

The Legal Regulation of Migrant Workers, Politics and Identity in Qatar and the United Arab Emirates

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How do the unusual extent and nature of the labor force in contemporary Persian Gulf societies shape governmental postures and policies toward rights and benefits for the non-citizen population? This chapter addresses this broad and important question with particular reference to the cities of Doha, Qatar and Dubai, UAE. These cities are critical examples of the uniqueness of the GCC, where small national populations and large economic resources have created natural incentives for an enormous foreign labor market. Indeed, Qatar and the United Arab Emirates share the demographic feature of indigenous citizens representing less than 20 percent of the resident population.¹ The two countries also have in common high scores on the composite

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¹ Foreigners represent 85 percent of the population and 90 percent of the labor force

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measure of the rule of law used by the World Bank, especially in comparison with other Arab states.² I theorize connections between these two commonalities. In brief, how has the unusual level of migrant labor in Persian Gulf countries with small populations influenced legal reforms in these societies? What strategies for legal regulation are suggested by a globalized labor force that far outnumbers the native population?

The rapidly-globalized small states of Qatar and the UAE are similar in their levels of wealth and dependence on a demographically-dominant foreign labor population. Their main cities, Doha and Dubai, also share patterns of enormous growth and increasing global influence. Yet, the cities also differ, most obviously in Doha's development as a regional center of education, sports and media along conservative social lines, as compared with Dubai's status as a more cosmopolitan center of finance, entertainment and tourism. They also diverge in their recent short-term economic performance, where Dubai's bust and construction overextension stand in contrast to Qatar's ongoing, if somewhat slowed, pattern of growth.³

At the same time, both cities' similar basic choice to invest in long-term, globally-oriented development entails large-scale permeation by transnational forces, such as international law and great power politics. This makes city and national officials sensitive to conforming their economies to the expectations of international law,⁴ which in turn may help to explain their high performance on comparative measures of legalism, like the World Bank's.⁵

in Qatar, and 80–85 percent of the population according to recent data downloaded on 1/20/09 from: <http://www.state.gov/r/pa/ei/bgn>.

² Qatar and the UAE are in the 81st and 65th percentile among all countries, and 1st and 4th among Arab cases, respectively. Downloaded and computed from 2009 data available at the following World Bank website: http://info.worldbank.org/governance/wgi/mc_countries.asp.

³ The cities also differ in that Doha is the capital of a single country, while Dubai must deal with its own internal government, along with the broader federal UAE structure. While this is important, I minimize these governmental differences in this paper for the purposes of augmenting the central comparison.

⁴ One of many examples that could be cited of this is Dubai's 2009 investigation of major fraud and bribery at Dubai Waterfront. See, e.g. Simeon Kerr, "Three held in Dubai corruption probe" *Financial Times*, February 11, 2009, p. 4.

⁵ I focus mostly on the two cities to sharpen comparisons between Qatar, a country dominated by its large, growing city, and the UAE, a federation with diverse city-states, some of which would not compare as obviously with Doha. However, I am

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My basic research question—whether and how the large migrant labor population of two leading cities of the Arab world has framed legal change and regulation—links three important areas of sociolegal studies and social science, namely, the politics of development in the Persian Gulf; how law is understood and connects to politics in Arab countries generally; and how globalized law and labor markets link to local identity and politics in particular non-Western societies. My basic argument is that the varied pressures and high stakes involved in places like Doha and Dubai with respect to regulating non-citizen workers favor *ad hoc* accommodations and informal regulation over more general legal policies. Nonetheless, the presence of significant recent legal reform, especially in Dubai, suggests a need to look closely at the comparative politics of law and development across my two cases, and across the GCC more generally.

The context: a clash not of civilizations,⁶ but of globalizing narratives

The regulation of non-citizen workers in Doha and Dubai involves a wide array of actors, including native Arabs, foreign residents of diverse generational, national and class backgrounds, local and global corporations, transnational and domestic rights activists and foreign governments. Yet these diverse actors, which will be unpacked and elucidated in the next section, operate within two significant symbolic narratives of progress that color and push the politics of regulating non-citizen workers. I describe these narratives as at odds, explicitly without endorsing or commenting on the legitimacy of either one. It is precisely the point and poignancy of the narrative clash that each can be highly compelling in its own terms.

The first narrative comes from within countries like Qatar and the UAE, which may be the most rapidly growing in global history, at least in terms of urbanization, citizen wealth, and integration into the global economy. The nationalist narrative in contemporary Persian Gulf societies therefore builds

aware of the possible concerns in comparing the dominant city of one country with one of several urban models of another one, and, indeed, address this issue more directly in the concluding section below.

⁶ This is a reference to Samuel Huntington's famous assertion that global politics in recent years has developed into a civilizational conflict between "the West and the rest." Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1998).

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on planks of fast success in creating diverse developmental markers of global pride, and successful practices of reconciling tradition and development. For the hereditary Islamist monarchies of the UAE and Qatar, this nationalist narrative is important. After all, these countries are among the youngest in the world, gaining formal independence as late as 1971. Moreover, the sheer scale of urban growth, founded as it is on massive quantities of non-citizen workers, creates tremendous potential for sociopolitical conflict and disruption.

That the creation of national pride in the context of young, highly dynamic countries is important can be seen by the amount of effort Emirati and Qatari leaders put in spending their considerable wealth on symbols of global prominence, such as the world's tallest building, now complete in Dubai, and the first Middle Eastern hosting of the World Cup, awarded for 2022 to Doha. Yet alongside these global superlatives are multifarious other projects with likely deeper social impacts based on this first plank of nationalism, such as the proliferation of outstanding higher education outlets in Doha's centrally-planned Education City and the development of the financial and tourist sectors of Dubai.

If the new, quickly-grown global prominence of Qatar and the UAE is likely to engender citizen pride, the more subtle dynamics of a social developmental model that is true to local history form the essential second plank of contemporary Persian Gulf nationalism. Before the commercial exploitation of oil and natural gas, these societies were small relative backwaters, united by strong extended family and tribal ties, and relative conformity around Islamic communal involvement. Rapid urban and social change have only solidified the need for concrete sources of cultural cohesion, so that religious, familial and tribal identity remain as important as ever in Emirati and Qatari life. Islam is important in a variety of ways, including its role both as a general signifier of social cohesion and as a reference point, in the *shari'a* (Islamic law), to a strong source of indigenous legitimacy for making law, however limited its actual contemporary sway may be in particular laws.

Yet the above requires a critical qualifier and amplifier. To underscore the importance of Islamic and familial identity in Doha and Dubai is not to suggest that such identity sources are static, backward, or inevitably at odds with the hyper-modern developmentalism that punctuates these new urban spaces so strikingly. While an important part of the clash of broad developmental narratives relevant to the regulation of non-citizen workers is around balances between traditionalism and change, Gulf nationals have no reason to see Islam and rapid growth as fundamentally at odds. Indeed, part of the interest of

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living in and studying the contemporary Gulf lies in the imagination and reinterpretation of traditional social tropes in the self-conscious context of hyper-globalized growth, such as the subtly modern *souqs* of Doha and Deira, Dubai, which are larger, contemporary, air-conditioned interpretations of traditional markets that were of only minor actual historical significance.

The point here is that the clash of developmental discourses between Gulf nationals and some global actors is not a trade-off between modernization and tradition *per se*. Instead, it is about what norms and models are appropriate or necessary in the wake of hyper-globalized development in the contemporary Persian Gulf, with differences of emphasis that shade, often subtly, pressures and discourse around the legal regulation of non-nationals in places like Doha and Dubai. The nationalist narrative holds that the contemporary Gulf represents a new, internally legitimate template for the successful linkage of Islamic and social tradition with increasing global integration and influence.

