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Middle East Brief

Reconceptualizing Noncitizen Labor Rights in the Persian Gulf

Alex Boodrookas

Over the past several years, a number of Persian Gulf states independently announced plans to abolish what is often called the “kafala system.”¹ The term refers to regulations that require noncitizen residents to be sponsored by a citizen or citizen-owned business, usually their employer. Sponsorship leaves workers vulnerable to exploitation and contributes to the often abysmal conditions faced by noncitizen workers across the Gulf Cooperation Council (GCC) states of Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Bahrain, and Oman.² Even as millions of noncitizens make up the overwhelming majority of the region’s private sector workforce, they regularly face low wages, brutal living conditions, and few opportunities to improve their situation.

These announcements followed in the wake of rising international attention paid to the issue over the past decade, generated by worker protests, mass deportation campaigns following economic crises in 2008 and 2020, and the construction of a number of high-profile megaprojects, including the Louvre, Guggenheim, and New York University branches in Abu Dhabi, as well as World Cup stadiums in Qatar.³ While a number of international organizations and media outlets have greeted the reform announcements with great fanfare, astute observers like Rothna Begum of Human Rights Watch and Vani Saraswathi of Migrant-Rights.org have argued that the changes will do little more than tinker with the apparatus of repression. Indeed, as Gulf states have announced further details, it has become clear that proposed reforms will loosen only a handful of the many laws and regulations deployed against noncitizen workers.⁴

This Brief unpacks three widespread misunderstandings about labor and migration in the Persian Gulf. First, sponsorship legislation in the Gulf does

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not reflect long-standing regional culture or tradition. Rather, it dates from the imperial period, spread across the region in the 1950s, and reflects the shared economic interests of Gulf elites and multinational corporations. Second, dismantling sponsorship will not bring an end to systemic exploitation of noncitizen workers because what is called “kafala” is not in fact a single system; it is a diffuse set of coercive mechanisms and practices imposed by different actors at different times. Finally, though it is often claimed that Gulf citizens benefit from and hence support the continuation of sponsorship, there is a long history in the Gulf of citizen workers allying with noncitizen workers to improve labor conditions and rights for all. The divide over sponsorship is better understood as one of class interests and racial hierarchy, not citizens versus noncitizens.

Although these common misunderstandings have been challenged by a number of activists and scholars, they have proven remarkably durable in media and policy circles. They also obscure potential paths to reform. An accurate historical accounting buttresses the arguments of the skeptics and indicates that systemic change will require not just sponsorship reform, but the disassembly of an entrenched apparatus built up over the past century. But it also suggests that a broad coalition of citizens and noncitizens across the Gulf have a shared interest in reconfiguring the region’s labor regime. If past events are any guide, there is still hope for substantive reform.

The Imperial Origins of Sponsorship in the Gulf

Press accounts, human rights reports, and academic scholarship regularly frame sponsorship as an embodiment of Gulf culture, whether the residue of indenture and enslavement, religious prescriptions regarding adoption and protection, or Bedouin traditions of hospitality. But to describe sponsorship as a reflection of primordial culture is fundamentally ahistorical: By definition, sponsorship could only have been institutionalized after the imposition of a regime of borders and passports and thus only emerged during the twentieth century. Sponsorship is a legal apparatus, not a cultural proclivity. Its origins can be traced back to the British imperial era and its regional institutionalization to the 1950s and 1960s.

In his work on Bahrain, Omar AlShehabi dates the origins of sponsorship to the late 1920s, when British officials allowed pearl boat captains to bring their crews to Bahrain on the condition that they take “responsibility” for arranging their departure at the end of the pearling season.⁵ In the subsequent decades, the British sought to control both labor activism and prices by institutionalizing a system that required employers to apply for a “No Objection Certificate” (NOC) before hiring workers abroad, and to pay a deposit to preemptively cover the cost of those workers’ eventual repatriation.⁶ NOCs were a long-standing if informal mechanism designed to ensure that imperial functionaries were in agreement before taking an administrative measure or approving a request; originally, they could address anything from travel permissions to gun sales.

