooperation Council (GCC).

much higher than that of other migrant-destination developed countries. In the Gulf, the smallest migrant to population ratio is about 35-40 percent, and in countries such as Qatar and the UAE this rate climbs to 85-90 percent. Still, these are official numbers. It is plausible to think that with the addition of illegal migration this ratio could be even higher. In developed countries this ratio is between 25 and 30 percent at maximum.

Second, in the Gulf region it is extremely difficult for a migrant to become a citizen. For comparison, in other developed countries, there are specific steps that a migrant takes in order to become a citizen. On paper, some of the Gulf countries also have certain procedures for people who want to become naturalized citizens, but the numbers of those who do are very few, and the requirements necessitated are too complicated for an expatriate who earns a low or moderate income.

The third peculiar characteristic of the labor migration regime in the Gulf is the limitations put on the mobility of expatriates and other widespread human rights violations towards foreign workers. Again, poor working conditions or coming to the country with a contract instead of freely finding a job are not unique to the Gulf, but the coexistence of all these abovementioned creates a unique migration regime that is not seen anywhere else in the world but in the Gulf.

Migration to the Gulf attracts widespread attention from scholars and non-governmental organizations. Some of them approach the migration to the Gulf as a regional phenomenon and some analyze individual countries or ethnic groups, or nationalities who immigrate to the Gulf for economic reasons. While there are few studies that strive to find out the underlying reasons for the way migration works in the Gulf, these, in my opinion, fall short of revealing those reasons. Although some issues in the academic arena may have only one reason or cause, a very complex and interconnected issue like migration to the Gulf cannot be reduced to only one factor. Therefore, in this thesis, after explicating the uniqueness of the Gulf's labor migration regime, I will explain its underlying causes. I hypothesize that the underlying reasons for this specific migration regime are the combination of i) rentier state development

in the Gulf, which started after the discovery of oil and turned all the Gulf countries into rent-seekers and funds the labor migration in the Gulf; and, second, ii) demographics of the Gulf countries which in this case means generally sparse and less-educated native populations, so the Gulf countries need migrants in order to have the necessary labor force in sectors that their citizens are not willing or able to work.

After identifying the common qualities among the Gulf countries, I will determine which of those qualities and aspects are the reason for the labor migration regime in the Gulf. Apart from the geography they belong in, they have mostly similar political and economic developments, similar demographics, a colonial past, tribalism and similar cultures, and lastly, a Wahhabi religious tradition. While these are not the only similarities between the Gulf countries, they are the ones most likely to influence the socio-economic phenomenon of migration.

In my research, after I looked at the common qualities that could affect the specific labor migration in the Gulf, I reached the conclusion that in addition to the rentier state development and demographics, tribalist exclusionist culture as an intermediary cause also explains the labor migration regime in the Gulf, while the colonial past and a Wahhabi religious tradition do not affect labor migration regime directly.

1.1. Historical Background

Before delving into migration to the Gulf in recent years, it is important to briefly talk about the political, social, and economic history of the Gulf region. The Arab or Persian Gulf is a place that has been in the center of trade routes and different cultures. Before the 20th century because of the harsh climate conditions agriculture was weak, and the chief economic activity was trade and pearl-diving, and, in Hejaz, the pilgrimage. In the 20th century, with the discovery of oil, things started to change rapidly. In the 1930s and 1950s oil was found in all of the Gulf countries, and the general conditions and welfare levels of these countries had changed. There were rapid modernization and urbanization and conspicuous development projects. What

once was desert space consisting of a few scattered oases is now quite different. Skyscrapers, finance centers, luxurious accommodations, and million-dollar construction projects rise within the rich cities of the Gulf.

Gulf countries, all of which have oil to some degree, used this oil money to develop their economies and countries. The development of the economy was not an industry-oriented, capitalist mode of production though; it was based on oil rents, and even though there are variations today, the base of economic development for the Gulf remains oil, natural gas in some countries, and oil-related sectors. The Gulf governments used this oil money to build up the infrastructure of the Gulf countries. Former deserts turned into modern cities, and more people started to inhabit them. Apart from its infrastructure, the Gulf was also undeveloped in terms of human capabilities and socio-economic conditions (Kapiszewski, 2006). The governments also focused on this issue and, with the help of oil money; provided various socio-economic benefits and social rights for its citizens.

Expatriates step in at this point. Migration to the Gulf is actually not a very recent phenomenon. Merchants, pilgrims, and ship crews were migrating to the Gulf long before the independence of the Gulf countries and even before the 20th century. However, with the discovery of oil and later with the first oil crisis, expatriates began to pour into the Gulf. They provided much-needed labor for both the industry and the socio-economic development of the Gulf countries. At the beginning of this massive influx, the Gulf favored expatriates from Arab countries, and many of them came from countries such as Egypt, Yemen, Sudan, and Palestine (Chalcraft, 2011). These expatriates were more educated than the general population of the Gulf and served those countries as workers, teachers, engineers, and doctors. Many of them then stayed in the Gulf and did not return to their countries. The Gulf became a second home to them, and they brought their families or started their families in the Gulf.

The Arab expatriates brought their political opinions with them, but these were dangerous for the monarchies of the Gulf, so Arab migrants whose similar culture and

language were an advantage at the beginning later was seen as undesirable. This situation peaked in the first Gulf War. Some Arab states sided with Saddam Hussein's Iraq rather than with Kuwait, including Yemen and Palestine. Therefore, many expatriates had to leave Kuwait and the Gulf countries who supported Kuwait, especially Saudi Arabia (Shah, 2011). In those years many expatriates left the Gulf, but it did not take long for the Gulf countries to replace them. There were abundant populations in Asian and South Asian countries that were willing to come to the Gulf. Expatriates from Asia also worked for lower wages (Shah, 2011, p. 356), and since their cultures and languages were very different from those of the Gulf countries, they were non-threatening politically. The inflow of Asian migration thus started before the decline of Arab migrants in the 1990s and has continued to accelerate until today. In some Gulf countries, the population of some specific migrant ethnic groups surpass its own citizens. For example, in the UAE there are considerably more Indians compared to the native population of Emiratis.

Migrants and guest workers from Asia have different job prospects than Arab migrants. While early Arab migrants work in jobs that required expertise such as teaching, engineering, healthcare sector, Asian migrants have a wide variety of jobs, such as managers, salesman, drivers, engineers and IT technicians, construction workers, and domestic workers. However, currently most of the Asian workers work as manual laborers. The ones who are better off in terms of salary and occupation create their own communities and can help each other or have certain neighborhoods or places that they could come together. Nevertheless, there are still many that are not that lucky and they have minimal support from their communities. Many workers in the Gulf live in labor camps, they are generally outside the city limits with few forms of transportation. Another group that has minimum interaction with others is female domestic workers. Domestic workers generally stay in their employers' houses and other than their vacation days (in some cases even in those days) they have limited interaction with other people (Varia, 2011).

After presenting this picture, it is important to touch upon the subject of human rights violations towards migrants. Migrants, whether from other Arab countries or

Asian countries are regarded second-class citizens in the Gulf. Among the expatriates, gender, nationality, religion, and occupation create some hierarchies (Sater, 2014). However, compared with citizens, all migrants have secondary rights. Migrants, contrary to citizens, have to pay taxes, cannot benefit from the extensive social rights given to citizens such as free healthcare and education, and they lack some labor-related rights. On this last point, for example, they cannot form or be members of labor unions, when it is actually them that would benefit from those unions the most (Sater, 2014). However, these are minimal issues compared with the many other violations that expatriates, especially the poorer and less-educated ones, endure. In the Gulf, widespread abuse and exploitation such as withholding the passports of expatriates, physical, sexual, and verbal violence, delaying and non-payment of wages, limitation of movement, debt-bondage, and unfair deportations are seen regularly, and many expatriates are affected by them (Varia, 2011; Falconer, 2014).

The world first learned of these human rights violations after some mainstream media outlets and human rights organizations reported on them. Outside of general interest, many academics and countries that send expatriates to the Gulf have been debating the issue for a long time. The home countries of expatriates are naturally interested in the well-being of their citizens, even though their attention differs from country to country. Some of them try to educate their citizens before they go to the Gulf for work, while some countries try to limit their citizens' immigration when they are concerned about potential violations of rights. For example, Indonesia banned their female workers from working in the domestic sector in the Gulf, and the Philippines did the same in Kuwait ("Kuwait expels Philippines ambassador over domestic workers dispute," 2018; Varagur, 2017). Furthermore the migrant countries do try to protect their citizens after they had migrated to the Gulf by offering shelter to runaway workers or those subjected to ill-treatment by their employers.

Nonetheless, migrant-sending countries such as the Philippines, Nepal, India, Indonesia, and Pakistan are limited in what they can do for their citizens. Preventing migration to the Gulf is not always the best solution. It creates even more vulnerabilities since people then choose to pursue illegal immigration and then are

not on the radar of their countries, which endangers them even more. Also, while the citizens of sending countries need the jobs in the Gulf, the governments also direly need remittances from migration. In countries such as India, Pakistan, Philippines, and others, remittances from expatriates are vital sources for the governments and remittances are mechanisms for poverty alleviation. Therefore, while migrant-sending countries are thinking about the well-being and rights of their citizens in the Gulf, they have limited options, and the Gulf is famous for viewing labor-sending countries' concerns and efforts as intervening in their interior affairs, so what the labor-sending countries can do is limited.

1.2. Kafala System

One of the widely discussed issues concerning migration to the Gulf is the minimal mobility of expatriates, and the primary reason for this is the *kafala* system. This system requires an explanation, since it affects many migrants in various ways. The *kafala* system is the sponsorship system in the Gulf. In countries that do not allow for a free labor market, the *kafala* system creates a contract-based, limited-mobility market. In this system, people who want to come to the Gulf for work have to find sponsors by themselves or via some labor agencies. Then, when the sponsor and the potential employee reach a deal, the potential employee can get a work visa and residence permit. Contracts are limited to a number of years, but in some cases, if both parties agree to it, there could be open-ended ones.

In the *kafala* system, generally, the sponsors (*kafeels*) are also employers, and this creates some significant injustices. The *kafala* system gives extensive rights to the sponsors over the employees. Sponsors hold the right to terminate the contract when there is a problem with the employee. But the employee cannot simply leave the job, as he/she must fulfill the contract or faces severe fines. Also, when an employee is abused in some way and wants to press charges against his/her employer, the employer can abruptly cancel the contract and make the employee get deported. Another general practice that sponsors do is to withhold passports. While this practice never had any legal basis and now is explicitly forbidden in many Gulf countries, sponsors nevertheless often withhold their employees' passports, and this

leads to a vulnerable situation. The reason for this practice is to prevent expatriates from running away. However, when workers leave their passports with their employers, the employers then have immense power over their employees, since the employers could prevent not only their running away but also any other mobility that the employee may have such as going on a vacation or freely leaving when the contract ends.

Gulf countries do not have a free labor market, and the sponsorship system is the way they meet their labor needs. However, because of the vulnerabilities it creates for expatriates, it is not a just system. In this system there is a clear hierarchy and it benefits the employers way more than the employees. Also, the lack of a free labor market could harm the Gulf countries in the long term. Kafala System stifles the labor market, because of the existing contracts, expatriates cannot leave their jobs even if they find jobs that suit them better. This system also hurts companies since the labor market cannot be used in its full potential and companies sometimes have to confine themselves to less than perfect employees, since they cannot transfer the better ones because of the existing contracts.

In recent years there have been developments regarding the *Kafala System*. In Bahrain, for example, *Kafala* was repealed. And in Qatar, a *Kafala*-related activity, the exit permit, was abolished, so now expatriates can return to their countries when their contracts end without the permission of their employer. But while Gulf Cooperation Council (GCC) countries individually promised to reform the system, the change is slow, and to date only Bahrain has succeeded. Many academics underline the *Kafala System* as the core problem with labor migration in the Gulf. It is true that many problems stem from the immobility of the workers and employers' extensive rights over them in the eyes of the state. Nonetheless, in this thesis, I will argue that the *Kafala* is not the main problem, but the closed and exclusionist policies that necessitates the *Kafala* system are the main reason for the problems and inequalities in labor migration in the Gulf.

1.3. Labor Market Nationalization Efforts in the Gulf

In the 2000s, a new discussion started about migration to the Gulf. While the roots of these discussions date back further, prior to the 2000s migration was never seen as a “problem” for the Gulf countries. It was something that could be controlled easily, and government benefits made sure that the national population never needed the private sector jobs in the labor market. But with a massive increase in that national population, unemployment started to become a problem, especially in more populous GCC countries. Increasing unemployment opened up the discussion of nationalization of the labor markets, and these efforts took the names of Saudization, Emiritization, and Omanization. These were the first efforts to create private sector jobs for their citizens. Until that point, the citizens in these countries were happy with the public sector jobs that were granted to them by the government. However, with the population increase governments could not create more public sector jobs, and this forced them to turn to the private sector. However, as will be explained later, these nationalization schemes have mostly failed.

The stages of rapid infrastructural development in the Gulf has been slowed down, there are still big construction projects but these are mostly ‘prestigious projects’ that are for diversifying the economy rather than setting up a brand new infrastructure. Currently, the Gulf States are more modernized and urbanized than they were founded and states are more populous. With the diversification efforts all Gulf States had to go through, they now pursue other ways to develop their economies, but this still requires migrants. Therefore, even in the face of labor market nationalization efforts, the number of expatriates coming to the Gulf increases almost every year, and this trend shows no sign of coming to an end.

1.4. Methodology

The scope of this thesis comprises of six GCC countries, and recent trends in labor migration in the Gulf. So, there will be parts that explain how the labor migration regime in the Gulf came to be, however, the emphasis, statistics, and examples will be mostly from the post-2000s and especially post-2010s. This limitation is necessary

because I will be studying six countries and a greater time frame would be too broad to cover here.

I used the existing data on Gulf countries to draw a clearer picture. Demography and work statistics kept in the Gulf show the sectoral imbalances, gender differences and countries of origin and how they changed throughout the years. From these existing data, it is possible to reach some general conclusions about the labor migration regime in the Gulf. However, by itself, the numbers do not say much about the situation and life conditions of workers in the Gulf which is one of the main concerns of this thesis. To get a more nuanced view of the situation and practices of the migration numbers are not enough and we need actual stories from migrants and other reports.

In order to gather more detailed information about the labor migration regime in the Gulf I used content analysis in the second chapter. News articles and non-governmental organizations' reports provided valuable information about the characteristics of the labor migration regime in the Gulf. In various news stories and reports note many similar issues about labor migration in the Gulf, and this created a framework that I use to investigate Labor migration regime's underlying reasons in the third chapter.

In the third chapter I use cross section evaluation to test my initial hypothesis, which argued that rentier state development and the demographics of the Gulf countries are the reasons for the specific labor migration regime in the Gulf. To do this I will analyze the country cases where similar initial conditions do not lead to the similar outcomes and country cases where the same outcome is created through different initial conditions. For this reason I limited my research to 6 GCC countries and although giving examples from other timeframes, I focused on post-2000s. I argue that those 6 countries have similar labor migration regimes and to determine the reasons for that I identified some common characteristics to GCC countries that might explain the labor migration regime. In result of this I reach the conclusion that similar political economies and demographics are the main reason for the labor migration in the Gulf,

however, by themselves they do not explain the human and labor right violations and other countries in the world who have similar demographics and political economies, such as, Venezuela, does not have the same migration regime. So, the exclusionist tribal culture here is an intermediary variable that explains some important characteristics of the labor migration regime. There is not enough evidence for Wahhabi religious tradition and colonial past to be reasons for the migration regime while they may be influencing some cultural and societal responses.



CHAPTER 2

CHARACTERISTICS AND THE ANALYSIS OF THE MIGRATION SYSTEM

In this chapter, I will talk about the main characteristics and features of the migration regime in the Arab Gulf. In order to do that I will discuss the common practices such as *Kafala*, debt bondage, the lack of information given to migrants about the job or income, abuse, poor working and living conditions, unjust practices for migrants, having lesser rights than citizens, and lack of prospects for citizenship regarding migration in the GCC countries. Also, I will give examples to them from media and non-governmental organizations' reports and will discuss labor laws of the GCC countries. Also, for an overview of the legal capabilities of the expatriates, I will look at the labor laws of the GCC states and try to figure out in which areas they have fewer rights than the citizens of those countries and which laws may be deemed insufficient in term of the criteria that ILO determines for states. Therefore, this chapter will explicate the fundamental characteristics of the labor migration regime in the Gulf and in the next chapter I will find out what explains this specific migration regime.

Migration in the Gulf has some specific characteristics that separate the region from other parts of the world. While I mentioned the *Kafala System* in the introduction as the most prominent distinguishing feature of the migration in the Gulf, there are others worth mentioning. Some are connected to *Kafala* system and others are not connected to *Kafala* but constitute human rights violations. Other countries also have human rights violations against migrants; nonetheless, the violations in the Gulf are more specific and they happen in each of the GCC country so an explanation is needed for it.

