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Item Type	Book
Authors	Jureidini, Ray
Publisher	United Nations Research Institute for Social Development
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Download date	2026-10-30 13:05:35
Link to Item	http://hdl.handle.net/20.500.12424/178982

Migrant Workers and Xenophobia in the Middle East

Ray Jureidini



This United Nations Research Institute for Social Development (UNRISD) Programme Paper was written for the 2001 UNRISD International Conference on Racism and Public Policy. This conference was carried out with the support of the United Nations Department of Economic and Social Affairs (UNDESA). UNRISD also thanks the governments of Denmark, Finland, Mexico, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom for their core funding.

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Contents

Acronyms	ii
Summary/Résumé/Resumen	iii
Summary	iii
Résumé	iv
Resumen	vi
Introduction	1
Historical Context	2
Xenophobic Practices	3
Conditions and vulnerability of temporary contract labour	3
Preference for nationals and racialization of labour markets	4
Foreign Female Domestic Employees	6
Violence or the threat of violence	6
Denial of freedom of movement	7
Exploitative working conditions	8
Notes on the Gulf	8
International Conventions	9
International Labour Organization conventions	9
Conventions within the Arab region	10
United Nations conventions	10
Redress Mechanisms and Public Policy	11
Conclusion	12
Bibliography	14
UNRISD Programme Papers on Identities, Conflict and Cohesion	17

Acronyms

ESCWA	Economic and Social Commission for Western Asia
GCC	Gulf Cooperation Council
ILO	International Labour Organization
KAKAMMPI	Association of Filipino Migrant Workers and Families
OFW	Overseas Filipino Workers
UAE	United Arab Emirates

Summary/Résumé/Resumen

Summary

This paper analyses trends in migration to oil-rich and other labour-receiving countries in the Middle East. Patterns of migrant employment in the host countries will serve as indicators of the extent to which a “racialization” of particular occupational and industry sectors has developed. The paper will examine causes, patterns and cases of discriminatory or xenophobic practices by employers, civil society and the state. Formal redress mechanisms and non-state assistance will be examined to determine the extent to which local problems that migrants face can be, and are, addressed. Finally, policy suggestions are offered for improving relations between migrants and host communities, employers, recruitment agencies and governments.

The major influx of foreign workers into the Middle East began following the oil price boom in 1973, which resulted in an enormous surge of wealth for the Arab Gulf states (United Arab Emirates, Oman, Saudi Arabia, Qatar, Kuwait and Bahrain, comprising the Gulf Cooperation Council, or GCC). The Gulf countries were faced with grand development plans and the funds to pay for them, but with a totally inadequate workforce: the GCC countries had a combined workforce of only 1.36 million. Initially, both skilled and unskilled workers from other Arab countries (principally Egyptians, Yemenis, Palestinians, Jordanians, Lebanese and Sudanese) and from Asia (mainly Pakistanis and Indians) almost doubled the populations of Saudi Arabia and Kuwait within the decade between 1975 and 1985. By the early 1980s, an increasing number of migrants were recruited from Southeast Asia. Until the end of the 1980s, these comprised over half of the Asian migration to the Middle East.

In 1985, oil prices fell rapidly, prompting a cutback in infrastructure development in the Gulf states, and migration from Asia dropped by almost one-third. This fall was less severe because of the growth in employment in the service sector, which absorbed large numbers of workers, especially women from Sri Lanka, Bangladesh, Indonesia and the Philippines. At the same time, the numbers of expatriate migrants from other Arab states were being reduced, as often for political reasons as for economic.

Unlike the Arab sending countries, Asian governments pursued active policies for overseas employment, partly to alleviate unemployment and partly to generate foreign income. Their labour force became a major export item that generated considerable earnings. For example, in 1999 total remittances to Sri Lanka from workers abroad totalled \$1 billion, which constituted around 20 per cent of foreign goods imports for the previous year and more than the trade deficit of \$0.7 billion.

As increasing numbers of “cheap” foreign workers from Asian and African countries have fulfilled the demand for unskilled workers, so the particular kinds of jobs found in the secondary labour markets have become racialized. That is, the dirty, dangerous and difficult jobs become associated with foreign (Asian and African) workers to such a degree that nationals in these countries refuse to undertake them, despite high levels of poverty and unemployment.

This paper addresses, in particular, the peculiarities of temporary foreign contract labour in Middle Eastern receiving countries. It argues that temporary foreign workers are not formally “free” in receiving countries, because they cannot access the local labour markets in the receiving country without express permission from the state. In other words, temporary employees are normally legally attached to a sponsor/employer until the completion of an employment contract, at which time the employee is required to either receive a renewal of a work permit or leave the country. Temporary workers who do leave their employers/sponsors (or attempt to run away) are rendered illegal and are subject to arrest and deportation. Periodic “crackdowns” are undertaken to find and deport these illegal foreign residents. In most countries, many people in this category continue to live and work, although precise numbers are unknown.

Typically, temporary foreign contract employees are the preferred migrants to Middle Eastern countries, as there are no expectations of permanent settlement or citizenship rights. Most countries do not cover such employees under local labour laws, and no UN or ILO conventions that offer national or international protection are in force or ratified, particularly for unskilled labourers. However, despite the temporary nature of such labour contracts, there remains a permanent pool of migrant workers in the receiving countries. Depending upon the numbers, ethnic community development often results.

Particular focus is given to the racist dimensions of the treatment of Asian domestic workers in the Middle East. Asian female live-in domestic workers in Lebanon live under conditions that have been likened to slavery. The structural arrangements, including the threat of violence, restriction of movement and exploitative employment conditions, have led to significantly widespread abuse of these women, who constitute a particularly vulnerable group. The study of domestic employees is significant because they comprise the bulk of foreign workers from Sri Lanka and the Philippines. Similar conditions and treatment may be found in other Middle Eastern countries.

In the case of Lebanon, the presence of Syrian workers—who are largely undocumented, but continue to work freely because of the Syrian political and military presence in the country—has an added political dimension. Further, Palestinian refugees, who, since 1948 have been treated formally as foreigners, have been prevented from working in various occupations and professions because (i) granting citizenship rights and naturalization is seen as contrary to the legitimate demands of rights of return to Palestine, and (ii) the assimilation of Palestinians would mean a large influx of Sunni Muslims, which would undermine the so-called sensitive demographic “balance” of the population.

The xenophobic dimension has three aspects. First, it is evident in the preference of temporary contract labour that excludes possibilities of citizenship. Second, preferential treatment is usually given to nationals, although particular kinds of menial work have now been “allocated” to foreigners. Third, the attitude of disdain toward those who are visibly different (particularly Asians) is observed in public places such as supermarkets, airports and government offices.

While a number of suggestions are made with regard to formal redress mechanisms to alleviate or eliminate forms of racism and slavery in Middle Eastern countries, it will also be noted that such reforms may affect the labour market in terms of the demand for foreign workers. If this is the case, governments of both receiving and sending countries may not be sufficiently supportive of serious reform.

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Résumé

L’auteur analyse ici l’évolution des migrations à destination des pays pétroliers et autres pays d’accueil du Moyen-Orient. Les emplois typiquement réservés aux migrants dans les pays d’accueil indiquent dans quelle mesure des secteurs professionnels ou des secteurs d’activité particuliers souffrent de “racialisation”. Il étudie les causes des pratiques discriminatoires ou xénophobes des employeurs, de la société civile et de l’Etat, en dégage les caractéristiques communes avant de se pencher sur des cas particuliers. Il passe en revue les mécanismes officiels de recours et les aides apportées par des acteurs autres que l’Etat pour déterminer dans quelle mesure les problèmes locaux que rencontrent les migrants peuvent être résolus et le sont effectivement. Enfin, il propose des mesures politiques susceptibles d’améliorer les relations entre les migrants et la population locale, les employeurs, les agences de recrutement et les gouvernements des pays d’accueil.

