

CHAPTER III

INFRASTRUCTURE DEVELOPMENT AND PROBLEM OF MIGRANT WORKERS IN QATAR

The growing number of migrant workers in Qatar since the economic boom continues to rise every year and is predicted to increase again to three million by 2026 (Hyslop, 2010). In which construction will be the sector with the most significant increase of migrant workers, due to Qatar's urgency needs to build the infrastructure related to their economy and the FIFA World Cup that will be held in 2022. However, the presence of World Cup in Qatar has also magnified the issue of migrant workers in construction which found to be the most dominant form of slavery and exploitation towards the migrant workers. Coupled with the implementation of *kafala* system that worsens the condition of migrant workers in the country.

This chapter will explore how Qatar's infrastructure development has made the country become dependent on migrant workers in the construction sector. Moreover, this chapter will also discuss the problems faced by migrant workers and describe the labor regulations in Qatar that related to the problems.

A. The Need for Migrant Workers in Infrastructure Development

Before the advent of the oil era, Qatar's traditional economy was much dependent on fishing and pearling and ranked at one of the poorest countries in the world. In the early 20th century, Doha, the capital of Qatar was only a group of villages forming a smooth compact strip along the 5 km coast and had about 350 pearling boats. But after the introduction of Japanese cultured pearls in the 1930s, the whole region in the Gulf, including Qatar suffered a major depression. As the result, it left the country in poverty which lasted for 10 years

(Boussaa, 2013). The interest in Qatar's oil potential had actually been aroused since 1931 when Anglo-Persian Co. (now British Petroleum) began carrying out a detailed geological survey of the country. Later in 1935, the company was granted a concession to explore for oil. Oil was discovered four years later in 1939, but the exploration was postponed until 1949 due to the World War II and the Bahrain embargo. First Qatar's oil export happened in 1949 from the new terminal at Umm Said. In the same year, further exploration licenses covering offshore areas were also granted. This first-ever shipment then became a turning point for the country in its economic development (Sastry, 1993).

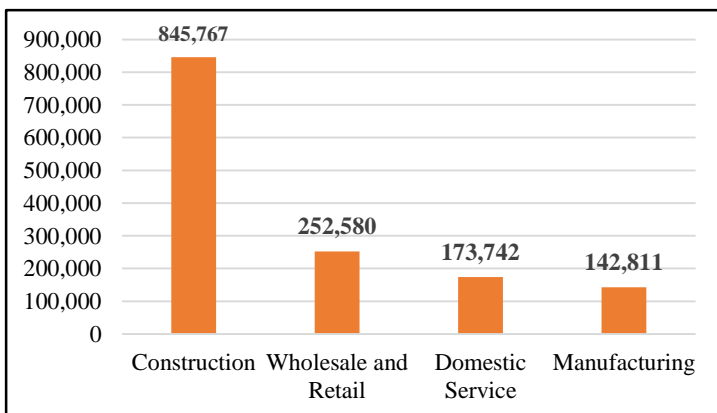
The discovery of oil has accelerated the country's revenues which led to economic growth. It has prompted Qatar to intensify its investment in various sectors, one of which was to begin making a large investment in infrastructure development. Qatari government is greatly ambitious to conduct massive urban and infrastructure development in the country, such as bringing all secluded towns and settlements together, offering a modern, prosperous urban culture with breathtaking building designs, expending new metro, railway, international airport and port network, and also building Qatar-Bahrain Causeway which is claimed to be the longest bridge in the world. Qatar views construction as a profitable sector that will continue to be improved and extended in the coming years (Scharfenort, 2012) since all these objectives are also a part of Qatar National Vision 2030 (QNV 2030).