The countervailing developmental narrative, espoused generally by Western governments and activists outside of the region itself, is of progress through global harmonization around common economic, sociocultural, and—especially, for the purposes of this chapter—legal norms. This story tends to cast doubt, at least indirectly, on the success of the internal cultural legitimacy of Gulf nationalism. Instead, it highlights the imperative for Qatar, the UAE and their neighbors to learn from and accept Western-grown syntheses of formal legal equality and secularism, as opposed to *shari'a*, and with particular emphasis on universal rights. This is a complex narrative, in that Western human rights and foreign aid workers generally preach and often practice learning from, and adapting their methods to, local realities.

Nonetheless, in the field of law, the influence and success of the American model of judicial review and the Constitution have led to their application elsewhere,⁷ and to a possible presumption that non-Western, less-democratic systems should conform to Anglo-American models in more particular ways. This can take a variety of forms, one of which is the emphasis on contractual regularity and procedural predictability of global economic actors, such as the World Bank, as evinced in their rule-of-law governance indicators. More political understandings of law, involving a judiciary independent of the government, or civil rights, are another form of Western legal developmentalism,⁸

⁷ See, for example, R. Daniel Keleman and Eric C. Sibbett, “The Globalization of American Law,” *International Organization* 58 (2004), pp. 103–36.

⁸ For example, Ran Hirschl uses the term “juristocracy” to denote a global trend

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as are assumptions around the modern secular disconnection of law from a dominant religious tradition. If the internal Gulf society narrative of progress centers around rapid growth and nationalist development, the Western legalist global narrative as applied to the Gulf highlights deficits in individual liberties and rights. Such perceived deficits apply to issues like religious identity and social mores, which are among the most significant within Gulf societies.

I contend that the legal status and regulation of non-citizens in the Persian Gulf form an important flashpoint for the divergence and contestation of the above internal and transnational developmental narratives. This is because the unusual demographic non-citizen majority within these countries creates particular tensions around symbols of national solidarity such as restricting citizenship, bolstering religious identity and trumpeting developmental success. Yet these precise features are called into question by the Western/globalist legalist narrative, because the majority population of non-national workers suffers from at least some, and often a great deal of, lower legal status than that of nationals. And this triggers strong legalist reactions against inequality, implicating local culture and asserting a sense of Gulf sociolegal underdevelopment that questions the salience of the local developmental success story.⁹

Thus, legal reform is a central piece of the tension between Gulf and Western ideas of development and globalization. Gulf hyper-globalization, and the cosmopolitan exposures among Gulf citizens and non-citizen workers that this produces, mean that this tension is not simple, bipolar, or unresolvable. Yet it is important to underscore the ease with which Persian Gulf citizens can see foreign workers as guests, analogously, for example, to an Islamic tradition in which sub-populations could be separate but not entirely equal.¹⁰ In con-

toward transferring power in diverse elected governments from representative institutions to judiciaries, so that American adversarial legal discourse becomes a “dominant form of political discourse.” *Towards Justistocracy* (Cambridge, Mass.: Harvard University Press, 2004), p. 1. See also Tom Ginsburg, “The Global Spread of Judicial Review,” in Keith Wittington and Daniel Keleman (eds), *The Oxford Handbook of Law and Politics* (Oxford University Press, 2007).

⁹ A typical example of this clash of narratives is the reaction of an intelligent American undergraduate, upon my return from Dubai laden with purchases from the world’s tallest building, whose quick response was, “Oh yes, the place that they have mass slavery.” The implied backwardness of the UAE underscored by the particular terms suggests a core of the clashing narratives that I describe.

¹⁰ In Islam, the *dhimmi* was a member of a non-Islamic community that could be

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trast, non-citizens, particularly those coming to fill professional positions in the Gulf from Western backgrounds, are wont to frame differential practices toward citizen and non-citizen workers as deviating from a universalizing legal discourse of substantive civil and political rights.

Globally, the challenges of the economic recession at the end of the first decade of the current millennium have only added to this already-charged environment around non-citizen workers, because of the increasing extent to which governments frame the inflow and management of people from other countries as a security issue.¹¹ The relative roles of citizens and governments in the securitization of non-citizen worker status may be hard to determine and vary across countries. As a broad trend, though, states see the control and the potential threat of non-citizens as a core, paramount domain of their authority. This can be used to justify unnecessarily coercive tactics or even official flirtations with racism, as some might characterize the tenor of policies toward non-natives in Western countries, such as the US and France, in recent years.

In other words, given the Persian Gulf's extraordinary amount of capital and imported labor, hyperglobalization exposes in particularly acute ways tensions between national development/control and universalizing international legal norms. One way in which this plays out with respect to the status of non-native workers is a general tendency for Western-based lawyers to assume the need and possibility for bringing their own or more global human rights law to Qatar and the UAE, based on the relative undevelopment of formal legal institutions in these countries.

This, on the local side, can lead both to sensitivity around perceived Western condescension and neo-imperialism, or—more likely, from Gulf governments—official efforts to highlight the compliance, and even leadership, of

protected and largely self-regulated under an Islamic government, which led to relatively beneficial status for many Christian and Jewish minorities during many periods of Islamic history. That *dhimmi* status was generally accorded to non-Muslim Western monotheists, or *ahl el-kitab*, naturally limits the specific relevance of the idea to contemporary Persian Gulf states, where a mosaic of legal sources legislates the status of foreign workers who are often non-Western and/or Muslims. My point is rather that an historical, indigenous model exists in the Persian Gulf to legitimate the idea that guest workers can be fairly accorded somewhat different legal status than core communal citizens.

¹¹ For an early example of some key analytical issues that are affected by this shift, see Myron Weiner (1993), "Security, Stability and International Migration," *International Security*, 17:3, pp. 91–126.

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the Gulf in the fealty to international law. This helps make sense, for example, of Qatar's role in hosting perhaps the largest gathering of global judges, scholars and other legal luminaries in contemporary history, at the Qatar Law Forum in May, 2009.¹² The event was meant to signal that Qatar was a global player in the arena of law, and hardly the backwater center of weak legal institutions and protections for non-natives that Western rights and other lawyers might assume it to be.

Yet national identity is a key, ongoing concern for Arab governments. The task of the dynastic monarchs who rule over contemporary Persian Gulf societies has been to retain historic patterns of native elite loyalty while expanding to integrate a more technocratic base in line with rapid growth and infrastructural expansion.¹³ This general pattern of updating a traditional pattern of authoritarian rule with mechanisms of elite consensus has allowed for distinct variations in terms of articulating a concept of modern national identity for countries that have generally been independent for only four decades. Indeed, the logic of internal rivalry and distinctiveness among member states of the Gulf Cooperation Council suggests that different sheikhs would articulate their societies' emerging nationhood in rather distinct ways.¹⁴

In sum, in a general world context of economic challenge and state securitization of policies toward non-citizens, the Persian Gulf's minority native population and hyperglobalization highlight the issue of regulating foreign workers, within a background of likely divergences in local and global discourses around development and law. All of this, I conclude, steers officials in Doha and Dubai to prefer *ad hoc*, less public regulatory strategies for non-native residents, and to do their utmost to keep the question of migrant worker citizenship off the table.

¹² Coverage of this can be found at: <http://www.qatarlawforum.com/>.

