



FROM ABUSE TO EMPOWERMENT: IMPROVING MIGRANT CONSTRUCTION LABOR PRACTICES IN THE PERSIAN GULF

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Client Information:

The International Trade Administration (ITA) is a sub-agency under the Department of Commerce. The mission of the agency is to *“Create prosperity by strengthening the international competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements.”*

Purpose:

The purpose of this report is to serve as a reference document for the International Trade Administration and other professionals seeking to gain information on doing business in the Persian Gulf region. I hope to provide stakeholders a level of situational awareness about the policy issue at hand and a framework for thinking about similar problems in the future.

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Disclaimer:

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy, University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgements and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, University of Virginia, or by the International Trade Administration.

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Honor Policy:

On my Honor as a student, I have neither given nor received unauthorized aid on this assignment.



Key Definitions

The terms ‘migrant worker’ and ‘migrant labor’ are used throughout this report in accordance with international standards, in particular, Article 2 of the International Convention on the Protection of all Migrant Workers and Members of their Families (1990), which defines a ‘migrant worker’ as a “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”. It is important to note that many governments in Arab States prefer to use the term ‘temporary foreign contract laborers’ or ‘temporary expatriate workers’ (Wells, 2018).

Acronyms

ITA	International Trade Administration
DOC	Department of Commerce
USTR	Office of the United States Trade Representative
GAO	Government Accountability Office
GCC	Gulf Cooperation Council
UAE	United Arab Emirates
BHRRC	Business and Human Rights Resource Center
ILO	International Labor Organization
BSR	Business for Social Responsibility
CSR	Corporate Social Responsibility

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Executive Summary

Human rights activists and labor organizations have recorded numerous allegations of migrant construction worker abuse against companies operating in the Persian Gulf states of the UAE and Qatar. The US government lacks a coherent national policy for ensuring its companies doing business in the region are not complicit in labor rights abuse. This is concerning as US companies seek to capitalize on the growing value of the Gulf hospitality market, but also strive for good reputations in the international press regarding human rights and migrant labor.

Foreign migrants comprise an overwhelming majority of the residential population in the UAE and Qatar, numbering about 10 million (United Nations, 2014). However, this community largely remains marginalized in politics and society. While the oil-fueled economic growth in the region has led to a boom in the construction sector over the past several decades, migrant construction workers have been disproportionately excluded from this prosperity. In particular, the *kafala* work sponsorship system has been a significant driver of labor abuse against migrants.

The literature on global foreign labor issues broadly suggests that such abuse is deeply rooted within systems and supply chains. Thus, policymakers must not underestimate the sociopolitical factors undergirding this issue.

I present five policy options for ITA to consider in helping mitigate migrant construction worker abuse in the UAE and Qatar.

1. Let Present Trends Continue
2. Pursue Direct Government Advocacy to Reform UAE and Qatari Protections
3. Administer Human Rights Training Programs for US Companies
4. Offer US Companies a CSR Recognition Award
5. Organize and Facilitate Collaborative Dialogue Fora

Next, I evaluate each policy option across five criteria: (1) cost, (2) effectiveness, (3) political viability, (4) administrative operability, and (5) reputational impacts on US companies and ITA employees abroad. This analysis finds that policy option 5: Organize and Facilitate Collaborative Dialogue Fora, performs best across all criteria and achieves the key policy goals of (1) mitigating migrant construction labor abuse and (2) improving US companies' reputations regarding human rights. While this option has a medium-high cost, it scores well on the effectiveness and reputational impacts criteria. Additionally, this analysis recommends pursuing this policy option because it enables ITA to leverage its authority as a USG entity, convene stakeholders across the supply chain, and help align interests regarding labor rights issues.

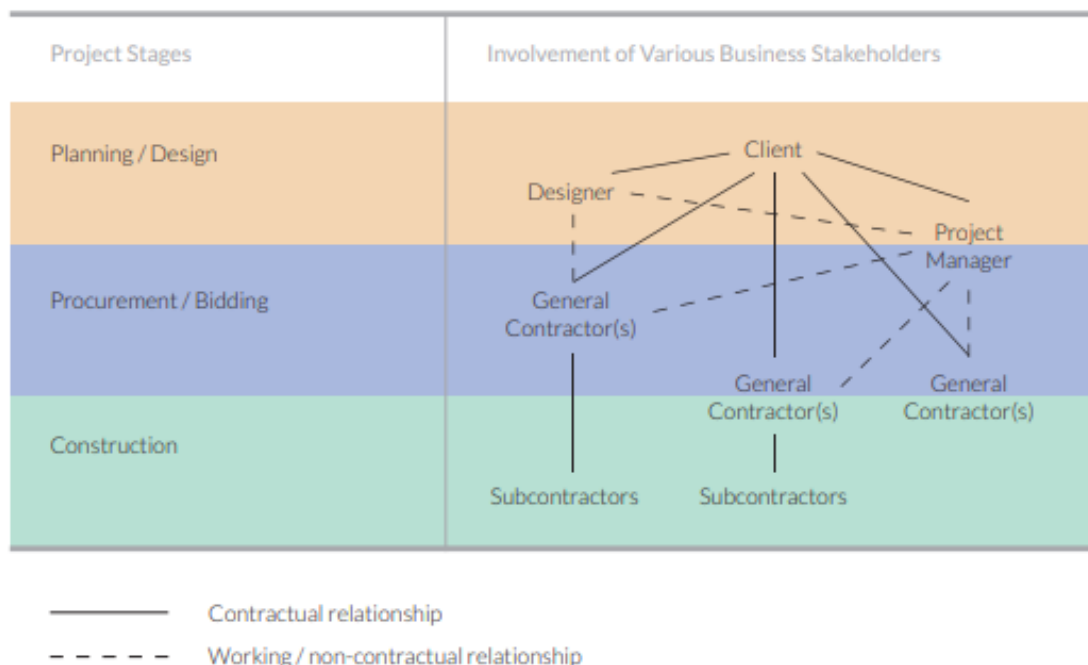
ITA should begin implementation by forming an exploratory committee with representatives from the State Department and the UAE and Qatari-based American Chambers of Commerce. In partnership with these organizations, ITA can start developing an attendee list and agenda for the dialogue fora. While the COVID-19 pandemic presents immediate difficulties in implementation, this policy option will still carry value in future years as the Gulf hospitality market continues to create more demand for construction labor.

Problem Definition

The Business and Human Rights Resource Centre recorded numerous public allegations of labor abuse against construction companies in the UAE and Qatar, directly impacting more than 12,000 workers during 2017 and 2018. Most allegations (76%) concern restricting freedom of movement by withholding passports or failing to renew workers' visas. Other key issues are late or non-payment of workers' wages (71%), and hazardous living conditions (41%) (BHRRC, 2018). Migrant construction workers in the region have historically suffered under an exploitative system of labor laws and practices.

When US companies build facilities in this region, they must form joint ventures with local construction companies. These local partners may carry poor human rights records. The US currently does not have a coherent national policy for ensuring its companies are not complicit in labor rights abuse. Additionally, ITA officials stationed overseas must balance good relations with their host foreign governments. This presents a significant challenge in designing policies that help US companies (1) maintain competitiveness and (2) remain compliant with local laws. Achieving these goals is further complicated by the recent increase in outsourcing and subcontracting within the construction industry, which reduces transparency and dilutes the sense of responsibility companies and governments have for migrant workers (Andrieu, UCLA, & Lee, 2016). Figure 1 highlights this complexity within the system.

Figure 1: Corporate Involvement in Construction Projects



SOURCE: (SEGALL & LABOWITZ, 2017)

This suggests that US companies can easily become detached from where abuse may occur. The common practice of using transnational business structures in the Persian Gulf helps enable this environment. One example is the employment of subcontractors to execute certain tasks, such as the hiring of construction labor. Subcontractors can even outsource this task to another company, like a labor recruitment agency. While this helps minimize legal and operational responsibilities, it increases the risk of labor rights abuse as contractors and US companies at the top lack a full overview of their supply chain. Figure 2 highlights this disconnect visually.

Figure 2: Construction Labor Supply Chain



SOURCE: (BRYK & MÜLLER-HOFF, 2018)

Zaha Hadid, architect of the FIFA 2022 World Cup Stadiums in Doha, further sums up this policy problem. When asked about the prospect of migrant worker deaths, she stated, “I have nothing to do with the workers. I think that’s an issue the government – if there’s a problem – should pick up. She continued, “It’s not my duty as an architect to look at it. I cannot do anything about it because I have no power to do anything about it (Quirk, 2014).”

Such behavior exemplifies the incentives mismatch and market failure present in the supply chain. Thus, various stakeholders – governments, foreign companies, local construction companies, and labor recruiters – do not take accountability for their role in perpetuating a systematically unjust system for migrant workers. This system as is enables transnational companies access to labor at low costs, meaning they can potentially benefit from and be complicit in abuse (Bryk & Müller-Hoff, 2018).

