

# Recommendations for Migrant Labor Reform in Qatar: Fulfilling a U.S. Foreign Policy Objective of Greater Respect for Human Rights In Gulf Cooperation Council Countries

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## Abstract

The heavy reliance on migrant labor in Qatar presents significant problems for these workers. Qatar benefits from imported labor, and migrants are able to earn more money than they would in their home countries. However, migrant workers from South and Southeast Asia are often deceived and exploited by sponsors and recruiters in the receiving and sending countries through physical and emotional abuse, inadequate wages, poor living conditions, and denial of freedom to travel or change jobs. The practices of recruitment agencies in the sending countries and the current labor laws of the Gulf Cooperation Council (GCC) do not favor the workers and have facilitated the continuation of abusive practices. The sponsor system should be reformed through liberalization of the current

system. Simultaneously, the recruitment system should be reformed through bilateral engagements between Qatar and other nations with large numbers of citizens working in Qatar.

## **Background**

Qatar has relied on significant levels of foreign labor since the 1930s. The oil boom of 1973 allowed it to accumulate vast revenues from oil exports (Winckler 1997:480-493). As a result, the nations of the Persian Gulf were able to invest heavily in infrastructure, energy stations, governmental ministries and services, social services, healthcare, and education. Although Gulf nations possessed a significant amount of capital to invest in projects, they lacked a capable workforce (Ibid). Today, approximately 87 percent of Qatar's workforce is composed of migrant laborers.

At the beginning of the oil era, the majority of migrant laborers came from surrounding Arab nations. Qatar and other Gulf nations were also destinations for Palestinians following the Arab-Israeli war in 1948 and the occupation of Palestine (Kapiszewski 2006). The religious, cultural, and linguistic similarities initially made Arab labor more attractive than immigrants from other areas.

However, the preference for Arab workers has changed significantly in recent years (Kapiszewski 2006). Leaders of the Gulf countries became particularly fearful of the radical social and political beliefs that non-Gulf Cooperation Council (GCC) Arabs brought with them, such as secularist and pro-Soviet ideologies. Also, Arab-led labor strikes threatened Qatar's internal stability (Ibid). These prevailing attitudes have caused the employment of Arab laborers to decrease over time (Ibid).

As a result, migrant labor from South and Southeast Asia to Qatar has surged. Asian migrant workers typically present lower costs to employers because they are viewed as more efficient, obedient, less demanding, and easier to fire (Kapiszewski 2007). Asian laborers are also more willing to migrate and work without their families, whereas many Arab laborers expect to bring their families and settle permanently. The fact that many South and Southeast Asians practice Islam adds to their favored status in Qatar, as GCC countries greatly value religion and tend to be very conservative (Ibid). Because of the major economic contributions, principally remittances, migrant laborers have made to Asian countries, Asian governments have

been instrumental in encouraging their citizens to work in Qatar and other GCC countries (Gardner 2011).

Foreigners now make up a significant part of Qatar’s population. While migrant laborers have satisfied the labor needs of the Gulf countries, many of their citizens have begun to feel excluded from labor markets. As a result, Qatar has attempted to “nationalize,” or promote higher participation of the indigenous population in the national workforce (Dito 2010:70-86).

A nationalization program called “Qatarization” has attempted to limit the amount of foreign labor by increasing citizen participation of the local workforce through training, skill acquisition, and pay incentives (Winckler 2010:9-13). Qatar was able to achieve higher participation of the citizenry in the public sector by lowering knowledge and experience requirements for recruits, and offering higher salaries, job security, and less strenuous work schedules (Sharp 2004). The Qatarization initiative has been less successful in private sector jobs because of the irregular work hours and a greater emphasis on employee performance (Naithani 2010). Qatari citizens often lack the technical and professional qualifications needed to realize the necessary level of productivity in the private sector (Attiya 2010). Many South and Southeast Asian workers also are willing to work in sectors that members of the national population are not, such as labor-intensive jobs in construction, household upkeep, and janitorial services.