¹³ See, e.g., Fatiha Dazi-Héni, *Monarchies et sociétés d'Arabie* (Paris: Presses de la FNSP, 2006), especially pp. 28–35.

¹⁴ Thus Dubai, as a component of the UAE, has stressed economic and touristic importance, and succeeded in building for itself a worldwide reputation as a marvel of constructed wonders and commerce. Qatar, for its part, has preferred to develop a national image as a center for sports, media and education. The governments of both societies nonetheless stress a careful balance between the new and the traditional. Yet, the relative newness of national identity juxtaposed with the reality of constant growth and rapid change makes the meaning of citizenship and nationhood fragile and particularly contestable in places like Doha and Dubai.

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Legal policy actors, the basic legal framework and a 'torturous' example

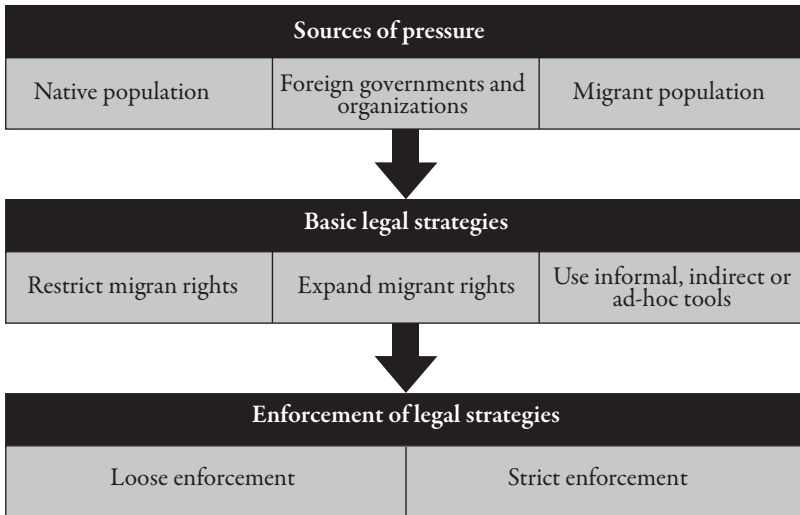
With this background in mind, I return to the question of the nature and substance of government approaches to regulating non-citizens in Doha and Dubai. Regarding pressures to regulate foreign workers, the background above sets up three intersecting and internally-diverse sources of pressure for legal action in Qatar and the UAE, as Figure 1 suggests. These sources are the native citizen population, foreign governments and international organizations, and the non-citizen foreign workers themselves.¹⁵ A simple reading of these three broad pressure points suggests diverging interests. Native citizens want to ensure their status within their own countries, including the considerable benefits of national citizenship, and the continued ability to hire and manage foreign workers. For a combination of economic, personal comfort and national identity issues, they might be expected to want to minimize non-citizen worker rights. On the other hand Western, Arab and Asian governments, from which workers come, and international rights organizations have incentives to press Gulf countries to provide improved legal protection for foreign workers, at long as this does not undermine seriously the benefits of Gulf workers' remittances or the two cities' broader ties to the global economy. The workers themselves have large enough numbers to be of possible concern and instability for Gulf governments and are under even stronger incentive to press for economic benefits and civil rights, although they have more to lose as individuals in doing so.

Yet, the reality of these basic interests is much more complex. At the very least, each point in this triangular set of pressures needs to be broken down into its own internally-diverse facets. A basic way of doing this is found in Figure 2. With respect to the citizen population, there may be simple incentives for many to frame the non-citizen worker population as a combination of guests who can reasonably be accorded differential status from themselves and a potential national identity or security challenge. Nonetheless, Gulf hyperglobalization's exposure to global rights issues and Arab Islamic indigenous social justice ideals can create real awareness of foreign workers' prob-

¹⁵ My analysis, including the categories here, does not preclude the possibility that non-natives can become national citizens, or that non-citizen descendants of non-citizens may be natives, both of which are possible, albeit unusual. Nonetheless, I generally refer to native citizens and foreign non-citizen workers both for simplicity, and to underscore the broad perceived tension between indigenous citizens and imported workers that exists.

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Figure 1. General possibilities for legal regulation of foreign workers.



lems, particularly among well-educated and/or youthful Emiratis and Qataris who are themselves well-connected to diverse legal and other norms. Thus, the impetus for reforms exists purely within elements of the native population.

As for foreign governments, economic interests may generally be a pressure against pushing for improvement with respect to non-citizen workers' rights. Yet this is also likely to differ according to government. Generally, Western governments can feel staked in the political stability and overall economic prosperity of places like Doha and Dubai, but can often also afford to put more specific pressure with respect to rights issues, as illustrated by the US government's recent scrutiny of the UAE on human trafficking issues.¹⁶ One way this plays out is an emphasis from Western governments, and the many advocacy groups headquartered within them, on broad international human rights frameworks, but inconsistent overall policy attention to the problem.

The governments of countries that send large numbers of workers to the Persian Gulf, mostly in South or Southeast Asia, on the other hand face a possibly even more acute trade-off. They are dependent on the very high level

¹⁶ See Pardis Mahdavi's contribution to this volume on US human trafficking designations in the UAE for a detailed examination of how this issue has played out.

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of economic remittances and employment options that the Gulf labor market represents; yet the particular need to redress the often acute rights issues facing a large number of their citizens is also quite salient. Given this trade-off, Asian mass-labor-supplying countries have tended to seek specific bilateral arrangements between themselves and Qatar or the UAE that provide redress in cases of particular egregious treatment, while maintaining the likelihood that workers will enjoy continued labor contract possibilities.¹⁷ In short, depending on their exported citizen worker populations, foreign governments and related NGOs push generally more for universal legal reforms or for limited bilateral reforms, or often none at all. And this reflects both the influence of the Western legalist developmental discourse in the West and the appeal of less universal, focused approaches in the Gulf countries and elsewhere outside of the West.

A similar set of divergences occurs with respect to foreign workers themselves. Resident workers in Doha and Dubai from the West, and the most privileged professionals from other societies, enjoy an enviable level of status and wealth, albeit clearly lower than those of native citizens. The contrast with the poor, low-skilled non-Western population could hardly be more stark, with the result that privileged professionals have more leeway, but less real incentive, to advocate persistently on behalf of the larger underprivileged foreign population. This latter group often divides by area of origin, as well as type of work. Generally, though, the diverse, large lower-class worker sub-populations lack economic, cultural or political capital to press for improvements, and face major potential negative consequences if they do so. Yet, because of the real hardship that many of these workers face, and the vague cultural, moral, national identity and security challenges that this hardship can raise for the citizens directly or indirectly responsible for their presence, a need to “do something” about low-skilled workers is voiced frequently by Emirati and Qatari officials and citizens alike. Of course, the varied possible meanings of “doing something” are precisely what makes the question of regulating workers’ status so complex in the GCC.

Thus, the migrant workers’ country of origin may affect how local law and law enforcement deal with them, although the actual dynamics of this are complex.¹⁸ On the one hand, contract workers of Western origin are both

¹⁷ See discussions of how the government of the Philippines has used bilateral treaties of this nature in other chapters of this volume, including the chapter by Susan Martin.

