

**The Reform of the *Kafala* System in the GCC States in the 21st Century**

*Ibrahim Awad*

**The American University in Cairo**

## 1. Introduction

The enormous expansion of labor migration in the member states of the Gulf Cooperation Council (GCC) since the 1970s was accompanied by mounting critiques and outright denunciation of the *Kafala* system governing the movement of foreign workers, their residence and their employment in that part of the Middle East. Critiques and denunciation were expressed by governments, international organizations, the international labor and human rights movements, and academics and researchers. They held the *Kafala* system responsible for the poor working terms and conditions of migrant workers and for the violation of their rights in the GCC countries. Interestingly, the GCC states also had their grievances against the system without openly saying it. They considered it responsible for the volume of labor migration that had grown to an extent that undermined the employment of nationals.

It is noteworthy that the GCC states neither accept the terms “labor migration” nor “migrant workers” to refer to the foreign workers employed in their labor markets. For them, these are “temporary contractual workers,” which means they are under temporary employment contracts, after which, implicitly, they should return to their countries of origin. At times, they are simply aliens, foreigners or expatriates. The terminology question may be due to an interpretation of the “migrant” concept as creating rights of residence and naturalization for the concerned workers. This interpretation is not warranted by any instrument under international law. However, their very small populations may make the extreme sensitivity of the GCC states to the term “migrant” understandable. They obviously do not wish to take any chances. All the same, this chapter will use the terms “migrant workers” and “labor migration” when referring to foreign workers employed in the GCC states. These are the accepted terms in migration studies. They are based on the statistical

definition of international migrant” as “any person who changes his or her country of usual residence” (UN DESA, 2012).

Modifications to the *Kafala* system were introduced in the past decades. In a number of states, the *kafeel* was expressly forbidden to keep the workers’ passports. Work was suspended during hours of extreme heat. Workers could change jobs under certain conditions and with the first employer’s consent. In order to avoid delay or non-payment of wages, payment had to be effected through bank transfers. Despite these reforms, judging by the continuing critiques leveled at it, the situation of migrant workers did not significantly improve.

It is in the late 2010s and early 2020s that significant changes were introduced to the *Kafala* system. This chapter seeks to uncover the drivers that led three GCC states, Qatar, Saudi Arabia, and the United Arab Emirates (UAE), to introduce these changes, in respect of a number of specific issues considered violations of the rights of migrant workers and undermining their terms and conditions of employment. The contention is that the changes affect the operation of the system, including by abolishing some of its functions, thus amounting to a non-negligible reform, on paper at least.

Three drivers have led the changes in the three countries but to different extents each. First are the critiques leveled at the *Kafala* system, which were almost exclusively focused on Qatar since it was awarded the organization of the 2022 FIFA World Cup in 2010. The second driver is the ambition to develop soft power. The organization of the FIFA world cup is an instance of this driver, which was a golden opportunity seized by its assailants to push Qatar to reform the system. The drive of the United Arab Emirates (UAE) to upgrade its labor market and to develop into a more advanced, higher value-added, economy is another instance of the soft power ambition that contributed to the rationale for the reform of its *Kafala* system. The third driver is the efficient functioning of the labor market, which leaves

room for the employment of nationals, on the one hand, and attracts talent and highly-skilled migrant workers who raise productivity and economic value-added. For Saudi Arabia, promoting the employment of nationals was a significant driver. For the three states, the drivers of reform were thus a mix of pressures and incentives. The critiques of the system were pressures. The ambition to develop soft power and to ensure a more efficient labor market functioning were incentives the three states gave themselves.

It is important to note that the immigration experience in the GCC states is more determined by the labor than by the immigration laws. It is after the operation of the labor law provisions that the immigration law enters the fray. Hence, the review of the changes will mostly focus on the labor law measures.

The second section in this chapter, after the introduction, will review the origin and functioning of the *Kafala* system. The third section will tackle the drivers of reform, bringing out its international and national dimensions in the three GCC states. Section 4 will take up the tenor of the reform measures. Conclusions will finally be drawn.

## 2. Origins and Functioning of the *Kafala* System

The origins of the *Kafala* (sponsorship) system were laid by Britain in the nineteenth century.<sup>1</sup> AlShehabi signals that after the British Empire established its supremacy over the waters of the Gulf by the middle of that century, its officials became increasingly worried about encroaching imperial rivalry. By the end of the century and beginning of the twentieth, they had successively signed treaties giving the Empire control over foreign relations with Bahrain, Oman, the Trucial States (modern UAE), Kuwait and Qatar. In other words, these Sheikdoms became British protectorates (AlShehabi 2019).

---

1. This review of the origins of the *Kafala* system draws on AlShehabi, 2019.

Britain first introduced the system in Bahrain. A particular source of headache for the British authorities was the pearl diving industry, a hugely labor-intensive practice that provided the main form of sustenance for the majority of workers in the Gulf. It was also Bahrain's main export to the rest of the world.

By the 1920s, the regulation of the labor flow of pearl divers into Bahrain had become an urgent matter for the British authorities. In 1904, the British authorities had categorized individuals as "foreigners" and "locals," with the former under their jurisdiction and the latter under that of the Bahrain ruler. Nearly half of labor on the island were "foreigners."

The British devised a sponsorship system. In December 1928, they issued a proclamation that was followed by passport regulations in January 1929, providing that "each ship captain, *the Nokhetha*, was legally responsible for people on his boat, where he had to report to the customs officials their number, names and their valid travel permits. Only genuine divers in possession of divers' books issued by the government of Bahrain will be allowed to land, and if any divers who were found to abscond and not board the ship when it left the ports, the ship captain would be held liable for them and would have his boats confiscated" (AlShehabi 2019, 7). These arrangements had all the hallmarks of the modern *Kafala* system, according to AlShehabi: sponsors (in this case the ship captains) bearing responsibility for 'foreign' divers; a repatriation deposit to be paid by the ship captains; an entry visa; a valid work permit; and an exit visa. The system, introduced in Bahrain, was then applied to the territories that are now the Gulf states. It also extended to Saudi Arabia, which had not been concerned by the British arrangements.

Before the reforms introduced in the 2010s and 2020s, the modern *Kafala* system functioned in ways very proximate to the arrangements first introduced by Britain in the late 1920s. *Grosso modo* and allowing for variations in the different Gulf states, the system functioned as follows. The employer, who is also the sponsor, applied to the regulatory

authority in the concerned state to bring in migrant workers. Once the authorization was granted, the employer either sought workers with his/her own means or resorted to a private recruitment agency. The identified workers were issued with contracts. Visas were delivered on the basis of the contracts. Once in the Gulf employment state, the workers were submitted to a health checkup. When they passed it, the workers were issued with work as well as with residence permits. The work permit tied the worker to the employer/sponsor who had recruited him/her. The worker could not change employers without the sponsor's approval. At the end of his/her contract, the workers needed the sponsor's authorization, the famous no-objection certificate, to leave the state. Hvidt (2019) emphasized that the *Kafala* system delegated to the sponsors, i.e., individual citizens, the daily administration of the migrant system, a function that in other countries is usually undertaken by state institutions. In his perspective, "while the immigration authorities were the overseers of the system, the individual sponsor served as the executing agency" (81). The system applied equally to the low- as to the high-skilled migrant workers, the latter not subjected to passport confiscation and allowed to bring their families in (Diop et al. 2015; Hvidt 2019; Malaeb 2015).

The *Kafala* system did not restrict the volumes of migrant workers in the GCC countries. Despite slumps and calls for "nationalization"<sup>2</sup> of labor forces, labor migration grew at high rates in the GCC states. Starting only from the year 2000 through 2013 and until 2020, labor migration grew in Qatar from 471,000 to 1.6 million and 2.2 million; for Saudi Arabia from 5.3 million, to 9.0 million and 13.5 million; and for the UAE from 2.4 million to 7.8 million and 8.7 million.