Les travailleurs migrants ont commencé à arriver en masse au Moyen-Orient à la suite du boom pétrolier de 1973, qui a entraîné un énorme enrichissement pour les Etats du golfe d’Arabie (les

Emirats arabes unis, l'Oman, l'Arabie saoudite, le Qatar, le Koweït et le Bahreïn, membres du Conseil de coopération du golfe ou CCG). Les Etats du golfe avaient alors des plans de développement gigantesques, de quoi les financer mais une main-d'œuvre totalement insuffisante: les pays du CCG ne comptaient en tout que 1,36 millions d'actifs. Initialement, les travailleurs, manœuvres ou employés qualifiés, venaient d'autres pays arabes (c'étaient principalement des Egyptiens, des Yéménites, des Palestiniens, des Jordaniens, des Libanais et des Soudanais) et d'Asie (surtout du Pakistan et d'Inde). Entre 1975 et 1985, ils ont entraîné un quasi-doublement de la population de l'Arabie saoudite et du Koweït. Au début des années 80, le nombre des migrants recrutés en Asie du Sud-Est s'est mis à augmenter. Jusqu'à la fin des années 80, plus de la moitié des migrants d'Asie au Moyen-Orient provenaient de l'Asie du Sud-Est.

En 1985, les prix du pétrole ont connu une baisse rapide, les programmes d'équipement ont été fortement réduits dans les Etats du golfe et l'immigration d'Asie a diminué de près d'un tiers. Ce repli a été atténué par la croissance de l'emploi dans le secteur tertiaire, qui a absorbé un grand nombre de travailleurs, en particulier des femmes venues de Sri Lanka, du Bangladesh, d'Indonésie et des Philippines. En même temps, le nombre des migrants d'autres Etats arabes a été réduit, pour des raisons autant politiques qu'économiques.

A la différence des pays d'émigration arabes, les gouvernements asiatiques ont activement encouragé l'emploi à l'étranger, dans lequel ils voyaient à la fois un moyen de faire baisser le chômage et une source de revenus. Leur main-d'œuvre est devenue un important article d'exportation, générateur de recettes considérables. Par exemple, les fonds envoyés dans leur pays par les Sri-Lankais travaillant à l'étranger se sont élevés en 1999 à 1 milliard de dollars, ce qui représentait environ 20 pour cent des importations de biens étrangers de l'année précédente et dépassait le déficit commercial, qui était de 0,7 milliard de dollars.

Comme le nombre croissant de travailleurs étrangers "bon marché", venus de pays d'Asie et d'Afrique, satisfaisaient à la demande de manœuvres dans les Etats du golfe, les emplois que l'on trouvait sur les marchés secondaires du travail ont pris une couleur raciale. Autrement dit, les emplois sales, dangereux et difficiles furent assimilés aux travailleurs étrangers (d'Asie et d'Afrique), à tel point que les nationaux de ces pays les refusent, malgré des niveaux élevés de pauvreté et de chômage.

L'étude traite en particulier des spécificités du contrat de travail temporaire délivré aux travailleurs étrangers dans les pays d'immigration du Moyen-Orient. L'auteur explique que les travailleurs étrangers temporaires ne sont pas "libres" officiellement, parce qu'ils ne peuvent pas accéder aux marchés locaux du travail dans leur pays d'accueil sans l'autorisation expresse de l'Etat. En d'autres termes, les employés temporaires sont d'ordinaire attachés légalement à un répondant/employeur jusqu'à l'expiration de leur contrat de travail, date à laquelle ils doivent soit obtenir le renouvellement de leur permis de travail soit quitter le pays. Ceux qui quittent leur employeur (ou s'évadent) tombent dans la clandestinité et risquent d'être arrêtés et expulsés. Des opérations "coups de poings" sont organisées régulièrement pour retrouver et expulser ces étrangers clandestins. Dans la plupart des pays, beaucoup continuent à vivre et à travailler dans la clandestinité mais on n'en connaît pas le nombre exact.

Dans les pays du Moyen-Orient, la préférence va typiquement aux travailleurs migrants au bénéfice d'un contrat temporaire pour étrangers car ceux-ci ne peuvent pas espérer s'installer définitivement dans le pays ni en obtenir la nationalité. Dans la plupart des pays, ces travailleurs ne sont pas visés par le droit interne du travail et aucune des conventions des Nations Unies ou de l'Organisation internationale du Travail qui apportent une protection nationale ou internationale n'y est en vigueur ou n'a été ratifiée, surtout pour les travailleurs sans qualification. Cependant, malgré la nature temporaire de ces contrats de travail, les pays d'accueil gardent en permanence un réservoir de travailleurs migrants. Selon leur nombre, on voit souvent se former des communautés ethniques.

L'auteur s'attarde particulièrement sur les dimensions racistes du traitement des employés de maison d'origine asiatique au Moyen-Orient. Au Liban, les employées de maison asiatiques logées chez leurs employeurs vivent dans des conditions que l'on a assimilées à de l'esclavage. Les arrangements structurels, notamment l'usage de la violence, l'absence de liberté de mouvement et l'exploitation inhérente aux conditions d'emploi, ont abouti à des abus généralisés dans le cas de ces femmes, qui constituent un groupe particulièrement vulnérable. L'étude des employés de maison est intéressante car dans cette catégorie entrent la plupart des travailleurs étrangers de Sri Lanka et des Philippines. De telles conditions et traitement peuvent se trouver dans d'autres pays du Moyen-Orient.

Toujours dans le cas du Liban, la présence de travailleurs syriens, qui, bien que sans papiers pour la plupart, continuent de travailler librement à cause de la présence politique et militaire de la Syrie dans le pays, revêt en outre une dimension politique. Quant aux réfugiés palestiniens qui, depuis 1948, sont traités officiellement comme des étrangers, ils se sont vu interdire de facto l'accès de divers métiers et professions parce que 1) la naturalisation et l'octroi de droits civils sont considérés comme contraires à la légitime revendication d'un droit de retour en Palestine et que 2) l'assimilation des Palestiniens entraînerait une arrivée massive de musulmans sunnites, ce qui perturberait le délicat "équilibre" démographique de la population.

La dimension xénophobe se présente sous trois aspects. Premièrement, elle est évidente dans la préférence donnée au contrat de travail temporaire qui exclut toute possibilité d'acquérir la nationalité du pays. Deuxièmement, les nationaux jouissent généralement d'un traitement préférentiel, bien que certains types de travaux subalternes soient "attribués" aux étrangers. Troisièmement, l'attitude de mépris adoptée envers ceux qui sont visiblement différents (les Asiatiques en particulier) est visible dans des lieux publics tels que les supermarchés, les aéroports et les administrations.

Si l'auteur fait diverses suggestions sur les mécanismes officiels de recours susceptibles d'atténuer ou d'éliminer ces formes de racisme et d'esclavage dans les pays du Moyen-Orient, on notera aussi que de telles réformes peuvent affecter le marché du travail et la demande de travailleurs étrangers. Si tel est le cas, il se peut que les gouvernements des pays d'envoi et des pays d'accueil ne se montrent pas franchement favorables à une réforme en profondeur.

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Resumen

Este documento analiza las tendencias de la migración hacia los países ricos en petróleo y otros países receptores de mano de obra en el Medio Oriente. Los patrones de empleo de migrantes en los países receptores sirven como indicadores de la magnitud de la "racialización" que se ha desarrollado en determinadas ocupaciones y sectores de la industria. En este documento se examinan las causas, los patrones y los casos de prácticas discriminatorias y xenófobas observadas entre los empleadores, la sociedad civil y el Estado. También se examinan los mecanismos correctivos formales y el apoyo no estatal para determinar el grado en que pueden abordarse, y se abordan efectivamente, los problemas locales a que se enfrentan los migrantes. Por último, se formulan propuestas de política para mejorar las relaciones entre los migrantes y las comunidades, los empleadores, las agencias de colocación y los gobiernos de los países receptores.