QNV 2030 is a comprehensive long-term plan aims to transform Qatar into an advanced country by 2030, in a way by developing a competitive and diversified economy (General Secretariat For Development Planning, 2008). This construction development is also linked to tourism which is identified as a crucial factor in order to diversify the economy as well as the city's investment to attract investor brand. Hence, the early focus of Qatari government was to develop Doha as a cultural center and strive for the city to host international sports

events. The success story of sports events in Qatar began with the Qatar Open and was followed by the selection of Qatar to host the 2006 Asian Games, which led to the development of the 250 hectares Aspire Zone and many new hotels particularly along the coast (Wiedmann, Salama, & Thierstein, 2012). With so many infrastructure developments ever made and much more to be done in the future, this is resulting in Qatar's great dependence on migrant workers particularly in construction where most of the migrant workers are highly concentrated compared to other occupational sectors that are heavily filled by migrant workers.

The so far greatest success of all Qatar's sports ambitions has been the official bid for the 2022 World Cup. The selection of Qatar as the host for the event has increased the need of the country for migrant workers. This is shown by the recruitment of migrant workers in construction continues to rise massively, especially after the granting title of the host country for the World Cup in 2010. According to the latest data in 2016, the total number of migrant workers, especially in the construction sector, has reached 845.767 workers, or 43.3 percent of the total foreign labor force. Followed by 252.580 (12,9 percent) in wholesale and retail trade, 173.742 (8,9 percent) in domestic services, and 142.811 (7,3 percent) in manufacturing (MDPS, 2016).

Figure 3.1: Economic sectors filled by migrant workers (Qatar, 2016)

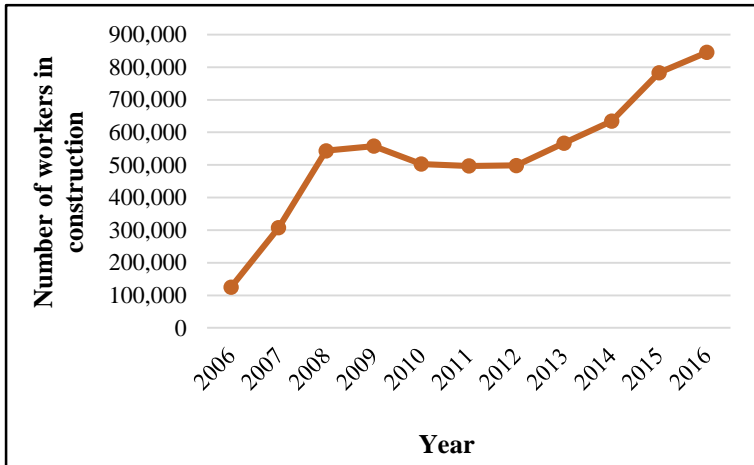


Source: Labor Force Surveys, 2016

According to data published by Qatar's Ministry of Development Planning and Statistics on population numbers in the Third Quarter of 2017, most migrant workers come from Asian countries, followed by other Arab countries, European countries, North American countries, and various another group of the countries (MDPS, 2017). While 80.5 percent of the migrant workers in the country comprised of people from only eight countries, with the highest number is from India (650.000), then Nepal (>350.000), Bangladesh (280.000), the Philippines (260.000), Egypt (200.000), Sri Lanka (145.256), and Pakistan (125.000) (Snoj, 2017).

In the period of 2010 to 2012, the number of construction workers in Qatar decreased due to the financial crisis in 2009 which hit hardest in countries where the demand of migrant workers was high, like in the Gulf region. A study suggested that the economy in these countries, including Qatar, might experience a shrinking job market particularly in finance, construction, tourism, services, and manufacturing, which might adversely affect the migrant labor force more than to the Arab nationals. As a direct impact of the crisis, there has been a reduction in the number of fresh migrant inflows into economies suffering from economic difficulties and might also lead to the return of migrant workers to their home country (Middle East Institute, 2010). However, the number has started gaining back in absolute size as a sign of the construction fever ahead of World Cup 2022 as shown in Figure 3.2.