¹⁸ If the country of origin of migrant workers is likely to play a role in their relationship

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Figure 2. Breakdown of major sources of pressure for worker regulation.



more likely to connect with transnational networks to object to particular local practices, and to have their concerns taken seriously by local officials, partly as a result. Yet, in the broader context of contemporary Western-Arab global politics, workers from Western countries may seem to embody a greater challenge to identity and social cohesion than other foreign labor.¹⁹ This may help explain high-profile prosecutions of Western visitors in Dubai for drunkenness or public fornication.²⁰

As for non-Western migrant workers, whether employed in unskilled or skilled positions, they come in very large numbers to enjoy the perceived economic advantages of working in the Gulf. This suggests that, individually, their concerns are unlikely to be salient to Gulf officials. At the same time, the very large numbers of these workers has made Qatar and the UAE dependent on them, and, therefore, sensitive to legal policy that affects them. Moreover,

to the legal system in Doha and Dubai, this is also true with respect to whether they entered the Gulf lawfully or unlawfully. However, for analytical clarity, I limit my focus to workers who arrive in Qatar and the UAE with legal sponsorship.

¹⁹ e.g., interview with Paul Dyer, Dubai School of Government, October, 2009.

²⁰ A particularly prominent example of this was a feature of global news reports in the summer of 2008. See, for example, <http://articles.latimes.com/2008/oct/17/world/fg-sexonbeach17>, downloaded 2/8/09.

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unrest among non-Western migrant workers in Gulf cities has grown in recent years, and may be linked to the global economic downturn.²¹

While sociopolitical tensions around foreign workers in the Persian Gulf are not new, what has changed in recent years is the extensiveness of globalization generally,²² and the scope of Persian Gulf developmental ambitions, as Dubai in particular has embodied. Moreover, the global ambitions of places like Doha and Dubai have entailed an extremely broad range of nationalities and professions among the expatriate worker population. Thus, the numbers and even national origins of non-natives in Gulf societies are less telling in themselves than the diverse sub-populations and their vocational and educational profile.

While it is tempting to think of British or Egyptian workers in the Gulf as mostly a single demographic element, the sectoral diversification of the labor force in places like Doha and Dubai means that British and Egyptian educators, for example, may have more in common with each other than with their co-citizens in the construction sector. Even more specifically, workplaces with people of diverse citizenship but similar vocational training, such as contemporary universities or media outlets like Al Jazeera International, may well forge particular postures or interests among non-citizens with respect to issues of workers' status and rights. Another possibility is for relatively privileged non-native workers to take out their own status concerns on workers of other nationalities beholden to them.²³

In addition to nationality and class, generational status is another source of difference within both non-native and native communities with respect to political positions on workers' rights issues. Perhaps the best-known way in which this issue appears with respect to non-natives is the question of the status of residents of Dubai from varied Asian and Arab backgrounds who have spent most or all of their lives in the Gulf city and raised families there; such families may well think of themselves as Dubai natives. As for native Gulf residents, the educational and vocational backgrounds of younger citizens,

²¹ See, for example, "Migrants demand labour rights in Gulf," a recent BBC report that notes growing foreign labor unrest and suggests ties to recent economic pressures, downloaded from the BBC news website on 2/10/09 at: http://news.bbc.co.uk/1/hi/world/middle_east/7266610.stm

²² See, generally, David Held's work on globalization and, in particular, his *Global Transformations* (Stanford University Press, 1999).

²³ For an anecdotal account of a non-Qatari Arab that illustrates this phenomenon, see: <http://www.qatarvisitor.com/index.php?cID=448&pID=1603>

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which have been formed in the context of increasing global exposure, often lead to expectations of good, challenging work, and perhaps fears of the future. Additionally, it is easy for natives to see in their demographic minority status within their own societies a security threat from some or all of the non-nationals among them, even if this is generally unjustified.

Indeed, for natives, such a sense of threat comes up frequently precisely around issues that might demand or carry an expectation of legal regulation. One knowledgeable Qatari professor recounted several incidents as flash-points for widespread native discussion and concern around native rights. These included a Qatari man's alleged harassment while driving by another driver of American origin; a second driving incident involving a Qatari and Westerner, that led to a fight; and a dispute between a Qatari woman and a Filipina worker wearing a short skirt during Ramadan. The latter was discussed during a daily morning national radio program, "My Beloved Nation" (*Watani Habib*). In Dubai, of course, it is common enough to hear natives complain about the impact of rapid development and cosmopolitanism on their identity; reports about natives' flight to other parts of the UAE are rampant. A prominent native progressive social science professor, for example, empathized with foreign workers' problems, while suggesting that addressing national identity and demographic imbalance concerns was more pressing. She also decried Dubai's speed of development, which has left little sense of history.²⁴

The point of the above comments is twofold. First, they suggest that perceptions of feeling estranged and underprivileged are common both to diverse sub-populations of the non-citizen labor force and citizens, owing to the demographic peculiarity and rapidity of change. A second, more subtle point here is that even natives who are well aware of the complexities of the regulation of the majority non-citizen population, such as the two indigenous professors above, have reason to appreciate the national existential issues that arise for citizens, as opposed to foreigners. Because cities like Dubai and Doha tend to create housing communities for non-natives so that natives and foreigners live apart, it is tempting for members of different national sub-communities, including natives, to accentuate the problems they face with respect to other groups. For this reason, the pressures on local officials to balance citizen and non-citizen concerns are especially high.

²⁴ Interview with Dr Suaad Al Oraimi, Professor of Sociology, United Arab Emirates University, October, 2010.

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The basic breakdown in Figure 2 thus hints at the complexity of possible pressures that interact around workers' status. Indeed, the arrangement of the two columns in the Figure suggests possible affinities that cut across the three basic groups of actors, where the sub-population of citizens, foreign governments and foreign workers in the second column could have common ground around improving workers' status, while the groups in the third column might be less predisposed toward or able to foster such reforms.

In short, there are at least three successively detailed pictures of actors relevant to the legal status of foreign workers in Doha and Dubai. At the broadest level, the different narratives around development described above frame broad views around law, progress and identity that tend to distinguish international actors from natives. At a more intermediate level citizens, foreign actors and workers carry their own perspectives, and break down within each group around tendencies towards or against improving foreign workers' status. At an even more specific level, there are many possibilities for coalitions among particular subgroups and individuals with respect to the legal regulation of foreign workers in Dubai and Doha.²⁵

Because of the range of actors and pressures, and the central importance of foreign workers, officials in Doha and Dubai prefer to enact as little legislation as possible that deviates from the basic existing framework. That framework, the *kefala*, or sponsorship system, stresses the connection between local employer and foreign employee as a patron-client relationship brokered and managed only to a limited extent by the government. Thus, the number of workers in Qatar and the UAE does not reflect a numerical quota predetermined by the national governments, but corresponds instead to the articulated needs of particular corporate, civic and citizen employers. With hyperglobalization in Dubai and Doha, these needs have been tremendous.

In the *kefala* system, Gulf authorities centralize the paperwork that allows workers to live in their countries for fixed terms based on the needs of individual and collective local employers. This has the effect of privatizing the policy process somewhat around who and how many can be non-citizen residents. At the same time, the system also serves to distance the state somewhat

²⁵ For an example of intersections between international pressures and domestic challenges surrounding internal reform that augments the rights of foreign workers, see the report summarizing the regional conference "The Situation of Migrant Workers in Asia and the Arab Region" that took place in Doha in June, 2007, under the auspices of Bahrain's and Qatar's national human rights groups. Downloaded from: <http://www.fidh.org/IMG/pdf/MigrationDohaasiearab497ang2008.pdf>.