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

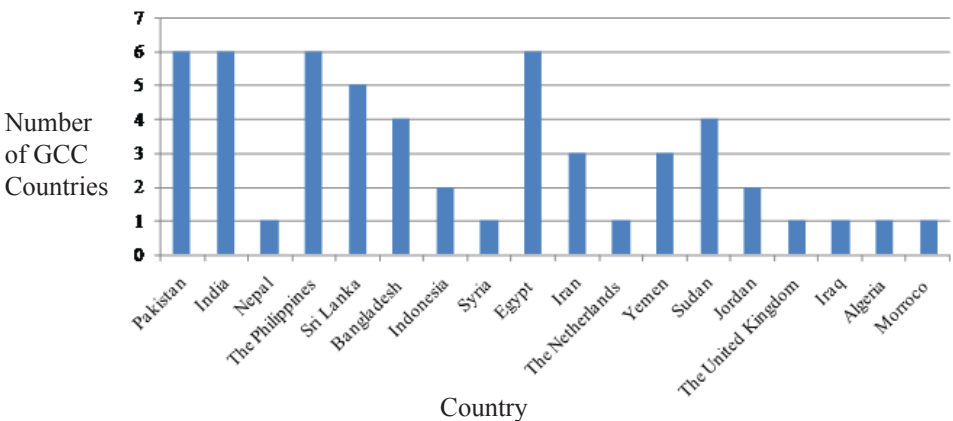


Chart Adapted from Data Source: The Migration and Remittances Factbook 2011, World Bank.

Since the nationalization program has yet to be effective at replacing migrant laborers with Qatari nationals of the same qualifications, Qatar is likely to continue receiving large amounts of migrant labor to maintain the nation's productivity. Most of the labor will continue to come from South and Southeast Asia. The table below illustrates how the migrant labor population continues to grow in Qatar, Oman, and Bahrain and slightly decreases or remains steady in the remaining GCC countries.

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

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

Source: United Nations, 2009

## U.S.-Qatar Relations

The United States believes that respecting human rights helps to maintain the peace, discourage aggression, fight against crime and corruption, promote the rule of law, strengthen democracies, and prevent humanitarian disasters. Due to the United States' amiable relationship with Qatar, ideas about migrant labor reform have a platform in Qatar. The ruler of Qatar, Shaikh Hamad bin Khalifa Al-Thani, has initiated efforts to politically liberalize Qatari society. The country's effort to align itself with the United States can facilitate openness regarding migrant labor reform. Qatar has served as an ally to the United States in the war on terrorism, and the United States and Qatar have favorable business relations through economic ties in the oil and gas industry.

## Problem

The heavy reliance on migrant labor in Qatar presents significant policy problems for the migrant workers. These problems include a restrictive sponsorship system, physical and emotional abuse, inadequate wages, and poor living conditions. The practices of sending countries' recruitment

agencies and current labor laws in Qatar disadvantage workers and have facilitated the continuation of problems.

### **Restrictive Sponsorship System**

The kafala system is the legal basis for residency and employment of foreigners employed by GCC nations (Winckler 1997). More than 85 percent of Qatar's workforce is made up of third-country nationals who are entirely dependent on their sponsors.

Under Qatar's sponsorship system, migrant workers receive an entry visa and a residence permit only if a Qatari citizen or institution sponsors them. Employers are required to assume full economic and legal responsibility for the employees while they are contracted to those sponsors. The laborers can only work for the employers that are sponsoring them. Thus, the worker's ability to remain in the country depends on maintaining his or her contract with that sponsor (Colton 2010).

The sponsorship system is the central institution that defines identities, rights, and obligations for employers and migrant laborers. Although they can be renewed, entry visas are typically short-term and can be terminated by the employer at any time (Ibid). The government of Qatar does not grant citizenship to migrant workers. As a result, the kafala system creates a dynamic of uncertainty and job insecurity (Auwal 2010).