Figure 3.2: Migrant workers in the construction sector (Qatar, 2006-2016)



Source: Labor Force Surveys, 2006 to 2016 and Population Census 2010

B. Problems of Migrant Workers in Qatar

The problems of migrant workers in the construction sector are increasingly complex as they keep growing in Qatar. It is stated that migrant construction workers are the most vulnerable to any forms of exploitation because of the employment conditions that are notoriously demanding and dangerous. According to data released by the Global Slavery Index in 2016, there are estimated 30.300 migrant workers trapped in slavery practices in Qatar (Walk Free Foundation, 2016). The Walk Free Foundation defines slavery as "situations of exploitation that a person cannot refuse or leave because of threats, violence and coercion, abuse of power or deception" (Blake, 2016).

The occurrence of these slavery practices that violate the rights of migrant workers is inseparable from the *kafala* system which on one hand only benefits one party, which is the employers. In which they can generate huge profits without prioritizing the welfare of the workers. The problems faced by

migrant workers can be divided into two stages, which are the pre-departure and during their working period in Qatar.

1. Pre-Departure Problems: Unfair Recruitment Process

The recruitment process of migrant workers can be said as the beginning of their tribulation, in which their rights as prospective workers are already abused and can be potentially vulnerable to any forms of exploitation in the destination country.

Initially, prospective workers will be recruited by local recruitment agencies. They act as intermediaries between migrant workers and the outsourcing agencies in Qatar. Major local agencies are usually located in the urban area, whereas many prospective workers come from remote places which make this difficult for them to reach the place. Therefore, the urban agencies work with sub-agents, which many of them are illegal and are not licensed by the government, to recruit potential workers from villages in remote areas. Motivated by profit and in competition with one another, recruitment agencies are incentivized to recruit as many migrant workers as they can at the lowest cost, often overlooking abuses in the process (Gardner, et al., 2013). There are some problems faced by prospective workers during the recruitment process caused by manipulative agencies, such as:

a. Expensive Recruitment Fees

From the very beginning of the migration cycle, there is a level of unfairness occurring in the procurement of jobs in origin country, where workers are obliged to pay local recruitment agencies. ILO refers to them as 'merchants of labor', namely all those intermediaries involved in generating an income from the migration process. Many of these agencies manipulate the prospective workers to pay the recruitment fees, which include agency's commissions,

medical tests, training, and pre-departure seminars. Note that sometimes visa and flight tickets are not included, hence workers are charged for extra fees. According to Qatar's Labor Law, all of the things listed above should be free because fees are supposed to be paid by the employers in Qatar, notably when the local agencies have direct links to the employers. However, based on interviews conducted by Amnesty International, none of the migrant workers went abroad without paying recruitment fees (Amnesty International, 2011). In addition, this fee is also used as a cost to secure their job placement in Qatar. The main determinant for workers to pay for securing their placement is anticipated wages. The higher the wage promised by the agencies, the more they are likely to be willing to pay to secure a placement (Open Working Group on Labour Migration & Recruitment, 2014).

b. Debt Bondage

Due to the demands for paying the recruitment process with an excessive amount, many of these prospective migrant workers are trapped in debt bondage. Many sell their assets or the assets of their family, while many others borrow from money lenders (agencies can also behave as money lenders) at high-interest rates or from friends and family. When workers are heavily in debt before leaving home, they are no longer in a position to negotiate their situation or leave an exploitative employment agreement when they arrive in Qatar (Jureidini, Migrant Labour Recruitment to Qatar, 2014).

c. False Information and Contract Substitution

According to UNODC, there have been numerous reports of recruitment agencies deceiving workers regarding the nature of the job for which they are being recruited, as well as the location of jobs, their end

employer, living and working conditions, their legal status in destination countries, and travel conditions (UNODC, 2015). This has caused many migrant workers do not get things as what has been promised to them once they arrive in Qatar.

Another key junction in the ongoing generation of migrant workers' exploitation is the employment contracts. Contracts signed prior to departure in origin country are usually substituted with another one in Arabic upon arrival in Qatar. This has led to the confusion of migrant workers about what actually they are signing because the contracts provided in Qatar are not written in a language they understand. This causes most migrant workers become unaware of their rights as workers (Jureidini, Migrant Labour Recruitment to Qatar, 2014).