Creating policy to ensure US companies avoid complicity is of strategic importance to ITA because the UAE and Qatar are expecting an additional 25 million tourists, as well as increased construction growth with the 2020 Dubai World Expo and the 2022 FIFA World Cup. According to the DOC, over 750 US companies have expanded offices, acquired new business licenses, or established joint ventures with local partners in the region (Anthony, 2017). With these large international events, the GCC hospitality market is expected to reach US \$32.5 billion by 2022

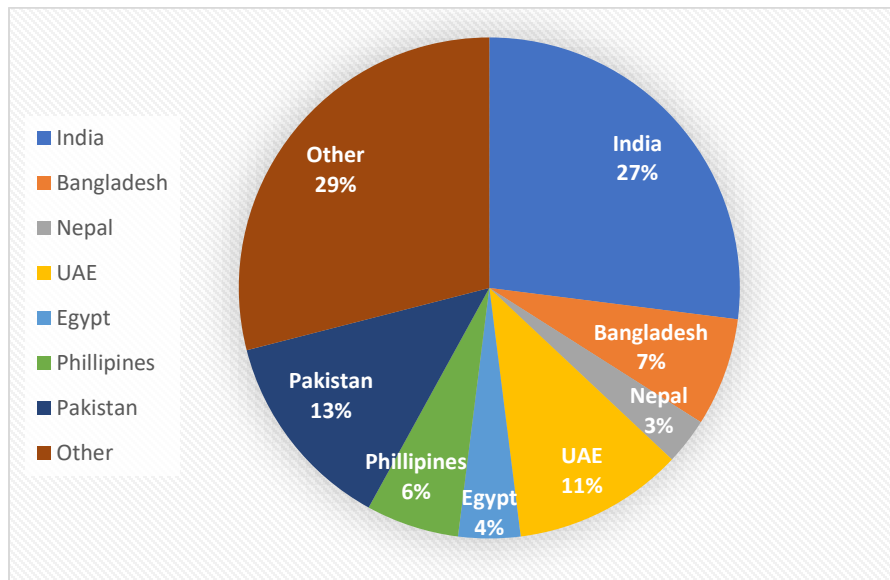
(Alpen Capital, 2018). Such growth presents a significant market opportunity for US companies. For ITA and its clients, addressing migrant worker and human rights concerns is necessary because activists and labor organizations have increased the visibility of these policy issues. This has put the reputation of US entities at serious risk.

One example is New York University's Abu Dhabi campus construction. In 2010, NYU began constructing its \$1 billion satellite campus (BHRRC, 2018). Journalists and human rights groups later uncovered evidence of severe mistreatment of workers. It was estimated that 25,000 workers were forced to pay illegal recruitment fees as high as \$3,000 and were never reimbursed (Nardello & Co., 2015). The investigations galvanized NYU faculty and students to release a report claiming that the NYU Abu Dhabi campus failed to mitigate forced labor risks. With more preparation, or consultation with ITA, NYU could have avoided complicity in committing such abuses against migrant workers, in addition to the reputational crisis that followed.

Background: Demography, Economics, and Society

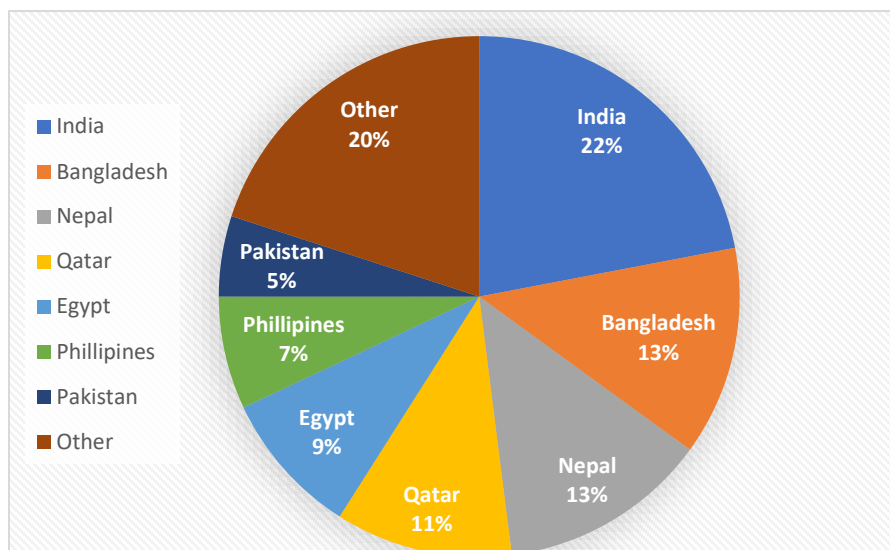
Understanding the demographic features of the UAE and Qatar is crucial in developing policy that addresses migrant construction worker abuse. The UAE and Qatar host the largest proportions of foreign migrants among Persian Gulf states. While exact demographic estimates vary, foreign migrants are certain to comprise between 80 to 90 percent of the two states' populations. Figures 3 and 4 display the diverse demographic makeups of these two states.

Figure 3: Nationalities in the UAE



SOURCE: (GLOBAL MEDIA INSIGHT, 2020)

Figure 4: Nationalities in Qatar

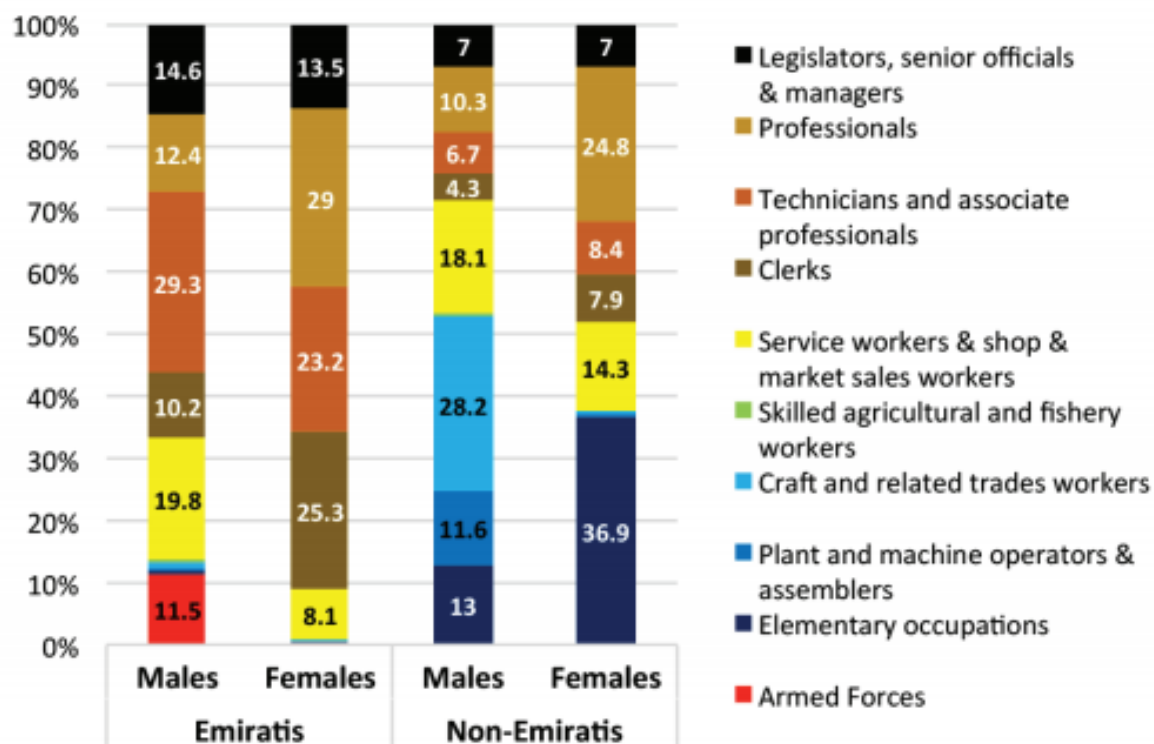


SOURCE: (SNOJ, 2019)

Migration to the Gulf can be an appealing option, especially for the working age men of developing Asian states, as the UAE and Qatar offer relatively higher wages. Thus, migrant workers hope to earn money to support family members or buy land (Segall & Labowitz, 2017).

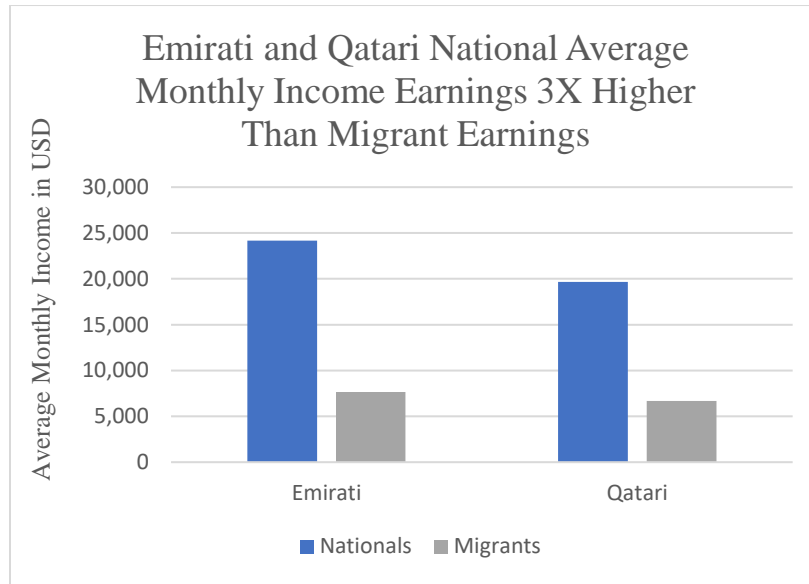
Migrants primarily work in low-skilled, private sector occupations. In Dubai, the most populous emirate of the UAE, foreign migrant workers comprise up to 96 percent of the private sector workforce. Furthermore, close to 70 percent of all foreign migrant workers in Dubai are employed in low-skilled, low-income jobs (Fargues, Shah, & Brouwer, 2019). Across the UAE, 1.7 million workers, or 34% of the total workforce, are employed in the construction sector, making it the largest of the economy (BHRRC, 2019). Similarly, in Qatar, over 600,000 workers from India, Nepal, and Bangladesh, or roughly 22% of the population, work on construction projects, mainly related to the 2022 World Cup (Migrant-Rights.org, 2017). But despite these large populations, migrant communities have been left behind by the region's past oil fueled economic growth, as wealth remains concentrated with Emirati and Qatari nationals. Figure 4 highlights these disparities in the UAE – migrants dominate low-skilled work. More broadly, Figure 5 on the following page showcases these implications on economic inequality.