La mayor afluencia de trabajadores extranjeros en el Medio Oriente comenzó en 1973, cuando se disparó el precio del petróleo, lo que incrementó de forma espectacular la riqueza de los Estados del Golfo Árabe (Emiratos Árabes Unidos, Omán, Arabia Saudita, Qatar, Kuwait y Bahrein, que integran el Consejo de Cooperación del Golfo o CCG). Los países del Golfo se encontraron con importantes planes de desarrollo, y con los fondos para pagarlos, pero con una fuerza de trabajo totalmente inadecuada: la fuerza de trabajo combinada de los países del CCG ascendía a tan sólo 1.36 millones de personas. En un principio, los trabajadores cualificados y no

cualificados procedentes de otros países árabes (principalmente egipcios, yemenitas, palestinos, jordanos, libaneses y sudaneses) y de países asiáticos (fundamentalmente Pakistán y la India) prácticamente duplicaron la población de Arabia Saudita y Kuwait entre 1975 y 1985. A principios del decenio de 1980, se contrató a un número creciente de migrantes procedentes de países del sudeste asiático. Hasta fines de dicho decenio, éstos representaron más de la mitad de los migrantes asiáticos al Medio Oriente.

En 1985, el precio del petróleo cayó en picado, frenando el desarrollo de la infraestructura en los Estados del Golfo, lo que provocó la reducción de la migración procedente de Asia en casi un tercio. Esta caída fue menos grave gracias al crecimiento del empleo en el sector de los servicios, que absorbió muchos trabajadores, en particular mujeres de Sri Lanka, Bangladesh, Indonesia y Filipinas. Asimismo, se redujo el número de migrantes expatriados procedentes de otros Estados árabes, por motivos tanto políticos como económicos.

A diferencia de los países árabes emisores de mano de obra, los gobiernos asiáticos aplicaron políticas para fomentar de manera activa el empleo en el extranjero; en parte para mitigar el desempleo y en parte para generar el ingreso de divisas. La fuerza de trabajo llegó a ser su principal producto de exportación, generando ingresos considerables. Por ejemplo, en 1999, el total de remesas enviadas a Sri Lanka por los trabajadores que se encontraban en el extranjero ascendieron a mil millones de dólares de los Estados Unidos, equivalente a cerca del 20 por ciento del valor de las importaciones el año precedente, y superior al déficit comercial de 700 millones de dólares.

Así como el número creciente de mano de obra extranjera “barata” procedente de los países asiáticos y africanos contribuyó a satisfacer la demanda de trabajadores no cualificados en los Estados del Golfo Árabe, también ha continuado la tendencia a la “racialización” de determinadas ocupaciones en los mercados laborales secundarios. En otras palabras, los trabajos sucios, peligrosos y difíciles se han asociado con trabajadores extranjeros (asiáticos y africanos) a tal grado que los nacionales de los países receptores se niegan a desempeñarlos, a pesar de los altos índices de pobreza y desempleo.

En este documento se abordan, en particular, las peculiaridades de los contratos de trabajo temporal de los extranjeros en los países empleadores en el Medio Oriente. Se argumenta que los trabajadores extranjeros temporales no son, oficialmente, “libres” en los países receptores, porque no pueden acceder a los mercados laborales locales en estos países sin el permiso expreso de las autoridades estatales. En otras palabras, los trabajadores temporales suelen estar legalmente vinculados con un patrocinador/empleador por la duración del contrato de trabajo, a cuya expiración se exige al trabajador renovar el permiso de trabajo o, en su defecto, abandonar el país. Los trabajadores temporales que abandonan (o tratan de huir de) su patrocinador/empleador son considerados en situación ilegal y son sujetos de arresto y deportación. A intervalos regulares, se organizan “redadas” para hallar y deportar a esos residentes extranjeros ilegales. En la mayoría de los países, muchas personas que pertenecen a esta categoría siguen viviendo y trabajando, aunque se desconocen las cifras exactas.

Por lo general, en los países del Medio Oriente se les da preferencia a los trabajadores extranjeros con contratos temporales, puesto que no pretenden asentarse de manera permanente ni obtener derechos de ciudadanía. En la mayoría de los países, la legislación laboral local no protege a tales trabajadores; y no se ha ratificado ni se aplica en dichos países ninguna convención de las Naciones Unidas, ni ningún convenio de la Organización Internacional del Trabajo que ofrecen protección nacional o internacional a este tipo de trabajadores, particularmente a los trabajadores no cualificados. No obstante el carácter temporal de tales contratos de trabajo, continúa el flujo migratorio de trabajadores hacia estos países. En función de su número, suelen crearse comunidades étnicas bien establecidas.

Se hace especial hincapié en las dimensiones racistas del trato que reciben los trabajadores domésticos asiáticos en el Medio Oriente. En el Líbano, las mujeres asiáticas que trabajan en el

servicio doméstico, viven en condiciones similares a las de la esclavitud. La red social en la que se encuentran, que incluye la amenaza de violencia, la restricción de movimiento y condiciones de trabajo inhumanas, ha conducido a abusos significativamente extendidos y generalizados, a los cuales están sometidas estas mujeres, que constituyen un grupo particularmente vulnerable. Se ha estudiado detenidamente la situación en que se encuentran los trabajadores domésticos, porque representan la mayor parte de los trabajadores extranjeros procedentes de Sri Lanka y Filipinas. Las condiciones en que viven y el trato que reciben, son similares en otros países de Oriente Medio.

En el caso del Líbano, la presencia de los trabajadores sirios—en su mayoría sin papeles, pero que trabajan libremente gracias a la presencia política y militar siria en este país—adquiere una dimensión adicional de índole política. Por otra parte, se ha impedido que los refugiados palestinos, a quienes desde 1948 se considera oficialmente extranjeros, ejerzan diversas ocupaciones y profesiones debido a que: (i) se estima que el hecho de otorgarles derechos de ciudadanía es contrario a su solicitud legítima del derecho de retornar a Palestina, y (ii) la integración de los palestinos supondría un aumento considerable del número de musulmanes sunitas, lo que perjudicaría el delicado “equilibrio” demográfico de la población.

La dimensión xenofóbica tiene tres aspectos. En primer lugar, se manifiesta claramente cuando se contratan trabajadores temporales, que no pueden solicitar la ciudadanía. En segundo lugar, se suele dar un trato preferencial a los nacionales, aunque se acepta que los extranjeros desempeñen trabajos serviles. Por último, la actitud de desdén hacia los que son evidentemente diferentes (en particular, los asiáticos) se observa en lugares públicos como supermercados, aeropuertos y oficinas gubernamentales.

Aunque se han formulado varias propuestas en cuanto a mecanismos correctivos formales con miras a mitigar o eliminar formas de racismo y de esclavitud en los países del Medio Oriente, también debe tenerse en cuenta que tales reformas pueden afectar la situación del mercado de trabajo en lo que respecta a la demanda de trabajadores extranjeros. En tal caso, podría ser que, ni los gobiernos de los países receptores ni los países emisores apoyen suficientemente una auténtica reforma.

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Introduction

Various forms of racism and xenophobia may be found in all societies. Stemming from a fear of strangers, social groupings or cultures are generally based upon similarities, values and beliefs that determine the binding forces of individual and social identity to the exclusion of the "Other".¹ This paper is concerned with contemporary xenophobic issues relating to foreign migrants in the Arab Middle Eastern countries of Lebanon, Jordan and the Arab Gulf states (United Arab Emirates, Oman, Saudi Arabia, Qatar, Kuwait and Bahrain, comprising the Gulf Cooperation Council, or GCC), with particular reference to the status of foreign female domestic employees (see Jureidini 1998).