At recruitment, workers were charged high fees by private recruitment agencies. They could be asked to sign contracts written in a language they did not understand. At times, on

---

2. "Nationalization" refers in this context to making the labor force "national", i.e made of native workers, reducing dependence on migrant labor.

their arrival at the country of employment, they were presented with other contracts with less favorable terms and conditions of employment. Because the *Kafala* system tied them to the employers that had recruited them and did not allow them to change jobs, these workers were forced to accept the new contracts, having been indebted at origin to finance their migration. Neither at arrival nor during the duration of their contracts, migrant workers were allowed to change employers or to seek jobs with better terms and condition of employment. At the end of their contracts, migrant workers were not permitted to look for new jobs in the labor market and the state with which they had developed some familiarity. They were expected to leave at once. To ensure the denial of their labor mobility, the employers often confiscated the migrant workers' passports. To leave the country of employment at the expiry of their contracts, migrant workers had to obtain their employers' approval. Terms and conditions of employment were poor. Low-skilled migrant workers' wages were low. At times, their payment was late or not made at all. Working hours were long and possibly under difficult weather conditions, such as scorching heat. When labor disputes arose, migrant workers did not have access to effective mechanisms for their settlement.

### 3. The Drivers of Reform

In the introduction, the drivers of reform were identified as the critiques leveled at the letter and implementation of the *Kafala* system, the ambition to develop soft power and the efficient functioning of national labor market, which combines the wish to increase the employment of native workers and attracting talent and highly-skilled migrant workers. These drivers will be reviewed below. The first driver, critiques, is the most immediate. In addition to its own importance, it negatively affects the ambition to develop soft power.

### *3.1 Critiques as a Driver of Reform*

Critiques were leveled at the *Kafala* system generally or at its articulation in a specific Gulf state. Critiques of the letter and practice of the *Kafala* system were expressed by IGOs, INGOs of the labor and human rights movements, academics and researchers. Some states, individually or through their regional institutions, also criticized the system and called for its abolition or reform. As mentioned above, Qatar was a particular target of critiques in the 2010s and early 2020s. This subsection undertakes a brief review of examples of the critiques.

In 2009, the annual United States Department of State report on human rights dedicated space to a detailed analysis of a new *Kafala* law adopted in Qatar. The report lamented that “workers remained vulnerable to abuse, arrest and deportation. Some sponsors intimidated and coerced foreign employees to work for longer hours than called for in contracts, reduced or withheld pay, and withheld passports and failed to obtain or renew residency permits” (Section 6, Trafficking in Persons). The report went on to observe that there was “no minimum wage stipulated by law” and that “the average wage of non-citizen workers did not provide a decent standard of living for a worker and family” (Section 7, Acceptable Conditions of Work). The report further remarked that although regulations existed regarding worker safety and health, enforcement was uneven due to insufficient training and lack of personnel (United States Department of State 2009).

In 2013, in a resolution on the situation of migrant workers in Qatar, the European Parliament (EP) expressed concern about their “long working hours, hazardous working conditions, going unpaid for months, having their passports confiscated, being forced to live in overcrowded camps and being denied the right to form unions” (European Parliament 2013, para.2). The EP called on the Qatari authorities to take several measures. First, to effectively implement the existing legislation concerning the said violations. It also called on



them simply to abolish the *Kafala* system as well as to reform the labor law urging the authorities to eliminate the requirement of the employer's permission to change jobs, to remove the exit permit to leave the country and to recognize the right to freedom of association for migrant workers. Significantly, in the resolution, the EP called on Qatar to ratify the International Convention on the Protection of All Migrant Workers and Members of their Families, the two International Human Rights Covenants and several ILO conventions, including those on migrant workers.<sup>3</sup> The EP asked Qatar "to consider seeking technical assistance from the ILO to ensure that Qatari legislation and practice is in line with these conventions" (European Parliament 2013, para.10).

The Human Rights Council (HRC) and the International Labour Organization (ILO) took particular interest in the *Kafala* system in the last decade, especially Qatar's. The HRC's Special Rapporteur on trafficking in persons, especially women and children, in the conclusion of the report on her mission to Bahrain, Oman and Qatar undertaken in 2007 expressed particular "concern with the sponsorship system and the climate of abuse and exploitation" that it frequently engenders for migration workers. Of further concern to the Special Rapporteur was the non-applicability of the labor codes to domestic workers and the inadequacy of access to justice for foreign workers. The Special Rapporteur called for the abolition of the sponsorship system and for migrant workers to be allowed to "more easily change employers" (United Nations 2007, para. 91, 26). In 2012, the United Nations Committee against Torture, in the concluding observations on the second periodic report of Qatar, considered that the latter state "should strengthen its efforts to provide legal protection to migrant workers, including female domestic workers, in its territory against torture, ill-treatment and abuse and guarantee access to justice". The Committee supported the call by

---

3. Ironically, no Member State of the EU is party to the International Convention on the Protection of All Migrant Workers and Members of their Families.

the Special Rapporteur on trafficking on Qatar to consider abolishing the sponsorship system for all migrant workers (United Nations 2013, Section 18, Migrant Workers).

INGOs were more strident in their critiques of the *Kafala* system in Qatar. In the ILO, the Committee on Freedom of Association considered a complaint lodged by the organization representing the international labor movement, the International Trade Union Confederation (ITUC), against Qatar in March 2014. The ITUC alleged “restrictions on the right of workers, without distinction whatsoever, to establish and join organizations of their own choosing, to strike and bargain collectively, as well as excessive State control of trade union activities” (ILO 2012). While noting that Qatar had not ratified “Conventions Nos 87 or 98, the Committee recalled that when a State decides to become a Member of the Organization, it accepts the fundamental principles embodied in the Constitution and the Declaration of Philadelphia, including the principles of freedom of association” (ILO 2014, para. 837).<sup>4</sup> In its recommendations, the Committee urged the Qatari Government “to take the necessary measures without delay in order to amend the Labour Law ... so as to give effect to the fundamental principles of freedom of association and collective bargaining” (para. 862(a)).

In 2013, seizing the opportunity of the construction activity ahead of the FIFA World Cup, Amnesty International published a seething report titled *The Dark Side of Migration*. It deplored that the sponsorship system afforded “unscrupulous employers powers to exploit their employees, not least of which is the ability to prevent workers leaving the country” (93). The Labor Law, supposed to offer protection, has flaws in its own rights, such as excluding entire groups of workers from its scope, and is not effectively enforced. Amnesty International considered that the exit permit requirement constituted a violation of the right to

---

4. The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

freedom of movement. Concerned with the construction workers' occupational safety, the human rights organization considered that there were not sufficient labor inspectors to check the application of relevant standards by companies. Referring to the ILO Convention No. 81, which provides that "the number of labor inspectors shall be sufficient to discharge the duties of the inspectorate," Amnesty International considered that Qatar might be in breach of its obligations under the convention that it ratified (Amnesty International 2013, 111).<sup>5</sup>

Academics and researchers also formulated critiques, particularly towards Qatar. In 2013, Gardner et al. denounced delayed salaries for migrant workers, who sometimes do not receive payments for months. The findings of a survey of low-income migrants they carried out in 2012 revealed that while 71 percent of workers "usually" or "always" received their salaries on time, 29 percent received them on time only "sometimes," "rarely," or "never" (Gardner et al. 2013).

In 2019, Pradhan et al. published the findings of their research on the heat stress impact on the cardiac mortality of Nepalese workers in Qatar. They asserted that the increased cardiovascular disease (CVD) mortality during hot periods was most likely due to severe heat stress. Pradhan et al. estimated that as many as 200 of the 571 CVD deaths during the period 2000-2017 could have been prevented had effective heat protection been implemented as a part of an occupational safety and health program. They stressed the need for an urgent protection of Nepalese migrant workers against such heat effects (Pradhan et al, 2019).

Interestingly, in 2015, Diop et al. considered that the *Kafala* system had been "politically costly for ruling regimes in the Gulf, and most of all Qatar" (120). They pointed out the active role that the state had played in previous years in regional and global affairs,

---

5. Labour Inspection Convention, 1947 (No. 81).

which was negatively affected by the *Kafala* system. Diop et al. signaled that not a month went by without a scathing report on worker abuse and exploitation in Qatar. This analysis led Diop et al. to establish a co-relation between the pressures on policymakers in the Gulf states, particularly Qatar because of its organization of the FIFA World Cup, on the one hand, and the reform of the *Kafala* system, on the other.

### *3.2 The Ambition to Develop Soft Power as a Reform Driver*

The objectives to become advanced countries with highly-productive economies and high standards of living for their populations are present in all three states. The Qatar National Vision 2030, the UAE vision 2050, and the Saudi Arabia vision 2030 are eloquent in this respect. By realizing their objectives, the three states wish to be examples of modernity.

