



South Asian Working Migrants' to the Gulf Arab States: Policy Alternatives and Analysis

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ABSTRACT:-The objective of this paper involved an analysis to policy alternatives available for reforming the Gulf Cooperation Council (GCC) countries' status quo regarding hiring foreign nationals. The policy alternatives were analyzed against four criteria: effectiveness, cost, administrative and political feasibilities. Sources of secondary data including books, journals, newspapers and the internet were used to collect data needed for analysis. Analysis showed that the best alternative – among the Status Quo, Establishing an Agency for Hiring Workers and Abolishing the Current Kafala System – was that of establishing an agency for hiring foreign nationals with representation from the workers' home countries.

Keywords:-South Asian workers, GCC countries, Kafala system, policy alternatives, policy analysis

I. INTRODUCTION

After the oil boom in the 1970s, the six Gulf Arab States that make up the Gulf Cooperation Council (GCC) (Saudi Arabia, Qatar, Kuwait, Oman, Bahrain and UAE) began developing at an exponential rate, and their low populations caused them to become reliant on foreign migrant labor. Today, the majority of this labor comes from South Asian countries such as India, Sri Lanka, and Pakistan. These migrant workers are often mistreated by their recruiters and denied basic human and labor rights by their employers. Some of the mistreatments inflicted on migrant laborers include: lying about pay and job type, squalid living conditions and, physical and sexual abuse. Laborers are reliant on their employers through the Kafala [1], or sponsorship, system that is unique to the GCC countries. As the GCC states become more influential on the world stage, their treatment of migrant laborers has become better known, thus resulting in a few reforms. Unfortunately, these reforms usually contain loopholes and only help a portion of the migrant population. Furthermore, while the home countries of these laborers are aware of the mistreatments their citizens are experiencing, South Asian countries are reluctant to take action against the Gulf States because their economies are dependent on the remittances they receive from the GCC countries [2]. The best option for supporting the large migrant population is through the use of “moral diplomacy.” Moral diplomacy would “name and shame” the Gulf countries into action for the development of the South Asian countries that rely on remittances from the Gulf.