In effect, NOCs represented a suspension of the travel restrictions imposed by imperial authorities during World War I, when governments around the world imposed an unprecedented level of control over migration.⁷ By midcentury, however, No Objection Certificates had become fixtures of nascent deportation regimes springing up across the Gulf. They also proved remarkably durable: In Qatar, for instance, they were only eliminated in 2020.⁸

As they tightened their grip on Bahrain, the British slowly imposed more onerous sponsorship regulations that served as additional restraints on the rights of noncitizen workers. It was a British official, for example, who in the 1940s first ordered workers to obtain permission from their employer before changing jobs. But imperial authorities were not the only supporters of sponsorship. The Bahrain Petroleum Company, a subsidiary of Standard Oil of California, lobbied to make it even easier to deport recalcitrant employees in order to crack down on labor organizing, while local employers found that arbitrary deportation was a valuable means of keeping labor cheap and pliable.⁹ Sponsorship, in other words, was forged by an alliance of imperial authorities, local regimes, and major employers, including British and U.S. oil multinationals.

The appeal of sponsorship for imperial authorities, local elites, and major employers led to its rapid spread across the region after World War II. Kuwaiti authorities, who enjoyed more independence than their Bahraini counterparts, first adopted a form of sponsorship in 1949 and amended it several times over the ensuing decades. Although imperial officials did not draft the Kuwaiti legislation, British technical experts and diplomats lobbied for the imposition of increasingly harsh restrictions on noncitizens, often using the rhetoric of anti-Communism. Again, oil firms played a key role, helping to connect the nascent Kuwaiti state to the longstanding imperial system of Indian contract labor.¹⁰

Jumping on the bandwagon, Saudi Arabia codified sponsorship regulations in 1952. Then, in 1955, the British Foreign Office worked with the ruler of Qatar to extend sponsorship restrictions to his territory; one British official described them as “very necessary attempts to avoid a floating, jobless and potentially criminal crust on society here.”¹¹ By the time the last Gulf states obtained their independence in the 1970s, sponsorship had been embedded in legal systems across the region.

Finally, it is important to note that sponsorship legislation was not unique to the Gulf but in fact resembled migrant labor systems being institutionalized throughout the world at the same time. In the United States, postwar Germany, and apartheid South Africa, governments instituted short-term labor migration schemes at the behest of employers who lobbied for more workers to offset alleged “labor shortages.”¹²

In recent years, scholars of the Gulf have sought to counter narratives of “exceptionalism,” which frame the region as an aberration, an exception to global norms, or a dystopian embodiment of stagnation

or repression.¹³ Much of the discourse around labor migration exemplifies this tendency. Neha Vora and Natalie Koch have persuasively argued that the term “kafala” itself obscures the similarities between the exploitation of noncitizen labor in the Gulf and that seen elsewhere.¹⁴ They are right: It looks little different from its counterparts in other parts of the world. In short, the Gulf’s sponsorship regulations are a legacy of the region’s imperial past and of the exploitative migrant labor regimes of the twentieth century.

Sponsorship as a Set of Mechanisms, Not a System

Effusive praise for recent reforms, often trumpeted as the “abolition of the kafala system,” gives the impression that amending sponsorship legislation will radically transform the lives of noncitizen workers. Unfortunately, reform has not proven to be so simple. A succession of reform announcements generated much press attention, but little actual change on the ground.¹⁵

Why is this the case? Although much of the discourse surrounding labor in the Gulf is fixated on sponsorship, noncitizens face not a unified system, but a “diffuse set of transnational practices that are in the hands of many different actors.”¹⁶ In most Arabic-language publications historical debates over labor and migration have long been more nuanced than the all-or-nothing analyses favored by the contemporary international press. Rather than grouping all questions of labor and migration under the umbrella of “the kafala system,” articles in Arabic have long distinguished between questions of sponsorship, residency, and labor legislation—distinct issues that intersect to disempower noncitizen workers. Framing sponsorship as the root of the problem can obscure, and even minimize, the array of coercive mechanisms deployed against the region’s millions of noncitizen residents. These were imposed at different times and for different reasons, but all contribute to the broader effort to keep noncitizen labor as cheap, flexible, and pliable as possible.

