A GAME CHANGER?
THE 2022 WORLD CUP AS A GLOBAL STAGE TO DISCUSS LABOR MIGRANT RIGHTS

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Abstract
The 2022 World Cup in Qatar has already generated extensive media attention prior to the event. Migrant workers at construction sites connected to the staging of the football championship are at the center of this attention: various actors criticize the working conditions of migrant workers and call for more rights for labor migrants. This discourse represents a global problem, depicting the vulnerable situations for many migrants in the country of destination. The host countries often neglect rights of migrant workers, while the country of origin has only limited power to protect their workers abroad. But how and by whom, then, are migrant workers protected if neither by the residing country nor by the country of origin? Based on the discourse about the rights of migrant workers in Qatar ahead of the 2022 World Cup, this study analyzes how different actors negotiate the rights of migrant workers in times where there are yet no clearly institutionalized frameworks that adequately protect migrants. In order to reveal the discourse participants and subsequent analyze their claims, this research applies a unique combination of media analysis and document analysis. Through the theoretical framework of Sassen’s concept of studying globalization (2003) and Fraser’s theory of abnormal justice disputes (2008), the research analyzes ten reports of various state and non-state, national and international actors that engage in the discourse about rights of migrant workers. As the results show, the discourse participants identify Qatar’s legislations as the most powerful framework to protect migrant workers. While too weak to actually enforce rights, the international human and labor rights system nevertheless acts as a guideline for national legislations. Moreover, beyond the national governance (in form of a government) and the international governance (in form international organizations and NGOs), the discourse as such provides an abstract form of governance. Aside from these results, the study furthermore contributes to the methodological discussion about how to frame and scrutinize a discourse about a complex and divers topics, such as rights of migrant workers, and further develops the theoretical debate about justice claims in a globalized world.
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1. Introduction

“FIFA is more influential than any nation or any religion” (Süddeutsche Zeitung, 2015, March 22, own translation) adorned news headlines only last year. Joseph “Sepp” Blatter, the back then president of the international football association, had once again expressed his views about the global power of the Fédération Internationale de Football Association (FIFA), and hence provided the catchy phrase for the front pages of several newspapers. While this statement certainly contains a debatable view about the actual influence of a football association on humanity, it nevertheless represents some topics that are central for the present study. There is no doubt that mega-sporting events, which organizations such as FIFA provide, have some impact on people, cultures and economies. However, in addition to the direct impact of mega-sporting events on societies, they moreover are often utilized by various parties to draw attention to particular social issues that are somewhat connected to the staging of these events. Examples of the London 2012 Olympics (Timms, 2012) or the Beijing 2008 Olympics (Brownell, 2012) show how NGOs have used the global platform that these events provide to raise awareness of certain human rights abuses in the hosting country or in the global supply chain linked to the events.

The social issues that dominate the discussion around the 2022 World Cup are those of migrant workers. Accordingly, organizations such as Human Rights Watch and Amnesty International, as well as trade unions, such as the International Trade Union Confederation heavily criticize the exploitation of foreign work force in Qatar and blame the government of Qatar, FIFA, involved corporate businesses or recruitment agencies for failing to tackle the issue. It is not surprising that migrant workers are in the focus of these actors. Labor migrants in general, and in Qatar in particular, often find themselves in very vulnerable conditions. The fact that the social welfare system and jurisdiction operates under national sovereignty and includes and excludes people based on their citizenship exacerbates the situation for migrant workers. While outside of their country of origin, people who do not possess the exclusive membership of the country of destination enjoy less rights and face more often precarious conditions than citizens. Keeping this in mind, migrants pose new challenges to the concept of nation state. When the country of origin as well as the country of destination does not adequately protect migrant workers, which framework then protects these workers from being exploited? Who defends the rights of migrant workers and according to which institutional mandate?
Research aims and research problems

It is such questions that arise when following the debate about migrant workers ahead of the 2022 World Cup. While there are various parties within different settings (national vs. international, state vs. non-state actors) discussing the rights of migrant workers, there is no clearly regulated system which would govern this discourse and assign definite responsibilities. Taking this discourse as an example of the general complexities of the topic, this study scrutinizes the process of discussing and negotiating the rights of migrant workers in Qatar against the background of the 2022 World Cup preparations.

The small Gulf state provides an excellent example for researching labor migration. After all, Qatar hosts a higher proportion of migrants than any other country in the world. More than 80 percent of the population consists of migrants, while more than 90 percent of the working population constitute of foreign work forces (Baldwin-Edwards, 2011, p. 56). Yet migrant workers enjoy significantly less rights than Qatari citizens. While labor migration is not a very recent phenomenon in Qatar, global awareness of the labor migrants’ conditions only appeared after the football world championship 2022 was awarded to Qatar. Consequently, a discourse debating and negotiating social issues of migrant workers emerged.

Now, in order to understand how the rights of a group that poses new challenges to traditionally established governance structures (that usually regulate questions relating to social justice), I research the discourse about the rights of labor migrants. In doing so, the study objectives are threefold: The first objective includes an outline of the discourse content and the identification of the discourse participants as well as the categorization of their claims. The second objective is to describe how respective actors negotiate rights of migrant workers, how they perceive their own position and those of other actors regarding the role of protecting migrant workers. And finally, the third research objective is more subliminal and aims at the general understanding of the establishment of such a discourse in times where globalization increasingly questions the predominance of traditional structures.

Studying the topic of labor migrant rights is challenging, as it is a complex issue which very much depends on the perspective one approaches it from. Therefore, it is crucial to first contextually, theoretically, and methodologically integrate the study objectives into an analytical framework that is concrete enough to generate results but also sufficiently dynamic to meet the complexity and diversity of reality. By considering these complexities, this study is structured as follows: first I give a general overview about
the context in which this study is situated. In doing so I first elaborate why rights of labor migrants in general require a detailed analysis, before outlining why Qatar as a country represents an ideal place to follow-up on such a research interest. In addition, I discuss the ability of mega-sporting events to provide a platform on which such social issues are discussed. The chapter concludes by connecting the most important points. Against this background, chapter 3 introduces the theoretical underpinning for this research. By referring to Sassen’s concept of studying globalization (Sassen, 2003; Sassen 2008) and Fraser’s theory of abnormal justice disputes (Fraser, 2008) I discuss how globalization, and in particular, labor migration as an element of globalization, challenges traditional governance structures. Chapter 4 delineates the research methods that are used in this study. While chapter 4.1 and 4.2 review the general research philosophy and methodology of using documents as data sources, chapter 4.3 outlines how the research field is actually framed. Here I explain how and why certain discourse participants and documents were considered for the subsequent analysis. Chapter 4.4 finally enters the discursive field by generating a list of discourse participants. Against this background, the first part of the analysis in chapter 5 scrutinizes the claims and recommendations made by various actors that chapter 4 has revealed. Chapter 6 takes a more detailed look at these claims, focusing on the institutional and discursive mandates of the actors’ discursive actions. Chapter 7 discusses the results, concludes with the highlights of this research and suggests future research topics that could build on the study’s outcome. Besides a comprehensive understanding of the main points of the discourse, the reader will moreover gain knowledge of the discourse dynamics and become aware of its function within a global debate about rights of migrant workers.
2. Identifying migrant labor rights on the grand scale of globalized social issues

In the following, I review research literature aiming to incorporate two different but not mutually exclusive social phenomena: sporting mega-events and labor migration. At first glance, it is easy to assume that these phenomena are rather independent from another. However, when examining the current discussion surrounding the Qatar 2022 World Cup, it reveals an overlap between these two issues. Before analyzing this discussion I want to elaborate the context in which it emerged. The following chapter therefore treats each topic separately. Through this process, I first outline current debates about rights of labor migrants. As indicated earlier, the discourse about labor migrant rights is comprised from two different aspects of rights: labor rights and migrant rights. It is important to address both topics separately, subsequently uniting them under a literature review about the rights of labor migrants. Following this review of rights, I further elaborate why Qatar is an especially interesting context in which to study labor migrants. As already stated above, not only is Qatar a very wealthy and small country located in the Persian Gulf, it also hosts one of the world’s largest proportion of labor migrants. Moreover, its very strict regulation of immigration poses new challenges within the discourse of the rights of migrant workers. However, while the large influx of migrant workers is not an entirely new phenomenon in the Gulf state, the current discourse largely feeds from the global public attention that is connected to the organization of the 2022 World Cup. To understand these dynamics, I therefore examine the potential of sports mega-events to serve as a transnational platform for multiple actors to discuss particular social issues. Finally, I briefly conclude the chapter by summarizing and connecting the most important points.

2.1 Labor rights in times of mobile labor force

Before discussing labor migrants and their rights it is important to understand where the discussion is rooted, especially when considering that the migration in general and migration due to work are increasingly popular phenomena. Thus, I first briefly elaborate why the global human rights discourse increasingly acknowledges the necessity to focus on migrant workers.

2.1.1 New challenges of discussing labor rights

Before the official establishment of the institutional framework for the international human rights system in the form of the Universal Declaration of Human Rights (UDHR) in 1946, a discourse which drew on the notion of global human rights already
existed. Whether the early human rights activists groups pushed for international agreements to abolish slave trade (Lauren, 2013, p. 44-54), feminist groups advocated for equal rights between men and women (Lauren, 2013, 57-59), or labor unions promoted international economic and social rights (Lauren, 2013, 63), the human rights discourse of 19th Century picked up many issues that were later covered by the United Nations’ (UN) UDHR. Not only has the focal point of human rights debates shifted over time, also was the framework in which these debates were held different. Depending on the issue, different actors at different localities shifted and framed the human rights discourse according to the then acute needs. While the here mentioned social issues often crossed boarders they were initially mainly dealt with on a national (e.g. the right for women to vote). However, after the establishment of the first systematic human rights framework and with the progression of the globalization in the past decades, some social issues became less nation-state centered. Therefore, it not surprising that one of today's greatest social phenomenon, namely economic globalization, similarly affected the discourse about human rights.

One result of economic globalization is the global rise in the inequality of today's economic integration (Hertel, 2009, p. 285). While the economic development of the 19th century enabled labor rights activists to advocate for more protection of workers, they mostly targeted nation states. Consequently, labor rights were enforced within the nation state framework and through the membership of the political community. However, the economic development of the late 20th century and the increasingly open international markets weaken a state’s ability to control national markets and to negotiate labor rights. As a result, in order to compete with the global economy and attract capital, and especially in developing countries, states are less willing to enforce labor rights (Seidman, 2004, p. 110-111).

To cope with the new challenges of economic globalization and to deal with the weakness of states, activists and unionists increasingly discuss labor rights on a global scale and attempt to enforce labor rights through transnational mechanisms, rather than national ones (Seidman, 2004, p. 121). They do so by following a two-path strategy. One the one hand, labor rights advocates increasingly build on international institutions, treaties and bilateral agreements. Accordingly, the International Labor Organization (ILO) and its core labor and human rights and agreements, such as the North American Free Trade Agreement, are used by some labor advocates to frame their arguments and pressure states to enforce rights that stem from such international frameworks (Seidman, 2004, p. 121). The benefits of referring to these frameworks point towards
the member states' legal obligation to uphold international agreements (Hertel, 2009, p. 287). However, using international law as leverage to improve domestic labor relations also comes with negative aspects. Accordingly, such agreements may reinforce the power imbalance between economically strong and weak countries, as only countries with strong markets are able to use trade sanctions as pressure mechanisms, while developing countries do not have the means to apply a similar kind of pressure (Seidman, 2004, p. 121).

On the other hand, labor advocates increasingly target large private and transnational companies to enforce labor rights. However, as private companies are only required to commit to national jurisdictions and not to international human rights law, labor rights activists and unionists are left with a different strategy than legal pressure (Hertel, 2009, p. 288). Using the strategy of 'naming and shaming', advocates thus draw attention to companies' labor rights violations and hope for public outrage to force companies to implement better labor standards (Seidman, 2004, p. 121). It is hoped that standards may even go beyond state law and improve the worker's protection without state intervention (Hertel, 2009, p. 288). However, this is complicated by the fact that these standards are generally not legally binding (Hertel, 2009, p. 288). Moreover, it is rather difficult for labor rights activists to uphold the public's interest in the companies' conduct. As public pressure is often only tenable for a short period of time, such mechanisms have only limited effects, at least as long-term strategies (Seidman, 2004, p. 121).

2.1.2 Rights of labor migrants

Economic development and open markets increasingly affect both the location and the process of discussing labor rights. As a result of the states' growing unwillingness to enforce labor rights, labor activists are now discussing rights more on an international stage, whether by targeting the state through international institutions or targeting directly transnational corporations. In general, however, discussing labor rights has become a very challenging task for advocates and civil society actors.

One group of workers is in particular affected by the ambiguities between open markets and labor right protection beyond the national sphere: temporary transnationally workers. Following the turn of the century, the number of foreign workers who migrate on a temporary basis are constantly increasing (Basok & Carasco, 2010, p. 343). At the same time, dynamics of economic globalization contribute at least partly to the general phenomena of global migration (Sassen, 2007, p. 69). As aforementioned, labor rights
struggles are traditionally fought on the national level, meaning that governments are legally responsible for the enforcement and supervision of the compliance of labor laws. Consequently, many labor rights activists have addressed and still address the state when advocating rights. However, this draws special attention to the membership of a state. In the past labor rights activists have pressured states to establish better welfare systems and improve the peoples' living and working conditions, their protective mechanisms were and are often linked to the concept of citizenship (Seidman, 2004, p. 109). In such a framework, transnationally mobile labor migrants share several features that are particularly unfavorable when dealing with labor rights. Labor migrants, by definition do not usually possess the citizenship of the state they are working in, and thus are excluded by particular protective measures. Furthermore, labor migrants do not only lack in protection by the migrant receiving countries: their home countries decreasingly protect nationalists working in a migrant work force. For example, The Republic of the Philippines is a country which builds its national economy largely on remittances from migrating citizens. According to Ball's and Piper's research on Filipino migrant workers in Japan (2002), the Philippines deregulated the labor export industry as a consequence of the globalization of the labor market. Followed by several policies, the once state-regulated exportation of their labor force became a market dominated by private entities that follow neoliberal and free-trade notions. Consequently, instead of ensuring the protection of its migrating work force, The Philippines shifted its responsibility to protect migrant workers' rights to the hiring companies in labor receiving countries (Ball & Piper, 2002, pp. 1020-1022). However, as depicted above, private companies do not share the same strict legal obligations as nation states when it comes to adherence to international human rights. Labor migrants are therefore particularly vulnerable when considering their lack of protective measures of labor rights.

Due to these issues, migrant rights activists, similar to labor rights activists, often refer to the international stage when discussing their rights. Aside from various bilateral agreements between various countries, the United Nations and the International Labor Organization provide respective international conventions and treaties. Besides the general framework of the UDHR and its six treaties, which apply to every human being, several additional conventions exist that explicitly address migrants. The first convention targeting labor migrants (Migration of Employment Convention and Migrant Workers Convention) was established by the International Labor Organization (ILO) in 1949 and 1975 respectively, setting principles of nondiscrimination for legally
admitted migrant workers and noting the obligation to apply basic human rights to migrant workers (International Labour Organization [ILO], n.d.). After a longer drafting period, the UN adopted the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* in 1990. It largely draws on the UDHR and its six human rights treaties, but specifically includes the immigrants' rights in their host countries, granting migrant workers the same rights as national workers (Basok & Carasco, 2010, p. 348). The inclusion of human rights in order to deal with migrant rights is due to the states' focus on its citizens when ensuring, for instance, labor rights. This has been acknowledged by several advocates who increasingly utilize the language of human rights when defending rights of migrants (Hertel, 2009, p. 293). However, while activists hoped to benefit from the relatively wide acceptance of human rights when discussing rights of labor migrants, a study concerning the human rights discourse and migrant rights activism in the US and Canada revealed some shortcomings.

Accordingly, Basok (2009) identifies two different categories of human rights discourses: one hegemonic and widely accepted, and the other counter-hegemonic and less accepted. Widely accepted principles of the hegemonic discourse include values such as equality between individuals, individual freedom, freedom from coercion, and national sovereignty (Basok, 2009, p. 184). The counter-hegemonic human rights discourse relies on less accepted principles and questions values of national sovereignty (Basok, 2009, p. 184). The migrant rights discourse represents human rights principles, which are to some extent covered by the counter-hegemonic discourse. Therefore, some migrant rights principles challenge the exclusivity of citizenship, as they call for more rights for non-citizens thereby questioning the basic principles of the Westphalian state (Basok, 2009, p. 184). For Basok, this underlying challenge of national sovereignty is why the aforementioned UN Convention on the protection of migrants is only ratified by 34 countries, which consists mostly of migrant sending, rather than migrant receiving, countries (Basok, 2009, p. 189). The study furthermore reveals that, when migrant rights activists promote migrant rights, they tend to be more successful when arguing with less controversial principles of human rights (Basok, 2009, p. 200).

While Basok's study reveals certain issues for migrant rights advocates when including non-hegemonic human rights principles in their discourse, the research of Gabriel and Macdonald about Mexican migrant workers' rights in Canada (2014) questions the effect of international human rights principles in general when protecting migrant workers. The study scrutinizes the migrant workers' rights discourse that activists
engage in when defending and promoting the rights of temporary migrant workers in the Canadian agriculture industry. While the immigration of temporary workers is highly regulated through two different programs, some claim that these programs do not fulfill all human rights standards and that the state does not sufficiently monitor compliance with certain regulations (Gabriel & Macdonald, 2014, p. 243). Accordingly, some temporary migrant workers face human rights violations that result from employers' excessive control over workers' residence permits and employers' retention of workers' passports. Moreover, Mexican workers lack accessibility to health care, are excluded from collective bargaining, and are denied citizenship even when spending most of their lives in Canada (Gabriel & Macdonald, 2014, p. 248). In addition, migrant workers who enter Canada through the Low Skilled Pilot program have to cover expenses related to housing, transportation, and workers' recruitment (Gabriel & Macdonald, 2014, p. 249).