Figure 4: UAE Workforce Demographics



SOURCE: (BEL-AIR, 2018)

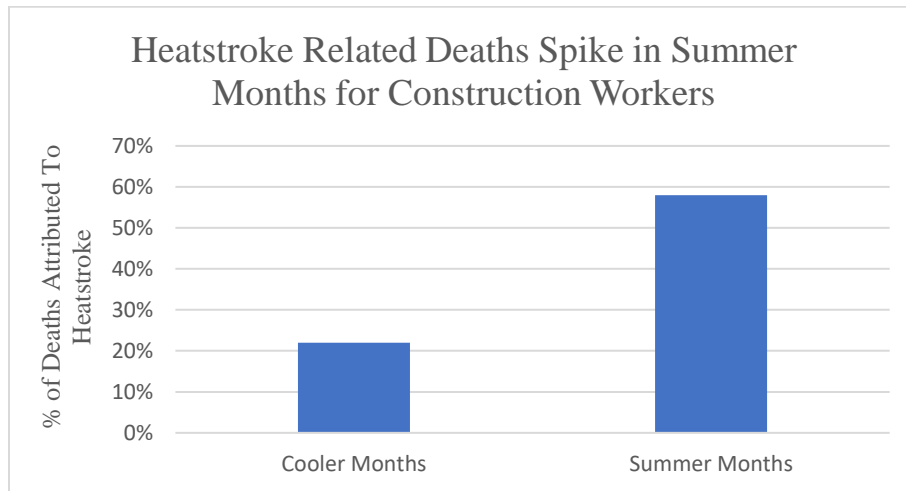
Figure 5: Wealth Inequality across the UAE and Qatar



SOURCE: (DUBAI STATISTICS CENTER, 2016; QATARI MINISTRY OF PLANNING AND STATISTICS, 2014)

Low skilled work, especially in construction, poses significant risks for migrants. Figure 6 displays findings from data exploring the deaths of 1,300 Nepali construction workers in Qatar between 2009 and 2017 (Kelly, McIntyre, & Pattison, 2019).

Figure 6: Key Risk Factor for Construction Workers in the GCC



SOURCE: (KELLY, MCINTYRE, & PATTISON, 2019)

Human rights investigations on striking examples of construction labor abuse like these largely began in the region around the early 2000s, but increased after 2010, especially in Qatar, when it won the bid to host the 2022 World Cup. In 2014, the Qatari government confirmed that 964 workers from Nepal, India and Bangladesh had died from working on World Cup infrastructure in 2012 and 2013 (Gibson & Pattison, 2014). According to data from the Indian government, 5,185 Indian nationals died between 2012–2017 in the UAE alone (Kelly & McIntyre, 2019). It

is especially striking to juxtapose these findings with data from the Gulf Construction Tracker, which shows UAE and Qatar awarding an estimated \$325 billion-dollars' worth of construction projects from 2017 – 2020. In 2020 alone, the UAE and Qatar have each awarded 34 and 25 contracts, respectively.

This continued growth, despite the costs to human life, displays the clear winners and losers within the Emirati and Qatari construction industries. Furthermore, such industry practices contribute to vicious cycles of intergenerational poverty, and even racism. For example, migrant workers are restricted from obtaining citizenship, and forbidden from living in certain areas. Labor camps like Doha's 'Industrial Area' and Dubai's 'Sonapor' are located on the peripheries of cities, keeping migrants spatially and socially insulated from society (Hamza, 2015). Regarding marriage, restrictions further highlight the social divides between migrants and nationals. While Qatari men can pass citizenship onto their spouses and children, a male migrant construction worker marrying a Qatari woman could only expect to see his offspring become citizens under strict conditions. When asked if he could consider marrying a local Emirati girl, one Indian worker in Abu Dhabi said, "If I looked at a girl for five minutes and she complained, the police would take me (Vollmann, 2017)." Such systemic disparities have proven to threaten social stability, as seen last year when migrant workers staged violent protests in Doha about overdue wages (Al-Sherbini, 2019). This creates more uncertainty for US companies because dissatisfied workers threatening to strike inevitably disrupt labor supply chains.

Background: Kafala and Industry Drivers of Abuse

The UAE and Qatar use the *kafala* (work-sponsorship) system to manage migrant labor inflows. This system was established in the 1950's as a way for GCC states to quickly access temporary labor that could be brought into the economy during periods of growth and easily expelled during periods of decline. Under *kafala*, a migrant worker's immigration status is legally bound to their employer, or *kafeel* ("sponsor" in Arabic). This arrangement precludes migrant workers from entering the state, changing jobs, or returning home for any reason without first obtaining explicit written permission from their *kafeel*. Thus, the system enables an employer to exert immense control over migrant worker lives, such as by confiscating passports and travel documents. This sets migrant workers up to be completely dependent upon their employer for their livelihood and residency (Migrant Forum in Asia, 2015). Under *kafala*, workers have had to face fines, prison, or deportation for trying to leave their jobs (Jacobs, 2018). Consequently, the system has been called a "maze of exploitation by Amnesty International for the extortion-like environment it creates for migrants (Amnesty International, 2018). Essentially, *kafala* absolves the UAE and Qatari governments from exercising their roles in regulating employment and ensuring the protection of workers (Amnesty International, 2019). Through the process of subjugating migrants, *kafala* incentivizes employers to treat workers as expendable. This dynamic contributes to increased subcontracting practices and the lengthening of complex labor supply chains. As such, *kafala* facilitates many of the problems facing migrant workers, such as the payments of illegal recruitment fees, and difficult access to legal recourse (Amnesty International, 2019)

In addition to *kafala*, inherent aspects of the construction industry also increase the risk of migrant worker abuse. Within high growth potential markets like the UAE and Qatar, companies face immense pressure to cut costs and deliver bids as low as possible. With many competitors, clients can create a 'race-to-the-bottom' in the industry by playing bidders off one another. In a Deloitte survey, 21% of construction industry executives said they would submit a bid with profit margins at lower-than commercial value to secure work in the GCC (Segall & Labowitz, 2017). Companies with stronger labor rights commitments thus fear being priced out of the market, as their competitors are not subject to the same standards and costs as they are (BHRRC, 2018). While the costs of construction materials are relatively fixed by market values at a given time, labor is considered a more flexible aspect of cost estimates. This prompts construction firms to minimize their expenses in other ways, like relying on subcontractors to recruit vulnerable migrant workforces far down the supply chain (Segall & Labowitz, 2017).

The short-term nature of construction projects also enables migrant worker abuse. As companies must deliver projects in an allotted timeframe, it leaves them little incentive to invest in workers' rights and implement additional safeguards (BHRRC, 2017). Companies have no guarantee of new work if they fail to win bids. As such, contractors prefer to rely on short-term subcontracting and outsourcing labor to maintain a flexible workforce that can expand and shrink to demand. Subcontractors in turn may outsource further for the same reasons. Deepening levels of subcontracting, and the resulting complex supply chains, can contribute to months long delays in workers' wages, especially due to "pay-when-paid" clauses. In contracts, these clauses enable contractors to delay payments for their subcontractors until they have received payment from the client. In turn, subcontractors do not make payments until they receive payment from the

company one tier above them. At the bottom of the supply chain, workers are often the last to be paid, and are especially vulnerable in cases of disputes or bankruptcy among higher tier contractors (BHRRC, 2017). This raises the risk for contract substitution, another risk factor for migrants, which can occur when workers are far removed from the principal client. Contract substitution is the practice where migrants sign one contract in their home country but are subject to a different one when they arrive for work. In some cases, their ‘substituted’ job pays less than half the salary that was promised to them during recruitment. After a migrant worker may have already accrued debts to arrive in the UAE or Qatar, they might have no choice but to continue with the new contract (Bryk & Müller-Hoff, 2018).

However, many of these abuses and risks identified in the industry, such as recruitment fees and contract substitutions explicitly, are illegal in the UAE, Qatar, and the states of origin for migrant workers. Nonetheless, companies violate such laws, suggesting that there is significant scope for the private sector to improve in addressing migrant worker abuse (Bryk & Müller-Hoff, 2018). The endemic lack of transparency in the UAE and Qatari construction industries is not promising. From two separate surveys of local construction companies in 2016 and 2018, the BHRRC found that an overwhelming majority operate with continued disregard for workers’ welfare. The data from both years of the survey showed that over 60% of companies did not have a public commitment to human rights (BHRRC, 2018).

Despite such problems, the advocacy efforts of international media outlets and human rights groups have resulted in positive reforms to the *kafala* system and increased protections for migrants over the past decade. Stakeholders like the ILO, BHRRC, and Amnesty International have shown that collaboration with UAE and Qatari ministries is possible. Figures 7 and 8 highlight recent key improvements made in the region.