Before discussing the characteristics of the migration regime, I would like to talk about the population statistics of the GCC states in order to understand how significant a phenomenon migration is in there. If we exclude the forced migration or countries close to the proximity of significant conflicts such as Lebanon or Jordan,

Gulf States have been one of the biggest immigration destinations in the world. While the migrant circulation is very fast, there are, nonetheless, many expatriates who settle down in the Gulf with their families. These huge migration flows skew the population statistics. In countries such as Qatar and the UAE, citizens are an absolute minority compared to expatriates and they may very well be a minority against some ethnic groups such as Indians or Pakistanis. Therefore, it is not a normal situation for migrants in those countries; we talk about a majority of expatriates working at almost every possible jobs in those countries while having minimum rights, and almost no prospect of being a citizen. This skewed population statistics also cause different problems in the long term.

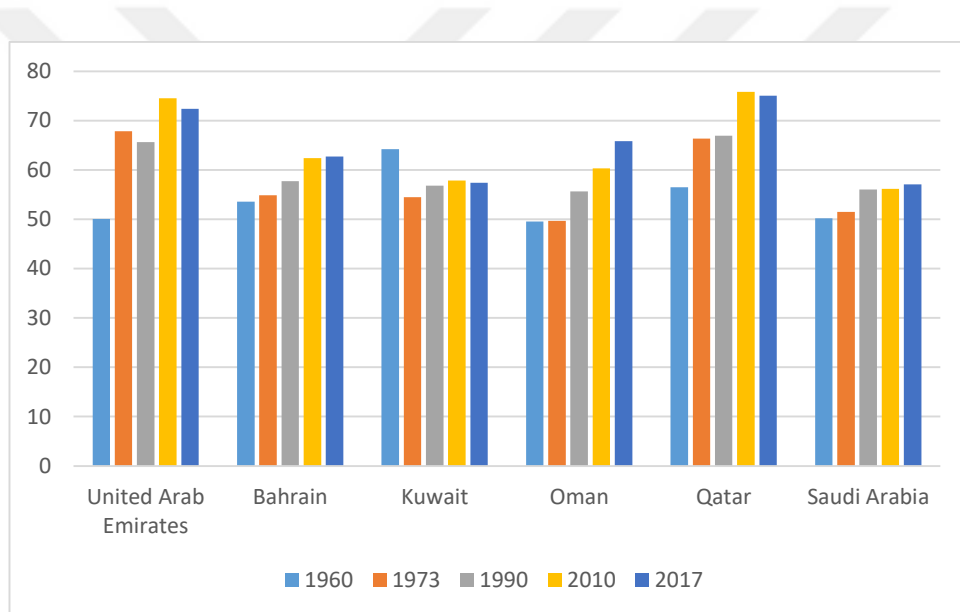


Figure 2.1. Percent Population of Males in GCC States

Note: Figures are taken from World Bank Open Data, retrieved from <https://data.worldbank.org/indicator/SP.POP.TOTL.MA.ZS?locations=QA-SA-KW-OM-BH-AE>

People from both genders migrate to the Gulf and currently there is an increased demand for female workers. However, even with the current trend, male migrants far exceed their female counterparts. As we can see in Table 1, the overall percentage of males in GCC countries show an unbalanced population regarding gender. While except Kuwait, all countries were more or less balanced in terms of gender in 1960,

the trend goes in favor of males throughout the years.² The most striking differences are in the UAE and Qatar which the male population ratio reaches as much as 75%, and this is for all age groups, if one looks at the 18-65 age range, for example, the results may be even more extreme. So, throughout the years, it is evident that a significant migration flows took place and this mostly consisted of males. Even though the actual numbers and trends are different in each country, it is still demonstrating an essential imbalance in all of the GCC countries.

An even more critical piece of data is the comparison of the population of citizens vs. the population of non-citizens. I use non-citizens rather than migrants since GCC states do not give citizenship not only to the migrants, but also to people that were born on their soil with migrant parents, or even to people whose fathers are migrants and mothers are citizens. Still, the citizen vs. non-citizen comparison is the best way to determine how the migration works in GCC countries. However, not all GCC countries provide very accurate statistics so that I will demonstrate statistics from the censuses, and when they are not available, I will try to find other indicators and estimates from international organizations in order to reach accurate information about the demographics of GCC states.

For example, in Kuwait, the population records are thoroughly kept. When we look at their census results throughout the years, we can see the change of the population, how much of it is citizens and how much is non-citizens, also, labor force statistics are given, and we can see who works in what sector. According to the statistics, in the first census of 1975, the citizen vs. non-citizen ratio was 30.9 to 69.1, and in the result of 2011 census, the ratio of citizens is 35.6% to 54.4% of non-citizens. So, while in Kuwait's case the overall migrant ratio has decreased, there is still a significant imbalance between Kuwaitis and non-Kuwaitis, and this is in part because of the specific population policy of Kuwait, rather than the slowing down of the migration.

² I chose the years of 1973 and 1990 since these are important dates in the region, because of the oil crisis and then the Gulf War. 2010 is for the continuation and because it is after an important economic crisis in the world, and 2017 was the most recent date. All data have been acquired from the World Bank statistics.

The change in the ratio is probably the result of high birth rates and more importantly the decision of accepting the Bedouins as citizens, which was not the case in 1975.

Table 2.1. 1975 and 2011 Census Results in Kuwait

| Census Years | Nationalities | Total % | Female | Male | Total population | Female | Male |
|--------------|---------------|---------|--------|------|------------------|-----------|-----------|
| 1975 | Kuwaiti | 30.9 | 15.5 | 15.4 | 307,755 | 154,745 | 153,010 |
| | Non-Kuwaiti | 69.1 | 29.8 | 39.3 | 687,082 | 296,324 | 390,758 |
| | Total | 100 | 45.3 | 54.7 | 994,837 | 451,069 | 543,768 |
| 2011 | Kuwaiti | 35.6 | 17.9 | 17.6 | 1,089,969 | 549,009 | 540,960 |
| | Non-Kuwaiti | 64.4 | 25.4 | 39.1 | 1,975,881 | 778,469 | 1,197,412 |
| | total | 100 | 43.3 | 56.7 | 3,065,850 | 1,327,478 | 1,738,372 |

Note: Statistics are taken from Central Statistical Bureau of Kuwait.

Other relevant data is the labor force statistics. Labor force essentially means the number of people who are in their active ages, which usually is between 15 and 65, and either working in a job or seeking employment. Labor force capacity is an essential indicator for the economy of a particular country, as when the population is high and if the labor force is small, then the productive capacity of that country would be also likely to be small. When we look at the labor force of Kuwait, we observe that non-Kuwaitis comprise more than 70% of the labor force. This percentage climbs up to 80% in male non-Kuwaitis (Central Statistical Bureau of Kuwait, 2015). So, not only there are many migrants, but these migrants also carry out most of the economic activities. Also, the sectors they work at are central to economic activities. Half of all migrants work in the private sector and a quarter of them work in the domestic sector. Comparing this to Kuwaitis, out of 350 thousand people in the labor force, 200 thousand of them work in the governmental sector; while much fewer non-Kuwaitis work within the governmental sector. Thus, the ranks that the Kuwaitis actually fill within the labor sector is not mainly in productive sectors and along with the fact that in GCC countries government jobs are a way to provide employment to unemployed citizens, these citizens in the government sector mostly are not very productive, and their efficiency is also low. Therefore, in Kuwait's case, we see that the expatriates are the backbone of the economy and looking at

the trends throughout the years, it would be difficult for Kuwait to send migrants home or change the structure of its economy from migrant-driven to citizen-driven, at least in the short term.

Kuwait, in regards to population and revenue from oil and gas, is in the middle of the pack of GCC states. Oman and Bahrain's oil and gas revenue are much smaller, and Bahrain and Qatar's population is also much smaller than Kuwait. In both respects, the UAE and Saudi Arabia are more prominent and more affluent states. Therefore, while Kuwait is a good example for demonstrating the labor trends in the region concerning wealth and population, one has to look at different examples in order to see a complete picture.

Bahrain is the least populous nation and regarding GDP, it is the least prosperous state in the GCC. They do not have impressive oil and gas revenues, unlike many other GCC countries. As an example, the combined oil and gas rents ratio to GDP in 2016 was less than 5 percent. However, with regards to migration, we have a similar picture in Bahrain. According to 'Bahrain in Figures,' a government-published booklet, there are 665,000 Bahrainis in the country, compared to 759,000 non-Bahrainis (Bahrain Open Data Portal, 2017). Also according to the available data from 2011, there were 138,000 Bahrainis and 448,000 non-Bahrainis in employment.

Oman, as a medium-sized country in the GCC, has differing demographics than most of the other GCC countries. Its population is more than four million, and it has more citizens than expatriates. However, while the citizens outnumber expatriates, this tendency has changed in recent years. According to the official state and IMF's data, the ratio of citizens in Oman was much more in the 1980s than today. There is a gradual increase in both the number and the ratio of expatriates. Its labor force is also very much dependent on expatriates. Expatriates, here again, comprise the majority of the private sector.

Table 2.2. Population of Oman (in thousands)

| Descriptor | 1985 | 2004 | 2010 | 2017 |
|------------------|------|------|------|------|
| Total Population | 1416 | 2416 | 2773 | 4639 |
| Omani | 1102 | 1803 | 1957 | 2547 |
| Expatriate | 314 | 613 | 816 | 2092 |

Note: Statistics are taken from Gulf Research Center, retrieved from <https://gulfmigration.org/oman-population-by-nationality-omani-non-omani-1985-2013-mid-year-estimates/>

In Table 2, we can see that the population has tripled from 1985 to 2017. In these years while the number of citizens doubled, the number of expatriates has been increased more than sixfold. Moreover, we can see that the most significant increase happened after 2010. Indicators of this table were general population statistics. When we look at the labor force in Table 3, we see a similar story. Since there was no data for the number of workers in 1985, and the noteworthy changes occurred after the 2000s, the data of 1985 were not included. Again, comparing to other cases I covered so far, there is a similar story of the labor force in Oman. While the number of citizens is more than the expatriates, regarding the number of total workers, expatriates surpass the citizens in all of the years I covered.

Moreover, while in the latest years the number of citizens has been increasing, the majority of the private sector has always been the expatriates. Also, the ratio of expatriates in the private sector has been increasing, according to these numbers it was 83 percent in 2004, but it climbed to 88 percent in 2017. These numbers are registered while there is a nationalization attempt in the country. The nationalization of economies will be discussed later in this chapter. However, it is surprising that during the time the GCC states are trying to decrease the number of expatriates, their numbers in many of them are stronger than ever. What is also intriguing is that Oman is one of the most successful countries in the Gulf in terms of nationalization, but it seems that some sectors have been left untouched and this still leads to more migrant flows

Table 2.3. Labor Force Statistics in Oman

| Descriptor | 2004 | 2010 | 2017 |
|-------------------|---------|-----------|-----------|
| Total Workers | 637,943 | 1,297,328 | 2,266,440 |
| Omani | 190,726 | 318,086 | 434,368 |
| Expatriate | 447,217 | 979,242 | 1,832,072 |
| Government Sector | 126,560 | 163,982 | 232,063 |
| Omani | 103,662 | 140,370 | 195,680 |
| Expatriate | 22,898 | 23,612 | 36,383 |
| Private Sector | 511,383 | 1,133,346 | 2,034,377 |
| Omani | 87,064 | 177,716 | 238,688 |
| Expatriate | 424,319 | 955,630 | 1,795,689 |

Note: Statistics are taken from National Centre for Statistics and Information of Sultanate of Oman, retrieved from <https://apps1.ncsi.gov.om/nsdp/?1=131321>.

The countries I discussed so far are small in terms of population but have more stable populations. When we come to Qatar and the UAE, however, what we see are very unbalanced populations. Those countries are dependent on oil and natural gas revenues and from the very start supported expatriate populations, which only accelerated over time. Moreover, in those cases, not only the labor force is expatriate-dependent but also in the actual population there is a majority of migrants. There is no information about the total number of expatriates in Qatar, however, according to some credible sources, the ratio of expatriates to the total population is estimated to be around 88 percent (“Qatar Population and Expat Nationalities,” 2019). More interestingly, inside this expatriate population, some ethnic groups have more people than the actual Qataris. So, not only Qataris are a minority in their own country, but they are also a minority against some ethnicities like Indians and Nepalese (Snoj, 2017). While the information about the total population cannot be found in formal statistics, according to the labor force statistics kept by the Qatari Ministry of Development, expatriates also comprise 88 percent of the labor force in 2017 (Qatar Ministry of Development Planning and Statistics, 2018). These statistics show the most significant imbalance I have touched upon in this

section so far. In Qatar, expatriates are not only the driving force of economics but also they constitute the majority in the population.

The UAE is a state that comprises of six emirates, and their surveying activities are different from each other. The latest national survey was in 2005, so in order to find a more current number, we have to rely on different institutions' findings like the UN and World Bank. At the end of 2010, migrants comprised at 88 percent of the population (Government.ae, 2018). Estimates for 2017 and 2018 were similar, and the ratio of expatriates to the total population is still 88% out of 9.7 million people (Central Intelligence Agency, 2018). In the UAE, like Qatar, nationals are a minority against some ethnicities. In the UAE, the numbers of Indians and Pakistanis are more than the number of Emiratis. When we look at the official records in the UAE, there are two significant institutions dealing with the surveying of their emirates: Dubai Statistics Center (DSC) and the Statistic Center Abu Dhabi (SCAD). Now I will look at some of their data to see if it is consistent with the general information about the UAE.

Table 2.4. Number of Population Estimated by Nationality – Emirate of Dubai

| Nationality | 2015 | 2016 | 2017 |
|-------------|-----------|-----------|-----------|
| Emirati | 222,875 | 233,430 | 245,200 |
| Non-Emirati | 2,223,800 | 2,465,170 | 2,731,255 |
| Total | 2,446,675 | 2,698,600 | 2,976,455 |

Note: Reprinted from Dubai Statistics Center, Number of Population Estimated by Nationality (2017), retrieved from https://www.dsc.gov.ae/Report/DSC_SYB_2017_01%20_%2003.pdf.

Looking at Table 4, the findings of the DSC is consistent with the findings about the UAE as a whole. Also according to the Labor Force Survey of 2017, 85 percent of the labor force consists of expatriates (Dubai Statistics Center, 2017). Also, in Table 5, through the interpretation of the statistics, we can see that expatriates comprise 89-92 percent of the labor force in Abu Dhabi from 1995 to 2011. Furthermore, while the current date is not in the graph, we can assume that the situation has not changed

much and the numbers are still similar today. In addition, the massive leap in the number of expatriates that we observe through the more recent years can also be observed in Abu Dhabi, between the years of 2005 and 2011 the number of expatriates almost doubled. Therefore, in the UAE, both in general statistics and surveys of the biggest emirates of Abu Dhabi and Dubai, we can observe tendencies about migration and expatriates.

Table 2.5. Labor Force by Economically Active Population in Census Years in the UAE

| Indicator | 1995 | 2001 | 2005 | 2011 |
|-------------------|---------|---------|---------|-----------|
| Total Labor Force | 532,881 | 676,547 | 815,311 | 1,443,700 |
| Citizens | 43,183 | 71,651 | 85,838 | 132,000 |
| Non-Citizens | 489,698 | 604,896 | 729,473 | 1,311,800 |

Note: Reprinted from Statistics Center Abu Dhabi, Statistical Yearbook – Labor Force Structure (2017), retrieved from <https://www.scad.gov.abudhabi/Release%20Documents/Statistical%20Yearbook%20-%20Labour%20Force%20Structure%20-%20EN.pdf>.

At last, there is Saudi Arabia. It is the biggest state in the GCC with respect to population, total GDP and the surface area. Therefore, it is essential as to whether we will see any differences regarding the labor profile and statistics as Saudi Arabia has a critical position between two seas and is a religious center. Also, considering the vastness of its territory, it is only natural for Saudi Arabia to be the most populous Gulf country. However, even though it is populous and its GDP per capita is lower than countries like the UAE and Qatar, it still hosts a significant expatriate population. They are so many that the total of the expatriates in the rest of the GCC states is close to the number of expatriates in Saudi Arabia. In addition, as can be seen in Table 6, the number of expatriates rises rapidly. In just 12 years the number of expatriates rose by four million, and now it is more than the 35 percent of the total population. Hence we can deduce that while the situation is not as extreme as the UAE or Qatar, Saudi Arabia still hosts a strong population and creates many jobs for expatriates.

Table 2.6. Number of Population Estimated by Nationality in Saudi Arabia

| Nationality | 2004 | 2010 | 2016 |
|-------------|------------|------------|------------|
| Saudi | 16,527,340 | 18,707,576 | 20,081,582 |
| Non-Saudi | 6,150,922 | 8,429,401 | 11,705,998 |
| Total | 22,678,262 | 27,136,977 | 31,787,580 |

Note: Statistics are taken from General Authority for Statistics of Kingdom of Saudi Arabia, retrieved from <https://www.stats.gov.sa/en>.

2.1. Characteristics of the Migration Regimes in the Gulf

The above-mentioned data show that the number of expatriates in the Gulf. The way they dominate the labor force and the private sector is unique to the Gulf, such that, even the usual labor-welcoming states like Canada, the U.S. or Australia do not reach migrant ratios that can be seen in the Gulf. In addition, there are certain characteristics of the migration that occur in every GCC state, but not necessarily found in any other place as a whole. In this section, I will describe and discuss those characteristics.