On a terminological note, pursuant to Banton (1997:44), it is assumed that "racism" refers to "any hostility based upon beliefs about inherited biological differences", while "xenophobia" refers to hostility "that is based upon beliefs around cultural differences" or a hostility towards foreigners. In some countries, xenophobia may be translated into hostility towards immigrants. Racism may be identified in two forms. First, "individual racism" relates to essentially isolated incidents of discriminatory or violent behaviour of individuals, such as attacking a person in the street because he or she has dark skin (Jureidini 2000). It is often easily identified, but not so easy to document if it is not officially reported. Institutional racism may occur in the form of laws (or state-sponsored policies) that specifically discriminate against certain groups, such as the phenomenon of apartheid in South Africa. It involves "structural relations of subordination and oppression between social groups" (Abercrombie et al. 1994).

It is often difficult to distinguish between racism and xenophobia. Unless there is clear evidence of racism in the form of references to biological differences such as skin colour, it is perhaps more appropriate to refer to xenophobic practices and attitudes. In Arabic, the term *Abed* is used to denote both a "black" person and a "slave", and it may still be heard with reference to Africans and Sri Lankans. It is in this context that African and Asian migrants are physically distinguished and often looked upon as inferior, or simply ignored or dismissed. Their presence, however, is largely associated with their prevalence in positions of servility of one form or another. Anecdotes abound of African and Asian men and women who hold prestigious positions (diplomats, professionals) being mistaken for servants and treated with contempt. It seems ironic that, while anti-Arab and anti-Muslim racism, vilification and stereotyping is widespread in many Western countries (and possibly elsewhere), there is also Arab racism and xenophobia against others in the Middle East. In this regard, even victimized ethnic groups cannot automatically be assumed to be, by definition, morally "pure" and devoid of xenophobic elements (see Jureidini and Hage 2001; Hage 2000).

With regard to domestic workers in the Middle East, prior to the influx of foreign workers into Arab households, these positions were mainly filled by Arab women or girls. They were less vulnerable because even if the father visited only once a year, it was as much an act of protection as an opportunity to collect her wages. There was a shared culture with an understanding that family honour was at stake. This honour enforced a certain sense of responsibility on the part of the employing family. However, in the case of Sri Lankan and Filipina women, their families are remote. They come from a different culture and, in the case of Sri Lankans, a different religion (mainly Buddhist). Mostly travelling alone and in a foreign country, with little or no communication with the outside world, their contractual arrangements are such that they have few rights, no freedom and are kept as virtual prisoners in the households in which they work. They cannot form or join unions, and there is no serious regard for their well-being, other than by the embassies and consuls in the host countries. Given the numbers of migrant workers involved, diplomatic missions cannot keep track or monitor the many thousands of their nationals in the host countries. In addition, there are economic interests that militate against undermining the labour market demand for their migrant workers, who collectively represent a major source of foreign earnings.

¹ See Ahmed (2000); Turner (1993); Said (1978).

Historical Context

The major influx of foreign workers into the Middle East began following the oil price boom in 1973, which resulted in an enormous surge of wealth for the Arab Gulf states. The Gulf states were faced with grand development plans and the funds to pay for them, but with a totally inadequate workforce: Their combined workforce totalled only 1.36 million (Abella 1995). Initially, both skilled and unskilled workers from other Arab countries (principally Egyptians, Yemenis, Palestinians, Jordanians, Lebanese and Sudanese) and from Asia (mainly Pakistanis and Indians) almost doubled the populations of Saudi Arabia and Kuwait within the decade between 1975 and 1985.

Between 1980 and 1985 the share of Asians in the foreign workforce rose to around 3.2 million, from about 30 per cent to over 63 per cent. Over two million were in Saudi Arabia. By the early 1980s an increasing number of migrants were recruited from Southeast Asia (Thailand, the Philippines, Indonesia and South Korea). Until the end of the 1980s they accounted for over half of Asian migration to the Middle East. By 1990, workers from Bangladesh and Sri Lanka had increased their share of Asian migrants to over 20 per cent of the Asian workforce in the region (see Abella 1995; see also Birks and Sinclair 1980).

In 1985 oil prices fell rapidly, prompting a cutback in infrastructure development in the Gulf states, and migration from Asia dropped by almost one-third. As Abella (1995:420) points out, the “fall would have been more severe if not for the growth in employment in the service sector (from hotels to personal services) which absorbed ever-increasing numbers of workers, especially women from Sri Lanka, Bangladesh, Indonesia and the Philippines”. These women became a significant part of the feminization of international migration, travelling alone, rather than as appendages of their husbands, and in many cases becoming the major breadwinners of their households, many leaving husbands and children back home (Campani 1995).

At the same time, the volume of expatriate migrants from other Arab states was being reduced, as often for political as for economic reasons. For example, the political activities of Yemenis, Egyptians and Palestinians were considered as potentially threatening, and they were also more expensive. “From the economic standpoint there were advantages in hiring more Asians rather than Arabs. The Asians were reliable, their workers accepted lower wages and they did not require the same social support services as the Arabs, who were more likely to settle and bring their families” (Campani 1995; see also McMurray 1999).

One of the distinguishing features of the mass migration experience in the Gulf states, as compared with Europe, was the idea that the diversification of nationalities was intended to deflect the potential political encroachment by Arabs from other regions. Although of common cultural, religious and linguistic origins, non-national Arabs were a threat, “especially those who have lived in the region since the 1960s or were born there, since they may feel they should have a stake in their country of residence” (Oxford Analytica 2001). Thus, the diversification of nationalities to include East and West Asians was for political, as well as economic, expediency.

Unlike the Arab sending countries, Asian governments pursued active policies for overseas employment, partly to alleviate unemployment and partly to generate foreign income (see Abella 1995; Rosales 1999). Their labour force had become a major export item that generated considerable earnings. Castles and Miller cite figures from the International Labour Organization (ILO) indicating that for countries with serious trade deficits, remittances from migrants abroad can be significant. For example, “Pakistani workers remitted over US\$2 billion in 1988, which covered 30 per cent of the cost of imports. Indian workers remitted US\$2.6 billion, the equivalent of 15 per cent of imports” (Castles and Miller 1998:148). Most of these funds came from the Middle East. On a somewhat smaller scale, remittances from the Middle East to Sri Lanka between 1980 and 1986 doubled, from \$112 to 264 million (Eelens et al. 1992:4). Filipino migrants in 1997 remitted home some \$5 billion (KAKAMMPI 1998). In 1999 total remittances to Sri Lanka from workers abroad totalled \$1 billion (Kannangara 2000). This constituted ap-

proximately 20 per cent of foreign goods imports for the previous year and more than the trade deficit of \$0.7 billion. In the GCC countries, foreign workers repatriate over \$25 billion to their home countries annually (ESCWA 2000).

As increasing numbers of “cheap” foreign workers from Asian and African countries have continued to fulfil the demand for unskilled workers, the particular kinds of jobs found in the secondary labour markets have become racialized. That is, the dirty, dangerous and difficult jobs become associated with foreign Asian and African workers, and nationals in these countries refuse to undertake them, despite high levels of poverty and unemployment. As discussed below, despite intentions to reduce the foreign labour force in the Gulf states, growth has actually occurred, primarily because of the demand for unskilled labour.

Xenophobic Practices

Xenophobia with regard to foreign workers, and domestic workers in particular, has three aspects. First, it is demonstrated by the preference for temporary contract labour that excludes possibilities of citizenship. Second, preferential treatment is usually given to nationals, although particular kinds of menial work have now been “allocated” to foreigners. Third, the attitude of disdain and abuse toward those who are visibly different (particularly Sri Lankans, Filipinas, and Ethiopians and other Africans) is observed in the kind of treatment that is meted out to them by nationals, particularly employers.