Figure 7: Recent Reforms in the UAE

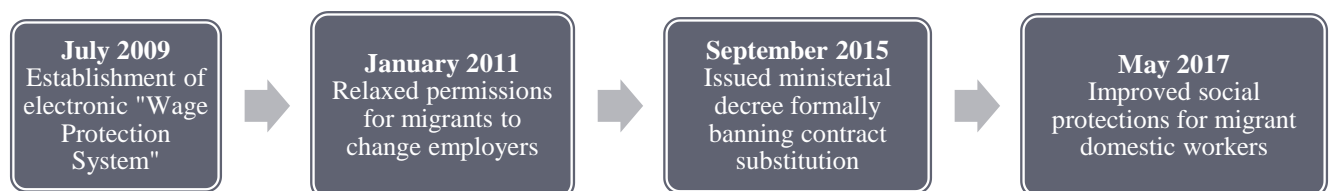
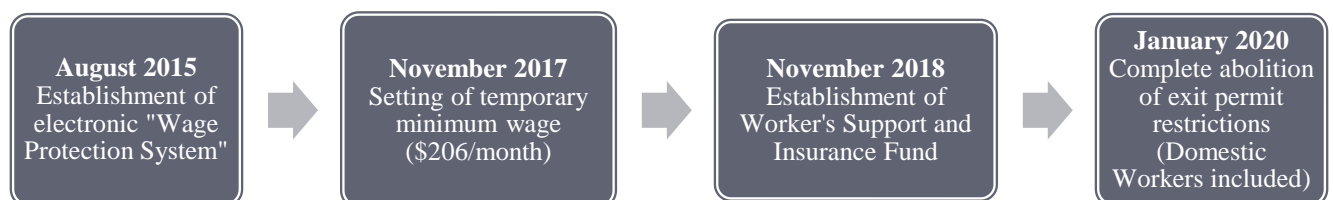


Figure 8: Recent Reforms in Qatar



But despite this recent progress, prevailing issues remain in the industry, especially regarding implementation and enforcement of reforms. Therefore, ITA must be cognizant of the systemic and institutional sociopolitical levers associated with migrant construction worker abuse in the UAE and Qatar. A more nuanced perspective, grounded in relevant academic literature, will enable ITA to implement more effective policy.

Literature Review:

Sociopolitical Factors and Abuse

A literature review on foreign labor issues from different world regions, including Asia, Europe, and other GCC states, reveals deeper insights for ITA to consider in developing policy that addresses migrant construction worker abuse. Firstly, migrant labor abuse is linked to wider sociopolitical phenomena, like institutionalized nationalism and codified xenophobia towards migrants, who largely arrive from the Global South. While economic factors like labor demand undoubtedly fuel migration, relevant academic research in this field suggests that nationalism and xenophobia in host states perpetuates an institutionally unjust system. Other GCC states, which similarly use *kafala* in some form and host large migrant worker populations, also restrict or disincentivize migrants from obtaining citizenship and marrying into the local population. In a meeting with Gulf Labor ministers, one Bahraini representative warned that foreign workers threaten the “culture” of future generations. Such xenophobic “culture-war” rhetoric coming from government officials systematically other migrants and lead to institutional restrictions. For example, responding to such domestic sentiments, the Saudi Arabian government demanded that correspondence from foreign companies be in Arabic (Kapiszewski, 2007). Nationalistic programs to ‘Arabize’ economies like the *Nitaqat* system in Saudi Arabia also systematically ostracize migrant workers. The *Nitaqat* categorizes companies according to the percentage of Saudi citizens they are required to employ. Companies with fewer Saudi employees face closure (Aning, 2011).

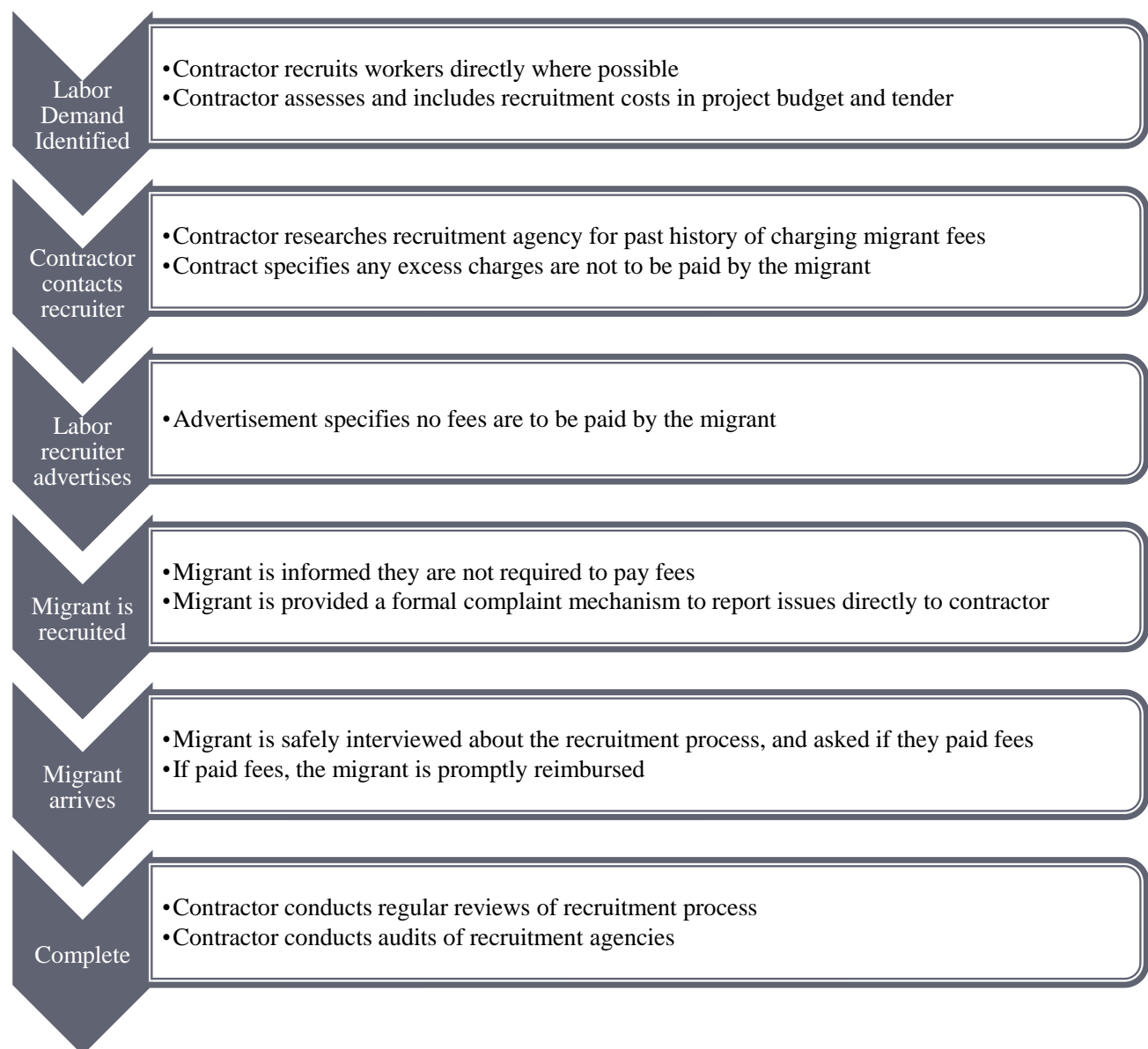
Such policies facilitate a sociopolitical culture that stigmatizes migrant workers. Stigmatization of migrant workers has also presented challenges for workers in Russia, who mostly arrive from Central Asia. Xenophobia and racism against these minorities in Russian society is manifested in violent hate crimes (Human Rights Watch, 2009). While Russia’s labor system marginalizes Central Asian migrants, xenophobic sentiments further reinforce the groundwork for policy that denies them state support (Nikiforova & Brednikova, 2018). These findings are consistent with the effects of *kafala* in the GCC. The sociopolitical factors associated with labor abuse as explored in the literature suggest that mobilizing migrant workers ‘bottom-up’ against xenophobic policy can combat abuse. However, such interventions may be infeasible for ITA to implement, as foreign labor already comprises an overwhelming majority of the residential population in the UAE and Qatar. Deeper research on the unfavorable power dynamics against migrant workers reveals more insights to help ITA craft policy.

Bargaining and Power Dynamics

The exclusion of migrants in society through nationalistic and xenophobic policies ultimately reflects a power dynamic favoring local companies. As such, migrants and their home states have historically lacked bargaining power and leverage as a direct function of these systemic factors. Other *kafala*-using GCC states similarly grant companies overwhelming power over migrant workers, often controlling worker housing (Johnston, 2017). In Malaysia, political elites and local companies work together to consolidate their relative power by restricting migrant

organizations from contesting policy in international forums (Bal & Gerard, 2018). This power dynamic also plays out on an international scale, as host states like the UAE and Qatar leverage their positions against labor sending states (Tsourapas, 2018). For example, Sri Lanka, a labor supplier to the UAE and Qatar, often accommodates those governments' demands for fear of losing employment opportunities for its citizens. Poorer sending states like Sri Lanka thus fail to exert effective diplomatic pressure to advance migrant worker rights (Gamburd, 2009). Key to improving the balance in the migrant worker power dynamic is focusing on the labor recruitment process – the first opportunity for exploitation – and ensure migrants aren't charged fees to finance their arrival for work. Figure 9 displays the critical points of the recruitment process where migrant workers are most vulnerable, and interventions are necessary.

Figure 9: How to Prevent Recruitment Fees and Empower Migrants



SOURCE: (ILO, 2019)

But no matter how effectively companies might conduct due diligence in this area, migrant workers remain banned from joining trade unions in both the UAE and Qatar, depriving them of important platforms to issue complaints and resolve disputes. Effective policies to help address these imbalanced power dynamics have traditionally sought to improve freedom of mobility for workers. For example, in the UAE's 2011 visa reform allowing migrants to switch jobs more easily, workers saw an associated 10 percentage point increase in their earnings (Naidu & Wang, 2014). This also gives migrants more bargaining power, which is strongly associated with improved perceptions of welfare (Johnston, 2017). However, no policy will improve migrant worker outcomes without clear enforcement, highlighting the role of accountability and implementation in policy.