One of the most significant characteristics is the *Kafala System* which is a sponsorship agreement between the employer and the employee. A potential foreign worker can only come to one of the Gulf countries if someone becomes his/her sponsor. This sponsorship creates an imbalance between the employer and the employee since the employer has extensive rights over the employee. Also, *Kafala* limits the mobility of the foreign workers and ties them to their sponsors. I argue that the *Kafala System* is not the underlying cause of all the problems regarding the migration regime in the Gulf, yet, it is an important phenomenon whose abuse lead to broader issues of exploitation.

Another characteristic of the migration regime in the Gulf is the human rights violations towards migrants. This issue has received an international outcry from the mainstream media in recent years. There are many different issues and types of labor rights and human rights violations. In this section I will also identify and describe them.

The first important issue is debt bondage. As a phenomenon, it does not only happen in the Gulf. However, it is rampant in there (Sönmez et al., 2011). This issue generally starts even before the migrant worker sets foot in one of the GCC countries. Generally, in all of the labor laws of the GCC countries, it is clearly stated that the employer has to pay for the visa and residence permit and transportation costs of the employee. However, in reality, things seldom work that way and potential employees end up paying a lot of money to work in one of the GCC countries. Many employees cover their own costs of travel, they pay their own agencies and pay for their residence permits and visas. In order to cover these expensive costs, they usually borrow from their families and local money lenders, or they sell their land, house or livestock. The result of this, an employee that goes to the Gulf is an already indebted person, so there is additional pressure for paying this debt. This pressure leads to a situation where the indebted employee cannot leave their work even if there are problems with it, or even when an employer abuses the employee in the work environment. Also, because of this debt bondage some foreign workers cannot send money to their families or save it right away, so the time they have to work as a foreign worker elongates. In some cases, workers have to pay some costs annually, so it becomes challenging for them to escape from this debt bondage.

Another issue with migration is that there is a lack of information given to the immigrants. Lack of information is again, an issue that the immigrants generally come across before they go to their destination countries. Agencies and the employers give out different information about the conditions that the migrant workers will work in, before and after the employee comes to the Gulf, and sometimes they lie about the salary or the kind of job that the migrant workers will do. As a result, expatriates come upon very different circumstances that they were promised upon and this could prove a disappointment for them. Likewise, the language barrier is a cause for the lack of information. In the GCC countries, Arabic versions of formal documents such as labor contracts are valid in the courts, despite many of the foreign workers do not speak or understand Arabic. For this reason, when they sign Arabic documents, foreign workers may agree to conditions that they had no prior knowledge about and in disputes could be entirely at a disadvantage. In summary, while the lack of

information about the migration process generates inside their home countries, it is a chronic problem that affects the lives of migrants considerably. As it will be mentioned later in this chapter, labor laws of the GCC states maintain that labor contracts could be made in different languages, but they reinforce that, officially, the Arabic document is valid when there is a dispute. Thus, even if the intent is probably not to hurt migrants, the lack of requirement for informing migrants sufficiently in labor contracts leads to different kinds of abuse.

Poor working and living condition for expatriates is one of the most outwardly visible characteristics of the migration in the Gulf countries. Scandals about the living conditions of the construction workers in highly prestigious projects such as UAE's Saadiyat Island and Qatar's World Cup preparations led to an outcry in the international media. However, the problem still persists. Many expatriates who work in the construction sector or in any other unskilled job that pays little usually have to live in distant dormitories or tiny, crowded apartments. In some cases the workers do not have hygienic conditions, they have infestations of bugs or mice in labor camps, there is a lack of leisurely activities, and lack of infrastructure. One other vulnerable group in this situation is domestic workers. Domestic workers such as maids, cooks, and nannies mostly live where they work, amongst the family. However, domestic work in the Gulf is not respected at all, and domestic workers are not even included in the labor laws of the country. For these reasons, some domestic workers work excessive hours, they do not have their own rooms in the house or have to sleep in some common areas like the kitchen or the laundry room, and they have trouble getting enough food or sleep. For example, according to an in-depth news story from *Al Jazeera*, Vietnamese female domestic workers were forced to work up to 16 hours a day, with only one meal a day. One such worker, Pham Thi Dao, states that "We didn't ask for much, just no starvation, no beatings, and three meals per day. If we had that, we would not have begged for rescue." The minimum of humane conditions are denied to them and since they have little contact with the outside world, they cannot make themselves heard (Duong, 2018). In another example, a domestic worker fell from a window, trying to escape her abusive employer ("Ethiopian maid," 2017). As can be seen from these examples, female domestic

workers are very vulnerable to physical, verbal, and sexual abuse since they are usually confined to one space, and it is difficult for them to contact their embassies or police. The poor living conditions have been the subject of many international reports and news stories and later in this chapter I will give examples from the media as to how expatriates live with these difficult conditions in their host countries in the Gulf.

The last characteristic of the migration in the Gulf that I will discuss is the unjust practices for the migrants. Of course, other ones such as the poor living conditions or lack of information because of the language barrier could also be examples of unjust practices. After all, the point of this thesis is to find out why such inequality and abuse towards the migrants exist. However, we can also talk about specific practices that explicitly discriminate against the migrants, and there is a visible hierarchy between the migrants and citizens and even among migrants from different countries, occupations, and genders.

One of the essential unjust practices regarding work and labor is the fact that expatriates cannot be members of the labor unions. Labor unions in the Gulf are weak and developed later than other developed countries, so their power is still limited. In addition to this, the expatriates who actually carry the burden of the private sector and thus need the regulations and bargaining rights are the most are deprived of it. They also have to pay some taxes or pay for utilities that the citizens are normally exempt from. Another concern is that the expatriates face discrimination in the society. Some of them cannot go to the marketplaces (*souks*) that citizens usually go and shop. There is also an unofficial dress code, and some clothes such as *abayas* for women and *jilbabs* for men are for the use of citizens only. While lately citizens also prefer other, more Western style dresses and clothings, this unofficial dress code still separates the citizens and the expatriates. This issue will be addressed in detail in the third chapter, however, it suffices to say that through unequal treatments, unofficial codes in the society, and unequal laws and responsibilities cause a rift in the society between the citizens and the migrants. Moreover this adds as evidence to the fact that almost all of the expatriates can never be citizens of the Gulf countries.

Different kinds of violence are an important problem regarding the migration to the Gulf. Mostly female domestic workers have to endure that given their heightened vulnerability and confining within a particular space that the law enforcement usually does not have access to. Many workers are beaten, tortured, raped, or even killed in the Gulf by their employers. In this section while exemplifying abuse in different Gulf countries, I cited some news items from the media, however, these are only the tip of the iceberg. Through different channels many women, and men in some cases, reveal that they had to endure verbal, sexual, or physical violence.

Citizenship issue brings us to our last characteristic. Citizenship in the Gulf is not something that can be earned through hard work, or staying and working in the same country through years or even generations. There are many people in the Gulf countries that are born, educated, and employed in the Gulf, yet not citizen. Difficulty of attaining citizenship is a characteristic even before the mass migration started in the region, and we see that some states were not willing to give citizenship to their Bedouin populations let alone the migrants. However, we may speculate that the mass migration after the discovery of oil and the rapid development in the region could reinforce the principle of not giving citizenship to foreigners. After all, as demonstrated before, many of the Gulf states are underpopulated, and in some of them migrants outnumber the citizens. Hence, easily giving out citizenship could lead to the eradication of home country's culture and lifestyles and in monarchical kingdoms of the Gulf, this could also lead to political turmoil if citizenship and passports are handed out to expatriates. These are reasonably sound arguments, but it does not change the fact that expatriates who decide to stay and form a family in the Gulf are hurt in the long term. Some do not have an affinity to their home countries after staying in the Gulf so many years and prefer to stay in the Gulf, however, since they cannot get citizenship and many Gulf states do not even give residency that easily, they have to leave the country despite spending most of their lives there.

To this point I demonstrated the data concerning the labor migration in the Gulf and I talked about the common characteristics of this migration. Now I will provide some

evidence of these characteristics by highlighting examples from the media and international reports from non-governmental institutions. Also, I will compare the labor laws of the Gulf and try to find the loopholes within the labor laws that create injustice and how they affect the expatriates' lives.

2.2. Analysis of Media Sources

The situation regarding the migrant workers in the Gulf is documented in various media platforms and international non-profit organizations, even though there is censorship in the Gulf media and efforts spent from preventing the spread of news from international organizations. Since there are not many platforms which document the abuses legally, the news is critical in this respect for informing the people of the Gulf and the world about the ongoing widespread abuse.

Because there is a lack of legal documentation, in my thesis, I will use the news from the media and the research and reports from international organizations to show the exploitation of migrant workers in the Gulf. Even though this will not give the readers an exact number, it will show the scope of the abuse, and how much it is normalized throughout the region.

The need for migrant labor in the Gulf and the relevant statistics were shown previously in this chapter. The Gulf States maintain the records of migrant labors with relative success. While some of the findings clearly show the number and occupation of the legal migrant labors, some of them do not separate those statistics. Still, even with the properly kept data, we only see the number of expatriates and how much of the labor force they constitute in those countries; we do not see the specific practices or the failure within the system or how it affects the migrants.

In this respect, reports on the issue of migration in the Gulf or individual news stories are important for understanding the conditions in those countries. In the remainder of this chapter, I will try to show news stories from each of the GCC countries and show the problem of abuse in their migration systems. Even though the abuse towards migrant labor is in every GCC country, some of them lead the way in the statistics and reports and news. In that respect, the cases I will be showing will be

proportionate to the general exploitation in that country. Therefore, for example, I will cover exploitation in Qatar or in the UAE much more than, for instance, Oman or Bahrain since in the former countries the migrant to citizen ratio is very high and they are carrying out ambitious projects which require many expatriates. The latter examples also contain abuse towards migrants, but since those countries are less dependent on migrant labor, it could be more difficult to find news stories.

For instance, the construction projects for the 2022 World Cup in Qatar were a major point of criticism for the migration system. In the same vein, mega-projects in the Saadiyat Island or Burj Khalifa in the UAE were also criticized by foreign media and human rights groups. Those incidents also led the way to more criticism about the labor migration regimes of the GCC countries and *Kafala System*. So, media coverage is considerably vital to show the world what was going on in those states. Media coverage and reactions to it also caused some reforms in the Gulf countries, such as the abolition in exit permit in Qatar and promising to abolish or reform *Kafala* or Abu Dhabi's agreement for independent monitoring in the Saadiyat Island. Even though it is debatable how much of those reforms are successful, it is crucial that they even got a reaction at all.

When looking at the news, the examples in different Gulf countries are surprisingly similar and clearly show that the migrant abuse such as delaying of wages, physical, sexual violence, getting migrant workers arrested or deported on false claims by employers, and poor working conditions and excessive work are not unique to a few countries, but it is a problem in all of them. Also, while the system is unjust to all migrants, because of the existence of *Kafala* and other biased laws against migrants, the cases that were presented in the media skewed toward the most vulnerable migrant groups, namely, construction workers and female domestic workers. Moreover, we can understand the different treatments towards different nationalities, since some of them are more frequent in the news, some sending countries are directly involved with the problems like India and the Philippines, but some of them, especially from Africa, cannot or will not be involved. These findings are compatible with what is in the hypothesis or what has been said in the literature.

Even though the system is problematic and needs change, vulnerabilities within the system vary according to one's nationality, education, gender, and job description.

As the majority of the news is about the domestic workers, we can understand the scope of the problem better. They are the one group that has the least rights and guarantees. As I mentioned in the legal analysis of the Gulf States, the labor laws of GCC countries do not include domestic workers in its scope, and apart from that, they have very little protection. This led to most abuse and exploitation as we will see in different examples in this chapter. Most of the women are beaten, starved, exploited verbally and sexually, and on top of that cannot get their wages. When they try to save themselves by escaping their abusive households, they become "runaway workers" and become criminals in the eyes of the state and its citizens. They are unjustly blamed when they want to complain to authorities and unfortunately in some cases when they cannot escape they are injured, tortured, killed, or they take their own lives.

Domestic workers are an invisible group, existing in the majority of the households in the Gulf, but deprived of many fundamental rights and human dignity most of the time. This invisible group only becomes visible when they become items for news or reports. Moreover, one can speculate that the ones we hear about are minuscule compared to what happens in general. Treatment of domestic workers, the majority of whom are women, may be the worst part of the labor migration system of the Gulf. And the system fails again when the women, and not the abusers are getting the blame and paying the price.

By the same token, workers in the construction sector have also been treated quite poorly. On paper they have rights, but in reality, we see that those rights are usually ignored and they are exploited during every step of the migration process, even before they entered into the Gulf. Construction workers generally have to pay recruitment fees to their agencies, which is normally illegal in labor laws and ideally their employers must pay, which ends up putting them into debt bondage. Therefore, they cannot leave their abusive work environments easily, due to them having to pay

their recruitment agencies and investing everything they have and with their families going into debt just to send their sons to work

As a result, the news found in the media is generally about these two groups. Moreover, although the news does not show all the instances, the given examples inside and outside of countries give us a pretty good estimate as to how exactly the migrants live and endure within GCC countries.

Now I will show specific examples from each GCC countries and show the similarities between the countries with respect to how they treat their workers or how much agency those workers seemingly have. In order to show that each country of the GCC has the same characteristics of the migration regime in the Gulf, I will go on a country basis, and at the end of the chapter, it will be apparent that even not in the same degree, all the countries in the GCC faces similar problems.

2.2.1. Qatar

Qatar is a very small country in the Gulf with one of the highest GDP per capita in the world. The wealth is mainly the result of abundant oil and natural gas resources. However, Qatar is trying to diversify its economy, and for that reason, they invest in many sectors inside and outside of their country. Also, they are trying to do their PR on a global scale, so we can see examples of sponsorship deals with famous football clubs, hosting some prestigious events in Qatar and having relatively more free press in the Middle East and owning prestigious news outlets such as *Al Jazeera* which carry on business in various countries.

One of these prestigious events is the World Cup, which Qatar will host in 2022. For this event, Qatar started to build not only stadiums but also infrastructure and hotels. Qatar already hosts more migrants than its citizens in the country, but with this project, they need a sizable number of construction workers and manual workers. They have been employing workers from countries like India, Sri Lanka, Nepal, and Bangladesh. These workers are working under very harsh conditions according to the reports from media and human rights organizations.

Amnesty, *The Guardian*, and *Al Jazeera* reported on the poor conditions that the migrants had faced (Al Jazeera English, 2007; Gibson, 2013). Against Qatar's labor law, workers had to work excessive hours often in the heat of the desert climate, live in crowded and unsanitary labor camps, and some of the workers do not get paid for months. Conditions have been so dire that many young and healthy workers died from heart attacks because of the heat and will continue to do so if necessary measures will not be taken (Booth, 2013; Pattison, 2013). These conditions and lack of measures clearly show apathy towards migrant workers in the country. Even though the officials claim that they have been taking measures and introducing laws and improvements in the law, the general situation indicates that those measures and improvements do not affect the migrant laborers' lives that much, and employers and agencies do not follow the rules and laws.

As an example, according to a news article, some firms who oversee the construction projects of a stadium do not obey the rule of not working between 11.30 a.m. and 3 p.m. designated by the Qatari government for the hottest time of the year. Also, expatriates still do not see many differences in their lives even after Qatar promised reform, and they complain about the low wages and still withholding of their passports. So even the change is promised it is slow and mostly invisible (Vohra, 2018).

Apart from the gravity of the situation for the migrants, this also constitutes a severe international legal problem for Qatar. These precarious conditions also reflect a slave-like situation and forced labor. According to the International Labor Organization (ILO) slavery and forced labor is illegal and the signatories of ILO's conventions should abide by those rules. Qatar, as a signatory, ideally should be a place that those practices do not exist. However forced labor do exist in Qatar and in some cases it is very close to slavery, because expatriates cannot get their salaries, so they work for free, even if they do not want to, they cannot give up working since their passports are confiscated and they do not have the option to leave because of the necessity of the exit permit.

Exit permit is a feature of the *Kafala System* only found in Qatar and Saudi Arabia and not in other GCC countries. When expatriates complete their contracts in Saudi Arabia and Qatar, they have to get an exit permit from their employers to legally leave the country. Exit permit makes expatriates' lives even more difficult since it is yet another obstacle for them to pass. However, this situation could gradually change at least in Qatar. After the criticism Qatar got for the treatment of the expatriates working in the 2022 World Cup projects, the Qatari government recently decided to abolish the exit permit system. This practice will not include domestic workers since they are not under the scope of the labor law, however, still, this is a significant step in the right direction (Ratcliffe, 2018).

More than ninety percent of Qatar's 2.5 million population consists of migrants and construction workers are only a part of the migrants, however since the 2022 World Cup is the hot topic and many violations of migrant rights are in this area, here I used the news related to this occasion. However, this does not mean that life is more comfortable for other migrants in the country. Other migrants, especially domestic workers still go through some severe labor rights violations, according to Amnesty's report, female domestic workers' basic rights are violated, although prohibited by law, their passports are confiscated by their employers, they had to endure long hours of work up to 100 hours a week, their freedom of movement is restricted and in not-so-isolated cases, they were abused verbally, sexually, and physically (Amnesty International, 2014). Moreover, having extramarital relations is illegal in the Qatar. However, when a domestic worker is sexually abused by her employer or family of the employer, she may be or generally is accused of having an extramarital affair with the ones who assaulted her. Some babies for example, conceived because of the sexual assault of their migrant mothers and the mothers and their babies are imprisoned (Falconer, 2014). This also deters people from going to the police. Although Qatar changed the domestic workers law, it is still not as extensive as the labor law, and while Qatar changed the exit permit system and made reforms to *Kafala*, they are still nowhere near the desired results for them in terms of providing safe and healthy conditions for migrant workers.