Conditions and vulnerability of temporary contract labour

The high proportion of foreign nationals working in the GCC countries is a distinguishing feature of their labour force, compared with other Arab countries. Typically, temporary foreign contract employees are the preferred migrant workers since there are no expectations of permanent settlement or citizenship rights. None of the Middle Eastern countries cover such employees under local labour laws and no United Nations or ILO conventions offering national or international protection are in force or ratified, particularly for unskilled labourers (see below on international conventions). However, despite the temporary nature of such labour contracts, there remains a permanent pool of migrant workers in the receiving countries. Depending upon the numbers, ethnic community development often results (Evans-Pritchard 2001).

In Middle Eastern countries, there are no quotas on the number of migrants allowed. Nor do local labour laws and regulations (or indeed international conventions) specifically cover temporary contract migrants. Domestic workers, among others, are excluded from any legal protections.² The peculiarities of temporary contract migrants, however, are not unique to the Middle East. Many of the restrictions on this category of migrants are implemented in all countries. Where the Middle East differs from most other countries is that domestic employees are largely live-in workers for whom further limitations of freedom have become normative elements in the employer-employee relationship.

The general limitations of temporary foreign contract labour do not allow the freedom of choice to move from one employer to another in the local labour market of the host country—at least, not without the express permission of the government. They also require permission from their employer, who also acts as the “sponsor”. The expectation is that they will leave the country upon expiration of their contract unless they obtain a renewal of their work and residency permits, and the contract is extended. As the nature of their stay in the host country is temporary, citizenship and citizenship rights do not apply. In this sense, temporary foreign contract labour (whether skilled or unskilled) may be seen as formally “unfree” labour. Those who do leave their employer or run away and those who do not renew their visas and permits are rendered illegal and are subject to arrest and deportation. Periodic “crackdowns” are made

² Jureidini and Moukarbel 2001; Rbeihat 2000; Oxford Analytica 2001.

to find and deport these illegal foreign residents. In almost all countries, thousands of people in these categories continue to live and work, although precise numbers are unknown.

Preference for nationals and racialization of labour markets

Figures detailing occupations and industries in the Arab states according to nationality are not available. Nonetheless, some cursory data is available on the proportion of migrant workers in the aggregate according to industry or occupation. For example, in Oman, in every industry sector (for 1993) with the exception of mining and quarrying, the vast majority of employees were migrant workers—for example in agriculture, 73 per cent; manufacturing, 92 per cent; construction, 96 per cent; restaurants and hotels, 93 per cent; wholesale and retail, 87 per cent; and mining and quarrying, 42 per cent. In professional occupations, migrants comprise 49 per cent; administrative and managerial workers, 44 per cent; clerical and related workers, 30 per cent; sales workers, 63 per cent; service workers, 92 per cent; and production workers, transport and labourers, 64 per cent (ILO 2001).

Briefly, the above figures indicate the predominance of migrants in secondary market jobs (in terms of absolute numbers) and a more or less equal proportion with Omani nationals in the upper end of professional, managerial and technical positions. The high proportion of locals in clerical positions reflects their privilege in the public sector. Similar figures apply to Bahrain and Kuwait, and presumably the other GCC countries as well.

There are also migrants in the high-skills categories who are encouraged, rather than reviled, although most Gulf states are articulating the need to reduce their reliance upon them in favour of their own nationals. On the other hand, in March 2001, Bahrain announced a scheme to grant citizenship to long-term foreign residents. They needed to fulfil certain conditions, such as sufficient financial assets, health insurance, a knowledge of Arabic and permanent residence for at least 15 years for Arab nationals and 25 years for non-Arabs (*Khaleej Times* 2001b, 2000c). The precise number of foreign nationals who have been granted citizenship in the Gulf states is unknown.

In most cases, GCC nationals refuse to accept low-paying manual jobs that require only minimal skills. Over the years, more and more GCC nationals have acquired the education and skills for the better-paying jobs (ESCWA 2000:11). Thus, as nationals increasingly obtain better education and skills, they are more likely to fill primary sector jobs, leaving secondary sector jobs for foreigners.

Because of the low workforce participation rates of female nationals in the GCC countries, no more than 15–20 per cent (see ESCWA 1999), the proportion of foreigners in the workforce is much higher than in the general population. This indicates that the presence of foreigners is primarily for work rather than for settlement with family members. Foreigners fill jobs ranging from those with low remuneration and minimal skills to professional positions and those requiring high technical skills. Since the population growth rates for nationals of the GCC countries are among the highest in the world, averaging 3.5 per cent annually, their governments are concerned about creating employment opportunities for their nationals. Another economic impetus for replacing foreigners is to reduce remittances abroad (ESCWA 2000).

In *Kuwait*, foreign workers include approximately 295,000 Indians, 274,000 Egyptians, 157,000 Bangladeshis, 101,000 Pakistanis and 100,000 Sri Lankans. Over 90 per cent of nationals work in the public sector, where salaries and benefits are higher than in the private sector. About 300,000 foreign workers are employed as domestic helpers, with roughly one-third from India and another third from Sri Lanka (*Khaleej Times* 2001a). Measures to reduce the foreign presence in Kuwait include freezing access to free medical and educational services and introducing a tax on foreign workers, ostensibly to create jobs for Kuwaiti nationals.³

³ Labour and Social Affairs Minister Abdel Wahhab Al Wazzan, quoted in AFP, "Kuwait to Tax Foreign Workers", 23 December 1999.

The number of foreign workers in *Oman* increased by 34 per cent in 2000 as compared with the previous year (*Bahrain Tribune* 2001). Recent statements by the Ministry of Social Affairs, Labour and Vocational Training have called for "Omani citizens not to exaggerate their demands for foreign workers in the agricultural sector and for domestic helpers, as there are already many foreign workers in the country" (*Khaleej Times* 2001c). The largest populations of foreigners are Indians and Pakistanis, many of whom arrive with higher levels of skill and a willingness to work for lower wages than Omanis. Filipinos are estimated at around 20,000 and Sri Lankans 35,000, the vast bulk of them working as domestic employees. The government's main effort to reduce the number of foreigners has been to target the many thousands whose legal status is "irregular". As with all of the Arab countries, annual "amnesties" are given to those without valid documents as an enticement to leave the country without penalty. This often means that the relevant embassies are required to provide their nationals with emergency certificates or *laissez passer* to facilitate their departure. Those who do not avail themselves of the amnesty (from fear or ignorance) become vulnerable to police crackdowns (Ali 2001a, 2001b).

In *Bahrain* the same concerns exist about reducing the foreign labour presence in the country. It is estimated that approximately one per cent of foreign workers are "runaways" from their sponsors and agencies. Urging the private sector to hire more Bahraini nationals, the Minister for Labour and Social Affairs argued that it was partly to reduce the remittances sent abroad. Around \$480 million was remitted from Bahrain in 1997 (*Bahrain Tribune* 1999; Farook 1999a). Other factors included the "unfair competition" with local labourers and the need to alleviate unemployment and poverty among the poor (Farook 1999b). To further reduce the number of illegal foreign workers, it was also decided to relax transference rules to allow foreign workers to change sponsors within the country. This would free them from the obligation to remain with abusive and exploitative employers (Farook 2000a).

Over the past several years in *Saudi Arabia*, there has been a policy of "indiginization" in an attempt to reduce foreign labour in favour of Saudi nationals. For example, between 1994 and 1999, the share of jobs filled by nationals increased from 39.2 per cent to 44.2 per cent. This policy is to be continued as a top priority in Saudi's five-year plan for 2000-2005, during which time it is anticipated that approximately 200,000 positions currently filled by foreigners will be replaced by nationals. In September 2000 it was decreed that all establishments employing 20 or more people will be required to employ at least 25 per cent nationals (ESCWA 2000).