In Qatar, under the Vision 2030, the National Development Strategy 2011-2016 clearly states, under the title “Strengthening Qatar’s Cultural Diplomacy,” that its authorities invested heavily in attracting international events such as the Olympic Games, the FIFA World Cup and other sporting competitions. These events are mentioned alongside an “increased regional and international role economically, politically and culturally” played by Qatar (Qatar General Secretariat for Development Planning 2011, 209). The aim is to “create a positive image for Qatar and enhance international relations, so the government will improve branding of the country’s global image” (210). The National Development Strategy says in no possibly clearer terms: “Improving labor rights will not only benefit employees but will also enhance Qatar’s global image as a leading and progressive nation” (154).

In discussing Qatar, Brannagan and Giulianotti (2018) refer to Joseph Nye’s identification in 2004 of a new variant of international politics that is the ‘soft power’ of reputational management. In contrast to the ‘hard power’ of financial incentives or military

force, soft power is exercised “for example by gaining the admiration of others through cultural achievements, educational performance or sporting success” (Brannagan and Giulianotti 2018, 1141). The combination of soft and hard power make a state acquire and exercise ‘smart power’. Investing in attracting the Olympic Games and the FIFA World Cup mentioned in the Development Strategy and referred to above perfectly fit Nye’s identification of soft power and its exercise.

Nonetheless, Brannagan and Giulianotti (2018) argue that consideration should be given to “unforeseen contingencies and unintended outcomes, when states risk a loss of attractiveness or credibility, leading to their *soft disempowerment*” (1141). When diverse state and non-state actors disseminate information which challenges or discredits the state’s soft power strategies and messages, disempowerment occurs. The critiques voiced by a variety of these actors, and briefly quoted in the subsection above are examples of such information. For this chapter, the wish to counter disempowerment and to ensure the success of its soft power strategy is the most important driver of Qatar’s reform of its *Kafala* system.

The UAE’s Vision 2021 straightforwardly says that “we want to be among the best countries in the world by 2021” (UAE 2014). The UAE wishes to be a role model for the region and to further its successes in areas such as diplomacy and development, and in hosting international institutions and development (12). In September 2021, the UAE issued another document celebrating the fiftieth anniversary of its independence and proclaiming ten principles for its next half-century (UAE 2021a). For our purposes, a number of these principles are noteworthy. The second principle calls for focusing, simply, “on building the best and most dynamic economy in the world.” Foreign policy is a tool to serve the economy. According to principle eight the UAE’s value system is based on openness and tolerance, the preservation of rights and human dignity but also on respect of national identity. The country will support international organizations that promote peace, openness and human fraternity.

Other principles in the document will be signaled in the next subsection as they better relate to the labor market functioning. The principles here reviewed evidently show an ambition to develop soft power and to be a reference not only for the region, but for the entire world. This ambition dictates action, which, for this chapter, is to refine the *Kafala* system. However, this action is not limitless. The respect of national identity is the limit. The UAE and other small-population Gulf states have repeatedly expressed in the past their attachment to preserving their national identity, at risk because of the stocks of migrants that largely exceed their small populations.

At the forefront of Saudi Arabia's Vision 2030, King Salman proclaims that his first objective for the country is to be "a pioneering and successful global model of excellence on all fronts" (KSA n.d.). Despite this ambitious objective, one reading of the Vision is that it does not stress the development of soft power as Qatar and the UAE do. This may be because it feels it already possesses it, which is essentially drawn from the presence of the holy sites of Islam on its territory. Saudi Arabia just wishes to build on its already leading role at the heart of the Arab and Islamic worlds, to create a more diverse and sustainable economy, and to benefit from its privileged geographic position. It wants to be a driver of international trade and to connect the three continents of Africa, Asia and Europe. The vision is ambitious in setting objectives of progress in all social and economic indicators (KSA, n.d.)

### *3.3 The Efficient Functioning of the Labor Market as a Reform Driver*

Three considerations make the labor market functioning a driver for the reform of the *Kafala* system. First is the implicit linkage made at times between labor migration, on the one hand, and the natives' unemployment and low labor force participation, on the other. Without migrant workers, the financial resources of the Gulf states would not have been put to good use. Migrant workers are also consumers. Through production and consumption, migrant

workers contributed to developing relatively large economies in the GCC states, which would not have been possible without them. GCC labor markets are also segmented, where native and migrant workers are employed in different occupations at dissimilar terms and conditions of employment. Ignoring these labor market realities, migrant workers are considered responsible for the natives' unemployment; hence the drive to reduce their numbers. Second, is the introduction of flexibility to the functioning of the labor market. Allowing workers to change jobs and to remain in the state of employment at the end of their contracts to look for new employment ensure the most efficient use of available labor.<sup>6</sup> Third, the ambitious economic plans of the three states push them to devise measures for attracting talent and highly-educated migrants to their labor markets. This entailed opening channels that exempt these migrants from the requirements of the *Kafala* system. These considerations applied to different extents in the three Gulf states under study.

In 2011, Qatar did not aim at reducing labor migration. In fact, it envisaged the possibility of increasing its volume by the middle of the decade. However, it recognized that the sponsorship rules provided an incentive to recruit low-cost migrant workers and a disincentive to Qatari employment and automation. The National Development Strategy 2011-2016 asserted that “high levels of immigration tend to create a low-wage, labor-intensive, low-productivity economy” (209). In other words, it implicitly recognized that rather than labor migration, the migrant workers' low wages were responsible for the Qataris unemployment. The Strategy also addressed the labor market flexibility question. It admitted that the *Kafala* system constrained the mobility of migrant workers and their ability to respond to market signals. The Strategy plainly stated that “rigid labor market hampers the development of a workforce commensurate with the aspiration for a knowledge economy”

---

6. About the labor market and economic outcomes of the *Kafala* system, see, for example, World Bank, *The Jobs Agenda for the Gulf Cooperation Council Countries* (Washington, D.C.: World Bank Group, 2018).

(210). It was aware that for the foreseeable future Qatar would not have a sufficient number of nationals to manage the requirements of the high-productivity, technologically sophisticated economy that it was looking for. Therefore, it signaled the need to establish “the regulatory and legal frameworks needed to attract and retain a skilled expatriate workforce” (Qatar General Secretariat for Development Planning 2011, 154).

The UAE Vision 2021 focused on Emiratis and the development of Emirati society. It did not include references to migrant labor. Without specifically referring to it or to the expatriate workforce, the preferred term, from among the ten ambitious principles of the fifty years, the fourth signals that since the main future driver of growth is human capital, the UAE will attract talent and retain specialists so as to remain “at the top.” Although not matching the absolute tone of the principles of the fifty years, the 2030 Vision of Abu Dhabi, the largest and by far the richest of the seven Emirates, is no less ambitious. In line with the principles, it proclaims its intention to build a sustainable high value-added economy, well integrated in the global economy, that provides accessible and high value-added opportunities to all its citizens and residents. Addressing the efficient functioning of the labor market, the vision declares that policies will aim at increasing the labor market participation rate (LMPR) of nationals, at attracting highly-skilled migrants and at stemming the inflow of the low-skilled among them. The vision seems to accept the obvious link between low-skilled labor and a low value-added economy. It does not make labor migration responsible for the unemployment of nationals, but possibly for their low LMPR. The vision accepts the large volume of labor migration in the country and, because of the small national population, expects it to remain at this level for the foreseeable future. However, it reckons that its policies for attracting and retaining talent and highly-skilled labor will decrease the ratio of low-skilled workers in total labor migration. In achieving its three aims, the Vision declares that Abu Dhabi will not lose sight of the labor force flexibility that drives productivity in



advanced economies. Nonetheless, it is noteworthy that the low LFPR of nationals and the reluctance of employers to recruit them in the private sector are explained in the Abu Dhabi vision by the latter's lack of qualifications and skills and also of the required work ethics. The terms and conditions of employment in private sector jobs are not mentioned, such as they were in the Qatar 2016-2021 Vision. Indicative of its openness to reform, the vision announces that with the right regulations, Abu Dhabi will maintain high employment rates along with labor market efficiency at a time it ensures "an ethical and safe management of its labor resources" (General Secretariat of the Executive Council et al. 2008, 6). This expression bears a tacit reference to the treatment of migrant workers.