2.2.2. Saudi Arabia

Saudi Arabia is the most populous Gulf country, and they have smaller migrant ratio compared to Qatar and the UAE. However, in the private sector migrant labor constitutes the majority, more than any other Gulf country in terms of absolute numbers. Migrants consist of 11 million of 31 million population (General Authority for Statistics SA, 2017). This also brings about problems, since Saudi Arabia uses the same *Kafala System* as any country in the region. However one of the more distinctive qualities about Saudi Arabia and its migration system is how the legal system is used as a way to threaten and intimidate the migrants. Generally in the GCC countries, the abuses are associated with the *Kafala System* entirely, however especially in Saudi Arabia legal system itself is an instrument for abuse and control.

Saudi Arabia as other Gulf countries use Sharia law —the Islamic law interpreted and applied by religious authorities— and in Sharia law, there are severe punishments for crimes such as extramarital affairs, theft, and murder. The punishments include stoning, lashing, and execution. The aim of this thesis is not to criticize specific legal systems, but in this case to show that in the application of the legal system there is an inherent bias which is to the disadvantage of the migrant workers. For instance, the punishment for murder in Saudi Arabia is execution or paying blood money (*diya*) to the deceased's relatives if they agree. However in a scenario that the migrant kills an employer in case of self-defense the worker is generally punished with execution and the blood money is so high that they cannot realistically afford without the help of others (AsiaNews.it, 2015). So the fact that there is usually no difference in punishments between attempted murder and murder at the result of self-defense shows the vulnerabilities in the legal system. In that instant, an abused worker is between a rock and a hard place, since even he/she has no choice but to harm another person in self-defense, in the end, he/she might be sentenced to death without regarding the nuances in the situation.

When the family of the deceased accepts *diya* instead of insisting on the execution, the situation, unfortunately, is not very different as mentioned above. The migrant workers who work at meager salaries cannot realistically afford the blood money,

and the only possibility for release is that their government or an NGO would involve and help. In some cases where the money could not be gathered, migrants were indeed put to death as in the case of Zapanta. The 35-year-old Filipino man was beheaded for killing his employer – claiming it was self-defense - and not being able to pay its blood money of \$1 million. There was a campaign by his family and the Filipino government, but they only raised less than half the amount needed (AsiaNews.it, 2015). This shows that even the government of the expatriate involved, things did not change for the better. This instance is eye-opening as well since this means even when the governments want to protect their nationals in situations like this, they have only limited options.

Some governments did try to limit the migration in order to protect their citizens, however as they need migration to finance their economies, these are generally limited to a time-frame and not permanent (Quiano, 2011; Whiteman, 2015).

In some cases when the migrant wants to escape, even though he/she does not commit any crime such as murder, assault or robbery, they still can be punished only because of the crime of running away. In such a case Indian public infuriated over when they find out that a maid's hand chopped off when she tried to escape his abusive employer ("India angered over maid having hand cut off in Saudi Arabia," 2015).

Also even when the abused migrants did manage to get away, employers usually do not get any punishment, and the abused workers themselves had to leave the country penniless and unjustly. An example of that would be the repatriated women of Bangladesh. More than a hundred of them escaped from their employers who physically and sexually abused them and in some cases forced them for sex trafficking. Women waited for months and even for years to get back to Bangladesh and even then they are not wanted by their families over the stigma, while their abuses get on with their lives as if nothing happened (Ullah, 2018).

To sum up, in Saudi Arabia, the legal processes are used to intimidate and punish expatriates unjustly. Even in the situations where the expatriates are indeed guilty of

crimes they are accused of, the punishments are generally harsher for them since there is no difference between an intentional crime and a self-defense situation and when the issues can be dealt with a penalty, expatriates are not able to pay the penalty since it is hugely disproportionate to what they earn. Moreover, migrant-sending countries do not have many choices to prevent this since they are dependent on the remittances money and even if they ban migration for fear of the security of their citizens, it is not a long-term solution, and it has a risk of encouraging illegal migration. Therefore, it is not easy to tackle with migration and its problems in Saudi Arabia, because in order to solve the problems, not only the labor law but also the biases in the legal system should be scrutinized.

2.2.3. United Arab Emirates

UAE, similar to Qatar is a small and scarcely populated country in the Gulf. Migrants constitute the majority of its population, and while the latest census was in 2005 and current yearly predictions of the Statistics Authority do not give numbers by nationality, through World Bank and UN data, it is estimated that more than 85 percent of the population is migrants (Government.ae, 2018). UAE has oil wealth, but they, as with the other Gulf countries, want to diversify their state revenues and actually, UAE has led the way in this respect. Their best-known emirate, Dubai, has been a tourism hub for years and with extravagant spending and mega-projects, UAE aims to consolidate further its place as a post-oil economy which is focused on the service sector, tourism, and finance. This requires a significant manpower, and while the UAE is the most ambitious Gulf country to set up better conditions for workers through labor inspection programs and digitizing the labor hiring and salary payment processes, these efforts are not always visible in the field and employees in both government-led and private projects and households are still denied of their rights.

A big news story about the poor working conditions of migrant labors came from the project of Saadiyat Island in Abu Dhabi. The project was comprised of a campus of New York University and Louvres and Guggenheim museums. While the project aimed to bring PR and attract tourists and students to the UAE, the conditions of migrants work in the Saadiyat Island was very poor and it led to an outcry from NGOs

and foreign media. The Human Rights Watch (HRW) published reports about Saadiyat Island and how the migrants were treated there. According to the reports while officials were claiming everything was all right, many – former - employees do not agree with this and “some said their employers failed to pay their wages for months at a time, and that they faced arrest and summary deportation when they went on strike” (Human Rights Watch, 2015, p. 13).

After the publication of the report, HRW was banned from doing any more research in the facility. The UAE officials answered to some of the claims, saying the people who delayed the wages or withhold the passports were punished and fired, however, there is no evidence to it and also none of the workers are compensated for this, while strikes are still banned. Therefore, even if they claim some responsibility, this did not work in favor of migrants who are exploited at the time.

Even the independent firm the UAE hired for investigations confirms some of the labor rights violations. Pricewaterhouse Coopers (PwC) which the Tourism Development and Investment Company of the UAE hired finds some labor rights violations year by year. While they claim in the majority of areas there are no problems, such as in passport withholding, they do find some inconsistencies or some contractors not doing the right thing. Therefore, while the UAE takes some precautions in labor rights in general and specifically in their prestigious projects, the success rate may vary, and all migrants are not protected against violations.

The workers in the UAE are far from working in secure conditions. According to a news story, UAE paid 19.5 million dollars blood money in 2014 for just 40 Bangladeshi workers who perished in the country. The number could very well be higher since this only includes Bangladeshi citizens and many other nationalities work in the UAE (“UAE pays \$19.5 million in ‘blood money’ to Bangladeshis,” 2016).

Besides deaths and injuries, UAE falls short of protecting the expatriates in other areas as well. This is clearer in the household sector. As in the case of other GCC countries that this thesis focuses on, the UAE does not offer adequate protection to their domestic workers, majority of which is female migrants. For instance, one of

UAE's significant reforms in labor rights, the electronic wage protection system which makes sure that the employers will pay their employee's wages through electronic payment and thus, any delay or withholding wages will be registered and prevented or punished does not include workers in the household sector. Therefore, the wage security in the domestic sector is still dubious at best and is open to exploitation.

Human Rights Watch's 2014 report about the household workers in the UAE reveals a broad range of problems that the migrant workers have to go through. Similar to other countries I mentioned female domestic workers in the UAE have complained about confiscation of their passports, delayed or unpaid wages, physical, verbal, and sexual abuse, inadequate living conditions and excessive working hours. Some workers also employed in circumstances that amounted to forced labor or human trafficking (Human Rights Watch, 2014).

A big part of the problem is how the citizens perceive domestic workers. The hierarchy between citizens and migrant workers is even bigger when the migrant worker is female and doing manual domestic work. As referenced in the report, a UN special rapporteur points out that: "There is a misperception that domestic work is unskilled work or does not constitute work at all; just like women's unpaid work in the family is undervalued. The relationship between the domestic worker and employer is mistakenly perceived as status-based, with a superior master commanding an inferior servant, rather than a contractual arrangement between parties with mutual rights and obligations." (Human Rights Watch, 2014, p. 19). This phenomenon, combining with the fact that the punishments for the employers who do not obey laws are not adequate, results in serious agitations for domestic workers. Besides, as stated above, few options that domestic workers have are not enough to solve the problem and generally worsen the situation.

Domestic workers, when not treated humanely, generally run to their agencies or take refuge in their embassies. However, labor agencies are also a part of the problem. Usually, they either do not care about the problems of the workers or, even worse, they pressure the workers to return to their abusive employers since they do

not want to lose money from employers. Some agencies continue finding new employees for formerly abusive employers (Human Rights Watch, 2014). There is not a sufficient inspection to prevent such behavior.

On the other hand, when they take refuge in their embassies, their choices are limited. Embassies generally lack sufficient means to protect their citizens in the Gulf, including the UAE. So while some of them accept their citizens, finding shelters for them or sending them to their home is difficult. Also since accepting and helping absconded workers is illegal, embassies could face challenges.

However, the worst case scenario is neither of that. In the worst case abused domestic workers become runaway or absconded workers by running away from their abusive employers. Those workers are under serious risks, since running away is illegal and when they are found they face prison time or deportation. Also absconded workers usually become illegal workers since they cannot leave the country voluntarily and they have to work, and their conditions are even more precarious since the state has no way to control them in that situation, for instance some of them are forced to prostitution after they ran away from their employers (Human Rights Watch, 2014, pp. 57-58).

Another problem, similar to the cases in Saudi Arabia, is the legal system. The legal system dissuades victims to complain about the crimes that are committed against them since it can be turned around to hurt them even more. For example when an employee accuses their employer by a crime, like non-payment of wages, the employer then can fabricate false claims like theft about this employee (Human Rights Watch, 2014, p. 54, 68). Since employers are also the sponsors of domestic workers, these fabricated claims could lead to the deportation or imprisonment of the employees. In those instances, employees have but little choice to let go of their accusations.

Slow working justice system combined with the *Kafala* is also a problem. Because the workers cannot work outside of their employers' permit, when an expatriate accuses

his/her employer, s/he has to wait for the court process without working and making an allowance. Slow justice system, along with the fact that it is difficult to find a lawyer and work through in a convoluted justice system that the expatriates have no knowledge of and having language barrier further leads to deterrence to appeal to courts.

Against all the negative aspects of the system, the UAE seems like one of the more diligent GCC countries to improve the system for expatriates. The wage protection system for this end aims to prevent wage-related abuse, even though it does not include all workers (ILO Regional Office for Arab States, 2014, p. 37). Another improvement is in the inspection system, the country started to hire more people and tries to give them better resources and education to do their job (ILO Regional Office for Arab States, 2014, p. 45). Another step that the UAE has recently taken is to give amnesty to the illegal workers in the country. Whether they exceeded their visa period, or come to the country by illegal ways, or lost their sponsors in some ways, the government gave them amnesty, and they can either leave the country without any problems or get a visa for a limited amount of time to find legal jobs and sponsors. Giving amnesty is definitely an important step, since turning illegal workers into legal workers or letting them go to their countries without any implications benefits both parties, both the government and the expatriates. The government does not have to find and deport workers this way, and it could create a legal labor force from formerly illegal workers (but not the ones who come illegally rather the ones who overstay their visa or absconded from their employers). Expatriates, on the other hand, do not have to live in fear or getting caught, taken to court or deported. Also, when they become legal workers, even the justice system is not perfect, they at least could appeal to the justice system without the fear of immediate deportation (Cheridan, 2018).

So while the UAE is definitely not a haven for the expatriates, and they share many problems that other GCC countries have with respect to how they treat their expatriate labor force, the UAE is also one of the countries in the region who actively tries to improve the conditions of the expatriates and to take some tangible measures

for this end. What the UAE does is not enough yet, but if it continues its efforts, it may be the vanguard in the region in terms of migrant rights.

2.2.4. Bahrain

Bahrain is a small island country and compared to the likes of Qatar, Saudi Arabia, and Kuwait, they have less oil and natural gas wealth (British Petroleum, 2017) but still, there are many migrants relative to the population and they comprise the most of the private sector and domestic sector. The country has similar migration-related problems as other Gulf countries. The problems are not always out of malicious intent, but it could be the result of neglect and indifference.

Loss of life from easily preventable accidents is a good example to that. In 2013, a fire broke out in accommodation for migrant workers and killed 13 migrants. Moreover, this is not a single case, previous to this case, in seven years 40 migrants died in the same way because the government and employers did not take necessary precautions (“Bahrain: 13 Migrant Workers Killed and 8 Injured in an Apartment Building Fire Due to the Lack of Proper Housing Conditions | Bahrain Center for Human Rights,” 2013). This neglect is also against the Bahraini Labor Law since in the labor law safe, and up to standards living conditions are required. However, when no one is prosecuted and punished, the law becomes inconsequential. The same thing generally do not happen to citizens since in the Gulf countries migrants live in crowded apartments that are not inspected well or in labor camps compared to citizens who live in their own houses.

Another incident that affected the lives of the migrant workers occurred when the government detained 50 Pakistani workers. Workers filed a petition because their salaries were not paid and were found right by the Bahraini court, however, the “concerned” authorities acted against the decision and detained the workers (“50 Pakistanis detained in Bahrain for salary payment issue | Pakistan Today,” 2017).

Besides these incidents, expatriates in Bahrain undergo similar experiences as their counterparts in other GCC countries. For instance, 500 Indian employees of a private

firm complained about non-payment of their wages, and they had to live with food handouts for this reason. Indian government and embassy in Bahrain involved with the situation (Bhattacharjee, 2017).

Bahrain like its neighbors do not draw a good picture concerning protecting labor rights and expatriates are neglected, unjustly prosecuted, and their right causes are rejected. Also, there is a high number of suicides by expatriates, and in Bahrain, more expatriates commit suicides than citizens (Bahrain Center for Human Rights, 2010). This suicide rate is also a serious issue that needs to be addressed by the government. Bahrain actually did try to abolish Kafala System since 2009 gradually, however, it is not a smooth process, there are ebbs and flows, and Bahraini government's commitment to reform *Kafala System* is questionable since it does not include the domestic workers and while the *Kafala* is abolished, the unfair practices of passport withholding and delaying of the payment of wages still continue (Americans for Democracy & Human Rights in Bahrain, 2016).

2.2.5. Oman

The migrant population in Oman which constitutes almost half of the country's population suffers from similar problems as in the other GCC states. In addition to the *Kafala System*, problems about the migrants also stem from how they are perceived by the native population. Oman hosts migrants from a variety of countries, and recently they accept more expatriates from the African countries. Majority of these expatriates are female domestic workers, and apart from the now "ordinary" migration-related problems, they also suffer from racism, and racist remarks and they are even more vulnerable than other workers.

For example, Tanzanian domestic workers who gave anonymous interviews about their problems in Oman said that their passports were confiscated by their employers, they were abused verbally, physically and sexually, and one claimed to be raped. More to that, they suffered abuse because of their race and employers called them "dogs" and racial slurs and did not want to touch what workers touch because they perceived them to be "dirty" (Ullah, 2017).

In another case an Ethiopian girl Fatia left her country when she was 17, pretending to be 24, to earn money for her family back home. However, she experienced severe abuse in Oman. From the moment she got there she had the misfortune of pairing with terrible employers, was worked excessive hours, starved and she had to change many employers. Since her family paid her expenses to send her to Oman, she could not just give up and return home. In the end, she found a good employer, however, what she goes through is not unique, so there are many more women like her that is less fortunate than her (Gill, 2016).

The migration-related issues in Oman are generally about the poor treatment of the domestic workers. While domestic workers are not the only migrant group that are treated poorly, since Oman has a relatively smaller migrant population, and they actively try to nationalize their labor force, it is normal that the news is focused on the domestic workers from third world countries. In the nationalization scheme, domestic sector is not a priority since no national really want to work in that sector and maids from African countries are in a more vulnerable situation than other migrant workers.

2.2.6. Kuwait

Employers in Kuwait also have been treating their employees poorly. As an oil-rich country with a history of migration and *Kafala System* even before the discovery of oil, the problems continue today. Moreover, while it is anecdotal, some of the news from Kuwait about the expatriates are truly horrific in the sense that, they go beyond what is the common violations of expatriates' rights. For example, a Kuwaiti woman was arrested for filming her maid hanging out of the window instead of helping her and then moving out of the window. ("Kuwaiti woman arrested for filming Ethiopian employee hanging out of window," 2017). She then uploaded the video on social media, and after the public outcry, she got arrested. However what is worse is why the maid was hanging out of the window. While at first people assumed that she tried to commit suicide, she was actually trying to escape her abusive employer and was afraid for her life, so when she had the chance, she tried to escape from the window ("Ethiopian maid," 2017).