When engaging in legal struggles that aim at the protection of temporary migrant workers, Gabriel and Macdonald reveal that labor migrant rights advocates have mostly been successful when referring to local law and institutions. The international framework of human rights, on the other hand, often plays a rather supportive and secondary role, only coming into effect when respective clauses are already implemented in domestic law (Gabriel & Macdonald, 2014, p. 251).

These examples show how migrant rights, and in particular, temporary labor migrant rights, are negotiated in the framework of different institutional settings. While in general the nation state seems to provide the most effective regulative framework to guarantee welfare rights, immigrants are often somewhat excluded because of not possessing the official membership of the respective state. In order to provide adequate protection, migrant rights activists thus refer to international institutions and human rights. This, however, seems only to be successful as long as international human and labor rights overlap with domestic regulations. While international human and labor rights under the governance of the UN and ILO technically apply everywhere, domestic laws vary greatly between states. Therefore, the discourse about labor migrant rights is reliant on contextual factors, such as domestic regulations. The discourse about the rights of Mexican agriculture workers in Canada thus may differ to low-skilled migrant workers in Korea, or foreign construction workers in the Gulf States. However, considering the proportion of migrant workers with regards to citizens, the Gulf States and especially Qatar present an interesting case. As this research focuses on Qatar, I will briefly elaborate on Qatar’s context regarding labor migrants.
2.2. Qatar as a unique and simultaneously representative case of a labor migration destination country

Qatar constitutes a rather unique case when studying labor migration. In order to get a comprehensive understanding of Qatar's case on migration, it is important to contextualize and outline through events that have contributed to Qatar's present state. Therefore, before expanding on Qatar's relationship to migration, I first briefly outline some important events of Qatar's background on migration issues.

2.2.1 Qatar's history of migrant workers

Qatar is a relatively young state, considering its rather recent independence from the British Empire in 1971. Following independence, it has been ruled as a dynastic monarchy with the central power largely vested in the Emir (Babar, 2014, p. 407). While it has undergone some liberal and democratic movements since the peaceful coup in 1995, Qatar remains widely under the exclusive control of the Emir (Rathmell & Schulze, 2000, p. 54). Arguably, one of Qatar's most significant developments was the discovery of oil and gas in the 1970s. Consequently, Qatar managed to make huge economic strides from its plentiful oil and gas deposits, to an extent that makes it, on a per capita basis, the richest country in the world (Pessoa, Harkness, Gardner, 2014, p. 205). All these factors come into play when regarding Qatar's relationship to migrants.

Since Qatar's independence from the British Empire and the discovery of oil, its economy rose dramatically. As a consequence of the economic development, new labor forces were needed, which was initially recruited from the poorer neighboring Arabic countries (Kapiszewski, 2006, p. 6). Foreign Arabic workers were thus appreciated because of their cultural, linguistic, and religious similarities to the Gulf States' citizens. However, shortly after, the GCC governments shifted their foreign labor focus towards Asian migrant workers. Arabic foreigners were increasingly perceived as a potential threat to the countries' social and political internal stability, which was challenged by the general rise of anti-national sentiments, leftist ideologies, and the predominance of Arabic foreigners in certain sectors, such as education (Kapiszewski, 2006, p. 6). Further challenging Arabic foreigners was favoritism towards Asian workers, as they were less expensive to employ and more likely to stay only on a temporary basis. Moreover, Asian governments actively recruited labor migrants and thus facilitated the migration process, which was welcomed by the Gulf States (Kapiszewski, 2006, p. 7).

Consequently, the proportion of foreign Asian nationals in the GCC quickly outnumbered the initially dominating group of foreign Arab workers (Kapiszewski, 2006, p. 7).
2.2.2. *Labor migration in Qatar today*

Due to the active recruitment of laborers from foreign countries, the Arabian Peninsula today represents the third largest flow of labor migrants in the world, with Qatar being the country with the highest ratio of migrants per citizen (Pessoa, Harkness, Gardner, 2014, p. 205). Taking only Qatar's labor force into consideration, about 94 percent of the total work force consisted of migrants in 2008, while the number has remained around 90 percent in the last 25 years (Baldwin-Edwards, 2011, p. 56). Most of Qatar's foreign workers are temporary, low-skilled migrant workers (Gardner et al., 2013, p. 3), mainly originating from Asian countries, such as Nepal (39 percent), India (29 percent), Bangladesh (9 percent) and Sri Lanka (9 percent) (Gardner et al., 2013, p. 4).

As the preference of Asian migrants over Arabic migrants is attributed to internal social and political stability indicators, the Gulf States, and especially Qatar, regulate the influx of migrants very carefully. One such regulative mechanism is the exclusive nature of Qatar's citizenship rights. Since its independence, Qatar's approach to construct and develop its own identity has been closely linked to a very strict concept of who to include and exclude from being a full member of the political community (Kinninmont, 2013, p. 47-48; Babar, 2014, p. 408). Those who are included via citizenship enjoy extensive social benefits. Among such benefits are for instance “guaranteed employment in the public sector, free education, training, healthcare, land grants, subsidized housing, free electricity and water, [...]” (Babar, 2014, p. 409). While these expenses are very costly, they also ensure the government's legitimization and popularity among the benefactors. Over the past years, Qatar has thus increased its spending on such welfare measures (Babar, 2014, p. 409). However, while citizens on the one hand enjoy extensive welfare benefits, they lack political and civil participatory rights, given that the state's governmental form is not a democracy (Babar, 2014, p. 406).

Those who are almost entirely excluded from both benefits and participatory rights are immigrants. Even though labor migrants and their supply of work force are one reason for Qatar's wealth (Fargues, 2011, p. 274), their participation with the state is limited to their work in Qatar. In order to become eligible to more rights, one needs to acquire the Qatari citizenship, which is, however, very difficult. Citizenship can only be granted through heritage from a Qatari father; when having settled in Qatar before 1930 and having continuously lived there until 1961; through marriage between a foreign woman and a Qatari man, including a princely degree approval; or through naturalization (Babar, 2014, p. 412). While the naturalization process depends on the princely degree,
it furthermore includes certain requirements that the applicant must fulfill. Among others, the criteria postulates that the applicants’ legal residency to be in Qatar for 25 successive years, and possesses sufficient Arabic skills, a good reputation and behavior, and no criminal record. However, a maximum of 50 citizenships through naturalization are legally possible each year (Babar, 2014, p. 413). Qatari law, furthermore, distinguishes between native and naturalized citizens by the degree it grants each status certain rights. Accordingly, neutralized citizens have only limited access to social benefits and have less political rights, such as no right to vote or be elected. Their citizenship can thus be seen as “second-class citizenship” (Babar, 2014, p. 414). Therefore, for migrants to gain the same rights and privileges as native Qatari nationals is almost impossible.

In addition to Qatar's strict regulation of citizenship rights as a mechanism to define who to include and exclude from certain social and political benefits, Qatar governs migration flows very carefully. One major element of Qatar's migration system is the in the GCC states common sponsorship system, or the so called *kafala*. In order to assess who to grant the permission to migrate to Qatar on a work visa, the Department of Recruitment of the Ministry of Labor first studies the needs of the labor market and allots visas accordingly (The Permanent Population Committee, 2011, p. 24). Migrant workers subsequently receive their work visa through a sponsor, who is responsible for the worker's placement, including his or her economic and legal condition. Within this system, foreign workers are not legally allowed to change employer or leave the country without the sponsors’ permission. Work contracts issued through this system usually comprise a working period of two years (Pessoa, Harkness, Gardner, 2014, p. 205).

2.2.3 Framing the rights of migrant workers in Qatar

The here presented mechanisms to regulate migration in Qatar are framed by several national and international legal frameworks. As they obviously provide the basis of these mechanisms, I hence outline some of the most relevant ones that relate to migration issues.

The legislations that surround the aforementioned regulations of migration flows in Qatar are divided into national and international legislations. National policies that can be linked to labor migration relate to Qatar's permanent constitution, which guarantees social justice in various parts of social life, between employers and employees equality before law, and freedom and protection of all legal residents. This is outlined in the following laws: Labor Law No. 14 of 2004, which defines the legal framework for labor
recruitment and all relations between workers and employers; Law No. 4 of 2009, which regulates the entry, exit, residency and sponsorship of migrant workers; and finally, the already above mentioned Qatari Naturalization Law No. 38 of 2005 (The Permanent Population Committee, 2011, p. 24).

In addition to national legislation, several international conventions and treaties frame Qatar's migration policies. Accordingly, after Qatar joined the UN in 1971, it signed the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child (The Permanent Population Committee, 2011, p. 24). Treaties that not have been signed yet and relate to migration issues are: International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations Human Rights, n.d.).

Besides the UN conventions and treaties, Qatar, as a member of the ILO since 1972, has also adopted the following ILO conventions that relate to migrant workers: the Convention on Forced Labour; the Convention on the Prevention of Discrimination in Respect of Employment and Occupation; the Convention on Worst Forms of Child Labour; the Convention on the Minimum Age; and the Convention on the Abolition of Forced Labour. In addition, Qatar has adopted the Labor Inspection convention (ILO database). Qatar has not adopted the following fundamental conventions: Freedom of Association and Protection of the Right to Organize Convention; Right to Organize and Collective Bargaining Convention; and Equal Remuneration Convention. Neither has Qatar ratified the following three governance conventions: Employment Policy Convention; Labour Inspection (Agriculture) Convention; Tripartite Consultation (International Labour Standards) Convention (ILO, n.d.).

I have now presented the context in which migration is discussed in Qatar. Since Qatar's economic upswing, it was desperately short of labor. Even though labor migration to the Gulf states is not necessarily a new phenomenon, the oil boom and subsequent importation of labor force drastically affected Qatar's and other Gulf states' social composition. Today, Qatar is one of the richest countries in the world, while it simultaneously hosts the highest proportion of working non-nationals. In comparison to other migrant receiving countries that are also economically rather well off, Qatar's state form is not a democracy, but a dynastic monarchy with very centralized power vested in
the Emir. Naturally, all these factors come into play when regarding its commerce with migration issues. In order to deal with migrants, Qatar thus regulates migration flows very carefully. First of all, it only accepts migrant workers whose occupational skills are needed. Secondly, once entered, migrants are highly dependent on their sponsor. Thirdly, work visas usually only last for a period of two years, ensuring that immigrants do not settle permanently. Finally, the obstacles for non-citizens to acquire the citizenship are extremely difficult to overcome. Even if successful, a naturalized Qatari remains a citizen with less rights and benefits than a native Qatari. All these mechanisms are framed by several national legislations. Moreover, as Qatar is a member of the UN and the ILO, it has also ratified several international treaties and conventions. However, the most critical one regarding migrant rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, is yet to be signed. Having elaborated on the national context in which the 2022 World Cup takes place against the background of migration issues, I now move on to the discussion of how sporting mega-events in the past have often been utilized to discuss particular global and national social issues.

2.3 *Mega-sporting events as platforms for claims-making on global social issues*

Although I have already outlined particular issues that inhibit the general discourse about labor migrant rights, and subsequently presented Qatar's context regarding labor migration, I have yet not explained how both components conflate through the football mega event. Although Qatar's way of handling migrant workers is not an entirely new phenomenon, large proportions of labor migrants have been entering Qatar for more than four decades. It is only recently, following the World Cup bid that was awarded to Qatar, that the media and other global actors have turned their focus towards the conditions of migrants and their rights in Qatar. This development is connected to the organization of the World Cup. To understand how the World Cup 2022 in Qatar triggers a discourse about migrant worker rights in Qatar I therefore elaborate in the following section how global mega-events constitute discursive platforms on which several actors engage with one another to discuss particular social issues.

2.3.1 *The scope of mega-sporting events*

Mega-sporting events, such as the football World Cup and the Olympic Games, are global events with far reaching significance around the world. Given their global scope, these events constitute more than a mere sporting aspect: political, social, and economic elements are also incorporated. From the formation of the organizing committees behind
these events, with the International Olympic Committee (IOC) establishing in 1894 and the Fédération Internationale de Football Association (FIFA) in 1904, respectively (Tomlinson, 2006, p. 1), the sporting competitions have changed and developed significantly. Baron Pierre de Coubertin and Jule Rimet, the founding fathers of the Modern Olympic Games and the World Cup, respectively, initially hoped for the events to create a platform for different nationalities to come together, and promote peace and good morals on the basis of the common interest in sports (Tomlinson, 2006, p. 4-5). While these are truly honorable goals, the real driving force behind these events differ slightly from the original ideas. Ever since the events have first been launched, involved parties try to use the global public's attention to promote vested interests. While the sporting events started as projects of great political and social spectacle (Timms, 2012, p. 357), they quickly became tools of political leaders to promote and build national identities. On the one hand, the cases of the World Cup 1934 in Italy and the subsequent Olympics in 1936 in Nazi-Germany indicated that such events can also be used to propagate particular national ideologies on a global stage (Tomlinson, 2006, p. 7). On the other hand, the IOC's role in recognizing some countries of the developing world as independent states in the 1960s indicated that the Games can be used to conduct international geopolitics (Cornelisson, 2011, p. 156). These are only a few examples of sporting events and their organizations partaking in, or providing a stage for, international politics. While today such events remain politically and culturally very important, a third component gained increasing impact since 1980s: the economic and financial aspect (Tomlinson, 2008, p. 67-68). Motivating factors this additional component was the growing expenses for television rights of the events, and the increasing amount of commercial partners that sponsor the World Cup and the Olympic Games (Horne & Manzenreiter, 2006, p. 4-7). The constant growth and the events' heavy involvement in both global capital and international politics signaled some scholars to identify very close links between such sports events and the economic globalization in general. Accordingly, Tomlinson's research about the Olympic Games in Beijing 2008 reveals that the Games are becoming more of a stage for corporate businesses to monopolize markets rather than the Olympic values (Tomlinson, 2008, p. 79).

In addition, the commercial interests of transnational corporates in sporting-mega events, states have economic reasons to host such games (Horne & Manzenreiter, 2006, p. 9). There is a wide-spread assumption that, besides commercial revenues for certain corporate entities, the hosting country's economy can benefit largely from the staging of
such events. For instance, the infrastructure that is needed to carry out such projects requires new construction, which creates new jobs and thus helps the local market. However, these benefits are often debated and criticized as others claim that created jobs usually constitute positions that are short-term and low paid in character. Moreover, economic benefits are often overestimated and not equally distributed among the hosting society (Horne & Manzenreiter, 2006, p. 10).

2.3.2 Mega-sporting events and human rights activism

Mega-sporting events are not only stages for international athletes to show their skills and compete with one another. Such events can also be considered as large-scale showrooms for national and international politics, and additionally, transnational businesses. As these events have significant impact on various elements of society, they are, however, also highly contested. Therefore, the global attention of the events attracts not only global markets and politics, but also international organizations that use the international stage to raise particular social concerns surrounding the organization of the events. While the list of reports and studies about the impact of sporting events is lengthy, and dependent on the issue that is tackled (whether it is of environmental, social or economic concern), I focus on literature that deals with human rights and labor rights issues.

The briefly aforementioned Beijing 2008 Olympics have not only received scholars' attention due to an interest in the commercialization of the Games in general, but also because of the involvement of various NGO's and human rights activists, and China's controversial stance on universal human rights. Brownell (2012, p. 316) observed how human rights organizations, such as Amnesty International and Human Rights Watch, used the transnational stage of the Olympics to pressure China to increase their commitment to the universal principles of human rights. The successful communication between various national and international parties regarding China’s commitment to human rights principles, however, have failed, as she further argued. Numerous NGO’s have pressured China to improve its human rights records, especially regarding its practices of censorship, death penalties, labor rights abuses, repression of minorities and forced evictions. Even though accusations of human rights abuses were addressed to China, Amnesty and Human Rights Watch widely criticized the IOC of disregarding China's practices, and therefore not using its power to condemn their policies and enforce increased protection of human rights within China (Brownell, 2012, p. 316). China responded, perceiving and framing the accusation of human rights
abuses as a response of the Western world to undermine China's success regarding its rapid economic development. Rather than the Western world's legalistic interpretation of human rights, the Beijing Organizing Committee understood human rights principles in “humanistic terms as a general respect for human dignity […], a spirit of mutual caring […], and a code for public etiquette (Brownell, 2012, p. 313). The IOC, as a third party involved in the debate, widely backed China's interpretation of the principles and criticized Amnesty's and Human Rights Watch's understanding of human rights as too narrow and Western-biased. Moreover, their efforts to promote human rights was seen as rather ineffective, as they did not try to engage with China's officials on a mutual basis but focused on criticizing them (Brownell, 2012, p. 313).

In conclusion, Brownell's research observed that the NGOs' criticism of China and the IOC could not be successful, as there were no clearly defined legal framework in which certain claims could have been made. China never legally committed to improve its human rights records in light of the organization of the Games. The IOC, furthermore, has no transnational juridical power, and hence could not have provided the legal framework that the NGOs assumed existed. Instead of aggressively pressuring China, the IOC thus relied on 'silent diplomacy': negotiations with the Chinese government. According to Brownell, the strategy of silent diplomacy, despite the NGOs' comments, indeed had some effect: for instance, through the decrease of the number of executions (Brownell, 2012, pp. 320-322).