The Saudi Vision contains little about the labor market. It only stresses attracting skills and capabilities from within Saudi Arabia and from outside the country in order to achieve the ambitious growth rates. Beyond that, the strategy just sets as a target lowering the nationals' unemployment rate from 11.6 percent to 7.0 percent. Another target it set itself is to raise the women LFPR from 22 percent to 30 percent. When mentioning unemployment and low participation, it does not in any way refer to labor migration (KSA n.d.). In research, Cortes et al. (2020) mention that Saudization, or the increase of Saudi's share of employment in the private sector was a national policy objective since the mid-1990s but measures to strictly enforce it had only been taken starting in 2011 with the advent of the Arab Spring. In contrast to the Vision, the tenor of the *Nitaqat* policy aimed at raising the Saudi nationals' employment ratio implicitly links it to the presence of migrant workers. This is evident in the required shares of nationals' employment and in the resulting reduction of foreigners' employment at the firm level, as shown by Cortes et al.

## 4. The Reform Measures in Law and Policy

The harsh critiques, especially targeted at Qatar in the 2010s, their soft power ambitions and labor markets considerations, reviewed above, led the three GCC states to introduce reforms to their *Kafala* systems. As mentioned in the introduction, most reforms are in labor, rather than immigration, laws and policies. The reforms, particularly adopted in the late 2010s and early 2020s, will be successively reviewed below in respect of several issues of contention: recruitment; changing jobs and labor market mobility; exit permits; minimum wage; wage protection; passport confiscation; addressing labor disputes and access to justice; occupational safety and health (OSH); and workers' representation. The most important reform drivers for each state were already discussed. The review will rather be descriptive, with minimal comments.

### *4.1 Reform Measures in Qatar*

To adopt the reforms, Qatar thought that the best way to go is to work with the International Labour Office (ILO), which was also a recommendation made by the European Parliament, as indicated above. Therefore, it agreed to have a technical cooperation project with it in 2017. The first phase of the project extended from 2018 to 2020 and the second covers the period 2021-2023. The announced objective of the project is to ensure compliance with the six international labor Conventions ratified by Qatar as well as to realize the fundamental principles and rights at work in the country in a gradual manner. Qatar finances the implementation of the project. The ILO involvement and the international labor movement's weight can be noticed in the reforms. The four successive ILO progress reports on the implementation of the project published from 2018 to 2021 give good account of the progress made by Qatar during the period.

**Recruitment.** Fourteen Qatar Visa Centres (QVCs) were established in six countries: Bangladesh, India, Nepal, Pakistan, the Philippines and Sri Lanka. QVCs are integrated service centers where workers wishing to migrate to Qatar finalize their immigration procedures. Services are free of charge for workers and include biometric enrolment, medical examinations and the signing of an electronic employment contract before departure (ILO 2021, para. 6). Since 2005, the Labor Law had prohibited the charging of recruitment costs to workers (Qatar National Committee for Combating Human Trafficking, and ILO 2021, 19).

**Changing jobs and labor market mobility.** A law adopted in 2020, complemented by a ministerial decision of the same year, amended provision of the labor law, removing the requirement to obtain a no-objection certificate to change jobs for all migrant workers. Another law of the same year amended other provisions of the labor law, establishing new rules on termination of employment (ILO 2020, para. 6). Workers, including domestic workers, can now change employers after their probation periods, giving a prior one- or two-month written notices, depending on their length of service. If they wish to change jobs during their probation periods, they must give a one-month notice, the future employers having to pay the former compensations not exceeding two months of the workers' basic wages (para 21). Additionally, the Ministry in charge of implementing the law adopted measures aimed at reducing the time needed to change jobs and the efficiency of the entire

process.<sup>7</sup> It is noteworthy, however, that employers may appeal to block job transfers on the grounds that workers are moving to direct competitors (ILO 2021, para. 9).

**Exit permits.** A law was adopted in September 2018 suppressing the exit visa for workers covered by the Labour Law, which amends provisions of laws adopted in 2015 and 2017 regulating the expatriates' entry and exit (ILO 2018, para. 13). The new law enables migrant workers to leave the country temporarily or permanently without having to obtain permits from their employers. The scope of the law was extended by a ministerial decision in 2019 to workers not covered by the labor law, such as those employed in ministries and other government entities, workers in public institutions, domestic workers, workers employed at sea, workers in agriculture, and workers employed in casual work (ILO 2020, para. 19). The employers can apply for exceptions, though, with a justification based on the nature of their employees' work, in which case not more than 5 percent of the workforce in an institution can be required to seek an exit permit (para. 19).

**Minimum wage.** A non-discriminatory minimum wage was introduced for the first time in Qatar by a specific law on minimum wage for workers and domestic workers in 2020, which also requires employers to provide decent food and accommodation to their employees. The law applies to all workers regardless of their nationality and the sector in which they work, including domestic work and other sectors not covered by the Labour Law.<sup>8</sup> The minimum

---

7. This is the Ministry of Administrative Development, Labour and Social Affairs (MADLSA).

8. The accompanying Ministerial Decision No. 25 of 2020 stipulates a minimum basic wage of 1,000 riyals (US\$275), and minimum allowances for food and accommodation, of 300 riyals (US\$82) and 500 riyals (US\$137), respectively.

wage is to be adjusted annually based on information gathered by a Minimum Wage Commission (ILO 2020, para. 5).

**Wage protection.** The wage protection system was reinforced by the adoption in October 2018 of a law establishing the Workers' Support and Insurance Fund. The Fund pays workers their overdue or unpaid wages after a decision by a Workers' Dispute Settlement Committee (ILO 2019, para. 6). The Labour Law was also amended to increase the penalties for wage-related violations, both in terms of prison and fines. To also protect domestic workers' wages, in March 2020 the MADLSA and the Qatar Central Bank adopted measures to facilitate their access to bank accounts (ILO 2020, para. 9).<sup>9</sup>

**Passport confiscation.** Article 8 of the 2015 law on the entry and exit of expatriates and their residence prohibits passport confiscation. Relatedly, a ministerial decision of 2014 on workers' housing requires employers to provide workers in shared accommodation with lockers in which to keep their belongings safe (QNCCHT and ILO 2021, 19).

**Addressing labor disputes and access to justice.** Workers' Dispute Settlement Committees were established within the MADLSA by a Decision of the Council of Ministers in 2018 (ILO 2018, para. 18). In order to operationalize the decision, in accordance with a protocol signed with the Ministry, the ILO provides assistance to workers on the submission of labor complaints (para. 19).<sup>10</sup> In 2021, the Government established an online platform for workers,

---

9. From 2019 to 2020, coverage of the wage protection system increased from 75 percent to 96 percent of eligible workers, and from 78 percent to 94 percent of enterprises.

10. In October 2020, the ILO reported having lodged 91 complaints on behalf of 1,896 workers, resulting in the conclusion of 56 cases (1,745 workers). The remaining cases were either under appeal or in process (ILO 2020).

including whistle blowers, to submit complaints online (ILO 2021, para. 39). Domestic workers can use the platform.<sup>11</sup> Additionally, a booklet on the most common labour rights violations experienced by workers and a publication on frequently asked questions (FAQs) about the complain process, ranging from submission of the complaint to conciliation, adjudication in the dispute settlement committees, and enforcement, were produced (ILO 2021, para. 41). The latter should is supposed to enable workers and employers to better understand and prepare for the successive stages of the process.

**Occupational safety and health.** OSH were considered from the labor inspection prism. A national labor inspection policy was adopted in 2019, disseminated to all labor inspectors and published on the Labour Inspection Department's (LID) public website. A Strategic Unit in the LID was established in December 2018. The policy focuses on data collection and analysis, strategic planning and action, harmonized guidance and training for all labor inspectors, awareness-raising activities, and accountability. Training to OSH was organized for labor inspectors. Awareness of OSH considerations is promoted through, for example the organization of an OSH month in 2018 (ILO 2019, para. 13). In terms of effectiveness, the ILO reported that between October 2020 and October 2021, labor inspectors visited 35,280 accommodations and work places. Violations were registered at 2,509 accommodations and 6,994 work places (ILO 2021, para. 38).