Enforcement and Implementation Mechanisms

Problems with enforcement and implementation capacity within the construction industry labor supply chain also drive abuse. Historically, regulations meant to protect vulnerable workers have been ineffective due to a lack of enforcement and transparency. This is both due to a lack of policy/intention and a lack of resources/staff. Host states like the UAE and Qatar have lacked implementation resources, and the will to use them. As an example, in Sri Lankan UAE consulates, staff were not able to enforce labor protections for workers because the UAE government had jurisdiction. However, the UAE would not employ enough staff to monitor working conditions (Gamburd, 2009). Situations like these have risen because governments have abdicated power to companies through *kafala*, and so contractors see little incentive for additional monitoring or oversight regarding labor issues (Johnston, 2017). In Russia, unaccountability and irregular enforcement practices would also contribute to abuse. The main governing body responsible for oversight of labor law only conducts investigations of workers' complaints when a written contract is available. In practice, oversight is limited as many migrant working relationships are informal or based on oral agreements (Human Rights Watch, 2009).

This suggests that host governments are likely to under-report complaints and downplay abuse. For example, Qatari authorities have attributed most deaths of construction laborers working in high heat to cardiovascular causes or "natural death". However, cardiology experts conclude that such deaths are caused by heatstroke and could've been prevented (Kelly, McIntyre, & Pattison, 2019). This suggests that instances of abuse are likely systematically higher than recorded. Other factors, like language barriers, prevent workers from the opportunity to make complaints in the first place. In Qatar for example, information to access labor courts was only available in English or Arabic (Amnesty International, 2019). Migrant workers thus face an added difficulty of dealing with a lack of transparency and will on the part of host states to mitigate abuse. Thus, effective solutions must address building enforcement and implementation capacity for government stakeholders. Additionally, the private sector can play a role by including costs for labor rights monitoring mechanisms in their tenders. Such practices would add another layer of protections for workers. Nonetheless, the examples of failed enforcement and implementation practices suggest that laws are only as strong as their execution. This necessitates active involvement by principal clients, as well as USG entities.

Policy Options: Client Scope



The insights from the problem background and literature on migrant labor issues worldwide highlight the need for ITA to address abuse systemically. Policymakers must not underestimate the sociopolitical factors associated with this policy issue, the power dynamics driving it, and the importance of building implementation and enforcement capacity in addressing it. A range of approaches to address abuse follow from this research, from more bottom-up interventions focused on empowering workers, to more top-down initiatives that prioritize the roles of companies and governments in ensuring protections.

Despite general improvements made to *kafala*, it is unclear how such changes will sustainably impact migrant worker outcomes. Business culture and operational practices cannot change overnight. More broadly, neither can societies. Therefore, there is room for policy to make a positive impact. It is important to note that ITA's work in this area has been limited. It has largely been comprised of training overseas officers on human rights related issues, especially regarding Corporate Social Responsibility (CSR), anti-corruption, and anti-bribery (Foreign Corrupt Practices Act). See Appendix A for more information on this legislation.

As a USG foreign policy entity, ITA's primary role is to engage with the US private sector. However, ITA faces the challenge of also maintaining strong relations with the UAE and Qatari governments, which are key players in the economy. In the UAE, 66 percent of construction contracts since 2018 have been awarded to government-linked clients (BHRRC, 2019). Thus, where there are close business-government linkages, policy interventions can have large implications, such as disrupting other bilateral diplomatic relations or compromising ITA's position as a neutral USG authority. Effective policy options for ITA will thus involve managing its relationships with other USG interagency partners like the State Department, Department of Labor, and the United States Trade Representative. The State Department will play a crucial role, as migrant labor abuse falls under human rights, a key policy issue in the agency. ITA's limited scope of intervention on this issue has thus far resulted from a desire to avoid directly pressuring the UAE and Qatari governments. Therefore, ITA can implement policy for the US private sector which (1) incentivizes taking more responsibility for labor issues and (2) functions as positive marketing plans for them.

Policy Options: Overview

ITA can implement a variety of policy options to mitigate migrant labor abuse in the Emirati and Qatari construction industry. Each option aims to reduce construction labor abuse incidents and the likelihood of allegations against any US company, partner, or affiliated sub-contractor down to the worker level. Through different incentives-based approaches, ITA can influence stakeholders to engage in better regulatory and protective practices. This analysis only considers ‘positive’ incentives-based approaches as ITA does not have authority in this context to penalize stakeholders. Additionally, penalties or disincentives would likely be ineffective because accused entities would find it easy to shift blame elsewhere throughout the complex supply chain. All options aim to reframe fundamentally human rights considerations into issues that affect the bottom line for US companies – a direct concern for ITA.

These options enable ITA to play a more active role advising and empowering US companies to advance migrant worker rights. This recognizes the limited scope of ITA in the human rights space. As such, all efforts must be targeted through anti-corruption or CSR frameworks, and avoid overt human rights rhetoric to keep in line with ITA’s operational capacity. This will help ensure discussions center around business returns with all relevant stakeholders: Emirati and Qatari officials, local contractors, labor-recruiters, and US companies.

Currently, these stakeholders lack incentives to fully ensure that workers are protected, causing a market failure. Each policy option addresses this failure through interacting at a specific intervention point within the construction labor network.

I present five policy options for ITA to consider:

1. Let Present Trends Continue
2. Pursue Direct Government Advocacy to Strengthen UAE and Qatari Protections
3. Administer Human Rights Training Programs for US Companies
4. Offer US Companies a CSR Recognition Award
5. Organize and Facilitate Collaborative Dialogue Fora

As USG led interventions in this area are limited, ITA will take the lead in pursuing a coherent national policy for future USG efforts that build on the disparate research of potential interventions and guidelines.

Option 1: Let Present Trends Continue

This policy option recognizes the recent successful efforts of advocacy organizations pushing for positive reform. By letting present trends continue, ITA will not crowd out these advancements and will help already engaged actors continue coordinating efforts and force more accountability on the UAE and Qatari governments. Currently, the trend in the region is favorable to migrant construction worker issues. As discussed in the background, the UAE passed a reform in 2011 that relaxed restrictions on visas and contract renewals to improve worker mobility. This let workers more easily switch employers and was linked to an increase in migrant worker earnings of 10 percentage points (Naidu & Wang, 2014). The UAE has also continued to expand a more

efficient electronic wage payment system (WPS) to most of its migrant workers (Wells, 2018). In 2017, the UAE also expanded labor protections for migrant domestic workers (HRW, 2019). Recent reforms in Qatar have been promising too. Over 50,000 companies in the country have begun to use their version of WPS, leading to a 30 percent decline in complaints over non-payment of wages from 2015 to 2016 (Migrant-Rights.org, 2017). Since 2017, Qatar passed several laws advancing migrant worker interests like setting a temporary minimum wage, creating worker dispute resolution committees, and establishing a worker's insurance fund (Amnesty International, 2019). Additionally, Qatar entered into a three-year program of technical cooperation with the International Labor Organization, leading the International Trade Union Confederation (ITUC) to request their formal complaints against Qatar be withdrawn (BHRRC, 2017). Early this year, Qatar officially eliminated exit permit restrictions for all migrant workers, giving all the freedom to leave the country. By letting present trends continue, ITA allows for experienced advocates like human rights activists and ILO officials to continue their successful work. However, experts remain concerned about the continued enforcement of these positive reforms, highlighting issues like some companies circumventing the protections of the WPS to continue delaying wages (Farooqui, 2018).

Option 2: Pursue Direct Government Advocacy to Strengthen UAE and Qatari Protections

This policy option employs a heavy-handed approach to improving migrant worker rights. ITA can leverage its position as a USG entity to directly advocate for labor law reforms in the UAE and Qatar. This can energize rights advocates and push governments to hold more accountability. ITA already engages with government officials of Emirati and Qatari Ministries of Economy, Commerce, and Labor. In direct talks, ITA can advocate for more stringent regulatory practices. As both the UAE and Qatar are designated non-GRP (Good Regulatory Practice) countries, ITA negotiators may use an anti-corruption framework in their negotiations and frame continued abuse as a feature of a corrupt labor system. Thus, ITA can help the UAE and Qatar design more rigorous labor enforcement mechanisms. For more long-term advancements in migrant worker rights, ITA can advocate for governments to allow workers to unionize. With unions illegal in both countries, migrant workers are denied the right to collectively organize and bargain. By advocating such concerns directly to UAE and Qatari ministries, ITA can uplift the voices of migrant workers and shift power and sentiment in their favor. Ensuring migrant workers are treated better through more rigorous law enforcement and allowing unions could achieve this. Thus, ITA can simultaneously pursue anti-corruption advocacy efforts and offer host states a marketing/PR opportunity. By directly advocating UAE and Qatar to go further in their labor law reforms, ITA pushes more accountability on state actors to improve worker rights.

Option 3: Administer Human Rights Training Programs for US Companies

This policy option emphasizes the role of US companies and leverages the power of information in incentivizing companies to ensure migrant construction laborers are protected. As discussed in the Client Scope section, ITA's experience in this area is in conducting training programs for overseas officers within specific areas of human rights like CSR, anti-corruption, and anti-bribery. In the future, ITA can mandate and expand the informational content of these trainings and include representatives from US companies. Company representatives will gain information

on the rights of workers and general best practices operating in the region. One component of these trainings may be to provide representatives an informative ratings list on local companies, contractors, and recruiters previously involved in labor rights abuse allegations. This policy alternative leverages the role of information and empowers companies to implement this knowledge on the human rights and cultural landscape of the region. US companies may begin to use this information to inform their expectations while negotiating contracts and submitting tenders. This policy option thus decreases the costs for US companies to protect migrant workers through providing information and tools in these mandated comprehensive training programs.