The here outlined study explains how the Olympics was used by human rights activists to advocate human rights principles in China. The research identifies which problems can arise when international human rights NGOs criticize national governments. While mega-sporting events provide a stage for national and international actors to interact and discuss national matters, they lack in the provision of a legally adequate framework that ultimately controls the discourse. Moreover, while the stage might have been somewhat transnational, the biased interpretations by Western-based activists, their unwillingness to engage in a dialogue with Chinese officials, and the Chinese censorship of certain opinions prevented a truly democratic transnational discourse.

Despite the above presented difficulties for several parties to engage with one another and discuss particular issues of human rights abuses, a study about the Play Fair 2012 campaign that was launched preceding the London Olympics 2012 reveals some benefits of the transnational stage, provided by sports-mega events, when promoting international human rights - or rather, labor rights (Timms, 2012).

In addition to the aforementioned commercialization and globalization of today's sports
mega-events, Timms argues that the increasing impact of multinational corporations is also reflected by the agenda-setting of civil society groups that use the events for their purposes. Accordingly, the Play Fair 2012 campaign, which advocated for more protection of labor rights, mirrors the current critique of increasing global inequality that results from globalizing capitalism (Timms, 2012, p. 367). The Play Fair campaign was founded by a congregation of four different federations and organizations (Oxfam, the Clean Clothes Campaign, the International Trade Union Confederation and the International Textile, Garment and Leather Workers Federation) and addressed the conditions of workers in the textile industry that supply the Olympics and its partners with clothing and accessories (Timms, 2012, p. 359). Play Fair activists focused on two strategies: discourse of corporate social responsibility (CSR) and direct negotiations. Strategies that included concepts of corporate social responsibility were beneficial: many large corporations already employ certain CSR codes as standard practices, and the organizing committee of the London Olympic Games highlighted the importance of responsible, ethical and sustainable employment, while the IOC itself promotes general ethical principles of the Olympics. Therefore, The Play Fair campaign educated and informed the public about the theoretical commitment of multinational companies and the organizers of the Olympics, and compared those to the actual conditions of workers in different factories supplying both companies and the Games with goods (Timms, 2012, pp. 361-362). The second strategy followed by the Play Fair campaign included direct negotiations between campaigners, members of the IOC and representatives of various brands (Timms, 2012, p. 364).

In addition to Play Fair informing and negotiating with important stakeholders, the campaigners agreed with all Olympic suppliers to implemented minimum standards for workers at respective factories. While the activists identified some problems with the implementation of these standards, the 2012 Olympics were nevertheless seen as one of the most sustainable ones with regard to the ethical production of merchandising (Timms, 2012, pp. 365-366).

The example of the Play Fair campaign suggests how sporting mega-events provide a public stage for activists to draw attention to wider global social issues that are not directly related to the sports event itself. Instead of focusing on the event, Play Fair utilized the stage to create a foundation for the lobbying. In this case, it was for improved labor rights of the suppliers of multinational sports clothing companies, which Timms concludes go beyond the scope of the Games (Timms, 2012, p. 367).
2.3.3 World Cup 2022 – a stage to discuss rights of migrant workers?

As the previous section outlined, the global public interest in these games goes far beyond the world of sports, compromising different aspects of social, political, and economic life. Whether for national identity building, international geopolitics, or global commercial marketing, different national, international, and transnational actors tend to utilize the global stage for their own purposes. With this knowledge, different activists and civil society representatives use the events as platforms to express their concerns regarding various social issues, even if some issues are not directly related to the sports event.

The above presented cases of the Beijing Olympics 2008 and the London Olympics 2012 present two examples of how human and labor rights activists raised concerns regarding the abuse of human and labor rights of particular groups. However, both approaches differed slightly in several ways. The Beijing Olympics were used by numerous NGOs to draw attention to widespread human rights abuses in China. Amnesty International, Human Rights Watch, and other organizations accused the Chinese government and the IOC of downplaying and disregarding various violations of the Chinese government. Compared to the case of Beijing, the Play Fair 2012 London Olympics campaign did not address human rights violations that occur within the borders of a specific nation state. Rather, it addressed the global labor conditions of those factories that supply multinational corporations, and ultimately, the Olympics. Hence, as they addressed businesses and not governments, the framing of each activist group was different. Similarly, the strategies followed by both activist groups differ. While the Fair Play campaigners directly negotiated with relevant stakeholders and educated the wider public, Human Rights Watch and Amnesty International were less successful in establishing an equal dialogue between opposing parties. Instead, they focused on accusations and criticisms of the IOC and Chinese officials. Finally, the range of both campaigns varied. On the one hand, even though the Play Fair campaign addressed global worker's protection, they focused on the garment industry and very specific labor rights within the industry. Amnesty and Human Rights Watch, on the other hand, focused on general human rights abuses and included issues that range from death penalties to press censorship, repression of minorities, and labor rights.

The discussion about the different focal points of human rights and labor rights activists addressed numerous abuses of rights, reflecting, to some extent, the same problems that labor migrant rights activists’ face. As already discussed, activists who operate on a transnational level seem to have limited options when advocating for more rights: either
they build their strategies around public pressure to convince transnational businesses to implement voluntary workers’ standards, as the Fair Play campaign did, or they use the existing framework of international human and labor rights, as Human Rights Watch and Amnesty International attempted in Beijing. However, the downside of the latter strategy is reflected in the lack of an overarching transnational governance. In the Beijing case, activists tried to fill the governmental void by falsely ascribing the IOC more legal power than it actually possesses. As was mentioned, this strategy was only of limited success.

The question that arises at this point is whether the transnational stage provided by sports mega-events could be harnessed by labor migrant rights activists to advocate better protection for migrant workers’ rights, especially as common discussions on that matter are very much limited by national frameworks (as they contradict national sovereignty, see above). Therefore, Qatar provides an excellent case to follow up such questions. As alluded to earlier, Qatar hosts large amount of labor migrants, whose movements are strictly controlled by different migration and citizenship regulations. After the World Cup bid was awarded to Qatar, several human and labor rights activists focused on Qatar and drew global attention to its handling of labor migrants. How, then, are migrant workers’ rights discussed when the issue is elevated to the transnational stage that the World Cup readily provides? Who does the discourse include and to what extent? In the following, I provide the theoretical framework before I address these questions in the subsequent analysis.
3. Theoretical framework

In order to analyze the emerging discourse about the labor migrants' condition at World Cup construction projects in Qatar, it is important to understand how these events are related and if their relation constitutes a scenario in which such a discourse emerges and develops. Thus, I present a theoretical framework that offers an explanation for the underlying dynamics that drive and affect this discourse.

As mega-sporting events and labor migration are both aspects of a global phenomenon generally known as globalization, with these two spheres colliding in Qatar, it is necessary to outline the effects of global forces on the nation state. By doing so, I elaborate how the destabilization of the hegemonic normative order of the nation state is increasingly questioned by an expanding interaction of single and multiple, regional, national and international, state and non-state actors. Consequently, the predominant nation state framework of the post-World War II era is increasingly ill-equipped to deal with its objectives, such as ensuring a fair justice system for everyone. One group in particular experiences incidents of such “abnormal justice” (Fraser, 2008): labor migrants. Even though the population of Qatar mainly consists of labor migrants, the Qatari law does not treat them equally to its citizens. However, with the World Cup 2022 and the international attention of several human rights and labor organizations, the rights of labor migrants are being re-evaluated and discussed. In order to develop a conceptual framework that analytically captures the emerging discourse concerning the labor migrants' experience in Qatar, I now introduce Sassen's concept of studying globalization (Sassen, 2003; Sassen, 2010) and combine it with Fraser's theory of abnormal justice (Fraser, 2008). The overall aim is to generate a theoretical foundation that allows me to conceptualize and analyze how various national and international parties discuss the rights of labor migrants. In doing so, I introduce Sassen's and Fraser's theories step by step while focusing on actors that appear central in the current debate regarding labor migrants' conditions in the construction projects of the 2022 Qatar World Cup.

3.1 Global events and the multi-scalarity of local issues

When I talk about globalization in the context of this thesis I want to clarify that globalization is often used as a very broad, sometimes even indefinite and abstract term, to discuss certain social dynamics. Without starting a lengthy discussion about the exact definition of the term globalization, I propose to use a definition that fits the context, while being an appropriate tool to conceptualize the research objectives of this thesis.
Thus, I suggest using Sassen’s understanding of globalization as a set of two distinct dynamics. While the first set entails the increasing formation of global institutions and processes on a global scale, the second one includes processes that occur on a local and subnational scale. However, even though the latter set appears to be local, the interconnectedness of its actors across borders makes such processes a global phenomenon (Sassen, 2003, pp. 1-2). Characteristic for both dynamics is the destabilizing impact on the hegemonic structure of the nation state. This can be exemplified when analyzing two aspects that are affected by the dynamics of globalization: the role of the state and local political practices. Both examples represent the main issues when considering the issue of labor migrants at 2022 World Cup and are therefore outlined in detail.

The role of the nation state is somewhat ambiguous when looking at it in the context of globalization. While the state as such remains a powerful organization which governs an exclusive territory, wielding the power to shape internal processes, it is also affected by national and global forces from outside the nation state (Sassen, 2010, p. 4). Nevertheless, the state plays a significant role in today's globalization. Its position at the intersection between national affairs and global actors allocates the nation state a key role in these processes. The nation state is the only actor that has the ability to negotiate between global actors, such as international firms, markets or supranational organizations, and its own legislation. While the Westphalian state developed a well-established national law which exercises authoritative power within the state borders, the growing impact of non-state actors that act beyond these borders increasingly shape national legislations: approved and realized through certain state institutions and their authority to alter national law (Sassen, 2003, pp. 7-8).

How is this related to current situation in Qatar? FIFA, the international governing body of association football, organizes the football World Cup. Similar to the aforementioned role of the IOC, FIFA manages the mega-sporting event by setting certain standards and rules that the hosting country must follow. Among these standards are, for instance, regulations that quite specifically stipulate which infrastructure is needed (FIFA, 2010). When Qatar established its 2030 Qatar National Vision plan in 2007, which included the promotion of human, environmental, social, and economic development, the hosting of the prestigious World Cup became a priority (Scharfenort, 2012, p. 226). To utilize the World Cup for its national plan and win the bid, Qatar had to ensure to appropriately implement FIFA's regulations. Thus, Qatar made several promises, such as new state-of-the-art stadiums and other infrastructure that meet with FIFA’s minimum
requirement. In order to realize such complex projects, the State of Qatar created the Supreme Committee of Delivery and Legacy: a governmental body responsible to oversee and ensure the construction of stadiums and other infrastructure, based on FIFA's criteria, Qatar's National Development Strategy, and Qatar's National Vision 2030. While FIFA sets specific rules regarding the infrastructure, Qatari authorities assure that these rules are followed and act as intermediaries between FIFA, national, and international corporations that plan and complete the infrastructure.

However, FIFA is not the only foreign party that is involved in the World Cup preparations. While several foreign companies are tasked to plan and build the infrastructure, their employees are mostly temporary workers from abroad. As more than 94 percent of the working population consists of immigrants, originating from countries such as India, Nepal, Philippines and Bangladesh (De Bel-Air, 2014 p. 9), a vast majority of the workers employed in the World Cup construction projects are also expected to be immigrants from these countries.

Therefore, it is evident that labor migration is a consequence of economic globalization. As Sassen argues, the unequal economic situation between developing and developed countries, and the indebted state of developing countries due to development programs initiated by international organizations (for example, International Monetary Fund (IMF)), often persuade workers from developing countries to emigrate in order to find employment. In addition, many labor sending countries encourage their citizens to migrate, as not only individual families, but also national economies, are partly built and thus dependent on remittances sent by the workers (Sassen, 2002, p. 271). This is so prevalent, that some countries, such as the Philippines and India, have established an emigration system which includes governmental bodies, such as the Philippines Oversea Employment Administration and the Ministry of Oversea Indian Affairs. These systems aim to further regulate and facilitate the emigration of work forces by drafting emigration policies and signing bilateral agreements with labor-receiving countries (Sassen, 2002, p. 271; Breeding, 2010, p. 3).

The here presented examples demonstrate how the nation state plays a key role when dealing with global dynamics. In both instances, new governmental institutions were established in order to negotiate between foreign actors and the nation state through implementation of certain regulations (whether FIFA's regulations or emigration policies) that were, in one way or another, influenced by foreign actors and global

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1 See http://www.sc.qa/en/about
forces.

However, it is not only the state that solely represents aspects of today's globalization. Local and international political non-state actors increasingly engage in practices that, to some extent, dismantle the nation state's hegemonic position (Sassen, 2003, pp. 10-11). Characteristic for local political practices of organizations is their interconnectedness through particular networks with the same or similar organizations across borders. These networks include individuals or groups of activists that operate locally and intend to influence local politics. However, due to new telecommunication technologies, these local activists are increasingly connected with other groups around the globe that have similar agendas. Important once again is the multi-scalarity of this phenomenon. The interconnectivity of these local actors makes them very dynamic, and thus independent from older hierarchies of scales, in which such actors had to first deal with national and international constraints before connecting with local actors from other places (Sassen, 2003, pp. 10-11).

One form of such transboundary political activism describes the connectedness of local struggles to major global actors, such as international organizations and multinational firms. Local struggles, such as human rights violations or workers’ rights violations in certain areas, encourage actors in multiple locations to connect through the international stage, while their focus remains local (Sassen, 2003, p. 12). This complexity is displayed by the involvement of both human rights organizations and trade unions in Qatar. From the beginning of the 2022 World Cup preparations, international organizations, such as Human Rights Watch, Amnesty International, and the International Trade Union Confederation are criticizing the local conditions of labor migrants, accusing their situation as “exploitative” and “abusive”, and claiming more rights for migrant workers (Human Rights Watch, 2012; Amnesty International 2013; International Trade Union Confederation, 2014). Using the language of both international human rights and international labor rights standards, these internationally acting organizations seem to follow a common agenda: specifically addressing the local problems of labor migrants in Qatar in the context of the World Cup preparations. In the meantime, several Qatari institutions have responded to such criticism by promising to introduce a better welfare system and the implementation of other measures to improve the protection of migrant workers from such abusive situations. The result is a complex discourse in which various parties, residing in different hierarchical scales (national vs. international, regional vs. global), engage with another in order to discuss the rights of
labor migrants. Whether the state is willingly involved with foreign actors, as is the case with Qatar and FIFA, or unwillingly, as is the case with Qatar and several human rights organizations, both ways represent a common denominator: globalization enabling actors from different hierarchical orders to participate in a common, discursive arena, and discuss issues that were previously exclusively regional, national, or international (cf. Fraser, 2008, p. 53).

However, these actors that are interwoven between different hierarchical scales increasingly challenge the hegemony of the nation state and its function to fulfill particular tasks, such as discussing justice claims. Today, justice claims are not exclusively a matter of national sovereignty. Rather, different actors refer to different institutional arrangements, include different groups of people, and address various issues of injustice when making justice claims. Hence, globalization has blurred the lines of an exclusive justice system which operates solely within national borders, who clearly defines who is included and excluded (Fraser, 2008, p. 53). Such times of abnormal justice, however, also create new opportunities to conceptualize and analyze the institutional processes in which rights of particular groups are reevaluated and discussed. As this seems to be the case with the current discourse concerning labor migrants in Qatar, I now want to focus on Fraser's concept of abnormal justice and elaborate the theoretical framework in relation to the prior-mentioned issues.

3.2 The issue of labor migration and abnormal justice disputes

In order to ensure an equal and fair justice system that copes with the abnormal justice discourse, and meets the requirements of the above described scenario of abnormal justice, Fraser proposes a model which delivers sufficient answers regarding the what (is the substance of justice), who (is included in the justice discourse) and how (are justice disputes resolved).

In order to understand the substance of justice, one needs to define justice and injustice in today’s world. According to Fraser, “justice is parity of participation” and “requires social arrangements that permit all to participate as peers in social life” (Fraser, 2008, p. 16). This is achieved, as Fraser further argues, when economic, cultural, and political obstacles are overcome. Accordingly, justice claims are based on a three-dimensional model: economic redistribution opposes socioeconomic injustices, such as labor exploitation, inadequately paid work, and improper standards of living; cultural recognition opposes discriminative practices based on cultural features, such as cultural domination, non-recognition and disrespect (Fraser, 1996, p. 7); and political
representation that opposes the political silencing and exclusion of justice claimants (Fraser, 2008, p. 17). As all of the three dimensions of justice were historically revealed by social movements, this model must be open for new dimensions that are based on potentially new social struggles. Although post-World War II period justice claims mostly concentrated on economic redistribution through the establishment of modern welfare states, today's justice claims are increasingly complex. Consequently, in today's globalized world, different groups increasingly call for cultural recognition (e.g. for minority groups) and/or political representation (e.g. gender quotas) (Fraser, 2008, p. 56). Besides the differences in these justice claims, there are also differences in redressing injustice. There are two strategies of remedies when dealing with justice claims and overcoming injustice: affirmative and transformative (Fraser, 2003, p. 74). Affirmative strategies do not tackle the source of unjust issues, but rather attempt to correct the outcome that is caused by particular social structures. Transformative strategies, on the other hand, attempt to affect the underlying social structure and thus the cause of injustice (Fraser, 2003, p. 74). Depending on the issue, particular actors prefer affirmative over transformative strategies or vice versa to answer justice disputes. The differences between the two strategies lay in the actors' acceptance of a particular justice framework. While affirmative politics intend to redress injustice within given boundaries, such as the nation state boundaries and its jurisdiction, transformative politics locate the source of injustice on a more global scale, which suggests why disputes must be resolved beyond the boundaries of the nation state's judicial system (Fraser, 2005, pp. 80-81). However, when different actors support different strategies to resolve economic, cultural, and political injustices, who is then included or excluded from a particular justice system?