Another piece of news demonstrates this kind of events not only affects migrants but also creates rifts between host and sending countries. In 2018, a Filipina maid found dead in a freezer in Kuwait, and her employers – a married couple - were sentenced to death because of absentia. The employers were not Kuwaiti citizens, the husband was from Syria, and the wife was from Lebanon, and at the time the maid was found they escaped the country, only to be brought back (“Kuwait court sentences couple to death for Filipina maid’s murder,” 2018). However, while the incident itself is very telling, a couple could murder a maid, and this does not surface more than a year, so apparently, there is not adequate inspection for the domestic workers, the issue I would like to draw attention is how the reactions from home countries are perceived in the host countries. After the discovery of the maid’s body, Philippines President Duterte ordered the Filipino migrants to return from Kuwait, because of the apparent violations of the rights and treatment of the expatriates. More importantly, the Philippines embassy to Kuwait was trying to save some of the abused workers. However, while the Philippines claimed some of the workers are in a life and death situation, Kuwait accused the ambassador of “kidnapping the workers” and “violating the sovereignty of Kuwait.” Furthermore, while then the Philippines try to ease the situation Kuwait did not change its stance, and they expelled the Philippines ambassador (“Kuwait expels Philippines ambassador over domestic workers dispute,” 2018). This demonstrates that even though the home countries try to protect their citizens from harm, sometimes they have very little agency to do so and their efforts could be undermined by the host countries.

Another piece of news is about the perception of migrants and migrant rights. A Kuwaiti social media influencer, Sondos Alqattan, published a video criticizing the new law that gives Filipina maids a day-off in a week and right to keep their passports. She later deleted the video but defended what she said before claiming that she can no longer keep a Filipina maid with the new law and some of her followers from the Gulf supported her while others generally find those statements unacceptable. She claimed that she treats the workers like family and never mistreated them (“Kuwait outcry over Instagram Filipino post,” 2018). However even if what she says about not

mistreating the workers is correct, the incident shows the general apathy towards domestic workers. They are not included in the labor law because they work in the household and when there is a minimum effort to improve the lives of domestic workers (in this case only Filipina workers) some of the citizens cannot even fathom giving out fundamental rights to them such as weekly vacation or the right to keep their documents. And it appears that this is a systematic problem and for that reason, even more challenging to solve, since despite there are some efforts from the government, the citizens are just not acquainted with the notion that they are equal with the migrant workers and those migrants should at least have the minimal fundamental rights.

2.3. Legal Analysis

All the GCC countries have their specific labor laws, and it is important to analyze them in order to see whether there are many inequalities within the law. It is significant that which of the violations of human rights arise from the inadequacy of the law, and which ones are because of the lack of inspection and neglect. It is possible to detect inequalities within the law or neglect by analyzing the labor laws of GCC countries.

First of all, it is evident from the text that the labor laws of the GCC countries are quite similar. Once in a while, there are some different articles about the migrants in specific countries. However, the majority of the labor laws are almost verbatim. Therefore, while they do not share their labor laws, it is evident that they have influenced each other.

One of the most significant aspects of the labor laws of the GCC countries is that they are for the private sector. Which means, practically, those laws are for the expatriates since expatriates comprise the majority of the private sector as can be seen in Chapter Two. The public sector is outside the scope of this law. More importantly, in all of the labor laws of the Gulf countries, the domestic sector is not included. Excluding the domestic sector is the first inequality within the law that draws attention since year by year increasing number of domestic workers do not have the

protections within these laws. Ministries of the interior are responsible for the domestic workers but as can be seen in the media analysis, sometimes a vicious crime has been committed against a domestic worker, and only years later this surfaces. Therefore, it is possible to say that under the ministry of interior affairs there is a lack of inspection for the domestic workers' well-being.

A general provision in the labor laws is that parties could make contracts in different languages, but the Arabic one will prevail in court. Considering that Arabic is the official language in the GCC countries, this practice is standard, and there is not an inherent injustice in it at first glance. However, many of the expatriates coming to the Gulf do not know Arabic, and preparing contracts which have different conditions such as pay, job description, and vacation time is one of the ways expatriates are abused. Therefore, while not directly unequal, not having a specific clause for different writings of the same contract is a way to exploit people who do not know the official language.

In some labor laws such as Qatari and Saudi Arabian labor law, it is suggested that the proportion or quota for the migrants will be determined by the governments. This practice is in line with the nationalization efforts in the GCC countries. However, usually, these quotas and proportions are ignored or bypassed by private firms by having ghost employees or with the lack of paperwork. Therefore, some of the Gulf governments try to involve with hiring foreign workers but their efforts are mostly ignored by the employers which casts doubt on the effectiveness of the Gulf governments' inspections.

In the wages section, the law states that delaying wages cannot exceed a certain period, usually two weeks. However, one of the most seen violations of labor rights is the delaying and non-payment of the wages, so, it is apparent that the law did not deter employers from committing this crime. Also, overtime should be paid for according to the labor laws, but this too is ignored.

When it comes to money-related issues, the laws also indicate that the employer should provide the costs of visas, plane tickets, and residence permits of the expatriates. In addition to that, employers should also buy the tickets for the vacations of workers when they want to visit their home country or in the end of the contract they should buy return tickets. While the law is clear in that matter, in reality, most of the time workers themselves have to pay agencies, buy their tickets or visas. It burdens them with extra costs even before starting to work.

One of the inherent inequalities in the Gulf labor laws is about the labor unions. Labor unions are very recently established in the Gulf before the 2000s it was possible to see some protests from workers in different sectors but establishing unions was illegal. In the updated labor laws it is possible to establish labor unions, but foreign workers cannot be members of these unions. Considering that the foreign workers are the absolute majority in the private sectors in all of the GCC countries, depriving them of being members to unions is an explicit injustice. The effectiveness of the labor unions in the Gulf can be discussed but having no chance of being a member further pushes the notion of having no voice in expatriates.

While not entirely specific, labor laws of the GCC countries state that the employer should provide accommodations, clean water, transportation if the accommodation is far from work to the workers. In reality, construction workers in Qatar and the UAE live in precarious conditions or Bahrain accommodations of the expatriates are prone to catching fire as can be seen in the media analysis.

The laws also indicate that in scorching days of summer working time should be limited, but in Qatar's construction sector we saw that people are worked in the desert heat of the summer, and many young workers died probably because of that. Another issue is the fact that employers should have a permit in order to employ expatriates and expatriates should not work for other people. However, this is one of the most challenged rules in the Gulf since having permission to employ expatriates are an extra income channel for some Gulf citizens. Many employers brought workers from abroad and then rent their visas to the workers. Workers, in turn, have a "free visa" and use this to work for other people. This practice is illegal, but many people

use this to employ workers without having the necessary documents or in the case of citizens with documents, to gain extra money.

In this section, I highlight two points. First, some laws are discriminatory in the Gulf labor laws such as the ones about the exclusion of the domestic sector and foreign workers being unable to be members of unions, and second, even when the laws are just, the widespread practices in the Gulf shows that they are not deterrent enough in real life. Inherent injustice and the lack of deterrence affect the migrants since in the former they do not have any chance to change the system, and in the latter, it is difficult for them to contact law enforcement and make themselves heard in the society.

2.4. Conclusion

Throughout this chapter, I tried to show that the abuses in the GCC countries are documented in the local and international media and non-governmental organizations' reports and comply with the theoretical findings of this thesis. In all GCC countries, there are widespread violations of human rights, practices that can be accounted to forced labor or slavery and apart from some individual and inadequate efforts, general neglect towards expatriates from Gulf governments.

There is widespread censorship in the Gulf media and pressure from their governments, but even then, they report many incidents and news about the expatriates. Also, they report on the nationalization attempts and labor reforms on the Gulf. Conversely, international media looks at the labor and human rights violations, whether the promised reforms are actualized and reports sometimes on individuals' stories and experiences. NGOs who operate on the Gulf such as Amnesty, Human Rights Organization and Migrant Rights, on the other hand, publishes more sophisticated reports, reach more expatriates on the field and more consistently follow the progress. I used all three kinds of resources in this chapter, and while the media cannot show all the developments in the field, it does provide a good picture of the migrants' lives and problems in the Gulf and even isolated cases revealed the general tendencies in the GCC countries towards migrant workers. However, the

most effective indicator of the abuse was the reports from human and migrant rights associations. Rather than examining each and every case, they are able to talk with migrant workers, agencies and even some employers.

The oil-rich rentier states of the Gulf need a foreign labor force to tend its private sector and expatriates cover a long range of the spectrum from manual jobs to salesmen, doctors, and teachers to construction workers and domestic workers. Moreover, since they are bound by the time-limited contracts and bound to their employers, migrant workers can be repatriated to their countries easily when they have conflicts with the authority whether it is government, their employers or agencies even when the migrant workers are right. Because of the fact that the citizenship is very valuable in GCC countries and some cases, natives of GCC countries are outnumbered by the expatriates; those countries are extremely against the naturalization of the expatriates and naturalization happens very rarely and in extraordinary conditions.

The judiciary systems of the Gulf states also signal two significant issues. First of all, there are discriminatory practices against migrants in the law, most important of which is the exclusion of domestic workers from the labor law and, secondly, as also can be seen from the media analysis, the laws mean little and widespread practices such as passport withholding or delaying wages still continue even though they are banned.

The severe conditions and the problems in the justice system affect expatriates' lives in a day to day basis. And the scope of abuse and human rights violations the expatriates face cannot be ignored. There are efforts to tackle these issues however they are not enough and not consistent. The news, stories of expatriates and reports show both the abuses expatriates endure and inadequacy of the reforms and sometimes outright injustice from the governments by the form of favoring their citizens even when the migrants are right. The examples in this chapter show that even though there are some reforms on the way, GCC countries' government are

generally lacking the ability to solve the migrant labor issue and in some cases, they do not even try to solve problems; they just try to manage it.



CHAPTER 3
DISCUSSION OF THE UNDERLYING REASONS TO THE LABOR MIGRATION REGIME
IN THE GULF

Up to this point, this thesis first established that there is a special kind of migration regime in the Gulf that is not seen anywhere else in the world. Then, in the second chapter, the main characteristics of the migration regime were introduced, and I gave examples of it from the media and compared the legal systems of GCC countries to find a basis for this kind of migration regime. In this chapter, I will try to identify what explains this system. If we argue that the Gulf is unique in that it has a different migration system than the rest of the world, but that is very similar within the GCC countries themselves, there must be a reason for this. So, in this chapter, firstly, I will delve into the relevant literature and discuss different theories as to what could explain the migration system in the Gulf. Then, secondly, with the conclusions of the literature review and my research findings, I will lay out my argument regarding the migration regime in the Gulf and conclude the chapter.

Other than their geographical location and the Arab ethnicity of their citizens, GCC countries have a number of common points that could explain their migration regime. I have identified five common aspects in the GCC countries that might help us explain their labor migration regimes, these are, i) rentier state development, which is a political economy argument; ii) culture and tribalism; iii) colonial legacy; iv) the Wahhabi religious tradition; and v) similar demographics. All these factors may possibly be reasons for the special migration regime in the Gulf and hence will be discussed below.

3.1. What Explains the Labor Migration Regime in the Gulf? A Literature Review

Scholarship on the Gulf and migration is relatively new. While the phenomenon of mass migration to the Gulf is not very recent as can be seen in the second chapter, research on it is. Many works about migration in the Gulf date from the 2000s and after, and nowadays, where the news and reports about the exploitation of migrants

can be seen in mainstream media and human rights groups' publications, the extent and amount of studies about the Gulf have expanded. For this reason, some of the literature I will discuss in this chapter may not be all about migration. However, it will draw a picture showing what it is about the Gulf that makes such a migration regime possible. After laying out the framework, I will discuss more recent studies regarding migration as well. This will help me construct research that swings from the past to today.

3.1.1. Tribalism and Cultural Conditions

To start, we should look at the tribalism and social relations of the Gulf countries. Historically, the Gulf region was dominated by other stronger powers such as the Ottoman Empire and the British Empire, yet, the people of the Gulf continued to live as tribes and their tribal leaders were still very important in the everyday life, and traces of that tribalism can still be seen even today. In the tribal state of life, the identity of the group is more important than the identity of the individual and people from outside of the group are treated in a somewhat hostile way. The interest of the group is what is essential, and when one of them is hurt by other groups the answer is given collectively.

An argument, of course, could be made for the "outdatedness" of tribalism. After all, there are now modern nation-states in the Gulf instead of colonially controlled tribes of the past, and ideally in a modern nation state tribal identity is superseded by the identity delivered by the membership to the state. However, this notion is contested by some scholars. In a study, Alshawi and Gardner show that tribal identity is not something that necessarily withers with the concepts that are relevant to modernity. In the survey they did in Qatar about the voting behavior in municipal elections, they found out that tribal identity is still strong, that people are more likely to vote for people from their tribes rather than others, and that situation is more visible with well-educated, wealthy people. In their article, they suggest "economic well-being, urbanisation, education and the other forces that are generally glossed as aspects of 'modernity' to be conducive – rather than antithetical – to tribalism" (Alshawi & Gardner, 2013, p. 54). Hence tribalism is not "anti-modern" as many suggest, but it

can co-exist with more modern identities. Also, the authors suggest that “in relation to the state, tribalism provides a mechanism by which a sub-statal form of solidarity is articulated in Qatar” (Alshawi & Gardner, 2013, p. 57). This study proves that tribalism and tribal identity are still alive in Qatar and the same statement could be expanded to other Gulf countries.

After establishing that tribal identity is still vital to the Gulf States, we can investigate its relation with migration. Longva, in her book *Walls Built on Sand*, looks at Kuwaiti society and tries to understand how the Kuwaiti identity was formed. In doing so, she also looks at the migrants in the society and how their existence helped shape Kuwaiti identity. Migration and the exclusion of migrants constitute a big part in her book, since migrants have been in Kuwait almost from the beginning, but always very much separated from the actual citizens. All around the world, regardless of friendly a place is to migrants, there is always a separation between migrant and citizen. However, as we understand from Longva’s work, the separation in Kuwait is sharper and more visible, since “migration in Kuwait is a zero-sum game: the larger the presence of non-Kuwaiti migrants, the more threatened the position of Kuwaitis and eventually their cultural identity” (Longva, 1999, p. 7). While Longva exclusively discusses Kuwait and Kuwaiti identity in her book, this case could be adaptable to other Gulf countries, since they also host significant expatriate populations that, in the case of Qatar or the UAE, sometimes outnumber the citizens. Therefore, it is natural for all Gulf countries to be afraid of migrants and their influence on their society, which speaks to the efforts to control migration in those states.

Longva explains the exclusion of migrants with the plural society theory. Plural society has some different connotations in different social sciences. From an anthropological perspective, this theory means that even there are multiple ethnicities or groups in a society, they may be bound only by economics and not interact beyond that (Longva, 1999). She argues that this applies to the situation in Kuwait. Migrants constitute an essential part of the society, since the majority of the population working in the private sector are migrants, and some migrant groups like Palestinians and Egyptians helped to form important institutions like the education and health systems.

However, beyond their labor and labor-related activities, the interaction between Kuwaitis and non-Kuwaitis is minimal.

Limited interaction by itself is not the source of the issue. Longva argues that on top of limited interaction, the Kuwaiti government pursues an exclusion policy. According to her, for an exclusion policy there must be three conditions: an acute sense of external threat, an agency that could enforce the exclusion policy, and a cultural tradition favorable to the idea of exclusion, which can be found in Kuwait's tribal identity (Longva, 1999, p. 44).

Again, Longva talks about Kuwait, but we can find similar policies adopted by all of the Arab Gulf states. As stated in the introduction, all of the GCC countries adopt the *Kafala System* in order to control migration. The acute sense of external threat comes from the fact that, especially after the Oil Crises of the 1970s, expatriates started to outnumber the citizens of Arab countries, and while nowadays many of the expatriates are doing manual labor that does not require an extensive education, back then expatriates were more educated and working on the creation of the infrastructure and education and health systems of those countries. On top of that, in those years, most of the migrants were from other Arab states, like Egypt, Palestine, and Yemen, and they had distinct ideologies, such as pan-Arabism, Nasserism, and communism, that threatened the Gulf States' monarchies, so their presence in the Gulf meant more than just employment. Moreover, after Asians came to outnumber Arab expatriates and citizens of the Gulf countries, their culture was even stranger, and it was a threat for the citizens of those countries according to those states. However, this point is contested in other works, which claim that since Asian workers are more alien to the Gulf's culture and language, they are less likely to claim rights or to influence policy in the Gulf monarchies (Winckler, 1997).

Mentioning states brings us to the second condition of exclusion policy. There needs to be an agency powerful enough to take the necessary steps to apply the exclusion policy, and in Kuwait's and other Arab countries' case, it is the state. Civil society is

not strong enough to apply or oppose the policy alone. This means that if someone is to end the exclusion policy, it must be the state.