**Workers representation.** Since 2004, articles 124-127 of the Labour Law provide for the establishment of joint committees of employers and workers, their composition, functioning and mandates, which include all matter related to work in the establishments, the conduct of

---

11. According to the ILO, between October 2020 and October 2021, the Ministry received 24,650 complaints in person and online, nearly 75 percent having been settled (ILO 2021, para. 39).

collective negotiations and the conclusion of common agreements (Qatar 2004). It was only fourteen years later, in 2018, that six construction companies expressed interest in pilot-testing the implementation of these provisions. In 2019, the MADLSA issued a decision regulating the elections to the membership of joint committees, which enables all workers to participate in the election of workers' representatives and to run for these positions. The decision provides for committee meetings to be held during working hour without loss of pay or other benefits and requires the enterprises to afford workers' representatives with protection. Both requirements are in line with the ILO Workers' Representatives Convention, 1971 (No. 135) that is not ratified by Qatar (ILO 2019, para. 34). Between July 2019 and August 2020, 107 workers were elected to represent 17,000 workers in twenty establishments (ILO 2020, para. 41). The effective progress is only symbolic in view of the volume of migrant workers in Qatar.

#### *4.2 Reform Measures in Saudi Arabia*

Unlike Qatar, which was put under the microscope because of its organization of the FIFA World Cup, Saudi Arabia led its own reform process. The chief, among the three drivers of reform for Saudi Arabia, is most certainly the efficient functioning of the labor market, particularly the preservation of employment opportunities for Saudi nationals. In no way does this mean that the other two drivers were absent. The significance of the labor market as a driver of reform is evident in the prominence gained by *Nitaqat*, the program put in place in 2013 for promoting the employment of nationals, which, after implementation, resulted in the reduction of migrants' employment, at least at the establishment level (Cortes et al, 2020). *Nitaqat* underwent several modifications in the following years.

**Recruitment.** The *Nitaqat* program linked the retention of migrant workers and recruitment of new ones to the progress made by firms in the Saudization of their workforces. The *Nitaqat* are colored bands where firms are situated according to the proportions in their workforces of Saudi workers. From a low level at the red color band, the proportions keep increasing until reaching a premium band. The proportions vary between firms according to their size: micro, small, medium, large and huge. Firms at the red and the next band levels neither can renew their foreign workers' visas nor recruit new ones. In contrast, firms at the premium and below, green, levels, can recruit workers from firms at the two lowest levels as well as new ones (Cortes et al, 2020). Along with the *Nitaqat* Saudization provisions, which are employment policy measures, regularization, was carried out. According to de Bel Air (2014), over one million foreign workers left the Saudi labor market between 2013 and 2014 as a result. Recruited workers must have written employment contracts that include compensation, benefits and termination terms, which since 2012 need to be documented and registered through an online platform, Qiwa. The 2016 New Implementation Regulations include a standard employment contract. They provide for fines for not giving a copy of the contract to employees and for obligating workers to perform tasks that were not included in the contract (Mahayni and Mahayni, 2018).

**Changing jobs and labor market mobility.** According to the Labour Reform Initiative (LRI) adopted in 2014, migrant workers can now leave their jobs without the consent of the employer/*kafeel* upon the expiration of their employment contracts. Prior to the expiration of the employment contract, workers can also leave their jobs, provided that they have been in the country for at least a year and have given ninety days' notice to the employers. Under certain conditions, migrant workers can change jobs within the first year of employment. In addition, the ministry established an electronic portal where workers and employers may



submit notifications, job offers, and transfer requests, a task previously within the *kafeel's* discretion only (Shadmand et al. 2020)

**Exit permits.** The LRI also addressed entry and exit requirements for foreign workers. Previously, a foreign worker could not exit Saudi Arabia without first obtaining an exit and re-entry visa through his or her employer/*kafeel*. Under the LRI, the employer/*kafeel's* permission to leave or re-enter the country is no longer required. Instead, workers may make the requests themselves through the Saudi government's online platform. For the final exit, the consent of the employer/*kafeel* is also no longer required either (Shadmand et al. 2020).

**Minimum wage:** There is no minimum wage in the private sector in Saudi Arabia. However, it was announced at the beginning of 2022 that the minimum wage applied in the public sector will be raised and extended to workers in the private sector that are covered by social insurance (Arab News 2014). Migrant workers are not.

**Wage protection:** The Saudi MHRSD launched a Wage Protection System (WPS) in January 2013. The WPS is an electronic system creating a database on wage payments made to male and female workers in the private sector. It aims at making all payments through bank transfers and financial institutions with a view to ensuring that workers are paid on time and according to the amounts stipulated in their employment contracts. The WPS progressive implementation started in June 2013 and reached all private sector entities, including small and micro enterprises at the end of 2020. Significantly, the document announcing the WPS indicates that the system helps ensure the protection of workers' rights in the private sector, thereby raising their productivity, on the one hand, and improving the enterprises' commitment to the timely and full payment of wages. Most interestingly, the document adds

that the WPS supports meeting commitments under relevant international instruments, including specifically the ILO's Convention No. 95 on protection of wages, which Saudi Arabia ratified in 2020. These benefits attributed to the WPS clearly stem from the second and third drivers of reform, developing soft power and the efficient functioning of the labor market, and presumably also from the first one, addressing critiques of the *Kafala* system. The implementation of the WPS was envisaged in two phases. Started in December 2020, in the second phase all establishments, regardless of their size, have to register with WPS. All establishments must also register with the "Mudad" platform that enables them to better adhere to the WPS (ILO n.d.).

**Passport confiscation.** The 2015 modifications to the Labor Law increased fines for confiscating migrant workers' passports. The 2016 New Implementing Regulations of the law, confirmed the prohibition to employers of retaining the passports of their workers, except at their own request and subject to the signing of a passport receipt form in Arabic and in their languages.<sup>12</sup>

**Addressing labor disputes and access to justice.** Labor disputes used to be settled in the MHRSD labor offices. But in October 2018, labor courts were established, which started to hear cases the following month. The Ministry of Justice appoints judges to the labor courts. Under the new system, employees still have to file disputes with the MHRSD through labor offices or its online portal. At least two hearings take place at the concerned labor office with a view to reaching an amicable settlement. If this does not prove possible, the cases are escalated to the labor courts. In practice, it is reported that although under the new system

---

12. Royal Decree No. M/51 dated 27 September, 2005, and Council of Ministers Resolution No. 219 dated 26 September 2005.

cases cannot remain in the amicable settlement phase for more than 21 days, it is often a few months before they are submitted to the labor courts. Labor courts do not rule on sponsorship-related cases such as transfer of sponsorships or absconding complaints. These cases are still under the labor offices' purview. Labor courts can only issue non-binding recommendations in respect of sponsorship transfers (Shaker 2020).

**Occupational safety and health.** In 2021, a national policy on OSH was adopted and published. Its declared principles are to cover all work sites and sectors as well as all workers without discrimination. They significantly include the protection of the workers' rights to a healthy and safe work environment and the design of policy in consultation with the employers' and workers' representatives. This is striking coming from a state that has not ratified any ILO OSH or the workers' representative's conventions. However, the representatives are only those of Saudi workers as will be mentioned below. The policy's aim is to prevent hazards at source, reduce occupational injuries and diseases and build a national OSH culture. The overall goal is to enhance the safety and health of workers at the workplace. The policy refers to the collection of OHS statistics and to monitoring compliance with its provisions (KSA, HRSD 2021a). In the same year 2021, procedural guidelines for the prevention of the effects of exposure to direct sun or heat stress were published. They clarify roles, responsibilities and preventive procedures (KSA, HRSD 2021b).

**Workers' representation.** Trade unions are not explicitly prohibited in Saudi Arabia but they do not exist in practice. The Labor Law permits the establishment of worker councils for

Saudi nationals only (ILO 2019). The Labor Law reforms did not reach the representation of migrant workers, neither in unions nor in simple councils.

### *4.3 Reform Measures in the UAE*

The UAE was not under the microscope like Qatar in the first decades of the twenty-first century. Even though Emiratization is an objective, it does not have a program comparable to the Saudi Nitaqat, which may indicate that the nationals' employment is not as a serious concern as it in Saudi Arabia. Yet, the UAE also embarked on a reform of its *Kafala* system. The general critiques of the system were most certainly one driver of reform. More prominent, though, were the other two drivers. The UAE openly develops its soft power, as reviewed above. One means to do it is to ensure the most efficient functioning of its labor market and economy, by attracting talent and raising the value added of its labor force. Improving the working conditions of migrant workers and protecting their rights are in themselves a development of soft power. Thus the efficient functioning of the labor market and soft power development as drivers of reform are intimately related in the UAE's case. This does not mean they are absent for the other two states.