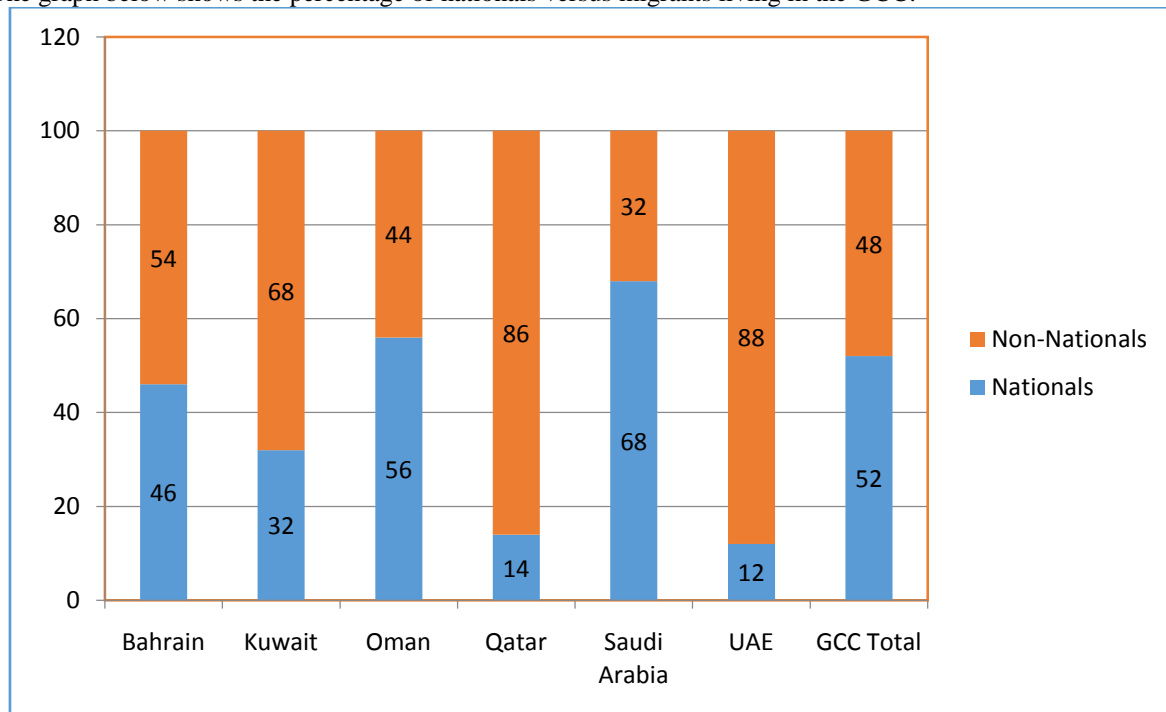
II. STATEMENT OF THE PROBLEM

In early January of this year, a Sri Lankan maid named Rizana Nafeek was beheaded by the Saudi Arabian government after she was accused of killing a baby under her care in 2005. She was just seventeen years of age when she was convicted. Not only does the case of Rizana Nafeek show the flaws of the Kingdom of Saudi Arabia with regard to human rights and their judicial system, it also opens the veil on the conditions that migrant workers face when they make the journey from South Asia to the Gulf Arab countries [3]. In recent years there has been a substantial spike in South Asian migrant workers in the six members of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE). These migrant workers face terrible treatment by the government, the recruiters, and their employers. Yet despite this, South Asians continue to flood into the Gulf in search of work. With cases like the beheading of Rizana Nafeek, and the Qatar's preparations for the World Cup in 2022, along with the Gulf's increasing presence on the world stage, the world is watching the Gulf Arab states. If the GCC countries hope to remain in the good graces of the world, they may have to implement reforms in the treatment of migrant workers.

South Asian migrants have not always experienced mistreatment in the Gulf Arab States. During British rule in the Persian Gulf, Arabs were ruled through the British colony in India, which resulted in an influx of Indian clerks and businessmen [4]. In the 1950s, after British rule had ended, but before the oil boom in the Gulf, Indians were welcomed because they often brought their own businesses with them. In the United Arab Emirates, for example, there were Hindu temples built for the immigrants, which helped to preserve their culture. These Indian immigrants were also given rights as citizens of these nations. However, today there are less than 130 South Asian families in the UAE that fully own their business in Dubai. The rest of the South Asians that have made the UAE and the other five GCC countries their place of work have few rights and will not be allowed to permanently settle in these countries [5].

One of the reasons behind the lack of fair treatment and basic human rights for migrant workers in the Gulf Arab countries is because the government and its citizens see the influx of migrant workers as a threat to their way of life. The continued denial of fair treatment and basic human rights is, in the opinion of GCC citizens, a way to protect their rights as citizens of the countries. Migrant workers make up a considerable portion of the population in the Gulf. For example, in Qatar, a country with a population of 1.9 million, nationals number approximately 250,000 – only 15% of the population. Gulf Arabs often view themselves as a “besieged minority” in their own countries, and because of this they “discourage assimilation” of the migrant workers. In a region dominated by conservative Islam and tradition, Arabs consider their treatment of migrants as a way to preserve their culture and their own rights in a population that is dominated by Hindus, Buddhists, and non-Arab Muslims. Another problem in the GCC countries is that many citizens do not realize the mistreatment these migrant workers are facing [6]. Gulf nationals often “do not directly deal with migrant workers”, and because of this segregation “they do not realize how unfairly some of them are paid and treated”. Despite the fact that Qataris and other Gulf Arabs are often outnumbered in their own country and many citizens do not realize the severity of the mistreatment that goes on, the fact remains. The abuse of the expatriates from South Asia is inexcusable, and has caught the attention of human rights organizations, international organizations, and the home countries of the migrants.

The graph below shows the percentage of nationals versus migrants living in the GCC.



Source: Gulf Labor Markets & Migration [7]

III. CRITERIA

The suggested recommendations for implementation of improvements to the rights of migrant workers within the Gulf Arab countries through moral diplomacy were measured by the following criteria: Effectiveness, Political Feasibility, Administrative Feasibility, and Economic Feasibility. Measuring the criteria in this way ensured that the practicalities of solutions are unbiased for all stakeholders.

IV. POLICY ALTERNATIVES

4.1. Status Quo (current Policy)

The current policy should be changed to establish regulations around migrant workers by allowing the labor to directly deal with the Arab people instead of interacting with the intermediaries from migrant workers home countries [8]. Migrant workers are being negatively affected by these intermediaries who exploit migrants by taking advantage of both migrants and the Arab people. The current state of affairs is not beneficial and exploits migrant workers and Arab people in the sense that the population is not educated on the current recruiting process. Therefore, the knowledge of how to create change to ensure the rights of all parties involved is improved is restrained.