Option 4: Offer US Companies a CSR Recognition Award

This policy option also emphasizes the role of US companies advancing migrant worker rights but uses tools of commitment and engagement to ensure protections. It employs a light-handed approach through the CSR framework to encourage companies to adopt public human rights commitments. ITA can survey US companies and incentivize good behavior by offering CSR awards for companies with robust commitment plans and good regulatory practices. One organization active in this space, BHRRC, regularly publishes its survey results of companies on human rights issues for the public, thus promoting transparency (Bhaker & Hindawi, 2018). ITA can build off such efforts through the CSR award. Companies earning the award would have strong public commitments and show clear plans of how they pursue their tendering processes. These commitments will ensure companies are following safe and ethical recruiting standards. Companies earning the award would also join international business responsibility initiatives in the CSR space like *Building Responsibility and Migration Linkages* (BSR, 2019). Companies may also use the award as a marketing opportunity to build up their positive reputation. This option places less accountability on the Emirati and Qatari governments and instead incentivizes US companies to play a more active role.

Option 5: Organize and Facilitate Collaborative Dialogue Fora

This policy option best highlights the system of stakeholders contributing to abuse and uses collaborative efforts among different entities to advance migrant worker rights. ITA can leverage its convening authority as a USG entity and get different stakeholders to organize productive dialogue fora on migrant worker rights together. ITA can convene representatives from the State Department, UAE and Qatari Chambers of Commerce, and human rights organizations to share concerns and insights with one another. The goal of these fora will be to serve as a platform for various stakeholders in sharing concerns, advice, and best operational practices. This option recognizes the current limited forum for collaboration on worker's rights, which impedes sustainable progress (Andrieu, UCLA, & Lee, 2016). Thus, it emphasizes strategic alignment between different stakeholders and the importance of building a common shared purpose. As a USG entity, ITA has the influence to gather various entities towards such efforts. By improving information sharing capacities and facilitating connections throughout relevant industries, ITA can both increase the benefits and decrease the costs for companies to better abide by stronger regulatory standards.

Evaluative Criteria

Next, I propose five criteria to assess the options.

Criteria 1: Costs

Costs are a key criterion for assessing ITA's policy outcomes because ITA's Global Markets Business Unit relies on limited congressional funding for its operations. Thus, this policy analysis will consider all explicit and implicit costs associated with administration (projected costs of any necessary inter-agency agreements), personnel (projected costs of additional training/salaries required), and implementation (projected costs of any necessary travel and logistics). This criterion will be measured on a Likert scale with the following options: (1) low (2) medium (3) high. Strong policy options will have the lowest costs.

Criteria 2: Effectiveness

This criterion evaluates the ultimate purpose of all policy options: reducing prevalence of migrant construction labor abuse. It acknowledges that ITA is a USG entity with a limited scope of operation in the region regarding human rights issues and cannot be responsible for labor abuse incidents involving foreign companies. Therefore, to measure this criterion, I estimate the relative likelihood that a policy option will result in a reduction of allegations against only US partner companies or any affiliated contractors and recruiters involved in a contract. I use the BHRRC's survey data showing a variety of UAE and Qatari construction companies' public commitments to human rights to help measure this criterion. This data may serve as a proxy for generally understanding construction company "responsiveness" to each proposed policy option. Examining the general state of company responsiveness and openness to issuing public human rights commitments helps project a likelihood of a reduction in future allegations. However, the limits of using this proxy is that the analysis will underestimate the actual number of labor abuse incidents because commitments and regulatory practices don't necessarily lead to reductions in allegations. Therefore, it represents a lower end effectiveness estimate. Additionally, not all abuses are reported. Nonetheless, the information still reveals insights on the business environment in the region and can serve as a helpful analytical framework for ITA clients. This criterion will be measured on a Likert scale with the following options: (1) low (2) medium (3) high. The strongest policy options will have high significant estimated reductions in allegations.

Criteria 3: Political Viability

This criterion addresses the reality that ITA is a federal agency under the DOC and is thus bound to the political vision and priorities of the current White House administration. The primary goal of ITA is to strengthen US industry. Therefore, this analysis will examine how closely projected outcomes align with this key priority and US political objectives. The political viability criterion will reveal the estimated acceptability of each policy option and will be measured on a Likert scale with the following options: (1) low (2) medium (3) high. The strongest policy options will have high political viability.

Criteria 4: Administrative Operability

Administrative operability serves as another crucial criterion to assess policy outcomes because the US does not have a coherent national policy or guideline for instructing its companies on how to expand in a dynamic region like the Persian Gulf. Thus, considering administrative operability, or the likelihood that policy options will be implemented as designed, is especially important when evaluating the outcomes of interventions with little substantive precedent. Like the political viability criterion, this criterion is also measured on a ranked scale relative to other options. The overall measurement considers the following factors: (1) degree the policy could be implemented without new training, staff, and facilities (2) degree the policy could be implemented without outside agency coordination (3) degree of similarity with prior ITA initiatives. This criterion will be measured on a Likert scale with the following options: (1) low (2) medium (3) high. Strong policy options will have high average administrative operability.

Criteria 5: Reputational Impacts on US Companies and ITA Employees Abroad

This final criterion recognizes ITA's primary goal of strengthening US companies and the national economy. US companies expanding in the Persian Gulf are concerned with effects on their reputation in the international press from potential complicity in labor rights abuse. Additionally, ITA employees serving abroad are concerned with maintaining good relations with the UAE and Qatari governments. Thus, it is essential to consider the projected future changes in reputations following the implementation of policy options. This criterion will be measured on a Likert scale with the following options: (1) negative (2) neutral (3) positive (4) very positive. Evidence to help justify these rankings come from a survey of qualitative interviews and focus group discussions of vulnerable migrant workers in the UAE, conducted by the Gulf Research Center. I synthesize the workers' key concerns to help determine how each policy option will address them. Policy options with high alignment between voiced concerns and projected outcomes will result in a "very positive" reputation ranking. Strong policy options will have "very positive" and "positive" rankings.

Analysis: Overview

Now, I evaluate the outcomes of the proposed policy options across the five criteria. I specify how well they meet the main policy goals of (1) mitigating migrant labor abuse and (2) improving US companies' reputations regarding human rights.

Option 1: Let Present Trends Continue

This policy option recognizes the recent successful efforts of a variety of human rights and advocacy organizations in pushing for change. Notable examples are the Business and Human Rights Resource Centre, Human Rights Watch, Amnesty International, and the International Labour Organization. Over the past several years, such groups have raised the visibility of labor abuse in the UAE and Qatar, driving the passage of several positive reforms. These include relaxations of visa restrictions for migrants, expansions of the electronic wage payment system (WPS), and the establishment of a worker's insurance fund (Amnesty International, 2019). Thus, by letting present trends continue ITA will not crowd out these advancements.

Cost: Costs are low as ITA does not dedicate resources to this issue.

Effectiveness: By letting present trends continue, ITA will see a low reduction of likelihood of labor abuse allegations. According to the BHRRC's 2018 survey data of construction companies in the UAE and Qatar, those that submitted responses displayed strong commitments to human rights and awareness of the recent reforms in the region. However, approximately 70 percent of contacted companies did not respond to the survey, implying significant selection bias and a continuing inherent lack of industry commitment. Thus, by taking no action there is little chance of ITA significantly reducing the likelihood of future labor allegations.

Political Viability: Political viability is high. As ITA can point to the successes of external organizations in recent years, it is highly acceptable to let present trends continue.

Administrative Operability: Administrative operability is high. Letting present trends continue will not change ITA's administrative processes.

	Present Trends Continue
Cost	Low
Effectiveness	Low
Political Viability	High
Administrative Operability	High
Reputational Impacts	Negative-Neutral

Reputational Impacts on US Companies and ITA Employees Abroad: By letting present trends continue, the reputational impacts will be negative-neutral. Regardless of the favorable trends towards reform, if ITA does not take any action on this policy issue, US companies will not be able to reference their involvement with a USG sponsored initiative on human rights. This will have a negative reputational effect. The reputational impacts on ITA employees abroad will be neutral as this option will not affect relations with UAE and Qatari government officials.

Option 2: Pursue Direct Government Advocacy to Strengthen UAE and Qatari Protections

This policy option employs a heavy-handed approach to improving migrant worker rights. It leverages ITA's position as a USG entity to directly lobby the UAE and Qatari governments. ITA's Advocacy Center could work with the State Department to lead such negotiations.

Cost: Costs are projected to be high. A highly skilled team would be required to lead advocacy efforts and will need to solicit help from other USG agencies, like the State Department and USTR. This would result in costly inter-agency agreements.

Effectiveness: Direct government advocacy will result in a low reduction of likelihood of labor abuse allegations. The UAE and Qatari governments would be unreceptive towards more outreach on labor rights issues, given the past several years of implementing reforms. According to the BHRRC's 2018 survey data, most construction companies outlined internal challenges they faced in upholding migrant worker rights, rather than external concerns with governments. This suggests that ITA's efforts towards reforming government policy would be misplaced, as more attention is needed on improving the labor supply chain as a system.

Political Viability: Political viability is low. As this policy option will not be well received by local governments, it is inconsistent with ITA's goals to strengthen US industry and exports.

Administrative Operability: Administrative operability is low. Human rights issues are an area of operations for the State Department, and so ITA would face challenges in training new personnel with human rights backgrounds. ITA could make the effort to internally lobby the DOC or Congress that it needs more resources to begin implementing such initiatives. However, this would involve further administrative hurdles.