**Recruitment.** A number of laws and ministerial decrees, adopted in 2021 and 2022, relate directly or indirectly to the recruitment of migrant workers. The letter of both the 2021 Federal Law Regarding the Regulation of Employment Relationships, which is the new labor law that came into force in February 2022, and the 2021 Federal Law Regarding the Unified General Rules of Labour articulate their objectives. These are to enhance the effectiveness and attractiveness of the labor market by protecting the rights of the parties to the employment relationship, to define “the rights of all employees and laborers in a balanced manner” as well as to balance the attractiveness of both the private and public sectors (UAE

2021b; UAE 2021c). In other words, enhancing the rights of workers and employers aim at ensuring the efficiency and effectiveness of the labor market and at increasing the attractiveness of the private sectors for nationals.

A standard employment contract was developed in 2021<sup>13</sup>. A decree by the Minister of Human Resources and Emiratization in February 2022 provides that employers must use this standard contract when applying for work permits for their migrant workers. Employers must educate the workers to their rights and obligations provided for in the contract. More benefits can be included in the contract than in the job offer. Both the contract and the job offer have to be kept digitally or in hard copy for a period of two years after the end of the employment relationship (UAE, 2022a). The law unifying labor regulations prohibits discrimination on the basis of race, color, sex, religion, national or social origin. However, it adds that measures aimed at increasing the employment of nationals shall not be deemed as discrimination (UAE 2021c). A cabinet resolution of 2022 includes detailed provisions about the implementation of the 2021 labor law (UAE 2022b). Article 6 of that resolution lists types of work permits, including a specific one for workers from outside the state. New work permits are introduced to which it will be reverted below. Article 10 details the information to figure in the employment contract, which includes the working terms and conditions and the benefits agreed between the employer and the worker. Article 9 is about the recruitment agencies whose licenses may revoked if they commit acts involving forced labor or human trafficking, or in the event of non-payment of workers' wages. It is noteworthy that the resolution abolishes indefinite employment contracts. Their replacement by fixed-term contracts is a means, for the drafters of the law, to introduce flexibility to the functioning of the labor market.

---

<sup>13</sup> Federal Decree-Law Regarding the Regulation of Employment Relationship, Law No.33 of 2021

The 2022 Executive Regulations of the Law Regarding Entry and Residence of Aliens introduced amendments to the Golden Residence Scheme first adopted in 2019 (UAE Ministry of Foreign Affairs 2022e). The amendments simplified eligibility criteria and enlarged the categories of beneficiaries of this 10-year residence. The scheme's objective is to attract and retain global talents and skilled workers, with the aim of raising the flexibility and competitiveness of the Emirati labor market. With this in view, it provides them with substantial benefits. The Regulations detail the conditions for aliens to fall under each category. The categories include scientists, professionals, exceptional talents, investors, entrepreneurs and outstanding students and graduates. Green residences are a new type of visas allowing for five-year residence for the highly-skilled, including for free-lancing and self-employment. The Golden Residence Scheme and the Green Residence for self-employment and free-lancing correspond to two types of permits envisaged by the Regulations implementing the Law on the Regulation of Employment Relationships: the Golden Visa Holder's permit and the free-lance permit.

The Executive Regulations introduce a further new type of visas. This is the Job Exploration Entry Visa that allows young talents and highly-skilled to enter the country to explore job opportunities. The reversal of functions between labor law and immigration law is important to note. In the traditional *Kafala* system the labor law considerations, such as the existence of a work contract precedes the granting of a visa to the foreign worker. In contrast, the beneficiaries of the Golden Residence, of the Green Residence and the Job Exploration schemes receive their visas, enter the country and then engage or do not in an employment contractual relationship with a particular employer. In fact, for these three types of residence, the sponsorship, *Kafala*, is abolished.

**Changing jobs and labor market mobility.** Article 16, paragraphs 3 and 4, provides for the right of the worker to change employers or terminate his employment and leave the UAE during his probationary period. In the former case, the worker has to notify the original employer in writing at least one month in advance of the date he wishes to terminate his contract with him. The new employer would have to compensate the first one for the cost of recruiting or contracting the worker. In the latter, the worker has to notify the employer, also in writing, fourteen days in advance from the date he wishes to terminate the contract (UAE 2021b).<sup>14</sup> After the probation period, article 13 of the law provides that the worker may join the service of another employer after the termination of his first contract. This means that the law allows some mobility in the labor market and no longer compels the worker to leave the UAE at the expiration of his contract. This is reinforced by paragraph 2 of the same article that prohibits the employer to force the worker to leave the UAE at the end of his contract. Neither the law nor the executive regulations address the change of employers during the period of the first contract, after the probation period, and its bearing on the worker's visa.<sup>15</sup> This reveals a rigidity contrasting with the flexibility otherwise introduced by the Regulations.

**Exit permits.** The formulation of article 13 of the labor law, as pointed out above, prohibits the employer to force the worker to leave the territory after the end of his employment contract. The law is silent on forbidding him to leave without the employer's consent. Nevertheless, it may be understood from the possibility for the worker to join the service of another employer after the termination of his contract that the relationship between the first

---

14. All laws and regulations in the UAE refer to the worker as "he."

15. The Executive Regulations of the 2021 Law regarding Entry and Residence of Aliens adopted in April 2022 may include provisions on the change of employers during the validity of the employment contract and its bearing on the residence visa. The Regulations were not yet accessible online as of 26 June 2022.

employer and residence is severed. Hence, the “no objection” of the first employer would be out of the question.

**Minimum wage.** Article 27 of the new 2021 labor law provides that the UAE cabinet, upon a proposal from the Minister of Human Resources and Emiratization may introduce a minimum wage applicable to workers or to categories among them (UAE 2021b). Two observations are in order. The introduction of a minimum wage is not definitively decided. It is left to the discretion of the cabinet. Second, there may be one or several minimum wages, according to the categories of workers. It is not clear whether “categories” apply to sectors, occupations or to educational attainment. The UAE is situated somewhere between Qatar, where a minimum wage was introduced by law, and Saudi Arabia, where none exists.

**Wage protection.** Article 16 of the regulations implementing the labor law provides that wages should be paid on time through the wage protection system. Establishments should provide proof that wages were paid if requested. The Ministry may take legal action or measures against the establishment that fails to pay the wages (UAE 2022b).

**Passport confiscation.** Article 13 of the Law Regarding the Regulation of Employment Relationships (labor law) is clear. Employers are not allowed to withhold the official documents of the workers (UAE 2021b).

**Addressing labor disputes and access to justice.** Workers may file individual complaints with the MOHRE using the electronic forms on its website if the terms specified in the employment contracts are not fulfilled. A committee set up at the Ministry tries to reach an amicable settlement. If this does not prove possible, MOHRE refers the dispute to the labor



court or may cancel the work permit. The result of the process is communicated within fourteen days to the workers who can also follow on their complaint through the Ministry's website. Workers can also submit collective complaints, in which case their number should not be fewer than a hundred. The Ministry, a representative of which visits the establishment premises, attempts to reach an amicable settlement. If the attempt fails, the dispute is referred to a conciliation committee. The parties to the dispute are notified about the results of the process after 30 days are allowed to the Ministry and another 30 days to the conciliation committee (UAE 2022c). Barring an amicable conciliation, the Ministry refers the dispute to a Collective Labour Dispute Committee whose decision is final. It is notable that in the case of collective complaints, the disputes are not referred to labor courts (UAE 2022b). Workers, as well as employers, can submit grievances concerning decisions of the Ministry (UAE 2022d).

**Occupational safety and health.** Article 13, paragraph 6 of the labor law lists among employers' obligations those of providing necessary means of prevention to protect workers from occupational diseases and injuries, regulations on guidance and awareness, and training

on avoiding risks. Article 37 of the same law provides for the obligations of employers in cases of work injuries or occupational diseases, according to their gravity (UAE 2021b).

**Workers' representation.** There are no trade unions or workers' committees in the UAE. Workers, migrant and native, have no representation. The UAE comes closer in this respect to Saudi Arabia than to Qatar.