4.1.1. Effectiveness (Low)

This effectiveness of this policy is low because the current procedures of the GCC to employee migrants do not monitor intermediaries or regulate their strategies for appointing employees. It is estimated that the ratio of non-citizens in the GCC are more than nationals, according to 2010 data [9] about the Gulf labor markets and migration. The migrants come from a variety of developing countries, particularly those in South Asia.

Arabs do not directly deal with the migrant labor as this is typically handled through intermediaries, so many Arab people do not realize or know about the current labor issues. One way the Arab people can be educated about the human rights offenses against migrants would be to expose such instances of abuse via social media and broadcast media. Additionally, protests led by advocates and civil societies would garner attention from the governments and media and then in turn from the Arab and migrant populations.

The Arab people frequently foster a casual and ignorant attitude toward such issues with migrants. Auwal [10] said that education via social media, broadcast media, events, protests, and rallies assisted in telling the stories of individuals. This would also assist in promoting a more considerate and politically active Arab population. The injustice with which the migrants are treated might evoke empathy in locals to increase morale and a desire to play an active role in change.

Allowing the Arab employers to negotiate directly with their labor rather than having an intermediary would also increase understanding and an inclination to improve the current practices. Arab people have made many reforms to improve employment for migrant workers. Nevertheless, there is still a need of more significant strategies. Additionally, this strategy only benefits those countries that have good relations with the GCC.

4.1.2. Political Feasibility (High)

The political support for this strategy seems to be high as the political involvement in the process of change has generally been beneficial. Currently, much has been done for migrant workers who come to Arab countries for work. For example, reforms have been devised for migrant employees in Qatar, but have not yet been implemented. Also, the Arab governments would like more migrants to come to their countries as they provide needed services for low wages [11].

4.1.3. Administrative Feasibility (Medium)

Laborers are dependent on their employers through the Kafala, or sponsorship, system that is unique to the GCC countries. As the GCC states become more influential on the world stage, their treatment of migrant laborers has become better known, thus resulting in reforms. Unfortunately, these reforms usually contain loopholes and only help a portion of the migrant population. Rules and regulations governing the current policy have proven to be ineffective as many violations continue to occur. Overall, the administrative support of this strategy is medium.

4.1.4. Economic Feasibility (High)

GCC countries depend mainly on foreign workers to carry out many services. Immigrant workers transfer large remittances back to their countries of origin through exchanges, which are high value transactions. Those transfers put huge burdens on GCC countries' budgets. If intermediaries begin following the rules and regulations of the GCC countries, and if Arabs have the ability to directly work with migrant employees, then the resources and charges currently being given to intermediaries for the labor could be better controlled. Therefore, the economic feasibility for this strategy is high as it attempted to reduce the level of misunderstandings among migrant workers and the Arab employers.

4.2. Gulf Arab States Established Agency for Hiring Workers

The Gulf Arab States and South Asian Countries have to agree to establish a new agency that regulates the migrant employment industry in all applicable Gulf capital cities. In fact, the most important goal for this

agency is to replace the old system which is “the Kafala,” or sponsorship with a more fair and accountable employment system. The goal is to establish an agency comprised of representatives from all the GCC countries as well as the South Asian countries. One of the most important responsibilities of the agency is to protect all the South Asian immigrants from any human rights violation or abuse. This too should be the top priority for the Gulf Cooperation Council.

4.2.1. Effectiveness (High)

The effectiveness of this strategy is high as it developed a bond between employee and employer. As mentioned in the beginning of this research, migrants face many unexpected troubles. Initially, intermediaries promise to provide a high and reliable salary. However, in reality very cheap wages are provided [12]. One of the most important responsibilities of the agency would be to protect all migrant workers, including South Asian immigrants, from abuse and human rights violations. Additionally, this should be the top priority for the Gulf Cooperation Council.

4.2.2. Administrative Feasibility (High)

The management feasibility for this alternative strategy is high as it would assist in ensuring the migrants are seen as a valuable asset. Also, Arab human resource increased. This too would provide more resources to destroy the Kafala system. As a result, diversity increased therefore lowering the training costs for migrant employees. Furthermore, having an agency for hiring workers in different countries would better the opportunities of providing the best employee at low or medium rates. A diverse labor population in the GCC would increase varying and innovative ideas.