Based on the definition of justice that I gave above, times of abnormal justice bring up two forms of unjust framings: ordinary-political misrepresentation and meta-political injustice (Fraser, 2008, p. 62). The first occurs when members (e.g. citizens) of a political community (e.g. a nation state) are denied to partake as equal members in the society, even though their membership entitles them to do so. The second form of unjust framing arises when a justice system excludes some people from being members of a political community. Such an allocation denies these people form even making justice claims (Fraser, 2008, p. 62). Based on these forms of unjust framing, there are currently three different principles how to evaluate just or unjust framing, with the membership principle arguably being the most common. It identifies its subjects of justice according to their common citizenship or nationality. While the advantage of such framing lies in
the pre-existing institutional structures (such as governments of nation states), its
disadvantage is characterized by a framing system that allows the segregation of
privileged and unprivileged people. The second principle is based on humanism and
includes all human beings in one justice system. Compared to the previous principle,
such framing eliminates the exclusionary framing based on nationalism. However, due
to its abstractness, it treats all social and historical issues equally, and thus, denies the
fact that different issues require different scales of justice (Fraser, 2008, p. 63). The
third principle, the all-affected principle, attempts to reduce the level of abstractness by
drawing boundaries around people's webs of interactions. Subjects to a particular justice
frame are therefore individuals who engage in particular social relationships with one
another. However, critical voices might claim that, as according to the butterfly effect,
everyone is somewhat affected by everyone, which deems such framing as inappropriate
(Fraser, 2008, p. 64). According to Fraser, all of these principles are inadequately
equipped to deal with today's abnormal justice discourse. Rather, she proposes a mix of
the positive aspects of the aforementioned principles. According to the so-called all-
subjected principle, fellow subjects of justice are all those who are under “a structure of
governance that sets the ground rules that govern their interaction” (Fraser, 2008, p. 65).
Important here is the correct understanding of governance structure and subjects.
Unlike the narrow interpretation of the first principle, which identifies the government
of a nation state as the sole governance structure, Fraser also includes non-state
institutions and agencies that regulate and govern particular issues, such as the IMF of
the global economy. Subjects are furthermore not only citizens or exclusive members,
but rather people who are affected by, or in relation to, the coercive power of a
particular governance structure (Fraser, 2008, 65). Consequently, everyone who is
somehow affected by a governing structure, exercised either by a national government
or transnational agency, requires equal consideration regarding economic, cultural, and
political justice.
I have now presented which aspects of justice claims must be included and how a
system of justice must be framed when dealing with today's abnormal justice. Currently
missing is the explanation of how the presented justice claims (economic, cultural and
political) and the justice frames are discussed and resolved. To continue with Fraser's
radically democratic understanding of justice in abnormal times, the question regarding
the process of redress, hence how justice disputes are resolved, needs to be equally
encompassing and democratic. Accordingly, Fraser disagrees with any hegemonic
system that dictates who and what deserves consideration when discussing justice.
Neither sovereign states and their powerful elites, nor science and its empirical facts should therefore be the only factors determining who discusses justice and what the justice discourse includes. Instead, only a democratic system with the dialogical power of the public and the enforcing power of institutions can fulfill the demands of today's abnormal justice while meeting the requirements of a fair and equal justice definition (Fraser, 2008, pp. 68-69). Therefore, the governing institutions that frame the who of justice need to be in a dialogical relationship with the people it governs, and must include their voices when discussing the substance and scope of justice.

3.3 Research objectives and research questions
Fraser’s and Sassen’s concepts combined help to identify the current developments regarding the rights of labor migrants in Qatar. Evidently, the global stage that comes along the staging of the football world championship in 2022 produces a platform for actors aiming at making this previously national issue a global issue. In today's world, when state and non-state actors from different scales increasingly interact and circumvent social structures that previously regulated the social landscape exclusively, new challenges for regulative systems arise. One challenge that emerged from such abnormal times is the provision of a fair and equal system of justice. The nation state and its citizens are no longer the only participants of a discourse in which justice is discussed. The globalized world of today, with its intertwined relationships between regional, national, and global organizations/institutions, creates multiple domains in which justice is being debated. Qatar is a clear example of the effect of global dynamics on justice discourse in the lead up to the 2022 World Cup. Increasing global economic interrelations pushed Qatar to aim for the 2022 World Cup, therefore forming its foundation for collaboration with FIFA. Concurrently, economic forces in labor-sending countries encouraged respective governments to establish policies and agreements with labor-receiving countries, in order to facilitate outmigration of labor force, exemplified by countries like India and the Philippines in their relations with Qatar. As a result of Qatar's lack of labor force and FIFA's requirement of new infrastructure, more labor migrants are needed, who, to a great extent, will come from countries that already have agreements with Qatar (India, the Philippines and other Asian countries). By 2010, approximately 85 percent of the Qatari population consisted of non-Qatari citizens (De Bel-Air, 2014, p. 6). An even-larger percentage of non-Qatari nationals can be found when solely examining the labor market: more than 94 percent of the working population consists of immigrants (De Bel-Air, 2014, p. 7). Of these immigrants, the
majority come from India, Nepal and the Philippines (De Bel-Air, 2014, p. 9). However, some of these labor migrants face harsh working and living conditions in Qatar that are against national and international standards. Simultaneously, immigrants have limited rights compared to Qatari citizens under Qatari law, even though they reside within Qatar's borders. One example is the restrictive migration system in Qatar: *kafala* is a sponsorship system which manages the act of migration between a sponsor (located in an institution or company) and the migrant worker. The worker normally pays a certain fee to the sponsor who, in return, provides the migrant with important legal documents and work. The immigrant, however, cannot stop the contract without facing consequences, such as being sent back to country of origin without any financial compensation (Baldwin-Edwards, 2011, p 37).

Aside from Qatari jurisdiction, labor migrants are excluded from their home countries' protective frameworks. The range of the labor sending countries' judicial framework does not include its migrating citizens, as they do not live in their home country anymore. Consequentially, labor migrants in Qatar face a scenario of abnormal justice, in which the nation state framework is incapable of discussing their justice claims. This gap, however, is filled by various organizations that act beyond the nation state framework. Amnesty International, Human Rights Watch, the International Trade Union Confederation, and other organizations act according to international normative systems that frame their jurisdictions more generously, and thus also include labor migrants in Qatar. In doing so, these organizations engage and interact with Qatari institutions to discuss justice claims and framework regarding labor migrant rights. The outcome of such justice disputes is unclear, as there are no adequate governance structures with sufficient dialogical and institutional power to redress abnormal injustices beyond the nation state framework. Instead, the power of certain organizations that support labor migrant rights seems to be subtler, utilizing international media coverage as leverage. As labor migration, a result of globalization, is an increasingly popular phenomenon, and many policies still only apply within national borders and solely include citizens, justice disputes akin to the present one are expected to grow. To understand how these challenges in justice are being fought, and how certain parties act and react to the growing involvement of actors with different normative systems, it is thus important to analyze the issue at hand. Keeping the above outlined theoretical framework in mind, I therefore raise the following research questions.
1. How is the discourse about labor migrant constituted?
   1.1. Who takes part in the discourse about labor migrant rights in the course of the preparations of the World Cup 2022?
   1.2. What are the central claims of the discourse and how do they represent new global challenges of injustices for labor migrants?

2. How are labor migrant rights organized?
   2.1. During the process of institutionalization and consolidation of the discourse, what kind of institutional or discursive mandates do the discourse participants refer to?

The herein posed research questions slightly differ in scope and depth. The first set of questions intends to reveal whose discursive actions need to be considered and how these actors are characterized. Building on these results, the second set of questions deepens the research focus by addressing in particular the characteristics of these actions. The aim is not only to disclose the actual situation of labor migrants in Qatar. The interest of this study is rather to explore how certain justice disputes, which in the present case are labor migrants’ rights, are being negotiated between different parties and what this discourse means to the general discussion of labor migrant rights.
4. Methods and materials

In this chapter I elaborate the methods and materials used to research the discourse. Chapters 2 and 3 have already indicated a certain complexity underlying this research. Many of the keywords that appeared in the previous chapters, such as justice, human and labor rights, globalization, multi-scalarity, migration, etc., often describe complex social phenomena that can be studied by a wide range of methods and frameworks. As the chosen methods and frameworks affect the data collection and hence the analysis and results, it is crucial to be very specific about the approach.

Some of these concepts that characterize the discourse under scrutiny here, such as migration and globalization, can only be studied through a very dynamic framework, which is on the one hand open enough to allow the inclusion of highly diverse issues and actors and on the other hand specific enough to only consider the most relevant issues and actors. The most challenging part is probably the setting of an adequate framework in which the discourse under scrutiny can be studied. This chapter intends achieve exactly this. As the accomplishment of this research stands and falls with the research frame, this chapter rather extensively elaborates the methods used and materials considered.

In doing so, the chapter is divided into two parts, a rather theoretical and a rather practical one. The first part presents and explains the general methodological approach. This chapter first briefly sketches the research philosophy that underpins the study before it subsequently elaborates why to consider documents as data for the analysis. Based on Lindsay Prior’s concept of using documents in social research (Prior, 2003, 2008a, 2008b), the chapter outlines the method of how documents can be studied, including the three analytical stages: the context in which the documents occur, their function and content.

The second part builds on the theoretical groundwork of the first part and adds a practical component. In order to set the framework of this research I here focus on Prior’s first analytical stage, the context (Prior, 2003), and elaborate the analytical framework for the following research steps. In particular, I constitute the discursive field and characterize the discourse participants that are under a more detailed scrutiny in the following chapter.

4.1 Research philosophy

In order to understand why and which data was collected in a particular way and how it was analyzed and interpreted it is important to explain the underlying philosophical
foundation for the study (Pascale, 2011, p. 30). As of my research, I want to move away from the polarized understanding of the social world as either constituted through objective facts that can be observed by a neutral researcher, or as entirely socially constructed that can only be accessed through subjective observations. Accordingly, I proceed from a more moderate perception that agrees but also disagrees with some statements of both ends. Following the critical realist stance that philosopher Roy Bhaskar (1989) established, I understand social reality as objectively existent but not perceivable as such. However, even though knowledge exists outside a human mind, it always has to be conceived through the human mind (Bhaskar, 1989, p. 190). Following this line, social reality is divided in three domains that mediate between processes/events and structures (Fairclough, 2005, p. 922): the actual reality describes the occurrences of events and processes in the social world; the real reality portrays the underlying structures and power relations that influence the actual reality, and the empirical reality depicts how human beings perceive the world and hence the events and structures that are part of the actual and real reality (Clark, 2008, p. 167). The mediating tools between these domains (actual, real, and empirical) are social practices that are connected through specific social arrangements, such as social fields, institutions and organizations (Fairclough, 2005, p. 922). Because of its emphasis on processes/events and structures, critical realism is often used to explain complex social phenomena that constitute specific events (Clark, 2008, p. 168). By focusing on the causal powers that emanate from structures and human agents, it is possible to generate knowledge which in return can be used to understand complex social events (Fairclough, 2005, p. 922).

The complex event that is under scrutiny here represents the discourse surrounding labor migrant rights in the course of the 2022 World Cup in Qatar. The discourse as such is often perceived as a social practice, because it describes more than only a sequence of words. Here I somewhat follow Foucault’s interpretation of discourse\(^2\) as a system that

\(^2\) Naturally, Foucault has often been understood from rather constructionist perspective, which indicates a certain incompatibility to apply a critical realist approach. There have been, however, several attempts to give Foucault’s theory of discourse a more realist interpretation (Al-Almoundi, 2007). While a detailed elaboration of the discussion on how to understand Foucault’s theory of discourse would exceed the scope of this thesis, I want to highlight Elder-Vass’ paper “Towards a Realist Social Constructionism” (Elder-Vass, 2012), in which he suggests that a critical realist approach to Foucault’s theory of discourse can in fact improve his theory as it adds an explanation to the emergence of discursive rules that goes beyond Foucault’s rather reciprocal implication of such rules being based on an accumulation of past statements. Instead, as Elder-Vass suggests, such rules are based on real social forces that emerge from social groups. However, each individual is under the influence of different groups and hence different social forces. Thus, each individual only tends to conform to such forces. These tendencies moreover affect these social forces and norms dynamic and vulnerable for change (Elder-Vass, 2012, pp. 14-15).
represents knowledge which constructs a topic by using statements (Hall, 1997, p. 44). These statements furthermore comprise of more than only a logical sequence of words, but rather discursive units that consist of “a substance, a support, a place, and a date” (Foucault, 1972, p. 101). Hence, a discourse illustrates a double meaning: on the one hand, discourse represents knowledge of the social reality through its congregation of linguistic and semiotic elements. On the other hand, it constructs and shapes social reality. This twofold notion moves the study of discourse away from the focus on the pure textual interpretation and towards an analysis that perceives discourse as an element of social practices (Prior, 2003, pp. 25-26).

Now, looking at discourse as an element of social practices from a critical realism perspective in which social practices mediate social structures and social events, the study of discourse potentially reveals the underlying relations between discursive elements (such as texts and documents) and non-discursive elements (such as social structures and social events) that are part of the social reality as we see it (Fairclough, 2005, p. 924).

I have now very briefly explained which ontological stance supports my research. As critical realism is often used to describe and explain complex social events, I see great benefits in such a methodological approach for studying the discourse about labor migrants in the context of the mega-sporting event World Cup 2022.

4.2 Documents as data

In order to analyze the discourse under scrutiny here I consider documents published by particular organized actors that contribute through these documents to the discourse about labor migrant rights in the course of 2022 World Cup. Documents as a data source provide certain benefits. Whether they appear as charters, certifications, statements or other official texts, documents express the organizational presence and define its identity and goals (Prior, 2003, p. 60). However, documents are more than only texts that define the organizational identity. Similar to Foucault and his understanding of discourse as a system that represents knowledge and constructs a topic, documents contain further information than only the written content. Documents, as Max Weber already noted, function as mediating tools between discourse and individuals, actions, objects and environments (Hull, 2012, p. 256). Their content provides information for members of an organization that expresses control and coordination and thus affect organizational activities (Hull, 2012, p. 257). Beyond that, documents have the ability to
construct the subject. In this sense, the understanding of documents is akin to the aforementioned notion of discourse as a system that constructs a topic. A document imparts discursive norms, social relationships and concepts; and therefore it creates a specific meaning to the object it refers to (Hull, 2012, p. 259-260). Especially in the organizational context, documents have the means to generate objects. Whole organizations, organizational structures, agendas and memberships exist through official documents. Moreover, organizations do not only exist through documentation, they also express organizational practices that are put into actions by humans (Prior, 2003, p. 60-63). In short, documents affect human agents (Prior, 2003, p. 3).

I have now elaborated that documents are more than only containers of information. Once they are put into the context of a relational field of action in which human actors interact with documents, their actual function becomes apparent. Moreover, as documents are always produced as a collective effort and used within an organizational setting (Prior, 2003, p. 26) organized actors and organizations are fundamental in order to understand the context in which documents become actors.

4.3. The methodology of analyzing documents

After having outlined the basic concept of documents as actors I now elaborate how to analyze these documents. In doing so I draw from Lindsay Prior's three analytical stages (Prior, 2003, 2008a, 2008b). Altogether I present three different analytical stages that are partly interrelated, partly complementary and consecutive: the constitution of the field, documents in action and the textual content. I build the subsequent analysis according to these three analytical stages. In order to conceptually frame my research and to constitute the discursive field in question I apply the first analytical stage: constituting the field. The second stage, documents in action, will be applied in order to reveal the identity behind those organizations and entities that published the documents. Step three finally focuses on the content of the documents and scrutinizes structure and subject. However, as the research questions rather focus on research frame (as in who is included) and the content (as in what is included) and not necessarily so much on the identity of the documents, I also concentrate my analysis on the first and third analytical stage. Nevertheless, in the following I elaborate briefly all three methodological stages.

4.3.1 Constituting the field

In order to enter the field of particular organized actors in which those actors publish documents that express discursive practices regarding labor migrants in Qatar I first need to detect these actors and disclose who in fact participates in the discourse around
labor migrants. Only after doing so I am in the position to identify which documents actually serve as appropriate sources of information that require detailed scrutiny. In order to identify the field, I follow Prior’s suggestion to study the context in which were published (Prior, 2003, p. 67), and who they refer to (Prior, 2003, pp. 121-122). The context in which documents appear needs to be explained as otherwise documents as such can only be reduced to the information they contain (Prior, 2003, p. 67). The context is constituted by social relationships of three different kinds of actors: documents, human actors and organizations. Therefore, the links between the three types of actors are important to reveal in order to understand what these relationships characterize (Prior, 2008a, p. 829). An analysis of how different parties interpret, recruit or refer to specific documents in action provides answers regarding these relationships (Prior, 2003, p. 67).