In the *United Arab Emirates (UAE)*, foreigners, mainly from India (781,000), comprise over half the expatriate workforce, together with Pakistanis (262,000) and other Asians (225,000). Some 70 per cent of Indians come from the Kerala region. Those from other Arab countries number around 155,000 (ESCWA 2000). With a population of around 2.7 million as of the year 2000, about 85 per cent are now foreign nationals (*Khaleej Times* 2000b). As in Kuwait, the UAE is also attempting to limit the inflow of foreign unskilled workers into the country, partly by removing the indirect supports such as free health services and free education.

In October 1999, the UAE government announced a ban on unskilled Indian and Pakistani workers as part of a process of "restoring the demographic balance" within the country (Hoath 1999). However, within a month of the ban companies began replacing them with Nepalese labour "known for being cheap and reliable" (Daniel 1999). By July 2000 the number of Nepalese had risen to over 15,000 (*Dawn* 2000b). In August 2000 the government announced the doubling of fees for labour permits, and in the following month introduced an employment visa requirement that all foreign workers have at least a secondary education (*Gulf News* 2000a; *Dawn* 2000a).

In *Lebanon*, the presence of Syrian workers, particularly in agriculture and construction, creates an added political dimension. These workers are largely undocumented, but continue to work freely because of the Syrian political and military presence in the country. Further, Palestinian refugees, who, since 1948, have been treated formally as foreigners, have been prevented from working in various occupations and professions. The discrimination against Palestinians has two ostensible justifications. First, allowing citizenship rights and naturalization is seen as con-

trary to the legitimate demands in terms of rights of return to Palestine; and second, the assimilation of Palestinians would mean a large influx of Sunni Muslims, which would undermine the politically sensitive demographic “balance” of the population.

Foreign Female Domestic Employees

Recent studies of foreign female domestic workers have only been conducted in three of the countries under consideration—Lebanon, Jordan and the UAE.

By the middle of 1999 some 700,000 Sri Lankan women were working abroad as housemaids (Nonis 1999). Most of these women worked in the Gulf states, mainly in Kuwait, Saudi Arabia, the UAE and Oman, as well as in Lebanon and Jordan. The remainder migrate to Singapore and the Maldives (Kannagara 1999b). Sri Lankans comprise perhaps the largest single group of women working as domestic maids throughout the world today, followed by Filipinas.

As of August 1999, Saudi Arabia was the largest labour market for Filipino workers, numbering around 650,000 (Juan 1999a). In 1999, the number of housemaids in the UAE exceeded 200,000, constituting around seven per cent of the population and representing approximately one housekeeper for every two or three nationals. There were some 75,000 Sri Lankan housemaids and another 70,000 working in other manual, unskilled positions (*Gulf News* 1999). In 2001 in Lebanon, embassies reported that there were between 80,000-100,000 Sri Lankans and 20,000 Filipinas, as well as roughly 5,000 Ethiopian women, almost all in domestic service (Jureidini and Moukarbel 2001). As of August 2000, 35,000 Sri Lankans and 7,000 Filipinas were working as domestic maids in Jordan, according to their respective embassies (Rbeihat 2000).

It may be argued that the legal, administrative and working conditions of foreign domestic workers are consistent with Bales’ (1997) concept of “contract slavery”. Bales contends that contract slavery contains three elements: (i) violence or the threat of violence; (ii) restriction of physical movement; and (iii) economic exploitation.

The following summary of these conditions and treatment applies to all of the countries addressed in this paper, with some minor variations.

Violence or the threat of violence

On the issue of violence or the threat of violence or abuse, foreign maids may be subjected to physical, sexual, psychological and/or emotional abuse. Demeaning or degrading treatment is a particularly insidious form of abuse. Aggressively delivered orders, shouting and constant belittling criticism contain an underlying threat of violence or may be seen as violent. Abuse may also include withholding of food, not allowing the worker the freedom to prepare her own food and relying on “handouts” from the mistress of the house, which may be leftovers from the family meal. There have been cases where locks were put on refrigerators and in one case an alarm was installed. Employees may be belittled on a daily basis, such as with name-calling (*Hmara*, or “donkey” is the most common term used). Sometimes, names are changed to suit the employer.

Another form of violence and threat of violence comes from recruitment agencies. An employee who is procured through these agencies is usually “guaranteed” by the agency and will be replaced within the first three months if she is deemed unsuitable. However, it is common knowledge that if an employer returns the maid to the agency, there is a strong likelihood that she will be punished in some way as a disciplinary measure. Reports of serious physical abuse by agencies, bordering on torture, have been revealed (see below). A number of agencies now employ Sri Lankan or Filipina personnel to deal with the workers directly and these employees may also become abusers.

Perhaps the major threat of abuse derives from the practice of withholding passports and other identity papers that are held primarily by the employer and sometimes by the agency. Employees cannot leave the house for fear they may be caught by the police or General Security and arrested or imprisoned because they are not carrying their identity papers. There is a tacit expectation that being detained by security forces will likely be accompanied by some form of physical or even sexual abuse.

Newspaper reports of individual cases of severe physical abuse by employers and agencies have been reported over the past two years in the Lebanese *Daily Star*. These have included beatings, slapping, burns from boiling coffee, broken ribs, scars and bruises, sometimes resulting in hospitalization. Many so-called suicides have been reported for Sri Lankan, Filipina and Ethiopian women. Although the suicide rate in Sri Lanka is also high (Gamburd 2000), there are always suspicions. Yet no arrests or criminal charges have ever been brought against an employer or agency. One agency was suspended in Lebanon after a particularly brutal assault, following a formal complaint by the Sri Lankan Ambassador. According to the employer in this instance, "We took her in [to the agency] and they taught her a lesson. *Taamouah atle mrattabe* [they beat her well]".⁴ The daily abuse reported to researchers is almost always from the mistress of the house, who normally has the responsibility to manage the maid. This abuse includes hitting, slapping, pulling or even cutting of hair; pushing around, belittling, verbally insulting, name-calling and constant criticism of their work.

Part of the dilemma in domestic work is that neither employer nor employee can assume an arm's length, rational approach to the contractual relations, for the arena is the ideologically "natural" sphere of the female domain, with all of the emotional and cultural baggage bound up with it within this culture. This results in a highly charged set of dynamics between the maid and the mistress of the house (Tandon 2001).

It is interesting to note that there is relatively little evidence of sexual abuse of domestic workers in Lebanon and Jordan, while there are widespread reports of rape and sexual harassment in the Gulf. Sabban (2001:33) states that:

Most complaints of sexual abuse reported by foreign female domestic workers were against older men, either in Saudi Arabia, or in the Emirates. ... This phenomenon is one of the outcomes of the oil booms. ... Elderly males find themselves suddenly rich, but socially frustrated, and with no roles or pleasure. Their first source of pleasure is poor women, whose easier, cheaper and younger sexuality can alleviate their frustrations.

Denial of freedom of movement

Most recruitment agencies advise their clients not to allow domestic workers to leave the house unaccompanied. This, they argue, is to maintain control over them so that they will not speak to other maids and then demand higher wages. It is also assumed that they may engage in sexual relations, possibly getting pregnant, and thus would have to be sent home (abortions are one alternative, but they have to remain clandestine). Some maids are actually locked in when the family is absent. Few are given a key. Few are allowed to make telephone calls. Constraints on freedom of movement also mean that they cannot form social relations outside the employment relationship.