4.2.3. Political Feasibility (Medium)

Migrant workers are often mistreated by their recruiters and denied basic human and labor rights by their employers. Some of the mistreatment inflicted on migrant laborers include: lying about pay and job type; squalid living conditions; and physical and sexual abuse. Laborers are reliant on their employers through the Kafala or sponsorship system that is unique to the GCC countries. Some reforms have been made as the GCC states become more influential on the world stage and as their treatment of migrant laborers has become better known. Establishing an agency specifically for the GCC would allow other countries to show the migrant employees a more accurate picture, as each country could better represent their country. Therefore, the political feasibility of this strategy is medium.

4.2.4. Economic Feasibility (Medium)

Increased productivity of the firms in Gulf countries resulted as migrant workers become more confident that they are part of the GCC countries. This increased motivation ultimately boosted the Arab economy. The priority of the GCC should be protection of the human rights of the migrant workers, so this alternative economic feasibility is medium.

4.3. Abolishing the Kafala System

Mohammed A. Auwal, Professor in the Communication Studies department at California State University, Los Angeles, CA [13] proposes that the first step the Gulf States can take to protect their South Asian migrants is the abolishment of the *Kafala* system completely because it creates a system where sponsors have too much control over their employees. He also suggests that the Gulf governments should become more transparent “in the diffusion of information,” “establish a fair minimum wage,” create “ethical guidelines” for the labor brokerage system, “formulate unambiguous terms of labor recruitment, employment, transfer, and terminations,” “separate the employment visa from the sponsor,” make sure that migrants are able to leave the country if they wish, and establish a mechanism that migrants can use to report abuses and to follow up these reports with punishments for the abusers.

Auwal also recommends the use of “moral diplomacy” to bring awareness of the problem to the international stage, as well as to migrants, and Gulf citizens. Islam is an important factor in the Gulf, and the religion’s “ethics” can be used to “name and shame” the Gulf into action against these abuses. The importance of Islam coupled with the increasing role of the Gulf States on the global stage may be enough for Gulf nations to demand change, and for the governments to change the labor laws. The Gulf countries should reform the *Kafala* sponsorship system by allowing workers to change jobs or return to their country without employer consent. They should also ensure safe and decent working and living conditions, including regular payment of wages and no confiscation of passports, and enforce these by increasing the number of trained labor inspectors and imposing sanctions on violators.

4.3.1. Effectiveness (medium)

The effectiveness of this alternative is medium because Arab countries have to eliminate their old system and reform the new system to ensure the rights and security of the migrant workers are provided. Additionally, the Kafala system has less of an ability to establish regulations around the employment of migrant workers while respecting the cultures of the Gulf countries.

4.3.2. Administrative Feasibility (High)

The elimination of the Kafala system would reduce the control of communication and make information more transparent for the migrant workers. Without the Kafala system, the management should develop a low wage rate, create ethical rules and regulation policies for the labor brokerage system, design clear strategies for the recruitment, and contractually provide a job [14]. Additionally, termination and transfers of location should be granted and made more accessible.

4.3.3. Political Feasibility (Low)

The government does not support this alternative because it does not want to eliminate its current system and give rights to migrants. The government thinks that providing migrants with rights destroyed their culture and traditions. Nonetheless, the government should allow employees to change their profession, and if they would like to return to their home country, allow them to go without the permission of the employer [15]. The migrant labor should also have job security and opportunities to improve their lifestyle.

4.3.4. Economic Feasibility (High)

By eliminating the Kafala system, the organization proposed to be established under this alternative could secure a more diverse work force and other companies would begin investing in the GCC by knowing the policies and guidelines are more agreeable. This alternative would also improve the productivity of the economy. Migrant labor is low cost. Thus, each country could have an increased ability to provide alternatives such as bonuses and opportunities for migrants to polish their skills and promote new ideas.

Table #1: Evaluation Matrix

| Options Criteria | Status Quo | Establish Gulf Arab Agency for Hiring Workers | Abolishing Kafala System |
|-----------------------------------|--|--|---|
| Effectiveness | LOW (1) Many reforms needed | HIGH (3) Protect South Asian immigrants from any human rights violations | MODERATE (2) Less ability to establish regulations |
| Economic Feasibility | HIGH (3) Reduce level of misunderstandings | MODERATE (2) It boosted the economy | HIGH (3) Individual countries ability to diversify work force |
| Administrative Feasibility | MODERATE (2) Labor dependent on Kafala system | HIGH (3) Arab human resource increased | HIGH(3) Elimination of the control also reduced |
| Political Feasibility | HIGH (3) Migrant services exploited by cheap wages | MODERATE (2) Arabs representative of their country | LOW (1) The government does not support this alternative |
| Summary | MODERATE (2.25) | MODERATE/ HIGH (2.5) | MODERATE (2.25) |

V. CONCLUSION

The table mentioned above explains the outcomes of the analysis by assigning the terms high, moderate, and low, and weight as 3,2, and 1 to assess the best policy alternative according to the standard criteria. The average figure of alternatives is measured for each alternative in order to identify what strategy would be best. The alternatives that are presented in this analysis also indicate the positive and negative effects of each strategy.