A useful way to understand these mechanisms is to look at their distinct but interrelated histories. Nationality laws, first formulated by local elites and British officials during the imperial era, make it nearly impossible for noncitizens to be naturalized. These laws accentuate perceptions of temporariness and precarity, even for noncitizens whose families have lived in the Gulf for generations. They also ensure that a large proportion of the private sector workforce remains susceptible

to deportation, bereft of formal political rights, and exempted from many of the protections of law.¹⁷

Labor legislation across the region has protected employers more than workers ever since the first regulations were drafted in the 1950s under the supervision of British imperial labor experts and racially segregated U.S.- and British-owned oil firms. The difficulty of obtaining residency rights without proof of employment, as well as a ramped-up deportation state held over from the imperial era, subjected workers to the ever-present fear of expulsion, even when they were simply seeking to exercise their legal rights. And even where effective regulations exist, enforcement regimes are spotty and penalties for violators ineffectual.¹⁸

In short, as a number of advocates on the ground have argued, the end of sponsorship would be only a first step.¹⁹ Real reform will require more than just changing sponsorship, and it will need to be accompanied by tangible enforcement with real penalties for violators

The Fundamental Divide: Class, Not Nationality

Much work on the Gulf is premised on the assumption of a sharp dichotomy between citizens and noncitizens. This is understandable; in much of the region, citizenship often seems to determine everything, from where people live and work to what they wear. Access to cheap noncitizen labor, and to the lower-cost services that that labor provides, is often described as another form of “rent” for citizens.²⁰ And, indeed, many businesses, large and small, are kept afloat by a deliberately low-wage structure, while many Gulf residents enjoy the luxury of hiring domestic workers and paying them rock-bottom salaries.²¹

But accounts that overemphasize the dividing line of citizenship threaten to obscure two critical points. First, citizens derive wildly unequal benefits from underpaid noncitizen labor. The main beneficiaries are the biggest merchants, landlords, and construction magnates, along with the multinational corporations they work with—many of which are not based in the Gulf at all. Second, the systematic cheapening of noncitizen labor undermines efforts to diversify Gulf economies, bring citizens into the private sector, and combat youth unemployment. Workers in the Gulf, both citizen and noncitizen, thus have a shared interest in improving conditions. The question of who benefits from the exploitation of noncitizen labor is determined not just by

nationality, but—perhaps even more fundamentally—by class.²²

Evidence of this shared interest saturates the historical record. A useful example is Kuwait, where a relatively free press and a vocal opposition movement spearheaded a heated debate over workers’ rights, labor law, residency, and migration. During the 1960s and 70s, a remarkably broad coalition of reformers, citizen and noncitizen alike, began pushing back against the increasingly coercive regime of migration and labor control that was first institutionalized in the 1950s. Some of the strongest support came from trade unions, whose leaders determined that their movement would be strongest if it could unite a multinational working class. They battled for the right of noncitizens to be protected by labor laws and to join the labor movement as equal members. Reformers also pushed for a permanent residency visa without a sponsorship requirement, in recognition of the fact that many noncitizen residents of Kuwait had come to see it as their home.²³

Feminists too argued for more inclusive nationality laws, so that the children of Kuwaiti women married to noncitizen men would not be left stateless. This reformist discourse benefited from the peculiar economic conditions of the oil boom in the mid-1970s, which triggered a regional labor shortage. In the end, technocrats from various international organizations, and even from within the Kuwaiti state itself, argued that improving wages and working conditions would help attract more workers to the Gulf.²⁴

But just as other countries around the world began to wind down their guest worker programs, the Kuwaiti state, along with its neighbors, doubled down on temporary labor and repressed reformists and labor activists.²⁵ In the 1970s, newspapers began printing a slew of alarmist articles about the supposed demographic and cultural dangers posed by Asian workers, helping to accelerate the racialization of noncitizens. Gulf states received support from major employers and labor contractors, who led a well-connected lobbying campaign designed to keep noncitizen workers in a position of permanent precarity.