Reputational Impacts on US Companies and ITA Employees Abroad: Reputational impacts are projected to be negative overall. While US companies could support ITA's advocacy efforts and enjoy a positive reputation in the international press for this affiliation, the negative reputational impact on ITA employees abroad is more significant. Direct advocacy, such as in promoting the development of labor unions, would unquestionably harm relationships with government officials.

	Government Advocacy for Reform
Cost	High
Effectiveness	Low
Political Viability	Low
Administrative Operability	Low
Reputational Impacts	Negative

Option 3: Administer Human Rights Training Programs for US Companies

This policy option emphasizes the importance of sharing information and raising awareness with US companies to advance migrant worker rights. It aims to empower US companies to ensure laborers are protected. ITA could mandate its human rights training programs for US companies seeking to invest in the region. Trainings would be ongoing.

Cost: Costs are projected to be medium. A 2019 GAO Report on Human Rights Training for Foreign Security Forces found year-to-date unobligated funds for training totaled over \$2 million dollars in FY2018 (Grover, 2019). However, costs for ITA will likely be lower as the scale will be smaller.

Effectiveness: Implementing human rights training programs for US companies is likely to result in a medium-low reduction of likelihood of labor abuse allegations. Referencing the insights of the BHRRC's survey data, construction companies may find training programs useful to a limited extent. Of the companies that submitted responses, many described their own robust internal human rights training practices. ITA could thus provide trainings to US company representatives that supplement existent industry practices. This would be beneficial in dealing with the general lack of industry commitment, as highlighted by the 70 percent non-response rate to the survey. However, this assumes that sharing information on human rights will cause US companies to shift their behavior and negotiate more stringent contracts. Additionally, there is not conclusive evidence to suggest that such programs would significantly affect realities on the ground (Grover, 2019).

	Human Rights Trainings
Cost	Medium
Effectiveness	Medium-Low
Political Viability	Medium-High
Administrative Operability	High
Reputational Impacts	Neutral-Positive

Political Viability: Political viability is medium-high. Implementing human rights trainings will not cause significant diplomatic tensions with the UAE and Qatari governments because it would remain within the scope of the US. Thus, it will be largely acceptable and aligned with ITA's continuing political objectives to advance US industry and exports.

Administrative Operability: Administrative operability is high. ITA has experience conducting training programs for overseas officers on CSR, anti-corruption, and anti-bribery issues. This policy option would not require significantly more personnel or outside-agency coordination.

Reputational Impacts on US Companies and ITA Employees Abroad: Implementing human rights training programs will have a neutral-positive reputational impact overall. US companies will enjoy a positive reputational boost from displaying their commitment and participation in a USG-led initiative. ITA employees abroad will likely see a neutral reputational impact. Though human rights related advocacy generally strains relations with UAE and Qatari government officials, it is likely to have a limited negative reputational impact so long as trainings stay limited to US company representatives.

Option 4: Offer US Companies a CSR Recognition Award

This policy option uses tools of commitment to strengthen the protection of migrant worker rights. It employs a light-handed approach through awarding Corporate Social Responsibility Recognition Awards. ITA could recognize US companies that have gone above and beyond in their human rights record to incentivize other companies in doing the same. ITA can follow the precedent set by the State Department's annual Award for Corporate Excellence.

Cost: Costs are projected to be low. Providing sizable monetary prizes to high-performing US companies wouldn't be necessary. Thus, costs would be limited to hiring personnel to develop selection criteria, assessing companies, and organizing recognition ceremonies. This option would not require significant travel or training. According to a GAO report on CSR activities, implementing such an option would cost approximately \$6,000 and one staff person for coordination and oversight. This data comes from the budget for the State Department's Award for Corporate Excellence in 2004, when the Department received 50 nominations and awarded one company (Yager, 2005).

Effectiveness: Offering CSR awards has an inconclusive or low projected reduction of likelihood of labor abuse allegations. According to the BHRRC's survey data, it is unclear whether the offer of a public award would result in significant change. In 2018, the UAE awarded Al Naboodah Group Enterprises (ANGE) the "most Sustainable Business Model" at the annual Gulf Sustainability and CSR Awards. However, ANGE is one of the oldest family conglomerates in the UAE and so already has ample resources to protect migrant workers (Zawya, 2018). CSR awards thus reactively recognize good efforts, rather than proactively drive good behavior. This limits small-medium sized US companies to take stronger precautions in preventing labor abuse.

Political Viability: Political viability is high. Offering CSR awards is consistent with ITA's mission and is well accepted by the private sector.

Administrative Operability: Administrative operability is high. ITA can relatively easily follow the guidelines set by the State Department's Award for Corporate Excellence. This is comparable to prior ITA initiatives spotlighting successful US companies. Significant outside-agency coordination will not be required, besides with the State Department.

Reputational Impacts on US Companies and ITA Employees Abroad: Offering CSR awards will have positive reputational impacts. US companies will enjoy a significant positive reputational boost from potentially earning and participating in the running for such awards. ITA employees abroad will also likely see a positive impact because CSR is considered a "safe" avenue to promote human rights. This framing will likely not strain relations with UAE and Qatari government officials.

	CSR Recognition Award
Cost	Low
Effectiveness	Low
Political Viability	High
Administrative Operability	High
Reputational Impacts	Positive

Option 5: Organize and Facilitate Collaborative Dialogue Fora

This policy option best recognizes the interconnected system of stakeholders contributing to labor abuse. It leverages ITA's 'convening authority' as a USG entity to facilitate collaboration and the sharing of strategies and resources. ITA could work with the State Department to gather representatives from across the labor supply chain and participate in dialogue fora. Attendees would benefit from making business connections and gaining useful insights on relevant issues. This policy option also best uplifts worker voices, as they could participate in the fora too.

Costs: Costs are projected to be medium. A significant amount of travel will be required. Additionally, personnel will need to be hired or trained to organize the logistics of planning the dialogue fora. ITA will also incur costs through inter-agency agreements to implement this policy option. However, other US partners engaged could share expenses.

Effectiveness: Organizing and facilitating collaborative dialogue fora has a high projected reduction of likelihood of labor abuse allegations. The BHRRC's survey data shows a general trend of construction companies relying on their internal processes to uphold human rights commitments. This insight suggests that the creation of a designated space for collaboration with other entities across the labor supply chain could help align differing business goals. In 2017 the Emirati construction company Al Naboodah Group Enterprises hosted a supply chain conference for 150 strategic suppliers and principal partners. This conference created a platform to discuss best practices in sustainable and ethical supply chain management, and to elaborate on a newly issued supply chain charter and codes of conduct. Al Naboodah reported that 88 percent of the company's suppliers signed the charter (Zawya, 2018).

	Collaborative Dialogue Fora
Cost	Medium
Effectiveness	High
Political Viability	Medium
Administrative Operability	Medium-High
Reputational Impacts	Positive

Political Viability: Political viability is medium. This policy option is generally consistent with ITA's mission and political objectives. If the insights shared in these fora will improve US competitiveness in the Gulf market, implementation will have a medium acceptability.

Administrative Operability: Administrative operability is medium-high. ITA regularly participates in similarly organized trade shows and export promotion events. Thus, this policy option won't require extensive outside-agency coordination or new personnel.

Reputational Impacts on US Companies and ITA Employees Abroad: Organizing and facilitating collaborative dialogue fora will have generally positive reputational impacts. US companies will enjoy a positive reputational boost in the international press by showing a public commitment to a USG-led initiative. However, public fora in the region might cause some backlash and hurt relations between ITA employees and government officials. To mitigate this, ITA could include these same officials in the fora to create buy-in.

Analysis: Policy Outcomes Matrix

	Present Trends Continue	Government Advocacy for Reform	Human Rights Trainings	CSR Recognition Award	Collaborative Dialogue Fora
Cost	Low	High	Medium	Low	Medium
Effectiveness	Low	Low	Medium-Low	Low	High
Political Viability	High	Low	Medium-High	High	Medium
Administrative Operability	High	Low	High	High	Medium-High
Reputational Impacts	Negative-Neutral	Negative	Neutral-Positive	Positive	Positive

Analysis: Recommendation

I recommend ITA pursue Policy Option 5: Organize and Facilitate Collaborative Dialogue Fora. This option performs well on the effectiveness and reputational impacts criteria. It is also an innovative option as such efforts have not been implemented coherently at the USG level before. Furthermore, it has an added benefit of potentially including the voices of migrant worker's themselves, rather than relying on a completely top-down approach. This policy option also best capitalizes on the USG's 'convening authority' to get different stakeholders together. This will help build business connections among various stakeholders. While government-led dialogue fora have been attempted in the past, such as with the Abu Dhabi Dialogue established in 2008, ITA-led fora will have a more targeted focus on migrant labor issues. Additionally, this recommendation is consistent with research conducted by BSR, which finds a strong appetite for collaboration among construction companies to share best practices with each other on labor rights (Andrieu, UCLA, & Lee, 2016).

One tradeoff is the relatively high logistical costs for organizing such a broad array of actors. However, coordination with local branches of the American Chambers of Commerce and the State Department can help mitigate these costs. Additionally, this could also increase buy-in among participants and facilitate more productive meetings. To further increase accountability and commitment to the fora, ITA could provide joint goals for attendees to work towards and highlight progress made. Thus, participation in these fora may also serve as a potential avenue to improve US company reputations in the international press. In sum, this policy option can improve connections among different points on the construction labor supply chain and align strategic business goals within the industry.

Implementation

Stakeholder Analysis:

The key stakeholders involved in moving this recommendation forward come from three distinct areas. A more detailed list of potential attendees to the dialogue fora are provided in Appendix B.