2. In-Country Problems

The problems faced by migrant workers do not end once they arrive in Qatar. In a special report of *"The Dark Side of Migration: Spotlight on Qatar's Construction Sector Ahead of the World Cup"* published by Amnesty International, various exploitation and abuses experienced by migrant construction workers in Qatar are revealed, as will be discussed below (Amnesty International, 2013):

a. Inadequate Wages

The main deception faced by migrant workers while working in Qatar is the wage payments. Many migrant workers experienced prolonged delays for months and non-payments wage by the employers. There are also workers who complain that they only received a small amount of wages which far from what has been promised.

Without regular payments and adequate wages, it can lead migrant workers to difficulty in sustaining their lives in Qatar – like paying for food, transport, or

other essentials. Other than that, some more serious problems like unable to send money to their family in the home country and make a debt repayment also often occur because of this.

b. Residence Permits Issue

Another significant violation done by employers to migrant workers is when they do not make arrangement in assisting workers to be issued with residence permits and accompanying ID cards. This has certainly violated the law of ‘Entry and Exit of Expatriates in Qatar and Their Residence and Sponsorship’, in which article 9 of the law states that (Qatari Government, 2009):

“Any expatriate entering the state for residence shall first obtain the relevant visa from the competent authority. The sponsor shall accomplish the residence procedures and its renewal. . .”

Workers are dependent on their employer because they have no ability to secure their own permits. When employers fail to provide migrant workers with the permits, their status in Qatar will be ‘undocumented’ and considered as absconded from their employers which included a criminal offense in Qatar. With this problem, employers have left workers in a precarious situation. According to the report, many workers have to hide from the police chase and are imprisoned in the absence of legal documents.

c. Confiscation of Passport

Although under Qatar's Sponsorship Law confiscation of workers' passports by many employers is illegal, but this is still a common practice in the employment industries in Qatar, including in the construction sector. Many workers reported to

Amnesty International that employers confiscated their passports during their stay in the country. Some even forced to hand over the passports as soon as workers arrived in Qatar.

By confiscating worker's passports, employers can strengthen their power over workers to prevent them leaving the country. Coupled with Qatar's law that requires workers to be granted a legitimate exit permit by their employers to leave, in which this has indirectly denied workers' freedom of movement.

d. Dangerous Working Conditions

Many reports show that workers must work beyond the maximum hours set by the government. Regulations in Qatar stipulate the maximum working time for construction workers is 60 hours per week, with up to two hours of paid overtime per day. Even during the summer, the government prohibits workers from working outdoors between 11.300 and 15.00. They may only work in the morning with a maximum of five hours (Scott, 2016). However, based on the reports the average working time of construction workers, in fact, is 11 hours per day with three hours of overtime.

The dangerous working condition has also resulted in the death of migrant workers. Data on the death cases of workers are mainly from the origin country embassies in Qatar, for instance, India, Nepal, and Bangladesh. In which the three countries are the biggest suppliers of migrant workers to the country. These data below were referring to the death cases occurred in 2012 and 2013.

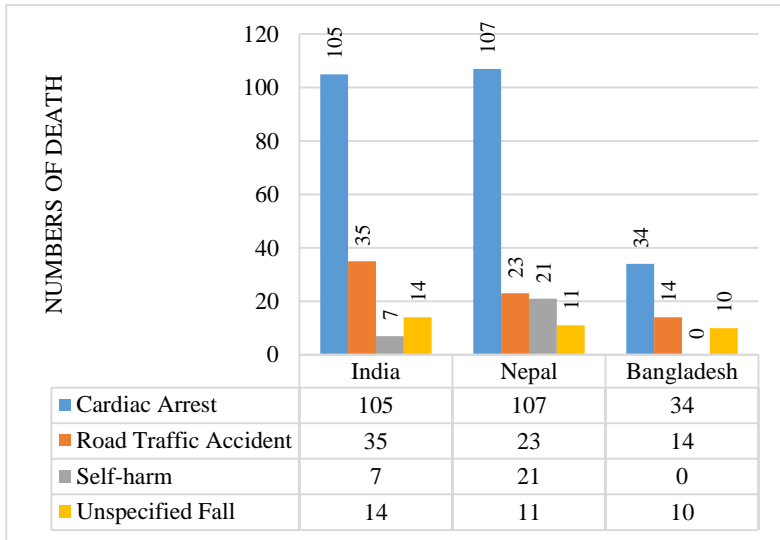
Table 3.1: Numbers of Migrant Workers Death by Nationality

