COVID-19 IS UNDOING QATARI KAFALA REFORM

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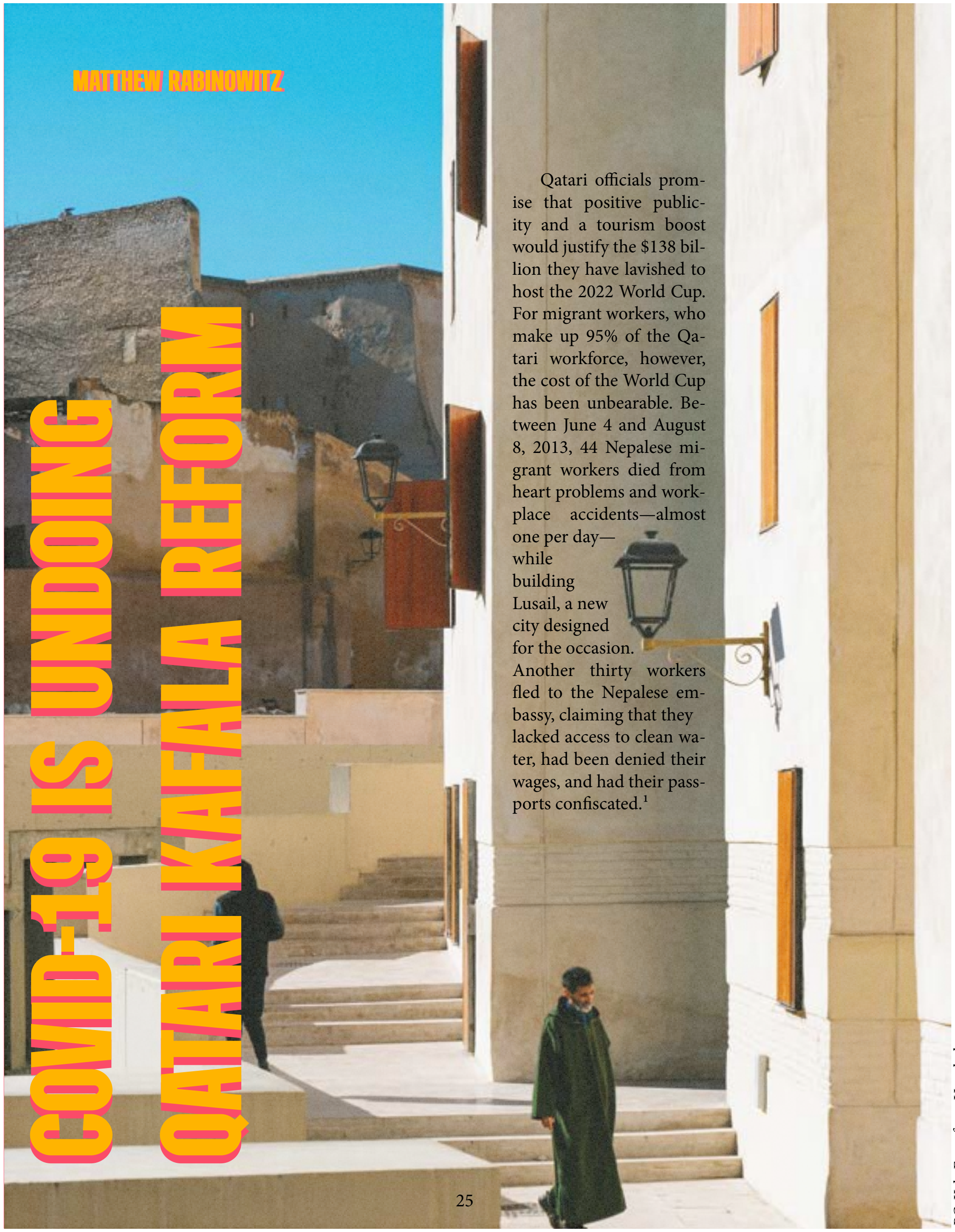

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Qatari officials promise that positive publicity and a tourism boost would justify the $138 billion they have lavished to host the 2022 World Cup. For migrant workers, who make up 95% of the Qatari workforce, however, the cost of the World Cup has been unbearable. Between June 4 and August 8, 2013, 44 Nepalese migrant workers died from heart problems and workplace accidents—almost one per day—while building Lusail, a new city designed for the occasion. Another thirty workers fled to the Nepalese embassy, claiming that they lacked access to clean water, had been denied their wages, and had their passports confiscated.[1]

Their predicament is emblematic of the dubious kafala system, also prevalent in other Gulf and Middle Eastern countries, that has regulated Qatar's labor market for decades. Although Qatar has been working with NGOs and the United Nations to reform its kafala system over the past decade, it faces immense pushback from wealthy employers who want to maintain control over foreign workers.

Originally designed to integrate foreign workers into their host countries, the kafala system has evolved into an exploitative, caste-like system that keeps migrants subordinate to the minority ruling class. In the early 20th century, Qatar's booming pearl industry needed low-skill workers to expand its production. This led to the development of the kafala system, which requires migrant workers to be sponsored by a Qatari employer with full citizenship rights—an unequal power dynamic that mirrors the Islamic concept of legal guardianship. Between the 1950s and the 1970s, the kafala system expanded to accommodate a second wave of non-Arab migrant workers who would build Qatar's oil infrastructure projects.

Under this system, employers force migrants to live in crowded dorms, restricting their movement by confiscating their passports so that they cannot leave without becoming illegal aliens. Workers are often indebted to their recruiters, who charge an onerous fee for interviewing and selecting them. Once they arrive in their new country, employers tear up the original contract and force them to sign a new agreement with considerably harsher terms.[2] A 2020 United Nations report also finds that salaries often depend on one's country of origin, and employers assign even workers with specialized degrees to low-income jobs associated with their racial and ethnic groups.[3] Qatar's kafala system causes even greater harm to women, imprisoning them for having extramarital sex if they report being raped by their employers.[4]

Recently, however, Qatar became the first Gulf country to modify its kafala system. In 2017, Qatar entered a three-year reform program with the International Labor Organization (ILO), and in September 2020, it introduced higher minimum wages, removed laws requiring employer approval and contract expiration to change jobs, and allowed migrants to leave the country without employer permission—granted that their employer did not illegally seize their passport.[5] That being said, it is unclear if these reforms have been implemented. Although the ILO says that over 200,000 kafala workers have been able to change their employers as of November 2021, only one of the 40 workers interviewed by *The Guardian* was able to change their job. Others claimed that their employers were ignoring the new laws and refused to let them quit. New minimum wage laws appear to be enforced, though the salary is a meager 1.3 dollars per hour.[6]

Even these limited reforms now face possible reversal. As a result of rising labor costs during the COVID-19 pandemic, Qatari employers have pushed back against kafala reforms and made headway in influencing Qatar's legislative branch. On February 22, 2021, the Shura Council made new recommendations based on employer lobbying that include restricting the number of migrants that can leave the country without exit permits, limiting the number of migrants who can change jobs at each company, and only allowing migrants to change employment three times.[7] If these recommendations pass, they will further tighten employers' grip on vulnerable workers. Qatar stands on a precipice. It could either set a trend on the Arabian Peninsula by following through on its promise of labor reforms, or it could reverse direction—as it appears to be doing—and prove to outsiders the difficulty of changing established systems.