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

The law also requires companies to apply for a visa through the Labor Market Regulation Authority (LMRA) whenever they want to hire a foreign employee, which was not previously the case. The LMRA would then become the worker's official sponsor. Under this type of sponsorship, the worker has the capacity to switch jobs after issuing an end-of-contract

notice delivered by mail three months in advance (Ibid). The law applies to both the public and private sectors, but it does not apply to domestic workers (“Scrapping Sponsorship” 2009).

### **Mistreatment and Abuse**

Mistreatment and abuse mostly involves nationals of South Asia, Indonesia, and the Philippines. Accounts of mistreatment include non-payment or late payment of wages, sexual harassment, contract switching, physical torture or torment, and overwork. Embassies in Qatar are known to provide shelter and relief to their citizens who have fled as a result of altercations and abuses. In 2007, the Embassies of India, Nepal, and Sri Lanka received a combined total of more than 15,000 complaints from both male and female workers reporting mistreatment by their employers (Department of State 2010). However, many workers did not press charges for fear of losing their jobs (Ibid).

### **Deceptive Recruiting Practices**

Recruiting agencies serving as labor brokers in the sending countries factor into the exploitation of many South and Southeast Asian migrants seeking work in the Gulf. Labor brokers charge a large fee to potential laborers in exchange for the opportunity to seek better employment abroad. Thus, it is in the agencies’ interest to avoid discussing the common challenges and difficulties low-skill migrants face in the GCC nations. Labor brokers often portray an image of higher wages and better working conditions, but fail to inform workers of the limited ability to return home (Ibid).

### **Inadequate Living Conditions**

The living conditions of foreign workers are a serious concern in Qatar. Diplomatic representatives who visited migrant residences reported that the majority of workers are living in poor conditions. Living quarters are overcrowded and dirty, and often lack running water, electricity, and sufficient food (Ibid). An investigation by the Labor Inspection Section concluded that many of the labor camps investigated through random assignment were below minimum benchmarks as specified by international labor standards (Ibid).

## **Lack of Government Enforcement**

The Ministry of Energy and Industry, the Ministry of Health, and the Labor Department are responsible for the enforcement of the labor regulations created by the government (Department of State 2011). Though reported to be improving, these agencies suffer from inadequate training and low levels of personnel levels (Ibid).

Qatar does not have an official minimum wage. In most cases, the pay foreign workers receive is not sufficient to provide a decent standard of living for a worker and his or her family. Under Qatari law, the workweek is not supposed to exceed 48 hours and should include a 24-hour rest period (Ibid). During the month of Ramadan, workers are not allowed to work more than 36 hours a week (Ibid). However, the law was often disregarded with respect to unskilled laborers and domestic and personal employees (Ibid). Many of these workers worked seven days a week and more than 12 hours a day. In addition, they received few holidays and no overtime pay (Ibid).

## **Weak Enforcement of Labor Laws**

The cycle of exploitation continues because of the weak labor laws and the failure to prioritize migrant labor rights in both sending and receiving countries (Auwal 2010). Labor laws in GCC countries favor employers, because current laws make it very difficult for migrants to seek legal recourse when they are mistreated. Xenophobia among GCC country officials has led governments to implement laws and policies that violate the fundamental human rights of migrant workers (Ibid).

Dr. Susan Martin, an associate professor of international migration at Georgetown University, believes the biggest impediment to guaranteeing migrant laborers more rights can be summed up as a combination of problems created by unfair sponsorship systems, deceptive recruiters, and unresponsive governments. She identified “a need for a more liberal sponsorship system, more government enforcement, and more transparency and accountability on behalf of those recruiting migrant laborers, in order to alleviate and ultimately eliminate mistreatment and hardship foreign workers experience.”

## Criteria

The following set of criteria is used to weigh the validity of the proposed policy options based on U.S. foreign policy interests.