After elaborating the situational framework of particular documents it is appropriate to focus on the information that the documents contain. The content, however, can be studied from different perspectives and with various methods that generate diverse results. Here I want to highlight the benefits of studying the references rather than the meaning of words. The fact that a number of references regarding a particular issue in a document exist can be very insightful, especially as references are enumerable with the help of simple content analysis. Displaying how some documents make more references about certain instances than others might reveal important background information about initial intentions (Prior, 2003, pp. 114-115). However, as some authors might use the same references but with different intentions, references should never be considered without the context in which they appear (Prior, 2003, p. 122). Here I have demonstrated how to identify and map the actors that constitute the field. After the context is established one can proceed to the next step in which the actual documents of the actors in question move into the center of inquiry.

4.3.2 Documents in action

The next step includes a focus on the function of documents and their content. As already noted, documents appear as actors only when considered against the background of a network of action in which different types of actors interact with another.

When documents enter these networks, they do so in various forms. Whether the text is presented in a shape of a fictional book, a scientific report or legislation, certain forms affect the reader in different ways (Prior, 2003, p. 103). However, the way a document is perceived by its consumers is based on a relational interaction between actors that
define and construct the meaning of a particular type of a document (Prior, 2008b, p. 485). Whether certain parties acknowledge the given text as a serious report conducted by academics or perceive it as a non-scientific column expressing the author's opinion matters. Even though both texts may contain the same content, only the academic text is generally accepted as a “neutral” description of an event while the opinion piece represents more of a subjective perspective. Thus, the format of a document already imposes a certain function to it and shapes the way it is perceived by those who interact with it (Prior, 2003, p. 66).

While the analysis of the format of a document can be revealing, it is furthermore important to consider the way a document is recruited and manipulated by particular stakeholders within a network of action. Actors within an organizational setting tend to form alliances with documents in order to justify actions that follow own interests (Prior, 2003, p. 67). These documents can even be used to create new identities or establish events by intentionally steering the discourse into a direction following the organization's agenda. Therefore, analyzing the format of a document and scrutinizing its function within a network of action in which certain organized actors react to documents explains why particular actions were exercised. However, this does not mean that every document provokes an action. Some organizations might prefer to refrain from actions that are based on the existence of a document as otherwise a reaction would be perceived as disadvantageous for the stakeholder's interest (Prior, 2003, p. 66).

4.3.3. Textual content

As this study primarily includes written documents published by organized entities I mainly focus on words and structure of a document. Beyond that I also consider images, charts and graphs. Here I am especially interested in the arrangements of different parts and who the author intends to address and how the author structures the reader (Prior, 2003, p. 143). Here it is revealing to scrutinize the main ideas and disclose their argumentation, development and attempt of persuasion (Rapley, 2007, p. 117). In order to do so, one needs to question the source of data that supports the argument. What kind of data exist and how reliable and valid are the points that were made on the basis of the existing data? Language and narration style certainly plays a role when doing so. The way the author presents him or herself indicates which relationship the drafter built up to the text and to the reader of the text (Prior, 2003, pp. 142-143).

I have now explained why documents are an important source for scientific research and
how this source can be used to generate answers. In the following, I apply the here elaborated ways of dealing with documents to my research. I divide the analyses into two parts. The first part (chapter 4.5) determines the field by extracting important actors that participate in the general discourse. Here I study referenced actors that appear in the context of labor migration and the World Cup 2022. I then proceed with a more thorough analysis of the context of these actors, which generates further knowledge regarding the role of participation in the discourse (chapter 4.6). This stage does not only identify crucial actors; it also indicates who to focus on in order to search for the actual documents that constitute the discourse. Part two of my analysis finally scrutinizes the documents whose authors have been determined in the previous part. Here I study single documents in depths by focusing on the format, the content and the references.

4.4 Constitution of the discourse

The crucial question at this stage of the research is how to determine those who participate in a discourse and are thus potential actors of interest. Because the universe of potential actors is rather complex, I need to proceed strategically. In order to prevent arbitrary inclusion or exclusion of discourse participants I follow the analytical procedures of organizational scholars, such as Fligstein and McAdam (2011). In their theory of Strategic Action Fields, the authors define a particular universe of interest as a social space in which certain individual or collective actors act and interact with another in order to enforce own ideas regarding the field structure. Social actors are furthermore members of the same contested social field when they share a common understanding of the central issue at stake (Fligstein & McAdam, 2011, p. 3). Consequently, a field surrounds a particular issue of which all involved parties have a common awareness of. As this stage of my research intends to expose who in fact participates in a discourse, I suggest starting from the central issue at stake: labor migrants in Qatar ahead of the World Cup 2022.

Except the population of labor migrants in Qatar (as a bounded actor), FIFA and the State of Qatar, this focus does not reveal anything about the involvement of further actors. It merely serves as an issue that is central for the analysis and therefore a center of the field. From here on I need to study the relationships that exist between particular field actors to the issue at stake. As outlined above, these relationships constitute the context which becomes essential to understand when proceeding with the actual analysis of documents.
I decided to enter the field through a simple content analysis that focused on news articles with the keywords of the central issue “labor migrants” and “World Cup 2022”. By simply counting the referenced actors in the text and categorizing them in a logical order I was able to see which actor or category of actor was mostly mentioned and thus referred to when talking about the central issue of labor migrants in the context of the World Cup 2022. At this point it is important to highlight that this small-scale media analysis by no means delivers an extensive list of actors that exclusively constitute the field. It rather indicates which actors were mentioned in the context of the articles. However, I assume that those actors that were mostly referred to in the news articles are also in one way or another included in the strategic action field and thus can be used as a starting point for the actual analysis in which all main actors of the field are identified.

4.4.1 Entering the field

To enter the field and to proceed systematically I decided to focus on British newspapers, in particular on The Guardian and The Daily Telegraph. The selection of these two newspapers has several reasons. The inclusion of all English speaking newspapers around the globe would have exceeded the scope of this thesis. Therefore, the selection had to be limited. I hence focused on British daily newspapers because football as a topic plays a significant role in British society. Thus, it is to be expected that football mega events, such as the FIFA World Cup, generate extensive media coverage. Moreover, as Qatar is a former part of the previous British Empire, certain connections between the two countries, including public interest, can be expected. I only chose daily newspapers because of the more frequent and current coverage of topics. Furthermore, I selected The Guardian and The Daily Telegraph because of their opposing political affiliations. The Guardian is classified as rather pro-Labour, while The Daily Telegraph is known to be pro-Conservative (Jones & Kavanagh, 2003, pp. 104-105). With a sample that covers both ends of the political spectrum I expect to have a broader overview of actors that are associated with the main issue of this thesis.

In order to collect the articles I used LexisNexis Academics, a commercial database that provides access to international coverage. Through its database I collected all newspaper articles that include the keywords “labor migrants World Cup 2022” and were published by The Guardian and The Daily Telegraph either as online or printed versions within the time frame of 2010 and 2015. In total, the results accounted 149 articles, ranging from year 2011 to 2014. A brief review revealed that 131 articles were

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4 The search was conducted on February 11th, 2015.
published by The Guardian and only 18 by the Daily Telegraph. Moreover, in total only three and four articles were published in 2011 and 2012, respectively, while the majority of newspaper articles were published in 2013 with 52 and 2014 with 87 articles. I subsequently excluded all articles that had clearly no connection to the actual issue and articles that were mentioned twice, which left me with 131 articles in total, while the ratio of articles published by the two news providers remained approximately the same.

Table 1: Total amount of articles

<table>
<thead>
<tr>
<th>Year of publication</th>
<th>The Guardian</th>
<th>The Daily Telegraph</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>2013</td>
<td>46</td>
<td>6</td>
</tr>
<tr>
<td>2014</td>
<td>65</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>115</strong></td>
<td><strong>16</strong></td>
</tr>
</tbody>
</table>

In order to avoid distortion in favor of The Guardian and to balance the amount of articles per year I furthermore decided to pick only every eighth Guardian article from year 2013 and 2014, while I included all articles from The Daily Telegraph. The final amount accounted 17 articles produced by The Guardian and 16 by The Daily Telegraph.

Table 2: Amount of articles after filtering

<table>
<thead>
<tr>
<th>Year of publication</th>
<th>The Guardian</th>
<th>The Daily Telegraph</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>2013</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>2014</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>17</strong></td>
<td><strong>16</strong></td>
</tr>
</tbody>
</table>

After gathering the articles I finally scanned through each text and extracted all actors that were mentioned, irrespective the context. I defined an actor as a human and non-human actor that had a clearly identifiable character or represented a governmental institution, a national or international agency, a private or public agency or organization. Moreover, actors that were mentioned several times within one article were only considered once. For news articles which summarized the daily news and hence included chapters that were not related to the issue I furthermore only focused on the chapter which was connected to the keywords.

Altogether 236 various actors were extracted from 33 articles. In order to get a clearer
overview I subsequently categorized the results in the following six categories: organizations, government institutions, international institutions, private actors, media and research institutions. As the categories organizations and government institutions include very different types of actors I furthermore identified subcategories that specify the type of actor. Moreover, as I conduct the preliminary analysis in order to detect the most frequently referenced actors I ignored all actors that accounted less than three references and summarized them under the category others.

As Table 3 demonstrates, organizations and government institutions were mostly mentioned. Especially sports organizations account a high number of counts, which are mostly covered by FIFA (n = 26). The Union of European Football Association (UEFA), the Asian Football Confederation (AFC) and the English Football Association (FA) were mentioned significantly less often (n = 4, n = 3, n = 3, respectively). Even though the total sum of other sports organizations account a considerable amount, none of those were mentioned more than twice. Moreover, they are highly diverse in terms of organizational structure, members and location. Thus, these organizations are not further specified here. Amnesty International (n = 6) and Human Rights Watch (n = 4) represent the majority of the humanitarian organizations. With the second highest count of all organizations, the International Trade Union Confederation (n = 10) represents the majority of trade unions while only a few other trade unions were named.

The distribution of counts regarding government institutions is in favor of Qatari governmental institutions, such as the Supreme Committee for Delivery and Legacy (n = 12) and the Ministry of Labor and Social Affairs (n = 6). However, the high number of other Qatari state institutions indicate a great variety of different state institutions that are somewhat linked to the issue of labor migrants and the World Cup 2022. Of all non-Qatari government institutions that were referred to, British (n = 8) and Nepalese (n = 4) governmental institutions were mostly named, whereas other institutions remained below the limit of three counts.

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5 I initially identified one additional group that included all actors who did not match to the other categories. However, as these actors were very diverse (e.g. artists, football player, ISIS) and mentioned only once I decided to ignore this group from the further analysis.
Table 3: categorized actors

<table>
<thead>
<tr>
<th>Type of Actor</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Organizations</strong></td>
<td>88</td>
</tr>
<tr>
<td><strong>Sports Organizations</strong></td>
<td></td>
</tr>
<tr>
<td>FIFA</td>
<td>26</td>
</tr>
<tr>
<td>UEFA</td>
<td>4</td>
</tr>
<tr>
<td>AFC</td>
<td>3</td>
</tr>
<tr>
<td>FA</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>23</td>
</tr>
<tr>
<td><strong>Human Rights Organizations</strong></td>
<td></td>
</tr>
<tr>
<td>Amnesty International</td>
<td>6</td>
</tr>
<tr>
<td>Human Rights Watch</td>
<td>4</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
</tr>
<tr>
<td><strong>Trade Unions</strong></td>
<td>13</td>
</tr>
<tr>
<td>ITUC</td>
<td>10</td>
</tr>
<tr>
<td>Others</td>
<td>3</td>
</tr>
<tr>
<td><strong>Government Institutions</strong></td>
<td>71</td>
</tr>
<tr>
<td><strong>Qatari Government Institutions</strong></td>
<td></td>
</tr>
<tr>
<td>SC</td>
<td>12</td>
</tr>
<tr>
<td>The Ministry of Labor and Social Affairs</td>
<td>6</td>
</tr>
<tr>
<td>Others</td>
<td>33</td>
</tr>
<tr>
<td><strong>Other Government Institutions</strong></td>
<td></td>
</tr>
<tr>
<td>British Government</td>
<td>8</td>
</tr>
<tr>
<td>Nepalese Government</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
</tr>
<tr>
<td><strong>Media</strong></td>
<td>27</td>
</tr>
<tr>
<td>The Guardian</td>
<td>13</td>
</tr>
<tr>
<td>The Daily Telegraph</td>
<td>6</td>
</tr>
<tr>
<td>The Sunday Times</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>5</td>
</tr>
<tr>
<td><strong>Private Actors</strong></td>
<td>22</td>
</tr>
<tr>
<td>DLA Piper</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>19</td>
</tr>
<tr>
<td><strong>International Institutions</strong></td>
<td></td>
</tr>
<tr>
<td>UN Bodies</td>
<td>7</td>
</tr>
<tr>
<td>European Parliament</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>2</td>
</tr>
<tr>
<td><strong>Research Institutions</strong></td>
<td>3</td>
</tr>
</tbody>
</table>

6 Actors who have not been specifically mentioned by name but are clearly identifiable as representing a particular type of organization (e.g. human rights organization, Qatari authorities) and actors who are mentioned less than three times are summarized under others.

7 Also includes FIFA’s Independent Governance Committee (n = 1) and Ethics Committee (n = 4).

8 Includes International Labour Organisation (n = 4), International Organisation for Migration (n = 1) and United Nations.
Considering that only articles from The Guardian and The Daily Telegraph were examined, it is not surprising that both represent the majority of referred media actors with twelve and six counts, respectively. Of all private actors, only DLA Piper, a global law firm, was mentioned more than twice (n = 3). International institutions consist of several UN bodies (n = 7), of which the ILO was mostly mentioned (n = 4). Research institutions were in total only referred to three times and are due to the individual count of less than three not further specified.

The next step includes a further investigation of whether to include or exclude the listed actors as members of the discursive field in question. The criterion here was to determine who of the listed actors actively engaged in the discussion about labor migrant rights. To do so I simply looked at published reports and other kinds of documents and selected those which were related to the issue of labor migrant rights in Qatar, as depicted in Table 4. While the characteristics of the organizations behind the documents vary to a great extent, their documents share one feature: they all engage with the issue of labor migrant rights in Qatar ahead of the World Cup 2022. Therefore, Table 4 does not only delineate who has published what, it moreover gives a general idea of who constitutes the discursive field of interest. By releasing different kinds of documents, all presented actors exerted discursive actions in order to discuss labor migrant rights. However, while the general topic is similar, the format of each document differs, ranging from reports to guidelines. Before analyzing the content of the documents in Table 4, I first briefly describe the characteristics listed documents.

Human rights organizations and trade unions, such as Human Right Watch, Amnesty International and the International Trade Union Confederation (hereafter HRW, AI and ITUC, respectively) released investigative reports at different times. Starting in June 2012, HRW released “Building a Better World Cup – Protecting Migrant Workers in Qatar Ahead of FIFA 2022”, a 152 pages long report researching the condition of migrant construction workers in Qatar (Human Rights Watch, 2012, p. 1). The report includes mostly textual content, but also 18 images of workers and 50 pages of appendixes.

Amnesty International issued its report “The Dark Side of Migration – Spotlight on Qatar’s Construction Sector Ahead of the World Cup” in November 2013, focusing its investigation on migrant construction workers, domestic workers and cleaners. Similar

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9 Even though FIFA has issued several press releases commenting the case of foreign workers in Qatar, it has not released any detailed reports or guidelines. As the press releases do not provide sufficient information for a detailed inquiry in this context I do not consider them in the following analysis.
to the HRW report, The AI study comprises 170 pages of mostly text. In addition, it includes 36 smaller images with various depictions, ranging from photographed documents to workers’ accommodations, and 13 pages of appendixes. Amnesty International furthermore published a follow-up report in May 2015, scrutinizing whether if and how the situation of migrant workers has improved since their last investigation in November 2013. Unlike the earlier report, the follow-up version comprises only twelve pages, partly with textual and partly images.

Also the International Trade Union Confederation published a report investigating the conditions of migrant workers, including migrant construction workers, domestic workers and cleaners. “The Case against Qatar” came out in March 2014 and includes 34 pages of written and graphic content, including 32 images and two pages of appendixes. In contrast to HRW’s and AI’s first reports, the ITUC report is more visual and uses a range of smaller text units and text boxes, rather than a coherent text (International Trade Union Confederation, 2014).

All four reports base their findings on interviews, meetings, on-site visits, and review of national and international law and standards. Interviews and meetings were conducted with migrant workers from different sectors, with Qatari authorities and representatives from labor sending countries, with corporate representatives, as well as with representatives of a variety of research institutions and NGOs. However, while the organizations' research scopes are similar, the quantity of conducted interviews varied widely. Amnesty International conducted for its initial report 289 individual and group interviews with migrant workers (Amnesty International 2013, p. 11-12) and an unspecified amount of interviews for its second report. Human Rights Watch conducted 114 individual and group interviews (Human Rights Watch, 2012, p. 29). The International Trade Union Confederation did not specify on how many interviews its report is based. However, the document presents several case studies which indicate that at least 16 interviews with migrant workers were conducted.
<table>
<thead>
<tr>
<th>Date</th>
<th>Quarter</th>
<th>Human Rights Organization/Trade Union</th>
<th>Qatari Government Institutions</th>
<th>Private Entity</th>
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<td><em>QF</em>: Mandatory Standards of Migrant Workers’ Welfare</td>
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<td><em>QF</em>: Migrant Labour Recruitment to Qatar</td>
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<td><em>SC</em>: Semi-Annual Workers’ Welfare Compliance Report</td>
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<td><em>AI</em>: Promising Little, Delivering Less - Qatar and Migrant Labour Abuse Ahead of the 2022 Football World Cup</td>
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As Table 4 indicates, two Qatari institutions engaged with the topic of labor migrants: The Supreme Committee for Delivery and Legacy (SC) and the Qatar Foundation (QF). The SC is an organization tasked to oversee the preparations of the stadiums and infrastructure for the 2022 FIFA World Cup. While it ensures the adequate implementation of all required standards set by FIFA, it also aligns with Qatar’s
development goals, such as the Qatar National Vision 2030 and the National Development Strategy 2011-2016. In February 2014, the SC released the newly established SC Workers’ Welfare Standards (SCWWS), setting minimum welfare standards for workers who are employed at SC construction projects (Supreme Committee, 2014, p. 4). The document includes 26 pages of articles and 24 pages of annexes, setting regulations of accommodation, labor recruitment, employment contract, complaints mechanisms and other worker welfare requirements (Supreme Committee Workers’ Welfare Standards, 2014).