The oil boom solidified the alliance between the state and major employers, with the former even acting as a centralized labor broker itself. Tensions occasionally surfaced in the ensuing decades. The 1991 Gulf War brought unprecedented international attention to the plight of noncitizen residents, just as the Kuwaiti state came to care more than ever about its reputation abroad.²⁶ But the state weathered the crisis by turning

unscrupulous recruiters into scapegoats and waiting out the public relations storm.²⁷ To the present day, the alliance between Gulf states and major employers has proved strong enough to overcome both domestic pressure and international criticism.

As this narrative makes clear, the issue was and is far more complicated than a simple citizen-noncitizen binary. In the Gulf as elsewhere, divisions of class intersect with other hierarchies, notably those of race. GCC citizens are not the only beneficiaries of labor exploitation. Well-paid noncitizen workers in the Gulf, many of whom are white, also benefit from the low cost of services and of domestic labor. U.S.- or Europe-based transnational corporations or institutions with operations in the Gulf—including FIFA, NYU, Halliburton, and the U.S. military—reap tangible material benefits from low labor prices. An entire transnational recruitment industry, stretching across the Gulf and South Asia, profits from its position as brokers and intermediaries.²⁸ Finally, many elites in states that send workers abroad siphon off money from remittances.²⁹ The biggest beneficiaries of labor exploitation, then, are a constellation of elite individuals and institutions scattered across the globe, with a distinct concentration in Europe and North America. Inequity in the Gulf, in other words, is intimately and historically entangled within a global system of economic inequality and white supremacy.

But even as a broad range of elites profits from exploitation, other GCC citizens have found that the devaluing of noncitizen labor has proven to be detrimental to their own interests. Systemic wage suppression lowers private sector wages for citizens and noncitizens alike, while the relative cheapness of noncitizen labor leads businesses to shun citizen labor and thus contributes to a growing crisis of youth unemployment.³⁰ Even some Gulf states themselves have recognized that the deliberate devaluing of noncitizen labor has generated economically damaging second- and third-order effects. Saudi Arabia, for example, has explicitly sought to reduce the differential cost of employment between citizens and noncitizens as part of its effort to encourage private sector growth and reduce its citizen unemployment rate.³¹ In short, GCC citizens who live primarily off the products of their labor have a vested interest in improving the wages and working conditions of all of their fellow workers, regardless of their nationality.

Conclusion

The sponsorship of noncitizen workers in the Gulf dates to the imperial period and spread at a time when similar guest worker programs existed in the U.S., Germany, and elsewhere. If the condition of noncitizen labor rights appears to be unusually bleak in the Persian Gulf today, it is because increasingly powerful Gulf states have been able to suppress movements that challenged coercive regimes of migration and labor control—and because the deepening racialization of noncitizens has driven an ever-wider wedge between potential allies.³² The narrow focus on ending worker sponsorship obscures the transnational alliances behind labor exploitation and minimizes the extent to which many GCC citizens would benefit from a reevaluation of noncitizen rights. Glowing press coverage of governmental statements reflects yet another example of historical amnesia.

There is one final point that needs to be made. Reforms to the labor system in the Gulf have never been driven from the top down. Today, as in the past, calls for reform continue to emanate from outside the state. Noncitizens have repeatedly proven to be their own best advocates: Noncitizen workers conducted a series of strikes in the early 2000s, some of which included tens of thousands of participants.³³ Mutual aid societies, often led by noncitizens and linked to international trade unions, have emerged to pool resources, raise awareness, and build solidarities.³⁴ These organizers have found allies elsewhere. New Gulf-based rights organizations like MigrantRights.org, the Kuwait Social Work Society, and the Kuwait Society for Human Rights have begun to provide in-depth coverage of noncitizen labor issues. Some Gulf labor unions have voiced support for reforms, though they have largely abandoned the radical proposals for reform they championed in the 1970s, and it is not clear whether they will lend material aid to the reform effort.³⁵ Allies today are more likely to be drawn from new quarters: unemployed graduates, disillusioned young people, and political radicals dissatisfied with a corrupt and unsustainable status quo. While the Gulf faces a rising tide of xenophobia and racism, it also continues to host a remarkable array of popular movements and courageous dissidents. If real reform does come, workers will not have the state to thank for it.

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