- Ensure policy options are effective in eliminating human rights abuses against migrants.
- Ensure that the selected policy option is politically feasible given the political economy and culture of Qatar.
- Protect and promote interests central to U.S. foreign policy, such as greater respect for human rights and the promotion of strong and stable democracies.

## Policy Options

1. Liberalize the sponsorship system.
2. Reform the recruitment system through bilateral relations with large sending countries.
3. Create a government agency exclusively for overseeing migrant laborers and enforcing migrant labor laws.
4. Modify the nationalization process currently in place, based on an analysis of the mistakes and successes from past nationalization efforts.

## Analysis

In the analysis, I weigh the above policy options against the criteria to evaluate which policy options are the most viable.

### 1. Liberalize the Sponsorship System.

**Maximize Effectiveness.** Liberal policies include being able to transition from one job to another without permission and being able to move freely within the country and in and out of the country. If Qatar were to adopt liberal measures as a means of improving the sponsorship system, the nation could succeed in improving migrant labor conditions. While Bahrain did modify its sponsorship system, it has not appeared to give migrants more rights. Qatar has the opportunity to implement a type of migrant labor



reform already tested in a neighboring GCC country and modify the law to obtain a more favorable outcome.

The results from Bahrain's new legislation suggest abolition has not been entirely effective. Observers have stated that the passage of the law appeared to be merely symbolic, as many of the measures taken were applauded by the media but had no real impact for migrant workers. Reports state that while the law now requires new workers to be sponsored by the government, this law is not significantly different from the previous system, under which the government issued the two-year work visas. Workers are still required to have a company or individual sponsor them in order to remain in the country ("Scrapping Sponsorship" 2009).

The law has strengthened migrant laborers' ability to move from one sponsor to another with more ease. The capacity to leave has helped workers escape abusive employers or demand better working conditions and wages. However, the new law is wrought with technicalities that favor employers (Ibid). In the event that a worker does want to leave his or her employer, vengeful sponsors can punish their workers by canceling their visas before they have a chance to switch sponsors. The law has proven ineffective in combating deceptive recruiting practices (Ibid). The lack of accountability and enforcement allow these practices to still occur at high rates (Ibid).

Although reforming the sponsorship system by abolishing it seems to be ineffective in Bahrain, Qatar can modify the policies used in Bahrain to achieve the desired results, or something equivalent. While Qatar may be unwilling to abolish the sponsorship system, changing certain aspects of the system to give more autonomy to migrants can be effective.

**Ensure Political Feasibility.** Although legislation to abolish the sponsorship system passed in Bahrain, the measure was not without opposition. While Bahraini Labor Minister Dr. Majeed Al Alawi likened the sponsorship system to modern slavery, the decision was met with fierce resistance from the business community, which called for Al Alawi's resignation (Toumi 2009). Similar discontent exists in other GCC nations. Emirati business leaders in the UAE also strongly oppose abolishing the sponsorship system, as they believe it will affect the interests of the private sector and alter the demographic structure (Ibid).

While there is strong opposition from some like the Bahraini business community, there also exists the belief that an alternative to the sponsorship

system is needed. Leaders from the six GCC countries have proposed alternatives to the sponsorship system, such as imposing residence caps on foreigners (Ibid).

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

In spite of the opposition in other countries, influential decision-makers in Qatar desire to change the sponsorship system. In 2010, Qatar Prime Minister Shaikh Hamad Bin Jassem Bin Jabor Al Thani agreed that changes to the sponsorship system were necessary. He stated, "The government is now seriously looking into the sponsorship system, and in light of the latest developments, the issue requires some legal and other measures" (Toumi 2010). Even if Qatari officials do not want to eliminate the system, they are open to making changes to the system, which could include increased liberalization.