The last condition according to Longva is a cultural tradition favorable to exclusion, and she says in the case of Kuwait, this is the tribal identity. Again, this could apply not only to Kuwait but also to all of Arab Gulf states. I previously mentioned the background of Arab Gulf states and noted that all of them to some degree have a tribal past. When I first decided to study this subject, I was convinced that the culture itself was not very important compared to the political economy of the states and state decisions, but when one compares the Arab Gulf countries to other countries in a similar economic and political situation, it is clear that their specific culture has played a role in migration. This role does not have to be very significant. I could argue that the role of culture and the role of tribal identity are much smaller than the role of the threat of assimilation and the role of the state. Nonetheless, it is present. Moreover, while it was back then competition and a rivalry between different tribes, now it is “us against them” mentality towards the migrants.

In addition to the migration itself and exclusion policy, Longva also talks about the *Kafala System* and demonstrates how it is applied to control the labor force. The times have changed but, looking what Longva wrote about the *Kafala*, the spirit of it is still the same. *Kafala*, as a control mechanism, actually puts the citizens in the center, meaning that the state delegates some of its duties to citizens and that citizens are the ones who control the expatriates. And also the law does not specify what the sponsor cannot do to his/her employee, though it does detail what is the responsibilities of the sponsor vis-à-vis the state, and this lack of clarity creates gray zones and unregulated areas which in turn can and do create more vulnerabilities for migrants (Longva, 1999, p. 94).

To sum up Longva’s arguments, she claims that while in the past different tribes were influential in creating local identity, for creating a modern Kuwaiti identity, foreigners assume the role of “the other” and there is a specific separation between the rights

and duties of citizens and those of migrants. In addition, the state helps to reinforce this separation with the exclusion policy that it applies in the society.

3.1.2. Political Economy Argument: The Rentier State

Another common characteristics in the Gulf States is the way economic development has been established. From tributary tribes, to crucial states in some parts of the Gulf, to oil-dependent economic development, Gulf States have followed a similar trajectory in economic development. This phenomenon deserves inspection since it led to one of the most significant regional developments in the world. In less than a century all the Gulf States became and economically successful, modern states from desert countries. Also, since the focus of this thesis is voluntary economic migration to the Gulf, a close relationship between economic development and migration is expected.

The Rentier State, a study that addresses the Arab countries as a whole and not just in Gulf, provides detailed insight about the economic development of the Arab countries and scrutinizes the rentier character of various states. The Gulf States can also be categorized as rentier states since all of them have had significant revenues from oil and natural gas rent and those revenues go directly to the state. For example, the Saudi Arabia government is the sole shareholder of the oil giant Aramco, and even though they attempted IPO (initial public offering) at the beginning of 2018 it did not happen for various reasons, and in case that this happens they would still have 95 percent of the shares (DiChristopher, 2018). Likewise, Qatar's oil company Qatar Petroleum is also a "state-owned public enterprise" (Qatargas, n.d.-a), and it is one of the most important shareholders of Qatargas, which has multiple shareholders, but the other ones are international companies such as ExxonMobil and ConocoPhillips (Qatargas, n.d.-b), so the revenue that Qatar gets is going to the Qatari government. The fact that oil and gas rent goes to the government and that the country is dependent on this rent makes these states rentier states. In their book Beblawi and Luciani argue that "the peculiar nature of the income sources of many Arab states conditions their political behavior and development policies" (Beblawi &

Luciani, 1987, p. 11). Therefore, being a rentier state not only demonstrates how a state earns most of its revenue but also determines how a state behaves.

However, how one can explain changes in state behavior and their effect on society? Beblawi and Luciani do so by comparing the rentier states to production states, that is, states that depend on domestic production and taxation. This does not mean that the export of goods are not prevalent in production states; on the contrary, a production state could heavily depend on export. But in a production state the revenues from export are not centered on one faction in the state, and generally the export is done by the private sector. In contrast, in a rentier state, the state depends on external rent, whether from the exploitation of natural resources or foreign aid or remittances from migrants. Moreover, in rentier states, these revenues are aggregated in the hand of the state and, according to Beblawi, only a small part of the population contributes to the extraction of revenues.

Thus, the fundamental differences between production and rentier states are clear: in rentier states revenues are collected by the state, while in production states they are collected by the private sector; in rentier states only a small part of the population is in the sectors that contribute to revenue extraction, but in production states almost all of the workforce contributes to the economy. For this last reason, rentier states' primary role in the economy is distributive, meaning they have massive wealth, but they have to distribute it to the society in a way that prevents discontent from the population. But in production states most of the wealth is from the private sector and, regardless of the ideology of the state, distributive functions play a smaller role than productive functions in the state economy.

For that reason, Luciani talks about allocation states, instead of rentier states. These states are still rentier states; however, since the wealth is collected by the state, its main job is to allocate this wealth. Moreover, it is by no means egalitarian, like some left-leaning states aspire to be so, and there is too much corruption and favoritism. However at the minimum condition of being a citizen, in allocation states, people are distributed money and rights to use public works. And maybe the best examples are

oil and gas-rich states since, compared to other rentier states such as Jordan, they have massive wealth that provide adequate funds for allocation.

At that point, in the oil-rich rentier states there is too much wealth, and if a person is a citizen, then he/she can benefit from social services free or at minimal cost and he/she is entitled to a job in the public sector if he/she wants and have significant benefits in having a house or a family. However, according to Beblawi, the rentier state system also causes troubles, and it is not a good and sustainable system in the long run. According to him, in rentier states the connection between the work and reward is lost, so a person does not get engaged in the generation of wealth, he is getting rewards because he is “entitled to” as a citizen. Moreover, this is one of the reasons why productivity is very low in these states. There are too many citizens in the public sector, and they are not very qualified, or they are not committed. In this case, migrants are the ones who actually perpetuate the work-reward system. Since they do jobs that the citizens are not qualified or do not want to do, and since migrants find those jobs according to their skill levels, they are the ones who work and get their rewards.

What happens with citizens according to Beblawi is because of “the rentier mentality.” In this mentality, a person has various perks and benefits in the country from birth just because they have citizenship status and not because they contribute to the state’s economy in a meaningful way (Beblawi, 1987). This does not mean that each and every one of citizen of Gulf is rich or their expenses are covered. However, they are still benefit from wide welfare systems and mostly do not have to worry about things like education or health expenses. On the other hand, expatriates are deprived of even the simplest rights and benefits, but they are the ones that maintain the system by joining the production. One cannot argue that the native population bears the single responsibility of perpetuation of the system especially in the extreme examples such as Qatar and the UAE where more than the 85 percent is the migrants. However, for all the work they accomplished, migrants are treated like second-class people, they do not have substantial ties with the native community, and whether rich or poor, whether educated or ignorant, and whether Arab or non-Arab, they have

inferior rights and almost whenever they are against a citizen, the citizen is favored, and they are subjected to discrimination and injustice.

Even in times where the conflicts are carried to the court, if the employer - the citizen - is guilty, they either do not get any punishment, or they get very little punishment for any crimes they have committed against the migrants. Moreover, as I said before, this does not change according to the migrant's nationality, wealth, or education. It is true, however, that the more educated and more affluent migrants are better at defending their rights than more impoverished and less educated migrants such as construction workers or domestic workers, but there is an inherent inequality that could target anyone, and this should be looked at as a structural problem rather than as a problem only the most unfortunate face.

While the rentier mentality argument belongs to the political economy approach, this also could help us explain and further comment on the cultural approach as well. We know that sometimes a problem does not have only one cause and could be the combination of many different and interdependent causes. In this case, when we remember the exclusion policy that Longva discusses, the rentier mentality is a good reason for the modern application of it. The benefits of the system have been shared between citizens because only they are entitled to it. However, if there are improvements to the system and expatriates also get some, then what the citizens get would undeniably decrease. Therefore, they would want to maintain the system for their own benefit.

This rentier state mentality and how the benefits are shared in the rentier states are the core of Beblawi and Luciani's discussion in terms of the migration to the Gulf. Their main argument in *the Rentier State* is not just about migration, but also the overall aspects of rentier states. However, the way they connect a phenomenon – migration – with the political economy is nuanced and layered.

On the other hand, the way Beblawi and Luciani looked at rentier states is somewhat outdated. While oil and gas rents are still significant for the GCC States, these states

are trying to diversify their economies and to get rid of their dependence on oil and gas rents.

Nonetheless, it is not an easy task, and in diversifying their economies through investments, they still rely on oil and gas money. Yet we cannot ignore the changes in this regard, and when assessing the immigration through the political economic approach, we should also look at different theories such as post-rentierism and the Dubai model of development that all GCC countries try to imitate in their own countries.

Gray is one of the academics that criticizes the ideas of Beblawi and Luciani. He claims that the classical rentier state theory is not sufficient today and that especially the Gulf States have changed their perspective on the economy and are now more responsive to their population (Gray, 2011). First of all, Gray claims that the rentier state theory does not catch the nuances between different countries and treats them the same. Moreover, even though the basis of the theory has not changed (i.e. there is still no democracy and the economics of those states are still dependent on the oil), there are some differences. For instance, according to Gray, late rentier states are more open to the ideas of the public even though the elites are still at the core, and there is a change in the economy too. Late rentier states try to differentiate their economies, and they have long-term economic development plans. Therefore it is different from what Luciani said about rentier states. He claimed they had only an allocative role; Gray acknowledges that this is still their most important role, but apart from their allocative function, states also try to plan for the future and make sound investments (Gray, 2011).

The development policies of the states have also changed. At the beginning of the oil boom, states were trying to build infrastructure and public policies, but there was not much else they tried; however, nowadays states, especially the ones who have smaller oil resources like the UAE and Qatar, aim to diversify their economies and are investing in different sectors like tourism, finance, and construction. Hvidt explains this in his article with the term "Dubai Model." According to him, Dubai makes huge

development plans, and some parameters characterize the development path. Most of them do not interest this thesis, but two of them stand out. First, the development is led by the government rather than the private sector; and second, this particular development type needs flexible labor (Hvidt, 2009). Moreover, considering that the other Gulf States also choose this kind of development, the Arab Gulf also needs more flexible labor in order to realize those plans. This brings us to the problem at hand. From the chronological reading I have done, it is clear that the treatment of migrants has always been an issue. However, with the drastic increase in the number of expatriates, especially unskilled workers, it is more difficult for them to protect their rights. This may indicate that there is a connection between the development model and the condition of the workers.

As I said before, there probably is not a single reason for the unfair treatment of the workers, it is a compilation of many connected reasons, and it is evident that the new trend in the development is maybe one cause of that.

3.1.3. Colonial Legacy

Another common characteristic of the Gulf States is their colonial legacy. Most of the Gulf countries' independence from colonial rule dates back to the 1970s, with the exception of Saudi Arabia and Kuwait, whose establishment date back to 1932 and 1961, respectively. Bahrain, Qatar, the UAE, and Kuwait were under the British Empire's colonial rule, while Oman went under its effect in the 20th century. Saudi Arabia's situation is somewhat different. Ottoman rule there ended at the beginning of 20th century with the First World War, and the country gained its independence with the support of the British Empire. So, most of the Gulf countries were under direct British control, and a couple of them were allies and supported by the British Empire.

The colonial rule over the Gulf was different from the colonial rule in Africa or the Indian subcontinent, since the Gulf countries were more or less autonomous in their interior affairs. Still, some academics say that the British Empire affected the migration to the Gulf and its citizenship practices. For example, Jamal in her article

claims that citizenship policies and dependence of expatriate workers for the UAE are the result of the policies of the British Empire which wanted to control certain territories in the UAE and favor some migrants over others, such as Westerners to non-Westerners. She then claims this created a path-dependency for the UAE and affected later developments in the country regarding migration and citizenship (Jamal, 2015, p. 611-613). The path dependency explanation seems a bit weak in this situation, since most of the conditions in the UAE, and in other Gulf countries for that matter, have changed.

First of all, the Gulf States' migration dynamics have changed from the time of colonialism. In colonial times experts, consultants, and more professional staff were coming to the Gulf, but currently, they have been replaced by manual workers who are less educated, and less professional, and easily discarded. Gardner, for example, in his book, mentions three different migration waves to the Gulf from the Indian subcontinent. The first of those was Indian merchants trading in the Gulf's ports before the colonial influence; the second one was those who came in the colonial times to work in bureaucratic institutions or as entrepreneurs, and the third wave is the more recent migrant inflows which bring manual workers, women, and men. Moreover, Gardner explains that these three different groups are very distinct from each other. The second wave of migrants, for example, established a diaspora. While they were separate from the Gulf citizens, they opened up schools and social clubs and lived there for generations even though they did not become citizens.

On the other hand, migrants coming in the most recent waves come as single persons and they are guest workers first and foremost (Gardner, 2010). Therefore, it is true that some migrants came in colonial times with the British; however, as can be seen by the difference between the former group and the latter manual workers group, they are very different. For that reason, it is unlikely that the colonial legacy affected the migration regime of the Gulf in a distinctive way. Also, Longva's theory about the exclusion policy that I discussed earlier and theories stemming from the demographic qualities of the Gulf, which will be discussed later on in this chapter, seem more plausible in explaining the hierarchization of migrants and citizenship policy.

3.1.4. Wahhabi Religious Tradition

The effect of religion on a society, culture, and community, varies in different parts of the world. A group of countries led by the Western nations has been making secular laws and trying to introduce a more secular lifestyle. While it is debatable how successful or free of former religious values this has been, it is a fact that many countries now try to leave the religion out of the formal affairs and laws. In the Gulf, however, this is different, and religious law is included in state law in varying degrees. Moreover, the Gulf countries follow a specific school of Islam, Wahhabism, which has been born in the Gulf region in the 18th century. This commonality, primarily because it affects the laws, could be a possible reason for the labor migration regime. However, in literature, there is not much discussion to suggest that the Wahhabi religious tradition is one of the causes of the migration regime in the Gulf.

At best, some academics suggest that migration in the Gulf countries results in the increase of political and social inclination towards Salafism-Wahhabism in migrants and/or their families (Karakoç, Köse, & Özcan, 2017; Zohry, 2014). These are significant findings in terms of what migrants acquire ideologically, politically, and socially from their destination countries. Despite that, it does not suggest a deeper connection between the labor migration regime and the Wahhabism.

Another study also emphasizes how Wahhabi ideas were dispersed throughout the countries by migrants, but it also talks about the migrant staff and board members of the famous Islamic University of Medina. Farquhar states that in the 1970s, only eight of 33 faculty members were Saudi citizens, and half of these citizens were actually naturalized. In the 1980s, less than 40 percent of 400 teaching staff were Saudis, and these also included naturalized citizens. So while Wahhabism is spread by migrants, migrants also have an important role in studying and formulating Wahhabi ideas (Farquhar, 2017, p. 93-94). Moreover, another interesting issue is scholars who came to Saudi Arabia, naturalized and became citizens (p. 95), which is not the case for other migrants most of the time. Therefore, this piece of information shows us that Wahhabi migrant scholars are treated somewhat differently in citizenship matters.

These works demonstrate how migrants were useful in studying Wahhabism in the Gulf or its spread through other countries such as Egypt, Pakistan, and Syria. Therefore, rather than Wahhabism influencing migration politics, it shows migration and especially the migration of religious scholars affects Wahhabi ideology. Besides, there are not enough studies to show that Wahhabism influences migration in the Gulf.

3.1.5. Demography

Having not enough people while work and resources are abundant is an ideal condition for labor migration. And the Gulf countries fit that condition perfectly. Especially after the oil boom of 1973, the acceleration of various projects required a significant number of workers. The Gulf countries' population then was scarce. In 1975, the total population of the Gulf countries was around ten million (The World Bank, n.d.), and even then it included a serious migrant population. Winckler argues that national populations were just a little more than six million in 1975 (Winckler, 1997, p. 480), which means that even in 1975, 40 percent of the population was migrants.

There are a couple of things to look for in the literature regarding the demography of the Gulf countries. First of all, while the focus is recent migration trends, there is the fact that there were a significant amount of migrants even before the independence of the Gulf countries and the oil boom. Secondly, the local population of the Gulf countries was very scarce; for example, Qatar's national population at the beginning of the 1970s was not even 100,000 people, and Saudi Arabia's national population was 4.5 million people, while now it is 25 million. Finally, there were migrant flows after the oil boom and especially after the millennium.

Since my goal is to find out the reasons for the labor migration regime in the Gulf, and one characteristic of it is the abundance of foreign workers such that it sometimes outnumber the national population, this requires an inquiry. This is more straightforward than other common characteristics of the Gulf countries, since there is significant statistical evidence as demonstrated and examined in the second

chapter. Academics talk about the scarce population of the Gulf countries at the beginning of the oil boom (Gause, 2010), and some also talk about the pro-natalist policies in the Gulf designed to create a national workforce and replace the migrants (Winckler, 2002). This did not yield the intended results, and while the population indeed increased, the kind of education that many people got did not complement the labor market's needs; and also, the participation of nationals in the labor market was not enough. Moreover, pro-natalist policies led to bigger households and in turn, regardless of whether women worked or not, it created an increase of demand for domestic labor, which constitutes the most vulnerable group of expatriates in the Gulf for a number of reasons, as explained with examples in the second chapter.

With the education levels rising in the Gulf for both genders, female participation in the labor market gradually increased – though it is still nowhere near the level of developed countries – and the birth rate has decreased, but still, the birth rates in the Gulf are higher than those in many other developed and developing countries.