- US Partners:
 - State Department, USTR, Department of Labor, and the UAE and Qatari American Chambers of Commerce.
- Private Sector:
 - US Companies and Local Construction Companies.
- Local Experts and other Affected Entities:
 - Human Rights Groups, Worker's Associations, Contractor Associations, Labor Recruitment Agencies, Government Officials

This diverse array of stakeholders will hold varying perspectives on this policy recommendation. While the UAE and Qatari governments, construction companies, and potentially labor recruitment agencies may be resistant towards this recommendation, their participation is necessary. To mitigate resistance, ITA can ensure they receive useful benefits from attending the fora, like business connections and access to perspectives and concerns they are typically far removed from. ITA can also maintain a database of attendees and facilitate exchanges of contact information. This may increase accountability and commitment among parties to follow through on the insights they gain from the fora.

While some groups may require more buy-in to support this policy recommendation, workers groups and human rights organizations will likely be more supportive early on. To alleviate the friction that may develop between factions that form in the fora, ITA could launch a pre-fora survey for all invitees. This survey could explore the preferences of different groups before organizing an agenda and help reveal what would make the fora most helpful for all.

As a third-party 'convener', ITA will need to be cognizant of how it leads and empowers the voices of the most vulnerable in the fora. Past dialogue fora, like the Abu Dhabi Dialogue organized by the UAE, notably did not include *kafala* reform as a priority subject of discussions (Fargues, Shah, & Brouwer, 2019). This reflects a centering of already privileged voices. USG-led dialogue fora thus present an opportunity for prioritizing more contentious topics. By exercising this bold leadership, ITA could capitalize on the power of dialogue to help other businesses learn from each other and improve their internal processes. With ITA setting an example in facilitating this innovative space for collaboration, it will help attendees feel committed to translate the new information learned into actualized improvements.

Engaging US Partners:

Consistent with ITA's scope as a USG entity engaged with the private sector, it will be crucial for ITA to reach out to its US partners first by forming an exploratory committee to define how exactly they will participate before and during the fora. As the State Department has leadership

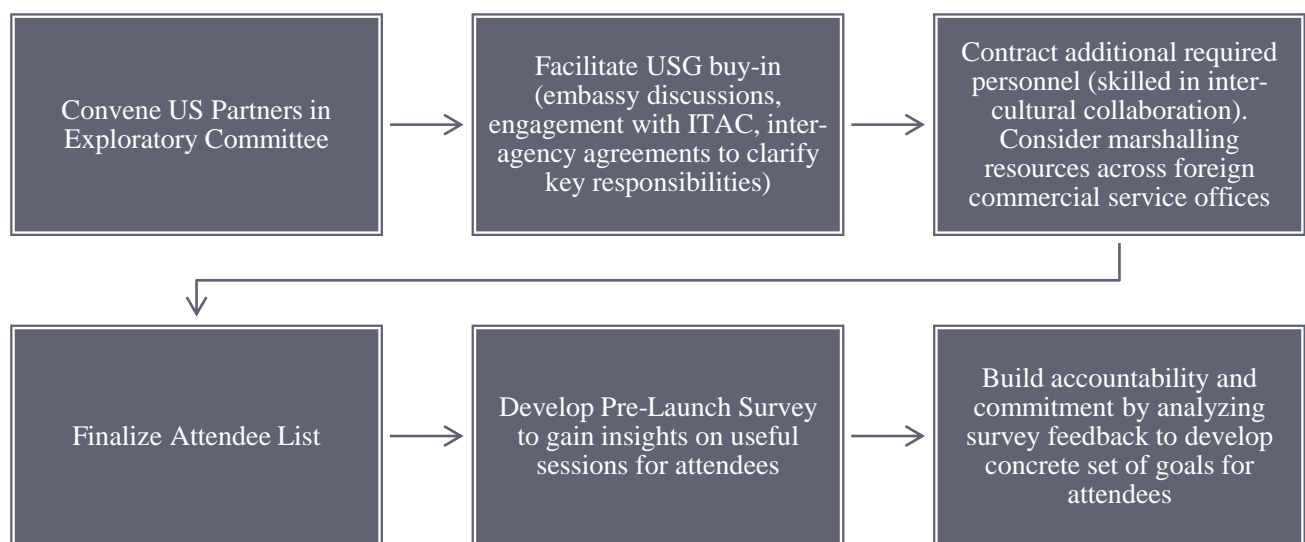
on human rights, ITA should enable them to oversee outreach to the UAE and Qatari governments, as well as civil society and human rights groups. ITA can ask the State Department to convene a US embassy discussion about goals and strategies for the fora, further creating buy-in among US partners.

In addition to the State Department, ITA will also need to reach out to USTR. The best mechanism to engage in this interaction will be through Industry Trade Advisory Committees (ITACs). ITACs are a public-private partnership jointly managed by the DOC and USTR to engage business leaders in formulating US trade policy (Trade.gov). This will similarly create more USG-wide buy-in for the fora because USTR works closely with the Department of Labor on trade negotiations with foreign governments. At the fora, USTR could then oversee interactions with the US Labor system. Working through ITACs will also enable ITA to play a more active and collaborative role in trade negotiations in the future.

Next Steps:

The successful implementation of this policy recommendation rests on several key assumptions. Firstly, this analysis assumes ITA will succeed in gathering and incentivizing entities to devote their own time and resources to attend the fora. Within the USG, this means that ITA will be able to garner support from US partners, divide responsibilities, and successfully engage the private sector. Externally, this further assumes that ITA and US partners have some top-down, hierarchal level of authority and control in the region. However, this can be difficult to realize in the context of the authoritarian political environments found in the UAE and Qatar. Because ITA is several steps removed from the on-the-ground problem of construction labor abuse, it is necessary to devote significant resources in making this policy recommendation successful. Figure 10 displays key first implementation steps.

Figure 10: Initial Implementation Steps



Risk Considerations:

Important risks to consider regarding implementation are the (1) novel coronavirus (COVID-19) pandemic and (2) ongoing geopolitical tensions in the GCC. The ramifications of the coronavirus will be especially disruptive. As of April 11th, 2020, the UAE and Qatar have seen 3,736 and 2,728 COVID-19 cases, respectively (Nasrallah, 2020; Sebugwaawo, 2020).

Furthermore, migrants are at greater risk for contracting the virus. Crowded labor camps and often unsanitary living conditions make social distancing impossible (Pattison & Sedhai, 2020). In neighboring Saudi Arabia, migrants comprise around 40 percent of the population but have accounted for four in five recently confirmed cases. Such trends are unsurprising because some construction laborers have had to continue working, despite lockdowns imposed in the UAE and Qatar (The Economist, 2020). To halt the spread of the virus, both the UAE and Qatar have suspended visa issuances in March (Chmaytelli, 2020). This will complicate the process of gathering a diverse group of representatives to participate in the fora. Additionally, it is important to acknowledge that stakeholders, especially the private sector, have shifted their priorities due to the pandemic, and may not have the capacity to commit to engaging meaningfully on this policy issue. Nonetheless, ITA can still prepare the groundwork for implementation.

In addition to health risks, geopolitical tensions throughout the GCC present implementation difficulties. Since June 2017, the UAE, along with other GCC states, severed political, trade, and transport ties with Qatar. In early January 2020, diplomatic talks reached a stalemate (Al Jazeera, 2020). With the coronavirus pandemic now occupying GCC governments, it is unlikely that tensions will resolve soon. Therefore, ITA will need to organize separate fora within the UAE and Qatar individually. But despite these risks, pursuing collaborative dialogue fora remains the strongest policy option. While implementation before the 2020 Dubai World Expo is likely infeasible now, it will still carry value in future years as the Gulf market continues to grow.

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Appendix A: Foreign Corrupt Practices Act

The Foreign Corrupt Practices Act (FPCA) of 1977 banned payments to foreign government officials to assist in obtaining or retaining business. The FCPA was also amended in 1998 to expand its anti-bribery provisions to include foreign firms and persons who may cause corrupt payments to take place within the United States. It also requires companies whose securities are listed in the United States to meet its accounting provisions (Justice.gov, 2017)

Appendix B: Potential Attendee List and Contacts for Further Research

US Partners:

- State Department (Bureau of Democracy, Human Rights, and Labor)
- USTR (ITACs)
- Department of Labor
- American Chambers of Commerce

Private Sector:

- US Companies
- Local Companies
 - Al Naboodah Group Enterprises
 - VINCI/QDVC
 - Al Balagh Trading & Contracting
 - Arabtec
 - Orascom Construction

Other Stakeholders:

- Labor Experts
 - ILO
 - BHRRC
 - BSR (Migration Linkages and Building Responsibility Initiatives)
 - Gulf Labour Markets, Migration, and Population Programme
- Human Rights Groups
 - Amnesty International
 - Human Rights Watch
 - Migrant-Rights.org
- Other Groups
 - Workers Associations
 - Contractors Associations
 - UAE Contractors Association
 - Qatari Businessmen Association
 - Government Officials
 - UAE Ministry of Human Resources and Emiratization (MOHRE)
 - Qatar Ministry of Administrative Development, Labour, and Social Affairs

Appendix C: Domestic Workers

This report focused on migrant workers in the construction industry. However, domestic workers are another vulnerable community. Domestic workers, who perform work in private households, are mostly female. They are at greater risk for additional types of abuse, like sexual harassment (Begum, 2017). Regulating work in private households has been a traditionally sensitive and more difficult issue for GCC governments to address. Thus, domestic workers have been late to receive social protections afforded to migrants working in construction. Further research is required regarding how USG-led initiatives on construction in the region may either aid or impede domestic workers' struggle for empowerment.