**Protect and Promote Interests Central to U.S. Foreign Policy.** Reforming the sponsorship system should improve human rights and bring about stable political conditions, both of which are conducive to positive business connections. Removing the sponsorship system in Qatar would improve the status of most migrant workers and reduce their risk of exploitation. Reforming the sponsorship system would also increase worker's ability to select where they work, ultimately forcing employers to provide better conditions and better wages ("Scrapping Sponsorship" 2009). Qatar can liberalize the sponsorship system by creating laws that favor migrant workers and ultimately uphold the United States' foreign policy interests in human rights and political stability.

## **2. Reform the Recruitment System through Bilateral Relations with Large Sending Countries.**

**Maximize Effectiveness.** Reforming the recruitment system through bilateral engagement with nations that have large numbers of their citizens working in the Gulf would be effective in eliminating abuses of migrant workers. Some sending countries, in partnership with the GCC nation of Kuwait, have created domestic policies to eliminate the number of deceptive

recruiters and to provide more accountability for low-skilled and unskilled migrant workers in leaving and entering their respective countries.

Dr. Andrew Gardner, a professor of anthropology at the University of Puget Sound in Tacoma and a researcher of the unskilled labor force in Qatar, states, “Many of these labor migrants have little or no contact with their official sponsor anyway, but instead face a phalanx of managers and middlemen who are often the direct culprits in creating the problems they face.” Collaborative efforts between Qatar and sending countries increase scrutiny of deceptive recruiters looking to exploit uneducated migrant laborers and eliminate the inefficiency caused by confusing networks that lack transparency and accountability.

Requiring labor agents to register and receive a permit is one way to decrease the number of exploitative labor recruiters. Qatari officials can collaborate with officials in the sending countries’ embassies to monitor the treatment, payment, and living conditions of foreign workers. Combining efforts through bilateral collaboration can achieve positive results in migrant labor reform. Accountability measures can work to decrease the number of deceptive recruiters that exploit migrants by taking advantage of the lack of documentation in sending and receiving countries.

Dr. Garner also highlights that the nature of the policy plays a role in its effectiveness, noting that a policy that has less emphasis on shaming Qatar and has more emphasis on collaboration and cooperation will be more successful.

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

Dr. David Mednicoff, an assistant professor of public policy at the University of Massachusetts-Amherst and a specialist in Middle Eastern politics, explains another reason why Qatari officials would be open to bilateral engagement. He states, “Qataris will feel like the finger isn’t just

being pointed at them; both countries will be regulating the policies. Qatar really cares about diplomacy; foreign relations and treaties make it a more complex policy game that could work very well.”

**Protect and Promote Interests Central to U.S. Foreign Policy.**

Reforming the recruitment system through bilateral engagement will help protect and promote human rights interests central to U.S. foreign policy. Accountability from both Qatar and the sending country will have a double impact on decreasing the deception that occurs when labor recruiters take advantage of unknowing workers. Increased accountability will also reduce the number of abuses that happen without legal recourse. Workers will be more empowered to take action against the wrongs they suffer regarding nonpayment, delayed payment, poor working conditions, and unsatisfactory living conditions. Fewer human rights abuses will occur if both the sending country and Qatar are accountable for the migrant worker.

**3. Create a Government Agency Exclusively for Overseeing Migrant Laborers and Enforcing Migrant Labor Laws.**

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

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

**Ensure Political Feasibility.** Dr. Gardner has observed changes in Qatari labor officials’ views on enforcing labor laws. Dr. Gardener stated, “For the first time in a decade, I was hearing labor migrants in the camps talking about labor courts and positive, or at least non-devastating, verdicts on those courts.” The existence of labor courts and the increased enforcement of existing labor laws indicate that government officials in

Qatar are attempting to use institutions to limit mistreatment among foreign workers. A government agency created exclusively for overseeing migrant labor rights is therefore politically feasible given the observed changing atmosphere regarding migrant labor.