Seven months later, in September 2014, the SC released the Semi-Annual Workers’ Welfare Compliance Report, reporting the progress of implementation of the workers’ welfare standards. The report comprises 41 pages of textual and visual content, of which 31 photos and charters present workers, accommodations and various statistics. Basing its main source of information on audits and on-site visits, the report mainly focuses on the condition of workers' accommodations (Supreme Committee, 2014, p. 4).

Similar to the Supreme Committee, the Qatar Foundation ensures the delivery of World Cup related projects. The Qatar foundation for Education, Science and Community Development, founded by the previous Emir Hamad Bin Khalifa Al Thani, oversees the implementation of the Qatar Foundation Stadium (Supreme Committee, 2014, p. 14), for which it issued the first workers’ welfare standards in April 2013. The so-called “QF Mandatory Standards of Migrant Workers' Welfare for Contractors and Sub-Contractors”, regulates minimum requirements regarding living, working and recruiting of workers hired by QF contractors (2013, p. 6) and comprises 51 pages of guidelines, including two pages of annexes. The same foundation released in July 2014 the study “Migrant Labour Recruitment to Qatar – Report for Qatar Foundation Migrant Worker Welfare Initiative” (Jureidini, 2014), researching the recruitment of migrant labor force to Qatar. The 138 long study is based on 148 interviews, comprising migrant workers, government officials (of both Qatar and laborer sending countries), recruiting agents and NGO representatives.

As the only private entity, the international law firm DLA Piper contributed to the discourse by releasing the report “Migrant Labour in the Construction Sector in the State of Qatar” in April 2014. Tasked by the State of Qatar, DLA Piper conducted a research on the legislative and enforcement framework regarding Qatar's labor laws. For its 136 pages long report, DLA Piper reviewed national and international legal

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10 See http://www.sc.qa/en/about
frameworks, such as Qatar's constitution and Qatar's labor laws, as well as bilateral treaties and reports conducted by Amnesty International, Human Rights Watch, the International Trade Union Confederation, the United Nations, International Labour Organization and Engineers Against Poverty. As the title of the report indicates, the scope of the review includes only the construction sector and not the domestic or other sectors (DLA Piper, 2014, p. 1).

The International Labor Organization also actively engaged in the discourse. As part of its 320th Session of the Governing Body in March 2014, the ILO discussed and commented two allegations concerning labor rights issues in Qatar. The first allegation was raised by the International Trade Union Confederation and the Building and Woodworkers International (BWI) and concerned Qatar's non-compliance with the Forced Labour Convention (ILO, 2014a). The second allegation was also raised by the ITUC, but concerned Qatar's restriction regarding workers' right to freely create and join trade unions and exercise collective bargaining (ILO, 2014b). The third report issued by the United Nations Human Rights Council (UNHRC) and comprised a 148 pages long investigation of the Special Rapporteur on human rights abuses regarding migrant workers in Qatar (U.N. Human Rights Council, 2014).

Above I have outlined who constitutes the discourse about labor migrants in Qatar ahead of the World Cup. Altogether four different groups released various documents and reports concerning migrant workers. These parties represent organizations closely affiliated with the Qatari government (the Qatar Foundation and the Supreme Committee for Delivery and Legacy), a private firm commissioned by the Qatari government (DLA Piper), independent human rights and labor rights activists (Human Rights Watch, Amnesty International and the International Trade Union Confederation), and the United Nations and affiliated bodies (the United Nations Human Rights Council and the International Labor Organization). Interestingly, the bulk of released documents were issued by independent international organizations, while only two Qatari organizations and one private international entity commissioned by the Qatari government published reports concerning labor migrants in Qatar. Moreover, human rights and labor rights activists were not only the first, but also the most dominant and most coherent group of actors regarding the drafting of reports. However, in order to deepen the analyses and to draw concrete conclusions based on these discursive actions, it is crucial to scrutinize the content of the reports. Thus, in the following I describe the central claims made by the above described documents and actors.
5. Central claims of discourse participants

After having elaborated who and how certain actors participate in the discourse I now proceed to the detailed analysis of documents presented above. Considering the varying amount of pages that are included in the documents I decided to consider only the introductory or summary parts of the lengthy documents and the entire document of the shorter reports. The introductions and summaries of the lengthy reports highlight the main findings to an extent that allows a comprehensive understanding of the most crucial points. However, I look at the whole document when the introduction is too general or too vague to draw any concrete conclusions. The structure of the analysis is as follows: The first step provides a descriptive overview over the discourse in question. In the first instance I present the claims of those who initiated the discourse about labor migrant rights and serve as social rights protector. To juxtapose in opposition, I continue with Qatari affiliated organizations. By engaging in the discourse about social rights after it has been already established, these parties only react rather than control the dynamics of the discourse on the social consequences of labor migration. Next, I present the DLA Piper’s report. The document, which, as already mentioned, has been commissioned by the Qatari government and implemented by the international law firm, serves as the Qatari’s global response to a globally led debate. Finally, I focus on those actors that provide the global justice framework to which earlier mentioned civil society actors refer to when advocating for labor migrant rights. I categorize the discursive actions expressed by all these actors according to Fraser’s three dimensional concept of justice and group their recommendations according to whom they are addressed to. Following the descriptive part, the next step entails the analytical section in which the institutional setting of the claims-making is in focus.

5.1 Actors protecting the rights of labor migrants

This section presents the central claims of those who assert to protect the migrant workers, and in doing so initiate a new discourse about the social rights of labor migrants. All reports and follow-up reports issued by Human Rights Watch, Amnesty International and the International Trade Union Confederation reveal severe cases of abuse and labor exploitation of migrant work force in Qatar (Human Rights Watch, 2012, p. 2; Amnesty International 2013, p. 6; 2015, p. 2), to an extent that the ITUC even labels as slavery (International Trade Union Confederation, 2014, p. 4). While all reports concentrate their investigation on labor migrants employed in the construction or related sectors, some reports also include the domestic workers, such as the
International Trade Union (International Trade Union Confederation, 2014, p. 23) and the Amnesty International reports (Amnesty International, 2013, p. 9; 2015, p. 5). The following accusations of labor exploitation therefore mainly address construction workers, but also include domestic workers to some extent. More specifically, these accusations include improper living standards, recruitment flaws, forced labor, lack of free movement, no or inadequate payment, no sufficient democratic rights and health risks for labor migrants. The reports furthermore propose certain actions that need to be taken in order to deal with the observed issues of labor migrants’ rights abuse. These actions and measures are addressed to four different parties: Qatari authorities, companies involved in construction projects of the World Cup, FIFA and governments of labor sending countries. I now first categorize the observed issues in the light of three dimensions of injustices before I continue to the proposed measures.

5.1.1 Injustice based on economic maldistribution

According to findings congruent with reports by all three parties, many labor migrants face improper living standards at labor camps where migrant workers are accommodated. These improper living conditions include squalid accommodation (Amnesty International, 2013, p. 6; International Trade Union Confederation, 2014 p. 5), overcrowded rooms with eight to eighteen workers per room sleeping in bunk beds (Human Rights Watch, 2012, p. 4), no drinkable water (Human Rights Watch, 2012, p. 4; International Trade Union Confederation, 2014, p. 5) and no working air-conditions (Human Rights Watch, 2012; p. 4, Amnesty International, 2013, p. 7). Besides that, according to all four reports, migrant workers face several health issues. These issues include limited access to medical care (Human Rights Watch, 2012, p. 6), unhealthy and dangerous working conditions due to improper safety measures (Human Rights Watch, 2012, p. 4; Amnesty International, 2013, p. 6; 2015, p. 5) and due to excessive working hours (Amnesty International, 2013, p. 6; International Trade Union Confederation, 2014, p. 16). Moreover, the ITUC and AI report cases of psychological distress of migrant workers caused by their precarious situations (Amnesty International, 2013, p. 6 International Trade Union Confederation, 2014, p. 7). Based on statistics received by embassies of labor sending countries, the reports furthermore find an unusually high death rate of migrant workers in Qatar (Human Rights Watch, 2012, p. 4; International Trade Union Confederation, 2014, p. 6, Amnesty International, 2015, p. 3), which, according to calculations made by the International Trade Union Confederation, could raise up to 4000 by the time the World Cup 2022 officially starts.
International Trade Union Confederation, p. 15). However, Human Right Watch also notes that there are conflicting figures regarding death rates at construction sites, especially when comparing the numbers released by the Qatari Ministry of Labor with those from labor sending countries (Human Rights Watch, 2012, p. 4). An issue that HRW relates to Qatar’s inadequate labor law, as it does not require any public reporting on such matters (Human Rights Watch, 2012, p. 7). Amnesty’s most recent report moreover criticizes the Qatari government for its reluctance to investigate the death of migrant workers at construction sites (Amnesty International 2015, p. 5).

Both squalid accommodation and unsafe working conditions are against Qatari Sponsorship Law and local working standards, yet seem to occur frequently, as all three organizations report about such issues over a time span of three years. Human Rights Watch as the first report and Amnesty’s most recent report relate these issues to Qatar’s insufficient monitoring system. Accordingly, HRW criticizes Qatar of employing only 150 labor inspectors who are responsible to inspect the conditions of 1.2 Million workers (Human Rights Watch, 2012, p. 5). Even though AI acknowledges that the number of labor inspectors rose up to 243 until the AI’s latest investigation in 2015, they nevertheless criticize that the promised number of 300 inspectors is yet to be reached and that some of those inspectors are not sufficiently trained to exercise their tasks adequately (Amnesty International, 2015, p. 5).

Another issue raised by all four reports concerns widespread flaws in the recruiting process of labor migrants from migrant sending countries. These recruitment flaws range from deceptive recruitment practices in which migrant workers are deceived about actual working conditions and wages (Human Rights Watch, 2012, p. 12; Amnesty International, 2013, p. 7; 2015, p. 9; International Trade Union Confederation, 2014, p. 28), to the necessity for migrant workers to pay large recruitment fees (Human Rights Watch, 2012, p. 2, International Trade Union Confederation, 2014, p. 20, Amnesty International, 2015, p. 9). In order to pay such fees, workers often need to take loans at high interest rates (International Trade Union Confederation, 2014, p. 20). While Qatari law prohibits Qatari recruiting agents to charge such fees (Human Rights Watch, 2012, p. 6 International Trade Union Confederation, 2014, p. 20) and bilateral agreements between Qatar and several migrant sending countries require Qatari employers to cover recruitment costs, charging migrant workers recruitment fees are still common practices (Amnesty International, 2015, p. 5).

HRW, AI and the ITUC furthermore report several cases of no or inadequate payment of migrant workers’ salaries. These cases include illegal wage deductions or withholding
of salary for a couple of months by employers (Human Rights Watch, 2012, p. 2-3; Amnesty International, 2013, p. 6; International Trade Union Confederation, 2014, p. 22) and payment of less salary than initially promised (Amnesty International, 2013, p. 6; 2015, p. 9; International Trade Union Confederation, 2014, p. 28). Even though HRW acknowledges that Qatari law requires work contracts to follow minimum standards of a model contract, it nevertheless criticizes the model contract of being insufficient, as no minimum wage guidelines are included (Human Rights Watch, 2012, p. 3). The absence of minimum wage and the indebtedness of many migrants due to above mentioned recruitment fees thus force workers to accept lower salary, as the HRW report concludes (Human Rights Watch, 2012, p. 3).

Partly based on recruitment flaws, partly based on the withholding of salaries and partly based on legal issues, all four actors furthermore present findings that indicate migrant laborers’ restrictions regarding their free movement. Such restrictions exist to some extent due to widespread practices of employers withholding passports and identification documents of their workers, which leave migrants at the risk to be legally defined as “absconded” and thus potentially subjects them of being detained and deported by Qatari authorities (Human Rights Watch, p. 4, 2012; Amnesty International, 2013, p. 6; 2015, p. 9; International Trade Union Confederation, 2014, pp. 28-29). Even though the confiscation of passports by employers is prohibited by Qatari law (Human Rights Watch, p. 6; Amnesty International, 2013, p. 9; International Trade Union Confederation, 2014, p. 29) and the government discusses to increase the penalty on employers confiscating passports, employers still engage in such practices. This is, as Amnesty further concludes, mainly due to the government’s reluctance to investigate such cases (Amnesty International, 2015, p. 9).

According to all four reports, the main issue regarding the lack of free movement of migrant workers is based on Qatari’s legal and policy framework. Especially the Sponsorship Law No. 14 of 2004, which prevents labor migrants from changing jobs or leaving the country without the employers’ consent, is by all three organizations considered as one the main issues (Human Rights Watch, 2012, p. 2; Amnesty International, 2013, p. 6; 2015, p. 4; International Trade Union Confederation, 2014, p. 28). The ITUC furthermore specifically highlights two local guidelines that prevent workers to change employers: the Qatar Foundation Mandatory Standards, which prohibits to freely transfer employer or exit Qatar (International Trade Union Confederation, p. 16), and the Supreme Committee’s Worker’s Welfare Standards, which fails to help workers leave abusive work conditions (International Trade Union
Confederation, 2014, p. 18). Human Rights Watch furthermore notices restrictions of free movement due to migrant workers' indebtedness. Even if labor migrants are granted to leave Qatar, some are still forced to stay as their debts, which are often based on initial recruitment fees that first need to be compensated before it is possible to leave the country (Human Rights Watch, 2012, p. 2).

The lack of freedom to move and change employer upon own will, no regular payment and being deceived regarding the actual working conditions during the recruitment process amount to forced labor and exploitation of workforce, as all three organizations conclude (Human Rights Watch, 2012, p. 2; Amnesty International, 2013, p. 7; International Trade Union Confederation, 2014, p. 28).

5.1.2 Injustice based on political misrepresentation

All three human rights and labor rights organizations also report about findings that relate to migrant workers’ political misrepresentation. According to HRW, AI and the ITUC, Qatar prohibits labor migrants to engage in collective bargaining and exercise their international right to freedom of association (Human Rights Watch, 2012, p. 7; International Trade Union Confederation, 2014, p. 20). This includes also the restriction to form or join a trade union, which is, however, legal for Qatari citizens (Human Rights Watch, 2012, p. 7; Amnesty International, 2015, p. 5). These restrictions fall short with some international human rights instruments, as the reports notice. Accordingly, HRW, AI and ITUC criticize Qatar for not having ratified key ILO conventions, such as the Freedom of Association, Collective Bargaining and Equal Remuneration Conventions (Amnesty International, 2013, p. 7; International Trade Union Confederation, p. 31) and UN treaties, such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Human Rights Watch, 2012, p. 7; Amnesty International, 2013, p. 7).

Human Rights Watch also comments on Qatar’s obligation to ensure those rights that are already ratified, such as the ILO conventions against forced labor, discrimination in employment and occupation, and prohibiting child labor, as well as the UN treaty on Trafficking Protocol (Human Rights Watch, 2012, p. 7).

Besides the legal restriction of migrant workers to form groups and advocate own rights, they furthermore face structural issues when using the already existing official complaint system. While Qatar maintains a Labor Complaints Department, a subunit of the Qatari Ministry of Labor and Social Affairs responsible for any worker complaints,
its access for workers is only limitedly available. According to HRW, the specifically established labor complaint hotlines only answer calls in English or Arabic, both languages that are often not spoken by low-skilled non-Arabic foreign workers (Human Rights Watch, 2012, p. 5). Moreover, according to the ITUC, the complaint hotline has failed because no one had ever answered when it was tested (International Trade Union Confederation, 2014, p. 19).

When workers intend to seek help and file complaints, they have to fear retaliations. Accordingly, HRW and AI report about migrant workers who stopped receiving salaries (Human Rights Watch, 2012, p. 5) or were reported as absconded when filing complaints against their employers (Amnesty International, 2015, p. 5). When seeking legal redress, Amnesty International and Human Rights Watch furthermore report on difficulties when accessing to the Labor Court, both physically and structurally. Migrant workers who asked for compensations were required to pay fees and wait several months until their case was processed (Amnesty International, 2013, p. 9). This, however, is for many migrant workers not achievable, as there is no income from original job and no permission to change workplace, due to the sponsorship system (Human Rights Watch, 2012, p. 6). Physical barriers when accessing the legal system exist due to impractical opening hours and official documents only available in Arabic language (International Trade Union Confederation, 2014, p. 23). While these accusations address the ineffectiveness of the redress system, HRW further notices difficulties for third parties to understand how the Labor Complaint Department conducts its resolution process, due to its failure to publish any data regarding the complaint resolution outcome (Human Rights Watch, 2012, pp. 5-6).