The withholding of the passport is illegal by all international standards and also serves to restrict movement. Regular checks and raids are made in all countries to arrest those whose papers are irregular. Yet, it is worth noting that this practice has come to be accepted as standard, not only by agencies and employers, but also by the state, foreign embassies and even some human rights organizations. On arrival at the airport, for example, the authorities take the migrant's passport and hand it directly to the employer/sponsor who must be there to take her home. Withholding of the passport is seen as justified, particularly in the early stages of em-

⁴ As quoted by a Lebanese female employer (Jureidini and Moukarbel 2001).

ployment, until trust has been established. It is a form of insurance policy against the maid absconding, since the employer has made a substantial up-front payment that can range from \$1,500–3,000. Some analysts view this as a condition tantamount to slavery, since the employee is virtually “bought” from the agency.

Exploitative working conditions

Reports from studies around the world confirm that when migrant domestic workers are asked what tasks they perform, they answer “everything”. They clean, wash, serve meals, cook or prepare food, care for children, tidy up, remove the garbage, water plants, shop, walk the dog, feed the cat and so on. The average length of the workday is between 16 and 17 hours, and they are often on call 24 hours a day, particularly if there are babies in the family. They rarely have days off. Some never have a day off. Sometimes a few hours are given on a Sunday for religious services, and even then they may be accompanied by the employer. Moreover, they may not have access to a place of worship of their own religious faith (Evans-Pritchard 2001). Denial of time off and holidays is another indicator of slavery-like practices (see Wijers and Lap-Chew 1997).

Another common practice is to withhold wages. There have been cases reported in which maids have worked for up to six years without being paid. Some have wanted to return home after expiration of their two- or three-year contracts, but have been prevented from doing so by virtue of the fact that they have not been paid. It is uncommon to find employers being compelled to pay wages owed, although with the more recent intervention of diplomatic representation, some actions taken are having an impact. In the UAE in 1997, for example, there were some 1,600 complaints from Sri Lankan maids, ranging from non-payment to harassment, lodged with the Ministry of Labour and Social Affairs. Due to a number of measures implemented by the Sri Lankan government, the number of complaints the following year was halved. For example, recruitment was required to be managed only through agents registered with the Foreign Employment Bureau, and employers were forced to register with the Sri Lankan diplomatic mission (*Gulf News* 1999).

Most migrant domestic workers have live-in arrangements, and some have good living quarters, particularly in the new luxury apartments. Employers prefer that they have their own bathrooms since it is considered unseemly that they share with family members. If the employee has to share a bathroom, she is required to clean it immediately after use. However, most accommodation facilities are substandard. The maids often do not have their own room, and there are many instances in which they sleep in the laundry room on a mattress on the floor, or in the living room (which means they cannot retire until the whole family has gone to bed). Or they may be required to sleep in the kitchen or even on the balcony.

Notes on the Gulf

In Bahrain, the Naim Philanthropic Fund began a programme in 1999 to replace foreign domestic workers with poor local women. The objective was poverty alleviation, and to “prevent the negative social, cultural and religious influence these house helpers have on children” (Farook 2000b; *Gulf News* 1999). On the other hand, by late 2000, the Minister of Labour and Social Affairs issued a directive to all embassies, overseas workers’ organizations and governments to:

take action against abusive recruitment agencies and to educate workers on their rights...[including] insurance against workplace injury, safety and security in the workplace through international safety standards, annual holiday, passage back home, repatriation and termination indemnity (*Bahrain Tribune* 2000).

In January 2000 in the UAE, the Dubai Police reported that “60 per cent of family crimes and offences involve housemaids” (Al Baik 2000). According to the study, the influence of housemaids, “many of whom do not understand local culture and traditions and are not Muslim”, create language and behavioural problems among UAE children in elementary schools.

One-third of the cases referred to the local Public Prosecution Department were either filed by or against housemaids, an indication of the poor relations between housekeepers and their sponsors. Moreover, maids usually take out the ill-treatment they receive from their employers on their children (Al Baik 2000).

“One solution”, it was argued, “is to hire Muslim Arab housemaids, because they understand the children’s language and can contribute to their religious education”. It was also reportedly said that if mothers did not “delegate their responsibilities to housekeepers”, many of the problems would not arise (Al Baik 2000).

As in Bahrain, the UAE authorities have issued public statements demonstrating some concern at the governmental level for the rights of foreign domestic workers. Following a number of cases filed by and against housemaids, Lt. Col. Saleh Karwa’a of the Immigration Department recognized the “lack of laws organizing the relationship between the housemaids and [her] sponsor...[and]...that recruiting agencies do not translate the employment contracts into the native language of the housemaids to enable them to understand their legal rights and responsibilities” (Nazzal 1999). He went on to warn that those employers who do not uphold their contractual responsibilities will face prosecution. Such statements are rarely heard in the region, and further research needs to be done to reveal more details about the number and types of cases that proceed to the courts.

International Conventions

The following articles of the Universal Declaration of Human Rights (adopted in December 1948 by the General Assembly of the United Nations) are being violated with respect to foreign domestic workers in the Middle East:

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 13

- 1. Everyone has the right to freedom of movement and residence within the borders of each State.*
- 2. Everyone has the right to leave any country, including his own, and to return to his country.*

Article 23

- 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*
- 2. Everyone, without any discrimination, has the right to equal pay for equal work.*
- 4. Everyone has the right to form and to join trade unions for the protection of his interests.*

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

International Labour Organization conventions

While there are many ILO Conventions that deal with acceptable and unacceptable standards of work and remuneration, there are no conventions that specifically deal with domestic workers. Domestic workers are defined as workers who are not members of the family or household, but who are employed to “facilitate the running of domestic life and personal needs” (ILO 2000:31). It is acknowledged that the large majority of domestic workers throughout the world are mi-

grant or immigrant women. The particular category of female domestic workers with whom we are concerned are migrant women, that is, temporary migrant workers. Most ILO protective measures cover permanent immigrants or those “who have been regularly admitted to the territory of a member State” (ILO 2000:74). There are no ILO Conventions that deal specifically with temporary migrant workers.

While it is suggested that migrant workers should enjoy all the rights applied to national workers (with respect to issues such as remuneration, hours of work, overtime arrangements and paid holidays) there needs to be a recognition that migrant workers are being employed largely *because* they are not receiving the normal labour entitlements of Arab nationals; and because they are largely willing to accept less rewarding conditions of work. This willingness is due to the fact that they are receive up to four or five (or more) times the income they would receive in their home countries.

The most important ILO conventions and recommendations for the benefit of migrants are the Migration for Employment Convention of 1949 (No. 97); the Migration for Employment Recommendations of 1949 (No. 86); the Migrant Workers Convention of 1975 (No. 143); and the Migrant Workers Recommendation of 1975 (No. 151). But these conventions have not been ratified by many countries, and “No country in the Middle East has ratified any of the [major] ILO conventions” (Pires 2000).

Conventions within the Arab region

According to Pires (2000), the fundamental document relating to human rights in the Arab world is the Cairo Declaration of Human Rights in Islam, which was adopted by the Organization of the Islamic Conference in 1990. It guarantees freedom from discrimination based on various grounds for all individuals. Specifically in the field of migration, the Agreement of the Council of Arab Economic Unity (1965) provides for freedom of movement, employment and residence, and abolishes certain restrictions on movement within the region. In 1968, the Arab Labour Organization developed the Arab Labour Agreement, which intended to facilitate labour movement in the region, giving priority to Arab workers. These same provisions were reiterated in the 1970s with the strengthening of measures to retain jobs for Arab workers and to remove non-Arab workers from the region. This reduction of external non-Arab migrants from the Arab labour market was particularly evident throughout the 1980s, which was part of the Strategy for Joint Arab Economic Action and the Charter of National Economic Action. It favoured Arab over non-Arab labour to “reduce dependence on foreign labour”.