Nationality	2012	2013
India	237	241
Nepal	162	191
Bangladesh	No specific data, but confirmed by the Embassy that the total death is approx. 180 deaths per year.	

Source: Embassy of India, Nepal, and Bangladesh in Qatar

Besides, the Qatari Supreme Council of Health also provided data showing the cause of death of migrant workers in Qatar for 2012. The common causes of death were like sudden death (cardiac arrest and respiratory failure), road traffic accidents, intentional self-harm, unspecified fall and struck by an object, and other causes. However, the data stated that death cases of workers related to construction industry were low. As can be seen in Figure 3.3, a cardiac arrest has the highest numbers as a cause of workers' death from these three countries in 2012. Many INGOs suspected this was happening because of the government's failure to enforce appropriate restrictions on outdoor work to protect the health and lives of construction workers in Qatar.

Figure 3.3: Causes of Migrant Workers' Death in Qatar, 2012



Source: Supreme Council of Health (DLA Piper)

e. Appalling Accommodation

Construction migrant workers in Qatar are usually provided dormitory-style accommodation in industrial areas by their employers. In providing accommodation for a large number of workers, the Qatari government has regulated the standards through collaboration forum with Qatar Foundation. However, according to the report, it is found that workers often live in overcrowded, dirty, and unsafe accommodation.

f. Forced Labor

It is undeniable the problems above have also created a situation where migrant workers are trapped in forced labor, where they often work under threat and intimidation from the employer. Forced labor is one of the main focus of the human rights organizations' advocacy towards migrant workers in Qatar ahead of the World Cup.

In some cases, employers intimidate the workers by reducing their wages if they continue to complain about the wages which have not been paid for months or when they cannot come to work site because of illness (BBC, 2016). Employers also seem to employ the threat of deportation to keep migrant workers from trying to leave their employment. Because it is not only resulting in the immediate loss of income for workers but also workers who are deported lose their right to an end of service benefit payment and are prevented from migrating to Qatar again (Amnesty International, 2013). Employers are aware that their employees are heavily indebted in their origin country due to the payment of recruitment process. Therefore, they use it as a tool to keep pressuring and forcing the workers to work on anything as ordered, even with the threats which make them working involuntarily.

C. Labor Regulations in Qatar

Fundamentally, labor regulations in Gulf countries such as Qatar, Saudi Arabia, United Arab Emirates, Bahrain, Kuwait, Oman, Lebanon, Jordan, and Iraq have the same platform namely the *kafala* system. In which this system is used as a background in adopting regulations that aimed at regulating migrant workers in the countries.

1. *Kafala* System

Kafala is a verb in Arabic means ‘to guarantee’ or ‘to take care of’. In English, *kafala* is known as sponsorship. *Kafala* sponsorship system is a policy amongst the Gulf countries which is essentially used to regulate, manage, and control the migrant worker population.

Under the system, migrant workers can only obtain a temporary work permit if they have a sponsor in the destination country and workers only allowed working for their first sponsor. The sponsor also acts as employer, which is usually an individual or recruitment agencies.