## 5. Conclusions

The three drivers of reform identified in the introduction led Qatar, Saudi Arabia, and the UAE to introduce significant changes to the laws and regulations governing their *Kafala* systems. The drivers were a mix of pressures and incentives. The critiques addressed to the system created international pressures to reform it. The pressures were exercised by a host of international governmental and non-governmental actors. The efficient labor market functioning, specifically leaving room for the natives' employment, was a pressure of internal nature. A more efficient labor market functioning, in terms of attracting highly-skilled, high value-added migrant workers, was an incentive. And so was the ambition to develop soft power, common to the three states. The development of soft power was through building a highly productive, knowledge-based economy, for the UAE. For Qatar, this channel was not absent, but a clearly purposeful means to produce it was through hosting global events, like the FIFA World Cup. Addressing critiques and developing soft power existed, but for Saudi Arabia the most important driver was responding to the question of nationals' employment.

International pressures and the determined ambition to develop soft power coalesced to push Qatar to go the furthest in reforming the *Kafala* system. The nature of the actors exercising the pressures magnified their effects. Prominent among them were great powers,

such as the US and the EU, as well as the international labor movement and the international organization responsible for labor and employment, the ILO. The pressures resulted in significant changes in the labor law, the origin of the negative features of immigration in the GCC states. This is important to emphasize in a handbook about immigration law.

The nature of actors exercising pressures led, in Qatar, to changing legal provisions not directly originating with the *Kafala* system. This is the case of workers' representation, which was also denied to the tiny number of national workers active in the private sector. Qatar's strong attachment to hosting the FIFA World Cup in the best possible conditions seems to have convinced it to accept the constitution of workers' councils. The same applies to the institution of a minimum wage. Saudi Arabia and the UAE are still intractable in these two respects.

On all the other seven issues reviewed in the chapter, the three states made notable progress in the letter of the laws. They adopted in the late 2010s and in the first three years in the 2020s a great number of laws, regulations and policy measures related to the migrant workers' recruitment, to their protection and to their terms and conditions of employment. If effectively applied, they should result in a clear improvement in the immigration experiences in the three GCC states.

Two questions remain. The first is whether the new provisions will be effectively applied or not. The second is whether they could not be reversed in the future. The pressures on Qatar originating in its organization of the FIFA World Cup may abate after 2022. But the critiques to the *Kafala* system antedate the organization of the World Cup and thus will not dissipate. More importantly, the ambition to develop soft power and the labor market upgrading, intimately related for Qatar and the UAE, are not likely to disappear. For Saudi Arabia, attracting nationals to employment in the private sector can only be done through improving terms and conditions of employment in its establishments. Since the majority of

employees in the private sector are migrant workers, they should benefit from the improvements. The Saudi concern will not vanish.

Pressures and incentives have resulted in positive changes in the legal texts governing the *Kafala* system in Qatar, Saudi Arabia and the UAE. The actual implementation of these changes should be monitored. However, objective factors should lead to effective progress in the foreign workers' immigration experiences in the three states.

## References

- AlShehabi, Omar Hesham. 2019. "Policing Labour in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States." *British Journal of Middle Eastern Studies*: 1-20. DOI: 10.1080/13530194.2019.1580183.
- Amnesty International. 2013. *The Dark Side of Migration: Spotlight on Qatar's Construction Sector ahead of the World Cup*. London: Amnesty International.
- Arab News. 2020. "Saudi minimum wage will apply to all existing, new workers: ministry". *Arab News*, November 29, 2020. <https://www.arabnews.com/node/1770026/saudi-arabia>.
- Brannagan, Paul Michael and Richard Giulianotti. 2018. "The Soft Power-Soft Disempowerment Nexus: The Case of Qatar." *International Affairs* 94 (5): 1139-1157.
- Cortes, Patricia, Semiray Kasoolu, and Carolina Pan. 2020. "Labor Market Nationalization Policies and Firm Outcomes: Evidence from Saudi Arabia." *CID Working Paper Series* 381 (July): 1-33. <https://growthlab.cid.harvard.edu/files/growthlab/files/2020-07-cid-wp-381-saudi-policies-outcomes.pdf>
- De Bel-Air, F. 2018. "Policies and Politics in the Arab Migration to the Gulf States: Struggling to Keep the Door Open." In *Migration to the Gulf: Policies in Sending and Receiving Countries*, edited by Philippe Fargues and Nasra M. Shah, 151-178. Cambridge: Gulf Research Centre.
- Diop, Abdoulaye, Trevor Johnston, and Kien Trung Le. 2015. "Reform of the *Kafāla* System: A Survey Experiment from Qatar." *Journal of Arabian Studies* 5 (2): 116-137. <https://doi.org/10.1080/21534764.2015.1113681>.
- European Parliament. 2013. *European Parliament Resolution of 21 November 2013 on Qatar: Situation of Migrant Workers*. 2013/2952(RSP). [https://www.europarl.europa.eu/doceo/document/TA-7-2013-0517\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-7-2013-0517_EN.pdf)
- Gardner, Andrew, Silvia Pessoa, Abdoulaye Diop, Kaltham Al-Ghanim, Kien Le Trung, and Laura Harkness. 2013. "A Portrait of Low-Income Migrants in Contemporary Qatar." *Journal of Arabian Studies* 3 (1): 1-17.
- General Secretariat of the Executive Council, Department of Planning and Economy, and Abu Dhabi Council for Economic Development. 2008. *The Abu Dhabi Economic Vision 2030*. Abu Dhabi: Government of Abu Dhabi, November 2008.
- Hvidt, Martin. 2019. "Exploring the Nexus between Highly-Skilled Migrants, the *Kafala* System, and Development in the UAE." *Journal of Arabian Studies* 9 (1): 75-91. <https://doi.org/10.1080/21534764.2019.1649827>.
- International Labour Organization. 2012. *Case No 2988 (Qatar) – Complaint*. September 28. Accessed via Normlex, <https://www.ilo.org/dyn/normlex/en/f?p=1000:50001:::NO>.

- International Labour Organization. 2014. *Report in which the committee requests to be kept informed of development - Report No 371*. March 2014. Accessed via Normlex, [https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002\\_COMPLAINT\\_TEXT\\_ID:3171962](https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:3171962).
- International Labour Organization. 2018. Follow-up to the Decision Adopted By the Governing Body at Its 331st Session to Support the Technical Cooperation Programme Agreed between the Government of Qatar and the ILO and Its Implementation Modalities. GB.334/INS/8.
- International Labour Organization. 2019. Annual Progress Report on the Technical Cooperation Programme Agreed between the Government of Qatar and the ILO. GB.337/INS/5.
- International Labour Organization. 2019. *Saudi Arabia: Regulatory Framework Governing Migrant Workers*. Accessed June 30, 2022. [https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/legaldocument/wcms\\_728262.pdf](https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/legaldocument/wcms_728262.pdf)
- International Labour Organization. 2020. Progress Report on the Technical Cooperation Programme Agreed between the Government of Qatar and the ILO. GB340/INS/11.
- International Labour Organization. 2021. Progress Report on the Technical Cooperation Programme Agreed between the Government of Qatar and the ILO. Doha: ILO Project Office for the State of Qatar.
- International Labour Organization. N.d. "Information Note: Details of the Wage Protection System in KSA." [https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms\\_816083.pdf](https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms_816083.pdf).
- Kingdom of Saudi Arabia, Human Resources and Social Development. 2021. *The National Policy on Occupational Safety and Health for the Kingdom of Saudi Arabia*. <https://hrsd.gov.sa/sites/default/files/02042021.pdf>.
- Kingdom of Saudi Arabia, Human Resources and Social Development. 2021. *Procedural Guidelines for Occupational Safety and Health for Preventing the Effects of Direct Exposure to the Sun and Heat Stress 1442- 2021*. <https://hrsd.gov.sa/sites/default/files/E3502021.pdf>
- Kingdom of Saudi Arabia. N.d. *Kingdom of Saudi Arabia Vision 2030*. Accessed June 30, 2022. [https://www.vision2030.gov.sa/media/rc0b5oy1/saudi\\_vision203.pdf](https://www.vision2030.gov.sa/media/rc0b5oy1/saudi_vision203.pdf)
- Mahayni, Zein, and Zina Mahayni. 2016. "Saudi Arabia: The New Implementing Regulations To The Saudi Arabian Labor Law." *Mondaq*. May 6, 2016. <https://www.mondaq.com/saudiarabia/employee-rights-labour-relations/489208/the-new-implementing-regulations-to-the-saudi-arabian-labor-law>.
- Malaeb, Hanan N. 2015. "The 'Kafala' System and Human Rights: Time for a Decision." *Arab Law Quarterly* 29 (4): 307–342. <http://www.jstor.org/stable/24811144>.