5.1.3 Injustice based on cultural misrecognition

The reports furthermore observed injustices that fall under the category of cultural misrecognition. According to Amnesty International and the International Trade Union Confederation, one group which is discriminated are domestic workers. As Qatari labor law excludes them entirely, they have no possibility to officially seek redress if their rights are violated (Amnesty International, 2013, p. 15) and are thus discriminated by Qatari law. However, especially domestic female worker are often victims of abuses and sexual assaults. Being an unmarried mother furthermore bears the risk to be imprisoned in particular detention centers, without charges or without access to legal help (International Trade Union Confederation, p. 23).

Further discriminatory practices were revealed by the ITUC. In addition to the above
already mentioned claims regarding problematic payment procedures, according to report’s findings, salaries are often based on workers’ nationalities, which indicate discrimination based on country of origin (International Trade Union Confederation, 2014, p. 25). While the ITUC report highlights specific discriminatory acts based on nationality, occupation and gender, HRW and AI recognize discriminatory actions against the whole group of labor migrants due to dissimilar treatment between citizens and migrants by Qatari law (Human Rights Watch, 2012, p. 7).

I have now summarized some of the most important issues presented by the reports of HRW, AI and the ITUC. As the reports were conducted within the time span of three years, some of these issues are more and some are less current. However, most of the presented findings were congruent with all four reports and thus indicate that the investigating organizations did not acknowledge any major changes of conditions of migrant workers. All three human rights and labor rights activists criticize the conditions of labor migrants in Qatar. These conditions include the workers’ living and working situations, their recruitment processes, their salaries, and their incapability to move freely and exercise certain rights, such as right to freedom of association. All three organizations agree that these flaws present cases of exploitative and discriminatory practices and amount at times to forced labor. Many of the here depicted observations prevent labor migrants to fully “participate as peers in social life” (Fraser, 2008, p. 16) and are thus characterized as different categories of injustices. Depending on the issue, AI, HRW and ITUC present different reasons why such practices are widespread. However, coinciding with all four reports, one reason of such misconduct is the existing legal framework, including the failure to adequately monitor the adherence of existing laws and the insufficient provision of an adequate redress system.

5.1.4 Proposed measures
In the light of the injustices that HRW, AI and ITUC revealed in their reports I now present their proposals and measures to improve the condition of migrant workers. These measures concern mainly the government of Qatar and its subunits, but also include companies involved in World Cup related construction projects, FIFA and the governments of labor sending countries. While the proposals differ slightly in their approach and scope, the International Trade Union Confederation especially sticks out as it aims its accusations and proposals mainly at Qatar, while AI and HRW also consider other parties. I first start with a selection of proposed measures aimed at
different governmental units. After doing so, I present the reports’ proposed measures that target involved companies and the FIFA.

Claims addressed to the governmental units of Qatar and those of labor sending countries

As all three organizations accuse the Qatari labor law and especially its sponsorship system of facilitating exploitative working and living conditions of migrant workers, they hence call the Qatari government to fundamentally reform its legal system Human Rights Watch, 2012, p. 9, Amnesty International, 2013, p. 9, International Trade Union Confederation, 2014, p. 16). In detail, AI suggests that such reforms would include the abolishment of the requirement of the No Objection Certificate when changing employer, the suspension for migrant workers to require employers’ consent to exit the country, including domestic workers into the labor law and finally, allowing migrant workers to form or join trade unions (Amnesty International, 2013, p. 9). In their follow-up report, AI notes that Qatari authorities are currently discussing some of their suggested measures. Accordingly, the government promised in May 2014 to replace the obligatory exit permission with a system that grants workers automatically their permission to leave within 72 hours. However, AI further criticizes that, when permission is granted, it still can be objected by employer for reasons that are yet not clear. Besides the replacement of the exit permit, Qatar also promised to replace the No Objection Certificate with an employer contract system, which would authorize workers to change employers after the expiration of the work contract (Amnesty International, 2015, p. 2). Until the draft of AI’s most recent report, such reforms were, however, not implemented yet (Amnesty International, 2015, p. 11).

Alongside with Amnesty International, also the International Trade Union Confederation and Human Rights Watch emphasize the importance of migrant workers gaining the right to unionize. Thus, they urge the government to take essential legislative steps and include collective bargaining and rights to freedom of association for migrant workers into their legal framework (Amnesty International, 2013, p. 9, International Trade Union Confederation, 2014, p. 19). The ITUC moreover urges the government of Qatar to actively assist workers to introduce unions while ensuring no punishment for those who exercise collective bargaining (International Trade Union Confederation, 2014, p. 19). HRW emphasize the necessity of these reforms and additional laws to meet the minimum criteria of international labor and human rights standards in order to successfully and properly protect migrant workers (Human Rights
In order to deal with issues relating to recruitment flaws, HRW picks up a statement made by the Supreme Committee’s Secretary General Hassan Al Thawadi, in which he promises contractual guarantees for workers’ rights, but adds that such a clause should especially address the illegality of charging recruitment fees (Human Rights Watch, 2012, p. 8). Moreover, HRW proposes to the authorities to revise the labor law and specifically oblige employers instead of workers to cover all recruitment and work-related fees. Employers should furthermore provide proof of such payments (Human Rights Watch, 2012, p. 9). The ITUC urges Qatar to improve the labor recruitment system through the collaboration with only responsible international recruitment agencies (International Trade Union Confederation, 2014, p. 6). While HRW and the ITUC seek the responsibility of fighting recruitment flaws with the government of Qatar, AI rather identifies the governments of the migrant sending countries as accountable to ensure legislation to fight illegal recruitment practices (Amnesty International, 2013, p. 10; 2015, p. 11).

Besides alterations of the existing labor law, the ITUC and AI also call to reform of the workers’ complaint system. With regards to its initial criticism of workers’ limited access to the court system, Amnesty advises both Ministries of Labor and Justice to entirely reform the labor complaint and court system and to improve the accessibility (Amnesty International, 2013, p. 9). Moreover, in order to deal with urgent matters, such as migrant workers not receiving any salary or being at risk to be arrested due to missing residence permit, AI suggest for the government to establish a specific cross-government unit that ensures a quicker processing period (Amnesty International, 2013, p. 10). Similar to AI, the ITUC urges the government of Qatar to implement an effective complaint system, but recommends to establish an independent labor tribunal (International Trade Union Confederation, 2014, p. 17).

The ITUC furthermore suggests for Qatar to guarantee a minimum living wage and abandon any race-based wage system (International Trade Union Confederation, 2014, p. 6). This last point refers to the observed practices of migrant workers being paid according to their country of origin rather than according to the occupational profession they exercise.

The here presented recommendations and measures urge Qatar to conduct significant reforms of current legislative frameworks. However, all three organizations additionally highlight the importance for Qatar to enforce already existing laws. HRW, for instance, mentions the high standards of local housing regulations but acknowledges that these
regulations are not complied with (Human Rights Watch, 2012, p. 3). Thus, while recognizing the potential protection of migrant workers through an adequate enforcement of currently existing law, HRW, AI and the ITUC call the government of Qatar to proactively administer current legislations (Human Rights Watch, 2012, p. 3; Amnesty International, 2013, p. 9, International Trade Union Confederation, p. 26). As some of the workers’ regulations and standards include only particular World Cup related construction projects and thus fall short in protecting workers employed at different projects, AI furthermore calls the authorities to include all construction projects under a common workers’ standards (Amnesty International, 2013, p. 11).

In order to adequately enforce existing law, AI, HRW and the ITUC advise Qatar to monitor the conditions of migrant workers. While HRW calls the government in general to improve the audition of employment sites (Human Rights Watch, 2012, p. 9), AI addresses specifically the Supreme Committee to monitor its contractors’ performance regarding their adherence to international human rights and labor standards (Amnesty International, 2013, p. 11). The ITUC even adds a letter addressed to the Qatari Minister of Labor, in which it lists six companies that the ITUC wished to be inspected by Qatari authorities (International Trade Union Confederation, 2014, pp. 26-27).

Those employers who are found to have violated laws and workers’ rights should be effectively penalized by the government, as HRW proposes. Such penalties could include the reimbursement of charged recruitment fees (Human Rights Watch, 2012, p. 9). HRW furthermore addresses directly Aspire Logistics\(^\text{11}\) and suggests not only to list approved contractors, but also to terminate contracts with contractors that keep abusing workers (Human Rights Watch, 2012, p. 12). While the HRW report of 2012 calls for more penalties, AI’s most recent report acknowledges Qatar’s attempts to increase fines on certain wrongdoings. Accordingly, current draft laws consider the increase of fines for illegal passport confiscation by five times (Amnesty International, 2015, p. 4).

In addition to the potential implementation of higher penalties, HRW furthermore recommends for the government of Qatar to provide more information for the public regarding injuries and death rates and more information for migrant workers regarding jobs and salaries before departing to Qatar (Human Rights Watch, 2012, p. 9).

**Claims addressed to private companies**

Above I have outlined the reports’ recommended measures to the governments in Qatar

\(^{11}\) Aspire Logistics is a business unit of the Aspire Zone Foundation, a Qatari foundation established to build and manage sport facilities (see: http://www.aspirelogistics.qa/Aboutus.aspx)
and labor sending countries. In the following I summarize which recommendations the reports address to involved companies. While the HRW report lists different measures to be taken by companies rather explicitly, the first Amnesty International’s report remains more general. Striking is that the second AI report and the ITUC report do not address companies and involved corporates directly.

In general, HRW urges all companies, contractors and subcontractors involved in construction projects in Qatar to adhere to Qatari law and international labor standards (Human Rights Watch, 2012, p. 13). Amnesty’s report widely agrees with that, but goes further and reminds businesses on their responsibility to follow international standards on business and human rights, especially in the light of “[t]he weakness [of] Qatari law” (Amnesty International, 2013, p. 10). This can be achieved, as the report further suggests, when major companies establish own policies that also cover workers employed by subcontractors and suppliers.

Human Rights Watch specifies its recommended measures regarding recruitment practices, retention of passports, wages, monitoring and the provision of information. Accordingly, the report advises companies to guarantee the reimbursement of migrant workers in case they were charged fees that relate to the recruitment process (Human Rights Watch, 2012, p. 13). HRW furthermore suggests to companies to prohibit the retention of workers’ passports and instead ensure storage places to which workers have access any time (Human Rights Watch, 2012, p. 13). With regards to issues relating to belated or inadequate payment of workers’ salaries, HRW urges companies to ensure regular monthly payment to be paid on bank accounts (p. 13). Interestingly, the recent AI report reveals, that the Emir of Qatar recently approved an amendment of the labor law which obligates direct bank deposits of workers’ salaries (Amnesty International, 2015, p. 11). In order to provide more information, HRW urges businesses to guarantee workers contracts, written in a language they understand and to be signed before leaving their home countries. Moreover, companies should monitor independently the condition of their workers and report the results publicly, including numbers regarding injuries and death rates (Human Rights Watch, 2012, p. 13).

Claims addressed to FIFA

Claims addressed to FIFA are formulated as recommendations and are mainly made by AI’s most recent report. However, also HRW and ITUC propose measures to the football association. Human Rights Watch, Amnesty International and the International Trade Union Confederation urge FIFA to pressure Qatar to follow and respect
international human rights and labor rights (Human Rights Watch, 2012, p. 10; International Trade Union Confederation, p. 5, Amnesty International, 2015, p. 11). Having identified the kafala system as one of the key problems, the ITUC specifies its recommendation and calls FIFA to pressure Qatar to abolish the sponsorship system entirely (International Trade Union Confederation, 2014, p. 5). Amnesty’s report highlights the importance of reforms in general and asks FIFA to influence Qatari authorities and work closely with important bodies, such as the Supreme Committee, in order to better protect of migrant workers’ rights. Moreover, Amnesty calls on FIFA to establish a human rights due diligence system to prevent future human rights abuses linked to the World Cup (Amnesty International, 2015, p. 11).

Above I have summarized the measures proposed by the four human rights and trade union reports. These measures address Qatari authorities, involved businesses, FIFA and to some extent authorities of migrant sending countries. While some measures are more explicit, others are rather general and abstract. Especially in the light of their findings regarding the unjust treatment of migrant workers, it is possible to see who the reports identify as the main responsible party and who less so. Migrant workers face abusive and exploitative conditions while working on World Cup related construction sites. In order to change these conditions, HRW, AI and the ITUC propose certain measures that are directed to those who they identify as either responsible or at least powerful enough to do so. Accordingly, most of the recommendations and measures proposed by the reports are addressed to Qatari authorities

5.2 Qatari organizations as emergent parties in the discourse on the social consequences of labor migration

Forced by the emerging discursive field of labor migrant rights, organizations affiliated with the Qatari authorities also became active and engaged in the discussion. Attempting to influence the field dynamics, Qatari organizations thus published several reports, employing questions relating to social issues that previously have not been in the Qatari center of attention: rights of labor migrants. The following summary of their main claims outlines how Qatari actors partly agree with some of the main points made by the aforementioned civil society organizations, but also partly disagree and therefore reshape some of the arguments.

As depicted in Table 4, the Qatar Foundation (QF) and the Supreme Committee for Delivery and Legacy (SC) issued two separate reports dealing with problems related to
labor migrant rights abuses. However, both reports differ with regards to their study focus and their style. The QF presents a study conducted by a researcher working for the Qatar Foundation. Focusing on the recruitment on labor migrants to Qatar, the study appears very scientific and academic. The report published by the SC, on the other hand, investigates the living and housing situations of workers employed by construction projects that are under the scope of the Supreme Committee. In contrast to the QF’s study, the SC’s report is a compliance report that appears less scientific and more directed to the broader public. Moreover, as both organizations released their own workers’ welfare standards, both reports mostly refer to their own standards when talking about local legislative frameworks. Contrary to the results of the human rights and trade union reports, the findings of the SC and QF reports are thus not necessarily congruent. In the following I outline some of the most important points.

5.2.1 Injustice based on economic maldistribution

As to be expected, the report by the Supreme Committee documents extensively and in detail about issues related to the living and housing situation of migrants. According to the compliance report, none of the audited accommodation sites fully met the criteria set in the Supreme Committee Workers’ Welfare Standards (hereafter SCWWS) (Supreme Committee, 2014, p. 23). Especially the designs of many buildings do not comply with the requirements of the standards. Accordingly, the SC reports about facilities not having enough space for recreational and dining areas (Supreme Committee, 2014, p. 23), not providing adequately located shoe racks, being too noisy, providing only hot tap water due to water tanks exposed to the sun, having bedroom doors with unsecure locks, not providing sufficient shading in the outside areas (Supreme Committee, 2014, pp. 34-35) and failing health and safety measures (Supreme Committee, 2014, p. 23). Besides these rather minor issues, the Committee furthermore reports about unhygienic conditions of many accommodations due to a lack of proper facility management (Supreme Committee, 2014, p. 37).

While these practices are illegal in the light of the SCWWS and are directed to those managers and contractors who run the migrant workers’ accommodations, the report also documents issues concerning the overregulation of the standards in itself. Accordingly, some workers complained about the presence of obligatory privacy curtains in dorm rooms and the imposed catering service in return to the ban of self-cooking (Supreme Committee, 2014, p. 35). In addition, the report reveals problems regarding the illegality of passport confiscations. While Qatari law and the SCWWS
prohibit employers and contractors to confiscate the workers’ passports, according to the SC report, some migrant workers would in fact prefer their employers to retain the workers’ ID documents. This is, as the SC furthermore argues, due to the workers’ fear of losing passports and paying costly fees for replacements (Supreme Committee, 2014, p. 35).

The report furthermore admits issues relating to inadequate supervision and misleading information. With regards to issues relating to supervision, the SC notes that some accommodation sites are located on farmland and thus do not fall under the jurisdiction of either the Qatari Civil Defense or the Ministry of Labor. Therefore, many contractors do not implement the otherwise required connection of the fire alarm system to the Civil Defense (Supreme Committee, 2014, p. 36). Regarding misleading information, the SC acknowledges that the existence of only informal translations of the Qatari law may lead to defective interpretations by contractors and suppliers (Supreme Committee, 2014, p. 39).

The Committee’s compliance report explains some of these misconducts with the rather recent implementation of the SCWWS, which made it difficult for some contractors to become fully aware of, or to generate enough resources to comply with the standards (Supreme Committee, 2014, p. 5). Other reasons of misconduct, as stated by the report, occur when contractors change accommodation facilities after winning the Supreme Committee’s tender evaluation process. As the new accommodations were not evaluated by the Committee, they thus might not meet the SCWWS’s criteria (Supreme Committee, 2014, p. 37).

While the SC report does not specifically treat the issue of recruitment flaws, it does recognize difficulties for contractors to determine whether labor recruiting agencies are working ethically or not (Supreme Committee, 2014, p. 39). However, as the report further claims, ethical recruitment is rather a long-term goal and thus cannot be adequately addressed after only six months that have past since the implementation of the SCWWS and the research of underlying compliance report (Supreme Committee, 2014, p. 5).