The most effective alternative for South Asian migrants to the Gulf Arab State is the strategy of a Gulf Arab established agency for hiring workers. This strategy increases the likelihood of migrant workers feeling valued by increasing communication between employer and employee. Thus increasing productivity and expanding Arab human resources. It would also provide a Gulf Arab established agency for hiring workers with

more resources to destroy the old Kafala system. As diversity of the workforce increases through more elaborate employee selection procedures, training costs would lower.

Establishing a Gulf Arab Agency for hiring workers would also allow for the agency to be organized in different countries outside of Gulf and South Asia, especially in countries with high employment rates such as the former Yugoslav Republic of Macedonia (29%), Greece (27%), Spain (26.7%), the South African countries (24%) and also Mauritania (30.89%) where the unemployment rate is highest. This would increase the ability of hiring a diverse labor market at low or medium rates. An increased diverse labor population that feels secure and valued would promote ingenious and innovative ideas that would boost the economy.

REFERENCES

- [1]. "Transfer of Jobs to Asian Workers Feeds Discontent." *Wall Street Journal*.
- [2]. Babar, Zahara and Mehran Kamrava, eds. *Migrant Labor in the Persian Gulf*. New York: Columbia University Press, 2012.
- [3]. Bharadwaj, Vinita. "Immigrants Wonder What Arab Spring Will Mean For Them." *New York Times*.
- [4]. http://www.nytimes.com/2011/09/22/world/middleeast/immigrants-wonder-what-arab-spring-will-mean-for-them.html?pagewanted=all&_r=0.
- [5]. Bharadwaj, Vinita. "New Help for Migrant Workers from India." *New York Times*.
- [6]. http://www.nytimes.com/2012/09/06/world/middleeast/06iht-m06-gulf-pensions.html?pagewanted=all&_r=1&.
- [7]. Gardner, Andrew. *City of Strangers: Gulf Migration and the Indian Community in Bahrain*. Ithaca: Cornell University Press, 2010.
- [8]. Gardner, Andrew. "Gulf Migration and the Family." *Journal of Arabian Studies* 1.1 (June 2011), pp. 3-25, http://www.academia.edu/699016/Gulf_Migration_and_the_Family.
- [9]. Gulf Labor Markets and Migration. (2013). Gulf Research Center: <http://gulfmigration.eu/glmm-database/>.
- [10]. <http://www.bbc.co.uk/news/world-middle-east-21029018>.
- [11]. "Ministry of Overseas Indian Affairs." Government of India. <http://moia.gov.in/>.
- [12]. "Nepal Women Banned From Middle East Over Exploitation." *BBC News*. <http://www.bbc.co.uk/news/world-asia-19196245>.
- [13]. Ozaki, Mayumi. "Worker Migration and Remittances in South Asia." *Asian Development Bank, South Asia Working Paper Series*, no. 12 (2012). <http://www.adb.org/sites/default/files/pub/2012/worker-migration-remittances-south-asia.pdf>.
- [14]. "Saudi Arabia: A Step to Aid Migrant Workers." *Human Rights Watch*. <http://www.hrw.org/news/2012/04/10/saudi-arabia-step-aid-migrant-workers>.
- [15]. "Sri Lankan maid Rizana Nafeek Beheaded in Saudi Arabia." *BBC News*. <http://www.bbc.co.uk/news/world-asia-20959228>.
- [16]. Auwal, Mohammad A. "Ending the Exploitation of Migrant Workers in the Gulf." *The Fletcher Forum of World Affairs* 34, no. 2 (2010): 87-108.
- [17]. <http://heinonline.org.proxyau.wrlc.org/HOL/Page?handle=hein.journals/forwa34&id=239&collection=journals>.
- [18]. <http://online.wsj.com/article/SB10001424052748704858404576134610056742244.html>.
- [19]. Usher, Sebastian. "'Saudisation' Drive Leads to School Closures." April 2013. <http://www.bbc.co.uk/news/world-middle-east-22020728>.
- [20]. Watson, Katy. "Government Drive to Boost Emirati Employment." 26 March 2012. <http://www.bbc.co.uk/news/world-middle-east-17485422>.