Asian workers commonly use the private recruitment agencies, both in origin country and destination country. Once the migrant workers arrive in Qatar, the recruitment process will be managed by manpower outsourcing agencies (Bajracharya, 2015). These outsourcing agencies are the ‘warehouse’ of migrant workers. They have a role as sponsors which responsible for recruitment, negotiation of employment contracts, payment of wages, housing, food, and insurance. Employing companies that use these workers pay the outsourcing agencies, not the workers. Thus, the companies do not have any other responsibilities regarding provisions as recreation or sick leave, salaries, insurance and the like. Workers from an outsource agency are also typically not included by companies in headcounts because they are employed indirectly by a third party. Therefore, this process causes the employing companies do not formally acknowledge how the workers are recruited or the conditions of their recruitment (Jureidini, 2014).

The ingrained practice of *kafala* system in the Gulf countries cannot be separated from the history and traditions that have existed in the region for centuries. Some sources say that *kafala* system has its roots in the Bedouin custom established in the 1930s of temporarily granting their foreign guests shelter, food, protection, and even tribal affiliation for specific purposes. Other sources cite that it is historically aroused when Mecca was the center of commercial activity in the region. *Kafala* became one of the systems in governing the outside merchants who wanted to trade in Mecca. A merchant would get the permission to trade if he had been guaranteed by a local resident (Nelson, 2014).

2. Domestic Labor Regulation in Qatar

In Qatar, the *kafala* or sponsorship system is adapted into Law No. 4 of 2009 on ‘Entry and Exit of Expatriates in Qatar and Their Residence and Sponsorship’. This law has several articles governing the relationship between

migrant workers and their sponsors, as listed below (Qatari Government, 2009):

Table 3.2: Contents of Law No. 4 of 2009

Article	Content
1	Explanation of the terms ‘Expatriate’ and ‘Sponsor’. Expatriate refers to all migrant workers, while ‘Sponsor’ refers to employer inviting the workers to their sponsorship who has obligations over his workers
9	The employer has a responsibility to assist visa and residence permit of his workers. Upon the completion of procedures, the employer shall return the passport or travel document to the workers
12	Workers are allowed to change sponsorship only if it is found any abuses or mistreatment by the original sponsor. However, the transfer is only on a temporary basis. Workers who leave sponsorship without the consent of the employer will be considered as absconding
18	Every expatriate granted a visa to enter the state shall have a sponsor
26	Workers are required to have an exit permit from the employer before the approval of the competent authority if they wish to leave the country
41	Workers who do not have a residence permit or if the permit is expired will be deported from Qatar
52	An employer who keeps workers’ passport or travel document shall pay a penalty, but not exceed 10.000 riyals

Source: Qatari Government, 2009

Through this Sponsorship Law, the Qatari government has given the responsibility and oversight of migrant workers to the employers. But on the other hand, it is also given an excessive power at the hand of employers to over control the migrant workers. Some of the articles above are condemned by many human right organizations for being the obstacle to improve the protection of migrant workers in Qatar. Some of the regulations are those that prohibit workers to change jobs without the employer's permission (Article 12) and workers are required to have an exit permit from the employer to leave Qatar for any reasons (Article 26), in which these have violated the freedom of movement of the migrant workers.

The existence of exit permit system also contradicts with Article 13(2) of the Universal Declaration of Human Rights that states "Everyone has the right to leave any country, including his own, and to return to his country" (United Nations General Assembly, 1948) and also article 5(d)(ii) of International Convention on the Elimination of All Forms of Racial Discrimination in which Qatar is one of the state party. The following provision is (United Nations General Assembly, 1965):

"State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... the right to leave any country, including one's own, and to return to one's country."

Moreover, the inadequacy of the implementation and oversight of the regulations which supposed to protect the rights of migrant workers may also contribute to their misery in the country. In the question of the violations done

by employers to the regulations of minimum wages, working time, accommodation standards, and even government's clear prohibition on workers' passport confiscation in Article 9 of the Sponsorship Law. Such combination shows that migrant workers are very likely to be in conditions of forced labor with the government's impression of 'facilitating' this practice. This is further strengthened by the Qatari Law that prohibits migrant workers from unionizing or striking, in which ILO identifies free association as a core of labor right (Human Rights Watch, 2012). Making it more difficult for migrant workers to voice their rights that forcibly removed.