- Pradhan, Bandana, Tord Kjellstrom, Dan Atar, Puspa Sharma, Birendra Kayastha, Gita Bhandari, and Pushkar K. Pradhan. 2019. "Heat Stress Impacts on Cardiac Mortality in Nepali Migrant Workers in Qatar." *Cardiology* 143 (1): 37-48. DOI: 10.1159/000500853.
- Qatar. 2004. *Law No (14) of 2004 - Qatar Labour Law*. Accessed via Natlex, June 30, 2022. <http://www.ilo.int/dyn/natlex/docs/ELECTRONIC/67387/119186/F-1851656538/QAT67387%20Eng.pdf>
- Qatar General Secretariat for Development Planning. 2011. *Qatar National Development Strategy, 2011-2016: Towards Qatar National Vision 2030*. Doha: Qatar General Secretariat for Development Planning.
- Qatar National Committee for Combating Human Trafficking, and International Labour Organization. 2021. *Our Fight against Forced Labour and Trafficking for Labour Exploitation in Qatar*. July 30, 2021. [https://www.ilo.org/beirut/countries/qatar/WCMS\\_815515/lang--en/index.htm](https://www.ilo.org/beirut/countries/qatar/WCMS_815515/lang--en/index.htm)
- Shadmand, Sheila L., Bethany K. Biesenthal, John S. Beaumont, and Olga Gidalevitz. 2020. "Saudi Arabia Introduces Significant Labor Reforms." Society for Human Resource Management. December 11, 2020. <https://www.shrm.org/resourcesandtools/hr-topics/global-hr/pages/saudi-arabia-labor-reform-initiative.aspx>.
- Shaker, Annas. 2020. "New Reforms and Ongoing Challenges in Saudi's Labour Justice System." *Migrant-Rights*. August 13, 2020. <https://www.migrant-rights.org/2020/08/new-reforms-and-ongoing-challenges-in-saudis-labour-justice-system/>.
- United Arab Emirates. 2014. *UAE Vision 2021: United in Ambition and Determination*. Accessed June 30, 2022. [https://www.vision2021.ae/docs/default-source/default-document-library/uae\\_vision-arabic.pdf?sfvrsn=b09a06a6\\_6](https://www.vision2021.ae/docs/default-source/default-document-library/uae_vision-arabic.pdf?sfvrsn=b09a06a6_6)
- United Arab Emirates. 2021a. "Principles of the 50: The UAE's Principles for the Next 50 Years." Updated, May 5, 2022. <https://u.ae/en/about-the-uae/initiatives-of-the-next-50/the-principles-of-the-50#:~:text=The%20Principles%20of%20the%2050%20are%2010%20principles,new%20era%20of%20economic%2C%20political%20and%20social%20growth>.
- United Arab Emirates. 2021b. Federal Decree Law N. (33) of 2021 Regarding the Regulation of Employment Relationships and UAE, Federal Decree-Law No. (47) of 2021 Regarding the Unified General Rules of Labor in the United Arab Emirates. Abu Dhabi, 20 September 2021, both accessible at <https://www.mohre.gov.ae/en/laws-and-regulations/laws.aspx>
- United Arab Emirates. 2021c. Federal Decree-Law No. (47) of 2021 Regarding the Unified General Rules of Labor in the United Arab Emirates. Abu Dhabi, 20 September 2021, accessible at <https://www.mohre.gov.ae/en/laws-and-regulations/laws.aspx>

- United Arab Emirates, MOHRE. 2022a. Ministerial Decree No. (46) of 2022 Regarding Work Permits, Job Offers and Employment Contracts' Forms. Accessible at [file:///C:/Users/Dr.%20Ibrahem%20Awad/Downloads/Ministerial%20Decree%20No.%20\(46\)%20of%202022%20Regarding%20Work%20Permits%20Job%20Offers%20and%20Employment%20Contracts%E2%80%99%20Forms%20\(2\).pdf](file:///C:/Users/Dr.%20Ibrahem%20Awad/Downloads/Ministerial%20Decree%20No.%20(46)%20of%202022%20Regarding%20Work%20Permits%20Job%20Offers%20and%20Employment%20Contracts%E2%80%99%20Forms%20(2).pdf)
- United Arab Emirates. 2022b. Cabinet Resolution No. (1) of 2022 regarding the executive regulations of Federal Decree-Law No. 33 of 2021, accessible at <https://www.mohre.gov.ae/en/laws-and-regulations/laws.aspx>
- United Arab Emirates, MOHRE. 2022c. *Administrative resolution No. (25) of 2022 concerning the procedures' manual regulating labor disputes and complaints.* Accessible at [https://www.google.com/search?q=UAE+ADMINISTRATIVE+RESOLUTION+NO.\(25\)+OF+2022+CONCERNING+THE+PROCEDURES+MANUAL+REGULATING+LABOR+DISPUTES+AND+COMPLAINTS&oq=UAE+ADMINISTRATIVE+RESOLUTION+NO.\(25\)+OF+2022+CONCERNING+THE+PROCEDURES+MANUAL+REGULATING+LABOR+DISPUTES+AND+COMPLAINTS&aqs=chrome..69i57j35i39l2j0i512l2j0i20i263i512j0i512l4.28200j0j4&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=UAE+ADMINISTRATIVE+RESOLUTION+NO.(25)+OF+2022+CONCERNING+THE+PROCEDURES+MANUAL+REGULATING+LABOR+DISPUTES+AND+COMPLAINTS&oq=UAE+ADMINISTRATIVE+RESOLUTION+NO.(25)+OF+2022+CONCERNING+THE+PROCEDURES+MANUAL+REGULATING+LABOR+DISPUTES+AND+COMPLAINTS&aqs=chrome..69i57j35i39l2j0i512l2j0i20i263i512j0i512l4.28200j0j4&sourceid=chrome&ie=UTF-8)
- United Arab Emirates, MOHRE. 2022d. Administrative resolution No. (24) of 2022 concerning the procedures' manual of grievance committee against decision of the Ministry of Human Resources and Emiratization. Accessible at [https://www.google.com/search?sxsrf=ALiCzsbLwo5B08OVGE43Mw9JR27\\_0L3\\_uA:1656258237177&q=UAE,+MOHRE,+Administrative+resolution+No.+\(24\)+of+2022+concerning+the+procedures%E2%80%99+manual+of+grievance+committee+against+decision+of+the+Ministry+of+Human+Resou](https://www.google.com/search?sxsrf=ALiCzsbLwo5B08OVGE43Mw9JR27_0L3_uA:1656258237177&q=UAE,+MOHRE,+Administrative+resolution+No.+(24)+of+2022+concerning+the+procedures%E2%80%99+manual+of+grievance+committee+against+decision+of+the+Ministry+of+Human+Resou)
- United Arab Emirates Ministry of Foreign Affairs and International Cooperation. 2022. "UAE Cabinet Approves Executive Regulations of Federal Decree-Law on Entry and Residence of Foreigners." April 19, 2022. <https://www.mofaic.gov.ae/en/mediahub/news/2022/4/19/19-04-2022-uae>.
- United Nations Committee against Torture. 2013. *Concluding Observations on the Second Periodic Report of Qatar*. CAT/C/QAT/CO/2. January 25, 2013.
- United Nations. 2007. Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children. A/HRC/4/23/Add.2. April 25, 2007.
- United Nations Department of Economic and Social Affairs. 2012. *Toolkit on International Migration*. Accessed June 30, 2022. [https://www.un.org/en/development/desa/population/migration/publications/others/docs/toolkit\\_DESA\\_June%202012.pdf](https://www.un.org/en/development/desa/population/migration/publications/others/docs/toolkit_DESA_June%202012.pdf).
- United States Department of State. 2009. *Human Rights Report 2009, Qatar*. <https://2009-2017.state.gov/j/drl/rls/hrrpt/2009/nea/136078.htm>