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from direct responsibility for the large numbers, social challenges and inhumane treatment of some foreign workers. As there is no fixed number of work visas in a system that is driven by the dictates of companies and citizens, the regime has grounds to assert that unscrupulous labor recruiters and brokers, particular corporate entities or an isolated minority of local citizens, are to blame for workers' problems, and these assertions are not only frequent but often accurate, at least in part. The *kefala* system also roots the non-native worker to the employer, rather than the state, so that the presumption from the start is that residence is based on a fixed contract, rather than a more potentially general right. With national citizenship off the table as a possibility for non-native workers because of the nature of the residence procedures, the state can articulate for itself a relatively minimal role in providing social and political help to non-natives.

This is not at all to say that officials in Doha or Dubai are insensitive to the rights violations or suffering of foreign workers. Indeed, nearly every person among the group of local officials, lawyers, journalists and policy experts I interviewed²⁶ indicated that Gulf national and city governments take quite seriously the human rights, and broader, problems faced by many workers, and not merely as a result of the negative light shone on this issue by rights activists. While the *kefala* system allows some degree of government disavowal of responsibility for the patterns of employee exploitation that some employers undertake, it still creates a need and ample opportunity for legal and other forms of amelioration of major problems. At the same time, the limited state role implied by the *kefala* system, coupled with the assumption that foreign workers are transient, rather than being potential citizens, creates incentives for officials to seek less formal, selective mechanisms to ameliorate the worst abuses.

This is because non-native workers are not regarded as future citizens, but rather as individuals seeking chances for temporary enrichment in a favorable market climate. The paradigm for many Gulf citizens and officials is that workers come because they are paid better than they could in their home countries, making them willing market-driven partners in the arrangements. This makes their dependence on the relevant Gulf government one of tempo-

²⁶ My research included approximately 25 detailed interviews with labor officials, policy experts, journalists, academics and other Emirati and Qatari natives. Many of my interviewees asked for their specific comments to remain confidential, although the general points they made have found their way into my analysis.

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rary socioeconomic protection to protect or redress their relationship with their employers, rather than enforcement of general civil and political rights. With the acute tensions between the ongoing developmental ambitions of the rulers of Doha and Dubai and the large-scale presence of change and foreign workers this has created, the *kefala* system has allowed local officials to avoid somewhat comprehensive legal involvement that could hurt their credibility in terms of either of the two broad narratives discussed above.

In short, given the *kefala* system, and the Persian Gulf's ability to absorb millions of workers from abroad, it is not surprising that, as one experienced official in Dubai suggested off the record, the government strongly prefers to "do nothing at all" with respect to the legal status of non-citizens.²⁷ Yet, in the wake of such powerful forces as described above, bureaucrats in Doha and Dubai have had at least to react to concerns raised by their citizens, outside governments and NGOs, or non-citizen workers themselves. Most often, such reaction is hard to demonstrate. The political and policy processes of Qatar and the UAE are not transparent, and Emirati federalism adds an additional dimension of complexity to these processes. Yet the advantage to officials in Dubai and Doha of mostly indirect or unpublicized legal action with respect to balancing citizens' and non-citizens' privileges is that it does not suggest overall policy coherence or a clear overall philosophy on the relevant issues.

If doing nothing or resolving workers' problems informally may be the preference of local officials, legislative reform and enhanced legal enforcement have nonetheless occurred in recent years. It is important from the outset to be clear that such measures can as easily support natives and exacerbate conditions for foreigners as they can improve non-citizen conditions. Thus, increasingly legal responses to the presence and problems of non-citizen workers are not clear evidence of the progressive triumph of the globalist legal development narrative.

Such responses do represent, however, an interesting puzzle. If the intensity of the contrasting developmental discourses of globalization in the Persian Gulf creates incentives for officials to avoid clear-cut responses, the actors associated with these discourses demand such responses nonetheless. Analysis of the complex arrays and possible alliances among actors described in Figure 2 might indeed account for legislation or legal enforcement in particular cases. At the same time, when such legislation or enforcement occurs, the end result still does not necessarily represent a clear-cut outcome with respect to foreign workers' status.

²⁷ Interview with senior economic official (not for named attribution), October, 2009.

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A graphic example of this is the recent Sheikh Issa case. In 2009, a Lebanese-American businessman released a graphic and damning two-hour video of Sheikh Issa bin Zayed al-Nahyan, a prominent member of the Emirates' ruling family, repeatedly beating an Afghan grain merchant. The initial reaction of the Emirates government, as expected from my argument, was a statement by the Ministry of Interior that the incident was a private matter to be settled between the parties. This is in line with a tendency for officials in Persian Gulf contexts to prefer individual, informal accommodation to broader legal policy, as well as to consider foreign workers' issues as economic and contract matters, rather than of civil and political rights.

In line with this, Sheikh Issa indeed settled for an undisclosed sum with the grain merchant. Yet the video's widespread availability on the internet, its clear showing of the Emirati royal's violence toward the foreign merchant, and the underlying Western tropes of presumed Persian Gulf rights backwardness that this inflamed, led to blistering international criticism, which empowered local rights activists in Dubai and elsewhere.²⁸ Coverage on American news media ABC and CNN, pressure from the US government on Abu Dhabi, and diverse other calls to hold the Sheikh accountable, provoked the unusual step of a criminal trial for torture of a member of the Emirati royal family in al-'Ayn.

The Sheikh Issa case thus shows the sort of scrutiny that can lead to collations around legal enforcement in the service of protecting foreign workers, which was quite strong in this case to bring to trial a central member of the royal family. The trial also illustrates the general point that officials tend to seek *status quo* solutions that do not reflect a clear stand between foreign rights and natives' protection. This is not only because of the Interior Ministry's initial reaction, but because of the actual verdict in the case. The verdict held that Sheikh Issa had been drugged by the Lebanese American businessman who smuggled the video of the beating, and the businessman and his brother, who live in the US, were sentenced to five years of jail.²⁹

²⁸ For a summary of the Sheikh Issa case, see: <http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100113/NATIONAL/701129852/1010>, <http://www.hrw.org/en/news/2010/01/24/world-report-2010-abusers-target-human-rights-messengers>, and <http://www.hrw.org/en/news/2010/01/10/uae-sheikh-s-trial-insufficient-stop-torture>. For a general analysis that confirms and suggests many of my points here, see Christopher Davison's, 1/10/11 blog discussion, "Rule of Law in the United Arab Emirates: 2010 Review," downloaded from <http://www.currentintelligence.net/gulfstream>.

²⁹ In accordance with Islamic legal precedent that a drunk person unaware that he was

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Thus, the verdict in no way seemed to endorse the right of Emiratis to mistreat foreign contract workers, while it also portrayed the prominent local citizen in question as a partial victim. In addition, the case shows that media globalization, a major feature of both Dubai and Doha, can be an important impetus for government legal action, or at least the appearance of legal action. US media outlets, prone to reinforce the legal underdevelopment trope common in the West vis-à-vis the Arab world, made a big deal of the case. Nonetheless, Doha's international television giant Al-Jazeera, and the UAE's increasingly influential newspaper *The National*, both covered the Sheikh Issa verdict and its aftermath extensively.