3.2. Argument

Until this point, we have seen the different approaches to the migration regime in the GCC states in the literature. Therefore it is time to assess those ideas and, with the help of the evidence we see in the media and in the statistics and legal systems of the GCC countries, to decide which approaches hold for the migration regime in the Gulf. Thus, as stated many times, the Arab Gulf has a specific labor migration system. In fact, calling it “a labor migration system” would not be entirely correct, since there is actually not an immigration process that is going on, and also, the countries are not keen on calling it migration. The system depends on the guest worker system. Every single legal expatriate comes to the Gulf with a contract, whether there is a time limit or not, and when the contract expires, or the sponsor of the contract ends it, these workers have to go home. Hence, the first important thing is contract-based immigration. And, even in Bahrain, which updated its sponsorship system and revoked Kafala, there are still contracts, even though it is easier for the expatriates to change jobs.

Secondly, while there are labor laws that are mostly up to date with other labor laws in the world, expatriates in the Gulf have virtually no rights. The sponsorship system ties their hands, and while they have some rights on paper, because of the fear of losing jobs, or even worse, losing their freedom and being deported unfairly, they cannot voice their grievances to the authorities. The second issue is having no voice. Another critical problem related to the second one is that there is widespread abuse towards expatriates in the Gulf. This abuse happens in many ways, economically, physically, sexually, etc., and while there are efforts to improve this from the governments of the Gulf and other actors in the world, the abuse is still very rampant, and it costs lives at its worst. Therefore, rampant abuse follows having no rights and no voice.

Alongside the abuse of legal workers, human trafficking and illegal migration is another form of labor abuse. Many people have been brought to the Gulf involuntarily, especially women for sex trafficking, and some legal workers become illegal workers when their contracts expire or when they run away from their employers. This creates even more precarious conditions for the people. Gulf States look for solutions for human trafficking and illegal workers, but these solutions are not enough, and the problems resurface every few years. For example, GCC countries deport illegal workers when they catch them, but their numbers do not seem to decrease, the problems within the system create new illegal workers every day. Illegal workers and human trafficking in the Gulf is another issue.

Lastly, there is the issue of citizenship. Currently a wave of anti-migration is spreading over even the most developed and migrant-friendly countries like the U.S., Australia, and Germany. However, the situation in the Gulf is different from those countries. The Gulf is still very much migrant friendly, even though there are nationalization efforts in the countries. However, from the beginning, this migrant friendliness has had limits. Even though some migrants take residence in the Gulf, bring their families, and stay there for many generations, there are few people who can be naturalized and then turn into citizens. While this is not a massive problem for the many expatriates who come in with contracts and with a desire to save up money and then

go home, it is a problem for the few who regard the Gulf as home and have no desire to go back to their home countries. Therefore, the last big problem about the Gulf is the citizenship issue.

All these issues are what make the migration regime in the Gulf special. Moreover, since to some degree all the GCC countries have this migration regime, we should look at the similar characteristics of the GCC countries and their societies that separate them from other countries and connect them within the GCC. In the literature review, I discussed the arguments regarding those similar characteristics in the Gulf that might potentially cause the migration system. These are a political economy based on the oil and gas rents; a tribal past that still demonstrate its effects through the exclusion policy; a colonial past that affected the society and left the GCC countries somewhat autonomous in their interior affairs but dependent on their patron states in foreign affairs; a Wahhabi religious tradition that is more recent in terms of chronology; and a similar demography, with low population density with the exception of Bahrain, and scarce population compared to neighboring countries, with the exception of Saudi Arabia.

Looking at the literature, we cannot pinpoint a sole reason for the migration regimes in the Gulf; however, it is possible that some of those shared characteristics of the GCC countries are also the reason for the specific migration regimes in the region. One of the most important reasons for the specific migration regimes in the Gulf is the way that their political economy and economic development has been shaped. Here, as Beblawi and Luciani claim, the rentier form of development took hold in the Gulf region and it not only affected the economy but also determined the relationship between the state and the society and, following this, the relationship between the citizens and the expatriates.

3.2.1. Political Economy and the Rentier States

While the “pure” rentier states no longer exist, the economic development of the GCC States is still similar. With the downward trend of oil prices, those countries understood that they had to diversify their economies and decrease their

dependence of oil and gas rents. To that end, GCC countries have taken a number of measures. On the one hand, they invested overseas and acquired properties and companies in other developed or developing nations. Also, at home, they invested in sectors such as finance, construction, entertainment, and tourism. These new investments led to a renewed need for labor, since in order to complete projects, GCC countries needed cheap and abundant manual labor. It can also be said that the renewed need for a foreign workforce in the construction and service sectors is what exposed many of the injustices and abuses in the GCC countries because of many stories about abuse and exploitation surfacing in mainstream media.

Refusing to give out citizenship and naturalizing long-term expatriates could be stemming from the rentier mentality. As stated in the literature review, this mentality is found in the citizens of the Gulf states and it breaks the work-reward cycle. Hence, the citizens are given money and benefits on the sole reason of being citizens. In countries such as Qatar and the UAE, where migrants outnumber citizens by a long margin, giving out citizenship means sharing the benefits. While cultural reasons are also referenced for this, naturalizing expatriates would inevitably lead to the scarcity of the government benefits that the citizens share. This would not bode well for the local community, and in case of discontent from citizens, the governments of the Gulf would be in a tough situation. Therefore, the citizenship issue is not open to discussion in the Gulf, and in the cases when there is an outside pressure for it, the response from the Gulf is rather harsh. For example, when the US and the EU demand extra rights or a naturalization chance for expatriates who lived in the Gulf for more than six years, the reaction to that was drafting a bill that limits the expatriates' stay in the Gulf to six years. Therefore, it is clear that while better treatment for workers is one thing and GCC governments are somewhat eager to provide better treatment for the workers, even if their efforts fall short, giving out extra rights for long-term foreign workers and naturalization is another thing, and the GCC governments resist that as much as they can.

Therefore, it is apparent that the economic development of the GCC countries plays a rather significant role in the labor migration regime in the Gulf. The hypothesis for

this thesis has foreseen that, and it is not that big of a surprise when the voluntary migration is mostly an economic activity. Both for workers who come to the Gulf and for the employers and states that demand labor, there is economic thinking. An important extra step here is that not only economics, but also its politics is significant in the Gulf case. The rentier form of development, along with other factors I will address below, required a foreign workforce, but also made sure that they did not get overreaching rights and benefits in the countries that imported those workers.

3.2.1. Tribalism, Culture, and Political Exclusion

The second approach that may explain the labor migration regime in the Gulf is culture and tribalism. Throughout history, there were tribes in the Middle East, and while the same is true for many Arab countries, such as Libya, Jordan, and Morocco, in the Gulf countries, tribes were in power even when colonial powers were controlling the region. Colonial powers, first the Ottoman Empire and then the British Empire, were in charge of the foreign relations of those countries, but in their interior affairs, tribes were more or less autonomous.

In tribalism, tribe members look after each other, and different tribes could show hostility to each other. Also when a member is harmed, all members of that tribe react. In that case, being in or outside of a tribe is very important. After the Gulf States declared independence, the tradition of tribalism did not vanish. Even as modern states, in the Gulf, the family a person belongs to is crucial. Moreover, this often determines the official status of a particular person. For example, in certain countries, in order to acquire that country's passport, a person should be a member of certain families that were in the country during the independence process. Since then, Gulf States have developed their bureaucracies. Some of them introduced some political and social rights to the general population, and the way that GCC states interact with the world deepened. However, it is possible that contrary to these developments, there is still a prejudice against the "foreign" and that this leads to the further alienation of the expatriates in the Gulf.

The exclusion policy that Longva talked about is the continuation of tribalism in modern times. Culturally, the expatriates and the citizens are different. Even in the first stages of mass migration to the Gulf, in which people from Arab countries such as Egyptians, Yemenis, and Palestinians were the majority, there were specific differences between the locals and expatriates. While they were all ethnically Arab, they did not spend time together outside of work. Nowadays, as the expatriates are more and more from Asian countries, these differences are more salient. As can be seen from the examples in the second chapter verbal abuse, calling expatriate workers racial slurs happen on a daily basis, expatriates and citizens do not spend time together and especially the older, more closed generations feel like they cannot recognize their countries because of the migrants. While there are many rich people in the Gulf, there are also middle and lower class citizens that the overall changes to their countries benefited them less. Combining it with a general exclusionist policy, it is easier to understand where the abuse towards migrants comes from. Hence, while the tribalism and culture do not explain the migrant need, it is helpful in explaining the discrimination and exploitation against expatriates from any nationality.

In some of the GCC countries, citizens are a minority, and they are afraid of losing their culture and becoming strangers in their own countries. In the UAE, for example, Arabic is no longer the first language that people speak, informally English took over years ago. And since there is quite limited interaction between the migrants and the citizens beyond work, channels of communication and dialogue is almost non-existent (Al Gergawi, 2011).

However, the striking thing is that the fear for one's culture does not mean xenophobia, as it does in the case of the EU or US experience nowadays. In the Gulf, people are not against expatriates and migration. Many of them know that they need them in order for the economy to survive and perpetuate itself. While there is increasing unemployment of the youth, people are not exactly blaming the expatriates for it and instead demand the state create jobs, since citizens see themselves above the kind of jobs that the migrants are employed (Kapiszewski, 2006). Therefore here, fear of the foreign workers is more culture-related. If, for

example, the UAE –a country whose population is more than 85 percent migrant- ever decides to be more inclusionary and let people become naturalized, the country will no longer be Arabic and even maybe Muslim (Hassan, 2018). For that reason, inflows of migrants are not the problem for citizens, because as long as they stay as guest workers or migrants and they do the hard work in the economy; the citizens do not have an issue with them, and the data in the Table 5 in the second chapter supports that, since we can clearly see a huge increase in the numbers of the migrants in the labor force while the numbers of citizens in the labor force is increasing more moderately.

In that case, again, trying to make sure that the expatriates do not stay in the Gulf indefinitely and not giving out citizenship are the ways to prevent cultural overtake. Also, there are other codes in the countries that are not written rules but are still obeyed by expatriates, such as not wearing some culture-specific garments of the Gulf. This deepens the rift between the citizens and the migrants and makes the differences between them more salient. Besides not wanting to be overwhelmed by the migrants, citizens raise this kind of boundaries. There are also more serious ones such as expatriates (especially poorer ones) not entering *souks* that only citizens may enter. These are not precisely crimes. However, it shows how discrimination is inherent in the system. A more significant problem is when this discrimination takes the shape of crime and illegality and when it is not addressed by the state. As shown in the second chapter, there are many cases of abuse towards expatriates, most of which are also illegal. However when the offender of the abuses and crimes is a citizen, the punishment is mostly a slap on the wrist, except in the case of serious crimes like kidnapping or murder. This means that when an employer does not pay the wages of the employees or makes them live in miserable conditions or casually assaults them, there is no certainty that the employee will receive compensation.

The *Kafala* system is also a cultural and historical mechanism used today in the Gulf that is a critical component of the labor migration regime. It has historically been used in the Middle East to sponsor people, not necessarily laborers. For example, in the Ottoman Empire, in order for unmarried men to register in neighborhoods, they

need *kafeels* to sponsor them. Also in Kuwait before independence, in pearl ships, captains of the ships sponsored their crew and gave them credits before the season started and then at the end of the season collected money. This was a kind of trust agreement between the captain and the crew, and while the practice very much resembles indentured labor, it was the only way back then to survive for the crew (Longva, 1999). All in all, *Kafala* is not a new system, and it has roots in history and culture. Furthermore, since the Gulf countries do not want a free migration system, they continue *Kafala* system today with only some changes and improvements.

The culture and tribal past are not the reason for the migration to the Gulf; however, a transformed us vs. them ideology is one of the contributing factors of the inequalities and abuses towards expatriates, and this fear of the foreigners also consolidates the anti-naturalization stance in the Gulf. So, while the act of migration is not related to the culture, abuses and treatment of migrants are and for that reason we can count exclusionist tribal culture as an intermediary reason to the labor migration regime.

3.2.3. Wahhabi Religious Tradition

Another common quality to the Gulf States with the partial exception of Oman is they follow a Wahhabi religious tradition in their religious affairs. Majority of Omani population is following Ibadi School of Islam and 25 percent of the population is following other sects which includes some Wahhabis ("Middle East: Oman — The World Factbook - Central Intelligence Agency", 2019). While all of the Gulf States are also Muslim states, many other states are also Muslim majority states, and it is too broad a concept to create a specific migration regime as in the Gulf. Wahhabism, on the other hand, is concentrated in the Gulf with respect to where it was born and start to spread and, while there are efforts from the Gulf countries and especially Saudi Arabia to spread the ideology to other countries, it is concentrated in the Gulf. Wahhabism is a school of Islam that defends returning to the roots of Islam and prohibits anything that has been added to the religion after the time of the prophet. Saudi Arabia is the place that this school came into existence and its cooperation with the tribal leaders of the time led to the modern Saudi state.

Religion is essential for the Gulf States, and all of them use Sharia Law as the first and foremost legal system. However, the degree that religion is important for them is different. For example, as the home to two of the most sacred religious places for Muslims and the birthplace for Wahhabism, Saudi Arabia is stricter with religion. The shura majlis that comprises religious scholars is essential in decision-making and, for instance, until recently women could not drive cars because it was prohibited by the officials because of religious reasons, while in the other GCC countries there was not a problem with that. Also, in Saudi Arabia and Kuwait it is forbidden to consume alcoholic beverages, but in other countries like the UAE and Qatar, it is not prohibited, at least for the foreigners, and there are restrictions only on the selling of alcohol.

Regarding migration, while all countries follow the same religious tradition, there is no evidence that Wahhabism has anything to do with the labor migration regimes in the Gulf. It is true that many laws are discussed with the shura majlis of specific countries, but Wahhabism does not take specific concern with the migration issue. The labor laws of the GCC countries, as can be seen in the second chapter, are drafted according to the international standards of the ILO, and specific clauses that are not seen anywhere else in the world, such as the *Kafala* system, are the product of culture and tribal history rather than religion. Yet as also seen again, in the second chapter, for the crimes that expatriates commit, or things like running away that the officials in the Gulf regard as crimes, are punished according to Sharia Law.

The issue here is not the discussion of Sharia Law. However, there are some grievances for migrants in the application of Sharia Law, such as *diya*, the blood money that is taken when a person kills another. If the family of the victim accepts this money, then the perpetrator of the crime could go free; but if they do not, then the perpetrator goes to court. The problem here is that in some instances in the Gulf, the nuances of the situation are ignored and for instance, if a person kills another for self-defense, the court may not take that into account and the perpetrator could face the same punishment as a person who willingly commits the same crime; and also the blood money that is determined by the victim's family could be too much, and a

poor migrant almost definitely cannot pay it himself. Another issue is that migrant women who are sexually assaulted by their employers or their families could be judged themselves for the crime of adultery. This adds insult to injury, since in those cases the victim, rather than the perpetrator, is blamed and judged. The examples in the second chapter demonstrate that when the specific circumstances of the situation are not taken into account, this could create more significant problems for the migrants.

Despite the troubles of migrants with Sharia Law, or rather the way it is applied in the Gulf, this is not entirely about the Wahhabi tradition. It is not even about Islam in general. Other countries also apply Sharia Law, but the application is different from state to state. So when evaluating the Sharia Law, we need to examine the underlying political will behind it. And aside from this legal perspective, Wahhabism does not offer a brand new approach to the labor migration regime in the Gulf. Therefore, while in common in the Gulf States as a religious school and ideology, it is not an approach that could explain the specific labor migration regime in the Gulf. However, some of the practices that are mentioned in the second chapter, such as slavery like living conditions of some of the migrants and some employers' inability to see their workers as wage earners rather than slaves (Human Rights Watch, 2014) and also some punishments such as accusing women with adultery when in fact they are assaulted could be stemming from this specific religious culture. Therefore, while not explaining the migration regime, it may affect the culture in the Gulf.

3.2.4. Colonial History

Related to the cultural and tribalism approach is the colonial history of the Gulf States. Each and every one of them had a colonial history, and while many countries in the world have colonial histories, Gulf states were mostly important in terms of securing the roads to more wealth producing colonies such as India, so the colonial rule is different than other instances. The colonial powers that established dominance in the region, especially the British Empire, mostly did not interfere with the interior affairs of the tribes. However, in their diplomatic affairs and other issues that could affect the interests of colonial powers, the colonial powers were in charge.

The Persian Gulf was an important region since it was instrumental in securing the road to India and later on because of the discovery of oil, but -especially before the discovery of oil- as a colony it was not meaningful by itself in the eyes of the British Empire because of the limited economic activities. Hence, the British Empire mostly left them uninterrupted in their interior affairs and let the cultural and historical aspects of the Gulf continue, such as tribalism, and in this case, they used their power to support and strengthen the various tribes which were more supportive of them. Therefore, most of the traditions in the region carried on. Secondly, they interfered when there was something that could affect the colonial powers themselves. For example, when there was a growing pearl sector in the Gulf, the British Empire put quotas and prevented some people from doing business there. In matters of citizenship, the British Empire had a say in who would get a passport and who would not. One unique case is that the British Empire was involved in the Gulf in ending the slave trade. Prohibiting slave trade and slaves was not necessarily for the benefit of the British Empire, and the existence of it did not threaten the British Empire in any way; however, because of the change in how they perceive slavery in Britain in later years, they abolished slavery not only in their own country but also in their colonies and protectorates as well. Some of the conditions of expatriates resemble slavery today, and from some of the actions of employers, especially in the domestic sector, it is evident that not all employers do not understand the line between voluntary employment and slavery, as shown in the second chapter. However, it would be a stretch to connect it with the actions of the British Empire rather than relating it to the cultural aspects of the Gulf.