Babar, also agreed that the creation of a new agency is politically feasible. Qatar has recently established an agency designed to support migrants in accessing the legal system when a worker has a dispute with his employer over wages or working conditions. The point of the agency is to provide assistance to migrants when they are dealing with the courts (Babar 2012). If Qatar is already working to establish institutions of accountability for migrant workers, it may be feasible for the government of Qatar to create an institution that monitors migrants.

**Protect and Promote Interests Central to U.S. Foreign Policy.** Establishing an effective oversight agency to handle migrant labor affairs will promote U.S. interests in human rights by demonstrating accountability and transparency. Documenting migrant workers, monitoring the way they are treated, and enforcing existing migrant labor laws when they are broken will increase the protection of migrants in Qatar, which is consistent with U.S. foreign policy objectives in the region.

Creating an agency exclusively for migrant rights can also promote political and economic stability. An agency monitoring migrant labor affairs and enforcing migrant labor laws may promote domestic stability by addressing issues appropriately and fairly, thereby quelling the possibility of unrest among migrant workers.

#### **4. Modify the Nationalization Process Currently in Place, Based on an Analysis of the Mistakes and Successes from Past Nationalization Efforts.**

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

Nationalization efforts in Qatar, or Qatarization, are very important in helping nationals feel secure about their cultural identity in a country where almost 90 percent of the inhabitants are third-country nationals. However, nationalization efforts have had little impact on employment sectors. Dr.

Gardener explained, “The GCC states have been talking about localization [i.e., nationalization] for decades and it’s had almost no impact.”

Zahra Babar believes revamped nationalization efforts will most likely not succeed. She stated, “Considering that there are only about 100,000 Qataris in the workplace, or less, and about a million foreign workers, Qatarization is never going to result in Qatari citizens taking all the jobs. The problem with Qatarization is that it virtually guarantees Qataris’ job placement either in the public or private sector, and as a result impedes motivation, competition, and proper skill development for advancement amongst Qataris.”

Based on Babar’s assessment, Qataris are getting placed in high-skilled professional jobs simply to keep non-citizens out of them. However, the abuses against migrants mostly affects South and Southeast Asian workers in domestic, low-skilled, or unskilled jobs. Consequently, attempts to nationalize the workforce will not have a meaningful impact on eliminating abuses against migrants.

**Ensure Political Feasibility.** Restructuring the nationalization efforts is politically feasible in Qatar. Nationalization efforts are an enduring movement in many GCC countries, just in different forms. For example, a sub-regional proposal presented in 2004 at the Gulf rulers’ summit aimed to limit the period a foreigner can work in all Gulf States to six years (Kapiszewski 2007). In 2008, Qatari Minister of Labor and Social Affairs Hassan Al Dhabit Al Dosri announced that all private sector and public sector companies had to reserve 20 percent of their workforce for Qatari citizens (“Qatar Announces”).

The government also wants Qatar to be able to compete in the private sector and has taken action outside of mandating quotas to ensure this. In 2003, the country announced plans for a restructuring of the kindergarten through 12th grade education system, with help from the Rand Corporation to educate a better skilled labor force for the future (Glasser 2003).

**Protect and Promote Interests Central to U.S. Foreign Policy.** Modifying the nationalization efforts in Qatar will have a minor effect on protecting and promoting interests central to U.S. foreign policy. Limiting foreign workers can have a negative impact on political and economic stability in Qatar by causing unrest among those foreigners that will be replaced if the nationalization process is successful. Revamped nationalization can

also impact the sending countries by decreasing remittance flows to their economies and prompting their citizens to work in other parts of the world.

### Recommendation

It is recommended that Qatar pursue a form of the recruitment system through bilateral engagement between Qatar and other nations that have large numbers of citizens working in Qatar, and through liberalization of the current system. Liberal policies include being able to transition from one job to another without permission and being able to move freely within, into, and out of the country. Of all the policy options, liberalization and reform through bilateral engagement are the most viable after being weighed against the three criteria.

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