In addition to confluences among diverse actors energized by a particular issue related to workers' rights or national identity, particularly when the issue gets picked up by media, the regional Persian Gulf competitive context is likely to encourage officials in Doha and Dubai to take some action with respect to non-citizen workers' legal status. Both for general sociopolitical reasons and in light of the similar developmental trajectories that require comparable types and numbers of workers, Persian Gulf leaders often look over each other's shoulders in an evident, if under-analyzed, inter-regional competitive fashion. With respect to the status of foreign workers, the slightly less wealthy and somewhat more politically accountable Persian Gulf country of Bahrain redesigned its legal regimes for workers by highly-touted new provisions to eliminate *kefala*. Kuwait has claimed it will also do so by early 2011.³⁰ If, in practice, Bahrain's and Kuwait's new laws still privilege employers and base their systems on employers contracting initially with foreign employees,³¹ the global public-

drinking cannot be held responsible for crimes of which he was mentally unaware, the Sheikh was acquitted in the beating, but paid the merchant in a private settlement. See http://www.timesonline.co.uk/tol/news/world/middle_east/article6982820.ece <http://www.ft.com/cms/s/0/7ab2c522-fe20-11de-9340-00144feab49a.html#axzz1AjurwuUe> and <http://www.thenational.ae/news/uae-news/sheikh-issa-verdict-will-stand>.

³⁰ See Human Rights Watch's positive assessment of Bahrain's 2009 reform at: <http://www.hrw.org/en/news/2009/05/13/bahrain-labor-reforms-major-advance>. Kuwait's legal revisions are underway at the time this chapter is nearing completion.

³¹ See the discussion of the disagreements around reform in Kuwait and the references to Bahrain's implementation of the 2009 law in Jamie Etheridge, "Kuwait Sparks confusion with labour U-turn," *Financial Times*, October 18, 2010, available at: <http://www.ft.com/cms/s/0/063fe278-dad5-11df-a5bb-00144feabdc0.html#axzz1ArLMc1Qv>.

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ity and the attractiveness of the new reforms to key potential sending states or workers have raised the incentives for Qatar and the UAE to introduce comparable legislation.

To sum up this section, then, the strong counteracting pressures in favor of foreign workers' rights and natives' privileges make direct legislation or consistent legal enforcement unappealing for officials in the UAE and Qatar while, at the same time, requiring some sort of public response in either direction, based on particular combinations of domestic and global actors in a specific situation. An official public response is especially likely in the face of global media involvement or action on the issue elsewhere in the Persian Gulf. Yet, even such a response tends to reinforce the basic economic contractual basis of the *kefala* system, and leave intact and unresolved the contending discourses around development and law that often separate Western rule-of-law advocates and advisors from Gulf citizens.

Examples of legal regulation in Doha and Dubai

With the above in mind, I turn to a discussion of major examples of legal reforms and legal enforcement relevant to non-citizen workers in Doha and Dubai in recent years. Official responses can fall under the categories of direct legislation, legal enforcement, and, thirdly, legislation that relates to the relative status of foreign workers and citizens more indirectly, such as regulations concerning whether, how and where non-citizens can buy property.

I have already suggested that legal moves relating more to economic and contractual benefits than to civil rights are likely, given the prevalence of the *kefala* model and the determination of Emirati and Qatari officials to avoid looking as though they are giving in to the global legal underdevelopment discourse in front of their citizens. This third possibility is the amplification of benefits to citizens or foreigners through laws or other regulation that connect only indirectly to labor relations. It allows another way of addressing natives' concerns about national identity without imperiling global legal credibility. Since officials avoid direct legal action, regulation of this third indirect sort can be important, particularly when it benefits Gulf citizens.³²

³² A recent legislative example of this is the UAE law that creates a unified limit throughout the Emirates on the grant of residency permits to foreign property-holders. Although the law is not aimed at workers' rights directly, a UAE government official noted that automatic residency rights conveyed through property

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Thus, direct legislative reform relevant to workers' rights and status occurs, but somewhat infrequently. The regional imitation effect noted earlier may play into the fact that legal reform directly related to workers' rights has taken place in Qatar and the UAE, and a more particular contrast in the nature of this reform. Qatar's Law Number 4 of 2009, which came out in the wake of increasing global reporting on foreign workers' status but before Bahrain's and Kuwait's fairly sweeping changes in *kefala*, illustrates my general argument that direct legislation on foreign workers' rights aims to maintain the *status quo* of the *kefala* system.

The recent law amplifies the state's ability to enforce *kefala* arrangements, while providing some concessions to lessening some of the more egregious concerns of workers and advocacy organizations.³³ Most notably, sponsors of foreign workers cannot legally hold these workers' passports, the Ministry of Interior can waive customary two-year limits on re-entry for workers who have been dismissed or have quit, and women can sponsor husbands on a work visa. Domestic employees, who are not generally covered by Qatar's Labor law, can have a transfer of sponsorship approved under the Ministry, as well.

As of 2011, the UAE has put into place more sweeping labor law changes, most notably allowing workers to obtain work permits with new employers without leaving the country, reducing labor contracts to two years, and removing the requirement for employees to obtain a no-objection certificate from their employers before gaining new employment. An analysis of this legal shift in the UAE's national English-language daily newspaper—increasingly influential politically—discusses the impetus for change that comes from post-economic crisis competitiveness, as well as the fact of reform in Bahrain and Kuwait.³⁴ Indeed, these changes, which the government claims will help ensure that workers receive their end-of-contract benefits and enjoy increased

purchases “endangered national interest and the identity of the UAE as Emiratis were increasingly outnumbered by expatriates, and that some residents had begun demanding rights.” Available from: http://www.khaleejtimes.com/DisplayArticle08.asp?xfile=data/theuae/2008/December/theuae_December366.xml§ion=theuae

³³ An unofficial English translation of the law can be found at: http://www.brasembdoha.com.qa/files/Law_No%204-2009_%20Lawyer_translation.pdf.

³⁴ For details, see “UAE leads on path to worker sponsorship reform,” *The National*, January 11, 2011: <http://www.thenational.ac/news/uae-news/uae-leads-on-path-to-worker-sponsorship-reform>.

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rights in the marketplace, have led to a certain level of self-congratulatory rhetoric in the UAE press.³⁵

While the new legal measures should indeed make it easier for some employees to change jobs and depend less on *kafeel* employers, it nonetheless conforms to the notion that legislative reform seeks to avoid taking a clear stand on the discourses of global rights and local privileges. For one thing, the two-year period keeps employees in their jobs, and therefore, in legal residence in the UAE, for a shorter time. Other new regulations have created a three-tiered categorization of workers based on their degree of educational attainment, with more liberal expectations for labor mobility for the best-educated workers.

Here it becomes clear that the government's trumpeting of its hopes to retain professional workers through the new law has an unstated underside, that less-skilled workers will be subject to increased state scrutiny and face shorter periods of residency. The government's role in protecting workers remains limited, whether or not it enforces protections is an open issue,³⁶ and the new measures themselves actually increase the idea of differential treatment by category of worker and likely national origin. Thus, the new regulations, important though they may turn out to be, amplify a paradigm of class-differentiated treatment at odds with universal rights at least as much as they move towards it.

The new Emirati regulations also address another issue clearly associated with native rights, rather than those of foreigners, namely workforce nationalization.³⁷ A frequent government response to citizens' concerns about their work and society, and even national security, is to look to restrict proportions or specific segments of the labor force to nationals. Public sector jobs have been party to this process, but Gulf governmental initiatives in this area have also included sectors like travel (Saudi Arabia)³⁸ and corporate human resources

³⁵ See, most notably, "A good couple of years for labour reform in the UAE," *The National*, January 10, 2011, available at: <http://www.thenational.ae/thenational-conversation/editorial/a-good-couple-of-years-for-labour-reform-in-the-uae>.