While ancient families of the Gulf always had an edge, the British Empire's decisions were also instrumental in deciding which migrant community or Bedouins would get citizenship or preferential treatment (Jamal, 2015). And some of those preferences still exist today, long after the end of colonialism and the independence of the Gulf States. Nonetheless, relating the labor migration regime of the Gulf to the colonial past, and especially to the British Empire, could be an exaggeration. In other ways the British Empire could have deeply influenced the Gulf States such as in terms of the

culture, state, and military. However, there is not satisfactory evidence that their practices in the area of labor migration shaped the way it is today.

3.2.5. Demography

The last relatively common factor in the Gulf that I will mention here is their demography. Although in different numbers, the Gulf States have generally scarce populations, with the exception of Saudi Arabia. Moreover, the ratio of population to the land mass is mostly similar in the Gulf, this time except for Bahrain, whose population intensity is in the top ten in the world. And the numbers show this, after years of pro-nativist policies and high birth rates. At the time of independence and the first oil boom, these countries were much less populous, and there was a significant shortage of labor for the booming oil industry and development projects. Therefore, labor migration was a logical way of overcoming the labor shortage. Labor migration to the Gulf was not a foreign concept. Traders from Persia that ran away from the pressure in their home countries, Indians traders that did business with Trucial states, Yemeni ship crews that worked in the pearl-diving sector, and pilgrims who sometimes stayed for religious purposes and education were not unusual. Moreover, some of the earlier migrants did naturalize and became citizens of those countries. However, the scale of migrant flow after the discovery of oil in the Gulf was unprecedented.

The shortage of labor was not just because of the demography, but also because of the quality of the existing population. Before the discovery of oil and the independence of those countries, people in the Gulf were mostly uneducated and untrained. So, even if there were people, they were not able to work in specific sectors that requires intense training. The result of this was a significant migrant inflow mostly from Western countries and neighboring Arab countries such as Egypt, Palestine, and Yemen. As the development projects started to yield results, education systems in the Gulf got better, and there was a population boom that was encouraged by the Gulf governments. However, the population boom and better-educated people did not result in the decline of migration. On the contrary, it increased even higher. The biggest change was in the ethnicity of the expatriates. While in the 1970s

and 1980s Arabs were favored in migration, with anti-monarchy ideologies such as pan-Arabism, Nasserism, and communism gaining momentum in the Gulf, Arabs fell out of favor. They were replaced with cheap, non-threatening South Asian expatriates. These people coming from countries such as India, Pakistan, Nepal, Bangladesh, etc. have different cultures, speak different languages, and mostly are not interested in staying in the Gulf for good. That has made them perfect replacements. After the Gulf War, this replacement accelerated, and now the number of South Asian workers exceeds that of Arab workers.

The question as to why an increased population did not lead to less demand for migrants is important. It is not a phenomenon that could be explained only by demographics. To explain this one should talk about the education system and national employment in the Gulf. There are certain policies that lead to an increased demand for foreign labor, even when there is significant population growth. These phenomena will be explained later. However, it suffices to say that the demographics of the Gulf can explain the initial demand for foreign labor in this specific labor migration system.

3.3. Summary and Conclusion

In this chapter, I tried to find out whether my initial hypothesis about the labor migration system in the Gulf was correct. Initially, in my hypothesis, I argued that the reasons that explain the labor migration regime in the Gulf were rentier state development and the other reason is the specific demographic needs of the Gulf States that necessitates an immense demand for foreign labor. By defining the specific characteristics of the labor migration regime in the Gulf in the second chapter and in this chapter and then finding the common qualities of the Gulf countries that could be the reason for the labor migration, I looked at the literature and secondary sources to determine which qualities can cause the labor migration regime in the Gulf. At the end of this research I conclude that the labor migration regime in the Gulf is the product of the rentier state dynamics of economic development and the demographic structure, whereas the tribal culture of the region is an intermediary factor. Other shared qualities of colonial history and Wahhabi religious tradition, on

the other hand, seem mostly irrelevant in the creation of the labor migration regime. Practices that are relevant to colonial history and Wahhabi religious tradition are alive and well currently and sometimes are used in things that are related to migration. However, in contrast to culture, rentier state development, and demography, they do not create the backbone of the labor migration regime.

The migration regime in the Gulf is a product of the combination of a culture that takes a the us vs. them mentality from the tribal past and is frightened of being a minority and of the cultural influence of migrants, a demographic situation that actually lends credence to the fear of being a minority on one's own country, and a mode of economic development that allocates benefits just because they are citizens and ignores the migrants who do the hardwork. This unique migration regime is the reason for the injustices against migrants, huge migrant flows, and questionable practices such as withholding document, restricting freedom of movement and communication, human rights violations, and financial abuse in migration.

CHAPTER 4

CONCLUSION

In this thesis, I tried to present the labor migration regime in the Gulf States and find out the reasons that created this specific migration regime. The thesis started by establishing that the Gulf States enforce a similar migration regime that is different from those elsewhere in the world. While some parts of the labor migration regime resemble those found in other countries, such as Germany which also uses a guest worker system that is similar to some historical applications of the *Kafala System*, the migration regime in the Gulf as a whole is unique.

First, the system in the Gulf is a contract-based guest-worker system, as the governments never intended migrants to stay in the Gulf indefinitely. Inside the country a sponsorship system –the *Kafala* system- is applied, depriving migrants of mobility and fundamental freedoms. Related to this last point, the migration regime in the Gulf is exceptionally repressive to expatriates, especially towards those that are most vulnerable, such as female domestic workers and construction workers. Other than its disputes with voluntary workers, the Gulf also has the problem of human trafficking and illegal workers.

The situation seems glum when one looks at the labor migration in the Gulf. This thesis tried to uncover the underlying logic and problems of the migration regime in the Gulf through reviewing the relevant literature, media, non-governmental organizations' findings, and legal systems concerning migration.

The oil-rich countries of the Gulf have had a steady demand for foreign labor since the 1970s. The foreign labor in question has helped the Gulf States to improve their industries, create their formerly non-existent infrastructure, and develop their economies. At the beginning, the migrant inflows mostly consist of Arab workers. As time went on and the presence of other Arabs became a problem for the Gulf States, they were replaced by cheap Asian workers. Those people posed little threat since

they did not have political aspirations in the Gulf like the Arabs did, and their language and culture were very different, so the citizens and expatriates were not close outside of the workplace.

The labor market in the Gulf is segmented and the main points of segmentation are between citizens and foreigners and between the public and private sectors. In countries that have a higher GDP per capita, the segmentation is mostly between citizens and foreigners, as, for example, in Kuwait, the UAE, and Qatar. There, the smaller populations and massive wealth from the rents of oil and natural gas make it easier to contain citizens in the public sector. Therefore in those countries, citizens work mostly in the public sector, and expatriates work in the private sector, where they constitute more than 90 percent of employees. In contrast, in Gulf countries that have a moderate GDP per capita, such as Saudi Arabia, Oman, and Bahrain, citizens have to work in the private sector because the public sector is bloated and cannot open new positions for a growing young population. The result is a segmented labor market in both the public and private sectors and between citizens and expatriates (Hertog, 2012). The Gulf governments, especially the ones with the average GDPs, try to find out new ways to integrate citizens into the private sector. However, apart from some success in Oman and Bahrain, the Gulf countries have failed to do this. They all pursue nationalization processes, but quotas and punishments have not stopped private firms from employing more foreign workers and they have found some alternative ways to avoid regulations and punishments.

Labor market segmentation is one factor that influences the migration regime in the Gulf. The other and more pressing issue is that in Gulf markets, expatriates generally have fewer rights, or no rights at all depending on the job description, and there is widespread abuse against them. This abuse shows itself in different ways. Economically, expatriates are sometimes employed for less than what they are promised; some of them have to pay for their tickets, visas, and work permits even though doing so is the responsibility of their employers; and there are delays in their wages and some cases non-payment of wages. Socially, expatriates, especially those on short-term contracts such as construction workers or domestic workers who

generally live in the employers' house, are kept away from other people and their friends. They cannot leave their accommodations, are overworked and sleep deprived, and do not have access to some facilities such as air conditioning, clean water, and leisure activities.

Legally, because of the sponsorship system that is applied in almost all Gulf countries except Bahrain, expatriates do not have mobility. They cannot change their jobs and employers, and in some extreme cases like Saudi Arabia and Qatar, though recently abolished in the latter, there is also an exit visa that requires expatriates to obtain permission from their employers to leave the country after their contracts have legally ended. Also, widespread abuse is reported in the Gulf. For domestic workers, they have encountered physical, sexual, and verbal violence. Workers who are kept in inhumane conditions can get hurt, or worse, die. Contacting police or other law enforcement is generally not a solution, since in these cases the employers are generally found innocent. Running away or contacting one's own embassy is also illegal, and people who do so risk deportation and jail time. All in all, abuse towards migrants in the Gulf is a central aspect of the labor migration regime and cannot be ignored.

There are efforts from governments, some human rights organizations, and foreign countries to stop the abuse. However, the issue is not a simple one. It is ingrained in the society, so even though the labor laws of those countries are generally up to the standards of the ILO, they are in their totality rarely applied, and in the case of domestic workers they are not included in the labor law, which adds salt to the wound. Some of the illegal but ongoing practices such as keeping expatriates' passports, delaying their wages, or not covering the expenses of their documents are making the expatriates' lives very difficult, on top of the other abuses they face. A bigger change, maybe a mentality change, is required to improve migrants' conditions.

Another aspect of the labor migration regime in the Gulf is that it is near-impossible for migrants or their families to naturalize and become citizens. Because of their small

number of citizens, and the fact that some parts of the oil and gas rent are shared among the citizens, neither the governments nor the citizens want naturalization for expatriates. Aside from the doubts about the economics of the issue in many of the Gulf countries, the citizens are a minority by the numbers, and if they do give citizenship for the expatriates, they are afraid that this will hurt their culture and lifestyles.

All in all, it is evident that the labor migration regime in the Gulf is unique. No such regime exists anywhere else in the world. In neo-liberal economies cheap labor is used just as it is used in the Gulf, and there is widespread female migration that, as in the Gulf, serves in the domestic and service sector. There are also other guest-worker systems. However, the severity of the abuse, the steep hierarchy between citizens and expatriates, and the virtual impossibility of becoming citizens make the labor migration regime in the Gulf unique.

This thesis asked about the reasons that caused this specific migration regime. And through my analysis of the scholarly literature, statistics about the Gulf countries, and relevant media, I concluded that the reasons for this migration regime are rentier state development in the Gulf, the small number of citizens of the Gulf States, and as an intermediary factor, the tribal and exclusionist culture. The Wahhabi religious tradition and colonial history were also options that were evaluated, but there is not enough evidence that shows them to be affecting the labor migration regime, but they could affect the culture of the people in those countries.

While the scope of this thesis is limited to the Gulf region and GCC countries, it would be a mistake to treat all these countries as the same. While they all have similar migration patterns, even then, there are some differences as to how they apply the system and their willingness to change and improve it. For example, as I said before in this chapter, in some countries citizens have to work in the private sector, since they have only a moderate GDP per capita and the public sector is over-saturated; but in other countries GDP per capita is high, and there are few citizens to employ, so employing them in the public sector is not a big problem. While these are not

directly related to the labor migration regime, the measures taken for the citizens affect the foreigners in the end. For example, the necessity of employing citizens in the private sector in Oman and Bahrain led to some policies that increased the mobility of the foreign labor and increased the number of private sector jobs in order to convince citizens to work in the private sector. However, in Saudi Arabia, even though they have had to create more jobs than Bahrain and Oman because of the population, they have not applied effective policies, and the policies that they have tried to apply, like implementing quotas for citizens, have been ignored or bypassed.

On the other hand, in countries with a high GDP per capita and low populations, the public sector is less over-saturated, and there is still a place for citizens there. In those countries, labor mobility is not improved, even though after much criticism Qatar and the UAE have promised to address this. Hence, within the Gulf countries, there are different methods and policies that aim at improving the labor market (and not just the migration system), but their effectiveness varies.

The Gulf States also directly aimed to improve labor migration. The problem with labor migration is not just with the governments, it is also related to the culture, so it is difficult for the governments to improve it by themselves. There needs to be a major overhaul in all aspects of society, not just in the government. Otherwise, people will continue to find loopholes in the system and maintain their conditions. For example, the UAE is a leader in the migrant protection in Gulf; they introduced many reforms, such as increased labor inspection in the private sector, which means inspecting foreign workers since they are the absolute majority, and a wage protection system. The wage protection system is quite important because one of the most significant problems in the Gulf is non-payment of wages; putting it in an electronic system, in theory, should fix the problem. However, employers still find ways to overrule it, and it leaves the government with little it is able to do.

The Gulf countries are also stubborn to accept outside pressure, and this also hurts expatriates. For example, as seen in Chapter 2, when the labor-sending countries try to interfere for the benefit of their citizens, this can have some unintended

consequences, since the Gulf States understand that as an intervention in their interior affairs. However, we also see that when there is a voluntary collaboration between the sending and host countries, it can improve conditions for migrants. This was the case with the Indian government's efforts to secure a minimum wage for their citizens in some Gulf countries. There are times that these policies backfire; after all, it is rather easy to find a willing new country to employ expatriates from, but when two sides are willing to cooperate, they can sometimes find solutions to the benefit of both parties.

The Colombo Process and Abu Dhabi Dialogue are initiatives that could improve the dialogue between the sending and host countries. These initiatives are the first efforts to bring them together, and this could lead to more dialogue and understanding and cooperation later on. When we think that the abuse does not start in the host countries, but generally starts in the home country, via agencies, a lack of knowledge on the part of expatriates, and a lack of communication, then it is easier to see how cooperation could lead to better solutions.

It is evident that despite its nationalization processes, the difficulties it imposes on visa applicants its taxing of migrants, the Gulf, from a demographic and human-resources standpoint, still needs foreign labor. There is unemployment and a significant amount of money leaving the country through remittances, and these are not things a state and its citizens would want. However, the current supply of citizens is not deemed fit for the requirements of the labor market. To change this, the Gulf States need to figure out their education and training systems, their demographic policies, and wage systems, including finding a balance between the private and public sectors. Until that time, no nationalization process could prevent labor migration, mostly because the citizens themselves are aware that they need foreign workers and their only objections are to giving them, in their eyes, more rights. Data supports that. The years that the labor migration decreases or stagnates are the ones in which the economy does not go very well or when there is a political crisis. So, rather than labor policies of the Gulf countries, the economic and political upheavals that result in economic stagnation are the indicators that affect the migration.

Citizenship is also an issue in the labor migration regime in the Gulf. Throughout this thesis, it is evident that because of economics, cultural aspects, and demographic imbalances, the Gulf States are not keen on giving out citizenship even to people who have been in the Gulf for decades, or who were born there. It is true that giving out citizenship could upset the balance of the population, but making it difficult or even impossible to obtain citizenship, while is inhumane since many migrants stay in the Gulf for generations, could also cause the Gulf countries to lose out on important individuals at an economic and human capital aspect. Educated expatriates who cannot obtain citizenship or long-term residence have to leave the country at some point and this could hurt the Gulf countries in the long-term.

Another issue about migration is that it affects the overall image of the Gulf countries and the investments that are made there. Through their diversification efforts, we have seen that the Gulf countries are trying to encourage some global companies and organizations to invest in the Gulf. However, the labor abuse in those countries disinclines those companies and organizations from investing and cooperating in the Gulf or at least makes them answer to the general public. For example, the fact that Qatar will organize the 2022 World Cup and the scandals about foreign workers in construction projects of stadiums and hotels made many people uneasy. After the scandal was revealed in the Human Rights Watch report and the Guardian, there were campaigns to take away the World Cup from Qatar. Qatar had to respond to this by promising reforms in the *Kafala* system, and while it has not abolished the system in its entirety, they have made some reforms. In addition, in the UAE, there were reports and news about the construction of Saadiyat Island which means Happiness Island, ironically to the effect that the situation of migrants was awful, that they had to stay in accommodations that were not suitable for human beings, and that the workers who complain about these conditions and delayed wages were deported. After these reports there was an international outcry, and the UAE had to reach an agreement with an independent inspection firm to inspect foreign workers' situations, wages, and accommodations. Thus, it is apparent that while they do not

change the whole system, international outcries do cause countries to reevaluate their practices and can lead to reforms and improvements.

Overall, it is apparent that the problematic labor migration regime in the Gulf is an issue that affects the Gulf States, labor-sending countries, the citizens of the Gulf States, and, most importantly, the migrants. The issue is mostly the responsibility of the Gulf States. However, it is not something that has a clear and linear solution. All the parties that are affected by this migration regime should participate in the solution, and even then, there are different needs and capabilities of each GCC state, so while there are common problems that need similar solutions, in the end, each state should come up with its specific solution with the help of other parties and by regarding their particular conditions.

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