In 1984 this doctrine was reiterated in the Arab Declaration of Principles on the Movement of Manpower, calling for interregional co-operation (Pires 2000). During the 1990s, however, there was considerable relaxation of these principles. While massive return migration to Asia and Africa from the Gulf States was evident just prior to and during the first Gulf War, there has been a gradual reintroduction of cheap foreign labour into most Arab countries (see Castles and Miller 1998). However, little in the way of regional or international human rights legislation or ratification covering Arab or non-Arab migrant workers has been forthcoming.

United Nations conventions

It is generally accepted that the most appropriate international convention that covers the rights of temporary foreign workers, and foreign female domestic employees in particular, is the 1990 United Nations International Convention on the Protection of the Rights of All Migrants, Workers and Members of their Families.⁵ In the World Conference Against Racism in 2001, held in Kathmandu, Nepal, a resolution urged the governments of Nepal, Indonesia, Bangladesh, India and Thailand to immediately ratify this convention. Although passed in 1990, it only came into force at the beginning of 2003, with East Timor as the twentieth signatory. The major dilemma facing the Lebanese government in signing this convention is that the legal status and rights of

⁵ See deBeijl (1997); Doornik (1998); Young (2000).

migrants would be explicitly recognized, a condition which the Lebanese government would not want to grant to the hundreds of thousands of undocumented Syrian workers in the country (see Young 2000). However, this convention is the most comprehensive landmark instrument dealing with human rights conditions of migrant workers, and the only one that clearly does not exclude temporary contract migrants. It also extends some of its provisions to irregular migrants.

Redress Mechanisms and Public Policy

The governments of Sri Lanka and the Philippines have made frequent visits and representations to the receiving countries of their nationals in the Middle East in attempts to alleviate the problems faced by their migrant workers. For example, in 1999, in a clear recognition that abuse and breach of contracts were occurring, leaving runaway women stranded, vulnerable and liable to be captured and returned to their employers or imprisoned, the Sri Lankan Foreign Employment Bureau established “safe houses” in the embassies in Lebanon, the Gulf states and other countries to provide safety and temporary shelter for those who encounter problems with their employers (Nonis 1999).

In March 2000 the Indian Ambassador in Kuwait announced the enforcement of a ban on the employment of Indian domestic workers in Kuwait (issued in June 1999), following reports of abuse, corrupt agents and low wages (*Gulf News* 2 March 2000b). At that time there were around 150 domestic workers housed in the embassy shelter. Similar stories of Sri Lankans fleeing their employers are widespread. For example, in January 2000, 200–250 domestic workers were sheltered in the Sri Lankan embassy’s “safe house”. In 1999 some 750 Sri Lankans were repatriated because of employer harassment, including sexual assault (Ratnatunga 2000).

Almost all of the countries considered in this analysis have policies to reduce their (economic) dependence on foreign labour. ESCWA, for example, has recommended that GCC countries replace Asian workers with those from other countries in the Arab region “in the spirit of regional economic cooperation”. They also suggest that, in replacing foreigners with nationals, they should “consider the option of raising taxes on expatriates rather than imposing quotas to limit their numbers” (ESCWA 2000:20). Bans and quotas on immigration have merely stimulated an illegal trade in false work permits and fraudulent sponsorships (Girgis 2000). However, none of the policies and measures to seriously reduce the number of foreigners in Middle Eastern countries has been successful to date (Oxford Analytica 2001).

Such responses from an economic perspective are normal, but preventive measures against abuse also need to be developed. For example:

1. More cases concerning illegal practices and abuse by Arab nationals should be brought to the courts. In most cases of abuse, withholding of wages, or breach of contract in one form or another, the migrant women are either not prepared to press charges or cannot afford legal representation. There should be funds provided for legal representation, including the accommodations and protection required during the time it takes for a case to reach the courts. These cases should have high media publicity to act as a deterrent when judgements are made in favour of aggrieved migrants.
2. Protective legislation in local labour law should be developed which specifically covers temporary foreign contract workers, and with specific reference to domestic workers.
3. Recruitment agencies should be regulated in a more stringent manner. This would include strict professional training and accreditation in legal and ethical requirements that preclude the kinds of practices referenced above. This should be done in consultation with the sending countries.
4. Contracts should be written and explained in the migrant’s own language and signed in the presence of a representative of his or her own country.

With regard to domestic workers, for example, they should not go directly to the homes of their employers immediately upon arrival; rather, there should be administrative procedures in place by which they are briefed on their rights and obligations through some form of consular orientations or seminars on proper employment codes of conduct and practice, which could be attended together with their employers.

5. Government departments, companies and corporations should establish an explicit policy and set of rules and procedures for their employees with respect to “household help”, in the tradition of corporate “best practices”.⁶
6. In accordance with ILO policy,⁷ private recruitment agencies should not levy any fees or charges, directly or indirectly, to the employee. The fees and charges currently being withheld from the initial salaries of migrant workers places them in a situation of “debt bondage”, which should be eliminated.
7. Finally, if there were avenues for alleviating or minimizing the costs to employers for bringing workers into the country, perhaps some of the measures discussed, such as withholding passports and restricting movement, could be avoided. The ostensible reasons given for these abuses are to prevent the migrant from absconding, and the employer (and agency) from losing their investment. Ordinarily, corporations must bear the risk of employees leaving because of the principle of “free labour”, which originated in the French Revolution. However, in the arrangements between individual members of a household and domestic employees, such principles do not seem to apply in practice. In this regard, it is suggested that the sponsorship rules for temporary foreign workers be relaxed to allow greater freedom for workers to leave their employer for whatever reason and seek employment elsewhere in the local labour market. Interestingly, in his recommendations for greater economic liberalization of the Gulf economies, Girgis has offered the same suggestion, but based on the principle of greater market freedom to “search for the highest rates of return” (2000:17).

While a number of these suggestions deal with formal redress mechanisms to alleviate or eliminate forms of xenophobia and slavery in Middle East countries, it should also be noted that such reforms may affect the labour market in terms of the demand for foreign workers. If this is the case, governments of both receiving and sending countries may not be sufficiently supportive.

Conclusion

Not all migrant workers are treated poorly. Many, possibly most, are treated with respect and dignity, are paid on time, are given time off and return to their home countries, having earned up to three or four times what they could have earned if they had not migrated.

But, clearly, this is not always the case. How can xenophobia in the Arab Middle East be adequately analysed and explained? For unskilled foreign workers in the Gulf states, it may simply be an issue of economics and nationalism, a desire to reduce the dependency on foreign labour, which results in the repatriation of billions of dollars annually in remittances to the labour-sending countries. However, when considering foreign female domestic employees, other factors come into play. First, with regard to their role within the household, the position itself is inherently and traditionally a servile one. We can surmise that layers of repression and oppression take their toll on the lower orders in the status hierarchy. Repressive governments and religious regulations result in frustrations seeking release onto those who are most vulnerable. In addition, the culpability of female employers in the abuse of domestic maids can ostensibly be linked to their assumed second-class status in Arab families, among other possible explanations.

⁶ See Jureidini (2001) regarding the model policy of the American University of Beirut.

⁷ Convention 181 on Private Employment Agencies 1997, article 7:1.

Whether one considers the phenomenon of the rise of domestic servants as one of “repoliticizing the private sphere” or of “refeudalization of modern exploitation and violence”, as some debates in the European context suggest (see Lutz 2001), in the Middle East one wonders whether it is merely a remnant or a continuity of a feudal orientation.

It is not possible to explore all of the possible explanations of the ways in which racism and xenophobia manifest themselves in the Arab Middle East. It would be superficial to suggest only religion, or an inherent cultural brutality, for the same phenomena may be found in many other countries, whether against Indonesians in Malaysia, Filipinas in Taiwan, Thais and Romanians in Israel, Mexicans and Puerto Ricans in North America, Sri Lankans in Lebanon, North Africans in France or Pakistanis in England. Rather, it might be more constructive to focus on the aspect of vulnerability of domestic workers in these countries and seek to find mechanisms to reduce that vulnerability.

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