³⁶ *Ibid.*

³⁷ See "New Emiratization Scheme targets 15% of Private Jobs," *The National*, December 6, 2010: <http://www.thenational.ae/news/uae-news/new-emiratization-scheme-targets-15-of-private-jobs>

³⁸ Nasra Shah, "Restrictive Labour Immigration Policies in the Oil-Rich Gulf: Implications for Sending Asian Countries," prepared for United Nations Expert Group Meeting on International Migration and Development in the Arab Region, Beirut

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workers (the UAE). The new UAE regulations target 15 percent of private skilled work positions for Emiratis.

Workforce nationalization as a legislated strategy generally fails, and the reasons for this failure are well chronicled, at least in terms of indigenizing entirely the relevant labor sector or resolving native concerns around labor.³⁹ Lack of consistent training in the case of higher-skilled positions, and lack of consistent interest in the case of low-skilled jobs, remain important given the generous citizen benefits of oil-rich governments. As several of my informants in official positions in Dubai or the UAE noted off the record, efforts at keeping fixed quotas for Emirati workers in the past have often led private employers to change job titles or add positions to ensure that needed work is completed.

At the same time, the very success of societies like Qatar and the UAE mostly precludes a largely native solution to labor, because of the globalized dynamism that turning oil money into developmental diversity entails. In other words, if cities like Doha and Dubai wish to continue their recent multifaceted growth patterns, there is no realistic way that labor force nativization can vastly reduce the proportion of foreign workers. Thus, the issue of legal measures for nationalization of the workforce should be looked at in the UAE and Qatar in largely symbolic terms, as a reflection of the pressures that government officials juggle.

The above examples of actual legislation with respect to foreign and native workers in Qatar and the UAE relate to the second legal tool available to these Persian Gulf countries, that of enforcement. In the area of judicial and other enforcement of law related to foreign workers, again a picture emerges of officials taking a mixture of stands that keeps the government somewhat insulated from charges of either supporting major rights violations or undermin-

2006, pp. 10–11; available at: http://www.un.org/esa/population/meetings/EGM_Ittmig_Arab/P03_Shah.pdf.

³⁹ See, for example, Jasim Al-Ali, Himanshu Kumar Shee and Patrick Foley, *Structural Barriers to Emiratisation: Analysis and Policy Recommendations* (2005), a report carried out by a member of the Dubai Municipal government and other specialists on the problems in this area in the UAE. The report is discussed on the Dubai Municipality's website at: http://login.dm.gov.ae/wps/portal/switch_en?TARGET=en&WCM_GLOBAL_CONTEXT=/wps/wcm/connect/dmegov/dm+internet+en/home-en/internet+news-en/news080409-02. The report is available at: <http://www.wbiconpro.com/230-Al-Ali,J%20&%20Others.pdf>.

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ing the identity and privileges of national citizens. Whatever their commitments both to guest workers' rights and citizens' status, officials in Persian Gulf contexts are inconsistent about enforcing labor rules for a variety of reasons. These include the diversity of sources of law mentioned earlier in this chapter, the relatively weak nature of courts, the framing of non-native workers as a security issue, the securitization of global politics generally in the post-9/11/01 Western and Arab worlds, and the lack of transparency of the policy process.⁴⁰

This said, the UAE, consistent with its recent broad shift in legislation around *kefala* generally, has improved recently its enforcement mechanisms to help foreign workers' severe problems. The improvements include the possibility of heightened scrutiny from the 2011 legislative reforms, as well as a new court panel to oversee charges of human trafficking.⁴¹ Although a senior Emirati official pledged in 2006 to allow for labor unions in the construction sector, a major strike in 2007, along with citizens' general insecurities around foreign workers, help explain the lack of actual follow-through on this promise.⁴²

As the unfulfilled pledge of trade unions in the UAE suggests, statements around enforcement mechanisms for non-citizen workers' rights have a strong symbolic content, especially given the difficulty of external data collection regarding their enforcement. The Sheikh Issa case, discussed above, gave a prominent example of the ability for officials to claim somewhat credibly that a fair enforcement process favoring foreign workers' rights even against natives

⁴⁰ I do not mean to imply here these factors only affect Arab policy-makers, or that the unpredictability of the legal enforcement process is qualitatively different in Persian Gulf states than elsewhere in the world. Rather, my point is simply that there are indeed many features of law and policy in these countries that allow for differential enforcement, without detailed treatment of specific cross-regional comparisons in legal policy enforcement.

⁴¹ See the *Khaleej Times* coverage of this at: http://www.khaleejtimes.com/displayarticle.asp?xfile=data/theuae/2010/November/theuae_November286.xml§ion=theuae&col=. See also: <http://gulfnews.com/news/gulf/uae/crime/special-court-panel-to-try-human-trafficking-cases-1.709582>.

⁴² See, for example, the advocacy website mafiwasta, although it has not been updated since 2008 at: <http://www.mafiwasta.com/>. The strike was covered in Western media, although covered less publicly within Dubai and the UAE themselves. See, e.g., Barbara Surk, "Foreign Construction Workers go on strike in Dubai," *New York Times*, Oct. 28, 2007, available at: <http://www.nytimes.com/2007/10/28/business/worldbusiness/28iht-labor.4.8084022.html>.

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took place, since the process and even evidence in the case remain protected. Thus, announcing or setting up mechanisms to enforce foreign workers' rights appeals to officials, as long as they are not then deemed so ineffective or unfair to backfire politically. This latter calculus may help make sense of why Qatar, in contrast to the UAE, and overall subject to less recent economic turbulence than its larger, more populous federal neighbor, has announced fewer specific enforcement mechanisms for workers' rights. Instead, Qatar has hosted major global symbolic conferences on the rule of law and human trafficking, trying to assert leadership in a more general manner.

As with the promulgation of legislation, legal enforcement with respect to non-citizens also can also be used to appeal to elements of national culture. This, too, has been more evident in Dubai than in Doha. Prosecutions and harsh judicial punishment by Dubai courts of instances of public lewdness, sexual behavior or drinking, despite the city's cosmopolitanism, are clear cases of legal enforcement triggered by strong symbolic native concerns about the threats to traditional culture represented by contemporary hyperglobalized development.⁴³ Such legal enforcement confirms the delicacy of the tightrope with respect to foreign workers and citizens that Gulf Arab officials walk.

A similar pattern of mixed measures that benefit non-citizen workers but also citizens characterizes the third type of legal measure: laws or law enforcement that do not address issues of foreign versus citizen rights directly. In the UAE, officials have implemented regulations that require employers to pay their employees through government-monitored bank accounts, as well as minimum wage requirements. Such provisions do not ostensibly take a stand on possible trade-offs between foreign workers' and citizens' legal status. Yet, these measures are most likely to matter to low-status workers who could otherwise be subject to employers' withholding of wages. Emirati officials can undertake such indirect measures without excessive fears of triggering citizen

⁴³ See, the highly-publicized 2008 "sex on the beach case" that led to jail sentences, later suspended, on two unmarried British citizens in Dubai, at <http://news.bbc.co.uk/2/hi/7673046.stm>. A related example is the "finger will get you the boot" case, in which a Pakistani resident in Dubai was ordered deported by a Dubai court for raising his middle finger to another driver while on the road. See the Associated Press story on this at: <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/09/AR2011010901263.html>. On the other hand, a married Pakistani couple caught and convicted for public indecency for having sex in their car was overturned on an appeal, perhaps because they were married and their car was closed: http://news.bbc.co.uk/2/hi/middle_east/8660305.stm.

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resentment, and with the ability to cite such policies as signs of concern for workers' rights within the overall paradigm of fulfilling private socioeconomic contracts to temporary foreign guests.

A less obvious, yet interesting example of legal enforcement that connects indirectly to the politics of regulating non-citizen workers is the gradual efforts to boost traffic safety in Doha. Because of the frequently observed high speeds and fast cars of citizen drivers in Qatar, as in the UAE, locals probably account for the largest proportion of traffic fatalities in the country. Thus, government traffic safety publicity campaigns and heightened enforcement can be said to be primarily in the interest of citizens' well-being. Yet, traffic safety is a particular topic of agitation and pressure from non-native drivers, particularly those from Western countries with lower rates of high speed violations and more intrusive safety regulations. Thus, the combination of Qatari general support for reducing traffic accidents and the strong feelings of foreign residents on this subject can appear to satisfy simultaneously the interests of citizens and the needs of foreign worker residents, this being beneficial from both sides to the government.

Comparisons and conclusions

My core argument has been as follows. The strong tensions between the basic development narratives of the Persian Gulf likely to inform foreign legal reformers and native citizens, coupled with the diverse array of transnational and national actors with respect to the legal regulation of non-citizen workers, produce a situation in which officials in Qatar and the UAE prefer to address this issue through informal or, less often, formal policies that avoid manifesting a clear philosophical policy choice. In partial response to the strong scrutiny they receive in the crucible of rapid globalization from both global actors and citizens, government officials in Doha and Dubai go to great lengths to host events that highlight both their embrace of international legal standards and their sensitivity to local culture. This explains phenomena that can be puzzling to outside observers, such as government professions to acknowledge the importance of international human rights for workers, alongside prosecutions of Westerners for public morals violations.

At the same time, there is interesting variation in the Gulf, and between my two cases of Doha and Dubai. The latter in recent years has undertaken more clear legislation with respect to workers' rights, while the former can be said to have gone to greater lengths to show its symbolic loyalty to global law on

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the world stage, as well as to improve civil and political freedoms more generally. Dubai may be emerging as a new standard in foreign workers' potential to change jobs without a letter from their *kafeel*, yet it is also a much more likely site than Doha for public prosecution for a morals offense. In a nutshell, Doha's management of the balance between citizens and non-citizens appears relatively constant, while Dubai's evinces more recent measures that address concerns related both to foreign workers and Emiratis.

What accounts for this difference? One issue is likely to be economic. Dubai's economy suffered considerably during the 2008 global economic downturn, in large part because of its prior breakneck growth and its success at establishing itself as a center of global finance, both of which left it very exposed to international market losses, with many ambitious projects having to be scrapped or put on hold. Additionally, Dubai lacks natural resources of its own, which puts in context its developmental strategy of diversification through construction, tourism and financial services.⁴⁴ Doha, on the other hand, not only is the hub of a small country rich in oil reserves, but also benefits from natural gas revenues. Qatar's estimated GDP growth of 9 percent in 2009,⁴⁵ as compared with contractions in economies such as Dubai, facilitated a more steady, less openly reformist path towards non-citizen workers' rights than in Dubai, which had to worry more about retaining its best workers.

At the same time, Dubai's stalled growth plays into a larger context of Emirati federalism, which raises issues around national identity that differ from Qatar. Dubai's pain during the financial crisis, and well-known bail-out by federal capital, oil-rich Abu Dhabi,⁴⁶ heightened pre-existing tensions among Emiratis as to the role of the cosmopolitan dynamo in the country generally.⁴⁷ Unlike Doha, Dubai is one among several urban developmental models available to national citizens, which include more traditional Abu Dhabi and less expansive Sharjah. Native and other governmental workers interviewed by me

⁴⁴ For more on this, see Christopher M. Davidson, *Dubai: The Vulnerability of Success* (New York: Columbia University Press, 2009).

⁴⁵ Estimated by the International Monetary Fund on Feb. 17, 2010. See: <http://www.imf.org/external/np/sec/pn/2010/pn1022.htm> for details.

⁴⁶ See, for example, <http://news.bbc.co.uk/2/hi/8411215.stm>.

⁴⁷ See the interesting recent paper by a prominent Emirati political scientist, Abdulkhaleq Abdulla, "Contemporary Socio-Political Issues of the Arab Gulf Moment," Kuwait Programme, London School of Economics (2010), especially pp. 27–30, available at: <http://www.lse.ac.uk/collections/LSEKP/documents/PaperAbdulla.pdf>.

in both Qatar and the UAE agreed that perceived concerns about national identity are much greater in Dubai than Doha.⁴⁸ Corresponding with the faster pace and scale of Dubai's growth, this has meant a variety of strategies of voice and exit, to use Albert Hirschman's well-known formulation, for Dubai natives, such as local TV programs like *Freej* that examine Dubai's cultural conflicts in a light manner, or Dubai citizens who move to less bustling members of the loose Emirati federation.

These starker identity issues for Dubai natives help explain the periodic symbolic legal enforcement measures for perceived affronts to traditional public moral norms, even though widespread vice is a well-known concomitant of Dubai's cosmopolitan success. As one expert on Dubai policy suggested to me,⁴⁹ the relatively small number of migrants from Western countries are more significant as perceived threats to Emirati identity than the much larger Asian worker population, culturally less visible. This would suggest the symbolic utility for officials of clamping down legally on occasion on some of the most flagrant symbols of encroaching Western moral laxness. Certainly, the confusion and somewhat amorphous national identity anomie created by Dubai's hyperglobalization are more marked than Doha's, and probably have heightened the pressures on municipal and federal officials to respond to foreign workers' problems and natives' insecurities in the more public way that has occurred with recent legislation and prosecutions.

Thus, the recent more evident changes concerning non-native workers' status in Dubai underscore the utility of engaging in comparative work across time and space to highlight the diversity of experiences in the contemporary Persian Gulf. Nonetheless, officials in Doha and Dubai have shown a generally similar approach in handling the legal regulation of their huge non-native worker resident majorities. This has been a preference to avoid legislation or consistent legal enforcement that would actually undermine the basic contractual assumptions and nature of the regional *kefala* model or endorse a clear universal civil rights frame.

⁴⁸ One knowledgeable journalist in Dubai, off the record, noted that the UAE's ruler, Sheikh Khalifa, declared 2008 to be the country's "year of national identity," but then forbade the Emirates' quasi-elected quasi-legislative body, the Federal National Council, from discussing the issue, likely out of concern that it would exacerbate bad feelings among citizens regarding the demographic imbalance. See more generally, <http://gulfnews.com/news/gulf/uae/general/the-debate-on-uae-national-identity-1.106921>.

⁴⁹ Interview with Paul Dyer, Dubai School of Government, October, 2009.

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If Persian Gulf governments have sought to avoid major legal change with respect to non-citizen workers' rights, these more recent features of global economic downturn and media scrutiny have made such a posture harder to sustain.⁵⁰ Doha, Dubai and other major cities of the Persian Gulf may represent intriguing models of record-breaking rapid development and global integration. But will they also stand for innovative ways to balance the labor needs of rapid growth, the concerns of a citizen population that is a tiny minority within its own country, and the demands of global and local rights advocates? With Dubai's considerable achievements as a new cosmopolitan Titan and Doha's ensured ongoing growth in the lead up to its hosting of the 2022 World Cup, the central importance for officials to master legal tools to manage citizen and non-citizen populations will not diminish anytime soon.

⁵⁰ For a study that affirms the general likelihood of Gulf governments to deal with the challenges of migrant workers in a non-explicit way, and also suggests the importance of forming policy alternatives, predominantly in economic terms, see Peter Cappelli, "Labor Markets in the Gulf States: Prospects for Reform" in the *World Economic Forum Arab Report* (2005), especially pp. 78–80.