Unlike the SC compliance report, the study conducted by the Qatar Foundation primarily targets issues relating to the recruitment process of labor migrants to Qatar. More specifically, the report investigates into problems relating to trafficking, debt bondage and forced labor which, as the study claims, mainly result from recruitment flaws in labor sending countries (Jureidini, 2014, p. ix).
Accordingly, the study provides evidences of cases where migrant workers are trapped in Qatar due to no income, no right to change employer and no permission to leave the country (Jureidini, 2014, p. xvi). These scenarios of forced labor occur because work contracts are often imprecise regarding contract termination details, as the study reveals. Moreover, migrant workers often do not fully understand the conditions of their contracts, yet are frequently under duress by their employers and are forced to accept contractual agreement, even when these have changed upon arrival in Qatar (Jureidini, 2014, p. xiii). Together with certain ambiguities in work contracts and QF standards, and the requirement of an exit visa stipulated by Qatari law, potentially subjects migrants workers to conditions of forced labor, as the QF study explains (Jureidini, 2014, p. xiv).

However, migrant workers also find themselves trapped in Qatar due to heavy debts resulting from fees relating to their recruitment processes. According to Jureidini, especially low skilled migrants pay excessive fees outreaching the maximum commissions permitted by their governments. These charges are paid to private licensed and unlicensed recruitment agencies in labor sending countries, despite agreements with Qatari based companies to cover such costs. In order to pay these charges, migrant workers often take loans with interest rates up to 60 percent (Jureidini, 2014, p. xi).

Even though the study notices agreements between the governments of Qatar and labor sending countries to use solely licensed agencies, it also ascertains the wide spread usage of unlicensed recruiters, especially in more remote regions of labor sending countries (Jureidini, 2014, p. xii). As such misconduct is more difficult to remediate once a worker arrives in Qatar, the study holds especially governments of labor sending countries accountable for not providing adequate control and transparency regarding the financing of recruitment agencies (Jureidini, 2014, p. xi). Moreover, the study accuses market forces and certain legislations of labor sending countries that actively promote outmigration of workforce as partly responsible for the wide spread practice of exploitation and forced labor (Jureidini, 2014, p. x). However, the report also notes that there are currently no responsibilities for contractors to ensure ethical recruitment, as they mostly hire workforce through the above mentioned local labor supply agencies. In general, illegally operating recruitment agencies and their wide spread practices of charging fees may thus be the source of deception and financial exploitation of migrant workers, as the study concludes (Jureidini, 2014, p. xii).

The QF study furthermore reveals issues directly relating to working arrangements. According to Jureidini, it is common practice, even though illegal by Qatari law, for
companies to trade work visas. While the Ministry of Labor issues work visas for the recruitment of different nationalities according to occupation, companies sometimes trade unused visas to other employers. As these trades are not official, workers employed under such arrangements may exercise an occupation that differ from the ones stated in the residence permit and thus makes their work illegal (Jureidini, 2014, pp. xiv-xv).

Beside the wide spread practice of illegal visa trade, employers frequently engage in misconducts regarding the compensation of workers. Accordingly, the study reports about cases where contractors and employers did not pay their workers adequately or not at all (Jureidini, 2014, p. ix). Moreover, when paid, most workers received their salary in cash instead via bank transfer, which exacerbates for migrants to send money as remittances to their home countries (Jureidini, 2014, p. ix). In addition to employers withholding salary, the study furthermore reveals cases of employers manipulating food allowances, which sometimes result into serious health problems for affected workers (Jureidini, 2014, p. xv). Also related to health issues, the QF study furthermore mentions the, at that time current, media exposure regarding the high numbers of Nepalese workers dying at construction sites (Jureidini, 2014, p. xvii).

5.2.2 Injustice based on political misrepresentation

In the light of political misrepresentation, both reports present observations concerning the complaining system in place. Accordingly, the SC report acknowledges obstacles for workers when filing complaints. While the SCWWS requires contractors to provide a service and complaint hotline, the SC detected “challenges” with the implementation of such a hotline (Supreme Committee, 2014, p. 36). The QF study furthermore observes obstacles for workers that occur due to a shortage of lawyers, a shortage of translators and confusing redress procedures (Jureidini, 2014, p. xiii).

In general, the QF study highlights problems regarding the provision of information for migrant workers. Accordingly, despite the labor sending countries’ directive to offer information courses for labor migrants prior their departure, such courses in fact do not fulfill their purpose, as they do not provide sufficient information and are badly organized (Jureidini, 2014, pp. xvi-xvii).

While the QF study does not mention any issues related to worker representation, the SC report notes that worker representation is a topic that cannot be covered by their current report, as the timespan between the implementation of the standards and the investigation for the report is too short (Supreme Committee, 2014, p. 5).
5.2.3 Injustice based on cultural misrecognition

While the SC report does not mention any issues that would fall under injustices due to cultural misrecognition, the QF study highlights discriminatory practices based on nationalities. According to Jureidini, workers at Qatari construction sites are often paid according to their country of origin rather than their occupation and experiences. Even though the QF standards require equal pay for equal work, such practices are common. This is, as he further argues, partly because governments of sending countries have different minimum wage standards. Consequently, the different internationally competing wage rates of labor sending countries affect Qatar’s salary rates and cause the breach of the equal pay principle, the QF study concludes (Jureidini, 2014, p. xv).

Thus far I summarized some of the most pressing issues presented in the reports. Most accusations of both reports fall under the category of economic maldistribution. However, some claims also highlight issues that are somewhat related to political misrepresentation and cultural misrecognition. In order to get a more comprehensive insight about the reports’ claims I now present a selection of measures proposed by the documents.

5.2.4 Proposed measures

As the rationales of both reports vary in focus and either address the living conditions of migrant workers working under the authority of the SCWWS or the labor recruitment process to Qatar in general, the proposed measures to eliminate observed flaws and misconducts differ accordingly. While the QF study suggests concrete measures based on its findings, the SC report highlights rather the SC’s achievements after the implementation of the workers’ welfare standards. For these reasons, the following points are not necessarily only a summary of measures to be implemented in the future, but also measures that have been already implemented.

Recognizing the responsibilities of the receiving country: Measures directed at Qatar and its institution

Both reports mention measures that are directed to Qatar and its institutions and organizations. However, as the scopes of both reports differ, as stated above, they also address different institutional framework. Hence, the SC report almost exclusively addresses the Supreme Committee and its workers’ welfare standards when referring to the implementation of measures. The QF study, on the contrary, addresses Qatari
authorities as a whole and thus frequently refers to Qatar’s national legislative framework rather than specific institutions and organizations operating within this framework.

The study commissioned by the Qatar Foundation presents several measures directed at Qatari authorities that could improve ethical recruitment of labor force. Jureidini identifies Qatar as the ultimate employer and thus responsible to promote ethical recruitment in labor sending countries. To do so, he suggests for Qatar to enhance the government-to-government relations and develop agreements that exceed the mere trade of labor force and include ethical recruitment policies. In detail, this could be achieved by establishing a “National Employment Bureau” that oversees and coordinates all labor procedures, and by implementing a GCC wide working electronic internet recruitment system (Jureidini, 2014, p. x). In addition, the study suggests for Qatar to set up own recruitment agencies with offices located in labor sending countries and combine state and market recruitment (Jureidini, 2014, p. xii). In order to deal with migrant laborers who were deceived by false promises and then pressured to sign contracts, the QF study recommends to develop of a standardized contract which includes critical information concerning termination, visa conditions and rights to change employers. Such a contract should always be written in the signatories’ native languages and signed without pressure prior departure and by all involved parties (Jureidini, 2014, p. xiv). Every worker should moreover sign registration contracts and be registered by the Ministry of Labor upon arrival into Qatar, as the QF study proposes. Jureidini further agrees with the QF standards to ban substitute contracts for workers, unless they stipulate better conditions (Jureidini, 2014, p. xiv). On the same matter, the SC report notes that newly signed contracts between contractors and recruitment agents already demonstrate provisions taken from the SCWWS (Supreme Committee, 2014, p. 31).

In order to inform workers about their rights and the conditions in Qatar, Jureidini suggests for Qatari authorities to mandate pre-departure information seminars for migrant workers, including standardized teaching material and financial counseling by either labor supply companies or authorities of labor sending countries (Jureidini, 2014, p. xvii). In addition to Jureidini’s suggestions, the SC report notes that workers have already been actively informed, for instance through the publishing of translations of the Qatari law by the Qatar National Human Rights Committee (Supreme Committee, 2014, p. 31).

Jureidini furthermore suggests in his study to address general problems relating to Qatar’s sponsorship system by fixing its loopholes or assigning the government the
exclusive role of the responsible party regarding the issuance of sponsorships (Jureidini, 2014, p. xiv). Other problems that relate to the sponsorship system, such as the exit permit or the right to change employer, should follow automatic and independent judicial review in case either is denied by sponsor. In the meantime, migrant workers should have the permission to legally reside and work in Qatar, unless he or she faces criminal charges (Jureidini, 2014, p. xiv). However, for the long run, the study proposes to revise the exit visa system and add policies that guarantee migrant workers an exit visa, as well as the right to change employer (Jureidini, 2014, p. xvi).

As the QF study reveals widespread practices of migrants’ passport confiscations, it makes recommendations to the Qatari authorities to actively enforce the labor law and QF standards and ensure that ID documents remain with workers or are stored at secure storage places at workers’ accommodation sites (Jureidini, 2014, p. xvi). A similar recommendation is made by the SC compliance report, commenting on the SC’s continuing effort to assure that contractors provide consensual, secure and at all times accessible passport storage places (Supreme Committee, 2014, p. 36). The report moreover adds, however, that many workers, despite the intensive criticism regarding employers withholding passports, preferred not to be responsible for the safeguarding of their ID documents (Supreme Committee, 2014, p. 24).

Regarding the wage system in Qatar, the QF study proposes for Qatar to ensure timely and proper payment, as set in Qatari law. In detail, the study suggests for Qatar to enable migrant workers to open bank accounts in Qatar and to provide special arrangements between banks in Qatar and labor sending countries. This would not only improve properly and timely payment, but also provide evidences for authorities and facilitate the transfer of remittances for migrant workers (Jureidini, 2014, p. xvi). In order to determine adequate salaries for migrant workers, Jureidini’s study proposes to conduct a systemic research on workers’ actual costs of living in Qatar, especially as most of the money is remitted to workers’ families and employers usually provide accommodation, working clothes and food (Jureidini, 2014, p. xv). Instead of suggesting measures, the Supreme Committee’s report recognizes its achievement regarding the improvement of the payment system since the SC Workers’ Welfare standards were implemented. Accordingly, the report highlights the development of a template pay slip that offers a method to calculate migrant workers’ overtime (Supreme Committee, 2014, p. 24). Furthermore, the report emphasizes that contractors (under the oversight of the Supreme Committee) now pay their workers on a monthly basis (Supreme Committee, 2014, p. 31).
Regarding issues related to housing and accommodation of migrant workers, the SC report mentions a few measures that are currently under consideration, but focuses on those measures that have been implemented already. Accordingly, the SC is currently working on measures that should prevent potential contractors of changing accommodation sites once the SC has controlled them against the tender evaluation criteria (Supreme Committee, 2014, p. 37). Besides that, the SC lists a number of achievements relating to workers’ accommodation, such as a decrease of workers residing in one bedroom, an increase of storage places, provision of free and catered food and provision of recreational spaces (Supreme Committee, 2014, pp. 30-31).

The SC report furthermore responds to the much criticized lack of workers’ representatives. It does so by highlighting the SC’s initiative to increase the number of Workers’ Welfare Forums, launched by contractors of the projects under the SC’s oversight. These forums should provide a safe environment for workers to raise concerns regarding accommodation, food, transportation and health and safety. Once more contractors have established these forums, the SC intends to start the Programme Welfare Forum, a conglomeration of local welfare forums, attended by representatives of contractors, SC employees and workers, to resolve all concerns that were not dealt with on the local level. In addition to the forums, the SC reports about the establishment of the WW Officer, a representative of a contractor who is appointed at the workers’ accommodation sites to whom workers can air grievance (Supreme Committee, 2014, p. 32). In order to improve the grievance system, the SC furthermore claims to be working on the implementation of an independent central hotline number and email address, instead of a complaint hotline managed by contractors (Supreme Committee, 2014, p. 36).

Besides proposing the implementation of new measures to improve the workers’ conditions, both documents furthermore recommend more monitoring by the Qatari authorities. The QF study advises the authorities and especially the Ministry of Labor to control contractors, sub-contractors and recruitment agencies regarding the common but illegal practice of trading work visas of labor migrants (Jureidini, 2014, p. v). Moreover, in order to ensure ethical recruitment and financing, recruiting agencies based in Qatar should be brought under the jurisdiction of the QF standards and accordingly monitored (Jureidini, 2014, pp. xii-xiii). The SC report highlights the SC’s current effort regarding the establishment of an external auditing system that would conduct ad hoc audits and publish the results (Supreme Committee, 2014, p. 28). Moreover, the report emphasizes that the Committee is currently establishing a database of ethically working labor
supply agencies (Supreme Committee, 2014, p. 28). While a tender evaluation system is already in place, the report acknowledges certain problems with the awarding of low price contractors, as they often do not comply with welfare standards. Hence, the report claims to continue with the improvement of such a system (Supreme Committee, 2014, p. 37). Despite the SC’s promises to certain measures, it also draws attention to the already existing monitoring systems. Hence, it refers to the ongoing and regular inspections by the Qatari Labor Inspection Department of the Ministry of Labor, which includes inspections of occupational health, accommodation and labor inspections (Supreme Committee, 2014, p. 37), and the Supreme Committee’s audits of all stadiums except the QF stadium, as it falls under the responsibility of the Qatar Foundation (Supreme Committee, 2014, p. 27).

While the QF study does not mention any measures related to penalties, the SC report offers a list of penalties that should be enforced by the SC when contractors repeatedly disregard the SCWWS. Among these measures are delayed payment of contractors, rectification on contractors’ costs, termination of contracts, blacklisting and reporting to the Ministry of Labor or the State of Qatar Central Tenders Committee (Supreme Committee, 2014, p. 29). However, the report also notes that thus far no penalties were necessary and emphasizes the inefficiency of penalties compared to a more “collaborative approach” (Supreme Committee, 2014, p. 6).

Reshaping responsibilities: Measures directed at governments of labor sending countries

Even though the reports call Qatari authorities to implement wide-ranging measures, especially the QF report also highlights the accountabilities of governments of labor sending countries. Accordingly, to ensure ethical recruitment, the study does not only suggest to include the QF standards into the accreditation process of labor supply agencies, but also recommends especially for governmentally controlled agencies of labor supply countries to implement ethical recruiting standards (Jureidini, 2014, p. xii). In addition, the governments shall comply with QF standards and the ILO Convention 181, which prohibit the charge of labor recruitment fees. This is, as the study forestalls potential criticism, no interference in national sovereignty, but rather in business practices (Jureidini, 2014, p. xi). However, the governments should not only abolish such fees, but classify them as bribes and thus illegalize them (Jureidini, 2014, p. xii). By recognizing the recruitment processes as the cause for many exploitative practices in Qatar and by calling the governments of labor sending countries to implement these
changes, the QF report attempts to deflect some of the accusations raised by civil society actors and calls for shared responsibility (between Qatar and labor sending countries) rather than focusing solely on Qatar (as e.g. the ITUC report does).

Adhering to minimum standards: Measures directed at private companies

With regards to issues relating to inadequate compensation for migrant workers, the QF study proposes for employers to base wage rates on skills and experiences instead of the worker’s nationality (Jureidini, 2014, p. xv). In response to the above criticized practices of not providing sufficient food, the QF study further suggests that employers should always provide “sufficient, decent and culturally appropriate food” and specify in workers’ contracts that these costs are not linked to workers’ salaries (Jureidini, 2014, p. xv).

The measures suggested by SC’s compliance report mostly address its own organization and legislations. However, it also highlights the SCWWS’s requirements of companies to conduct self-audits, followed by a rectification plan and the implementation of agreed measures under the supervision of the SC (Supreme Committee, 2014, p. 26).

I have now outlined the central claims, observed misconducts and proposed measures that are highlighted by the documents of the Qatar Foundation and the Supreme Committee. On the one hand, the SC report reminds its reader on the SC’s achievements in combatting all flaws related to the lodging of migrant workers. Nevertheless, it acknowledges some problems regarding the comprehensive implementation of the SCWWS and promises more success once more time has passed and the SC has improved its collaboration with involved contractors. The QF study, on the other hand, focuses on the depiction of all wrongdoings related to the recruitment process and subsequently proposes certain measures to solve these problems. While it claims the reason of widespread exploitation of foreign workforce are in unethical recruitment practices, the study also identifies that such recruitment practices usually occur in labor sending countries and not so much in Qatar.

5.3 Private law firm as state advocate in a global debate

The state of Qatar did not, however, only leave the task to engage in the discursive challenge posed by the civil society actors to its own organizations. Instead, in order to react on the same global level on which international human and labor rights
organization act, Qatar commissioned an international law firm with a global orientation, specializing in transnational disputes. Tasked by the government, the law firm DLA Piper conducted its own research on the legislative and enforcement framework of Qatar’s labor laws with regards to the various allegations made by several international civil society organizations. Unlike the previous reports, the analyzed sections of the DLA Piper report do not present observed flaws and proposed measures alike, but focus exclusively on recommend measures, mostly addressed at Qatari authorities. Therefore, the following summary of the report’s central claims only include proposed measures. However, based on these measures, it is possible to deduce which flaws and wrongdoings represent the central issues observed by the authors.

5.3.1 Proposed measures: Mending the institutional framework
Similar to earlier presented recommendations made by other reports, also the DLA Piper report recommends several measures that address issues relating to all three dimensions of injustices. Therefore, the topics range from recruitment agencies, the sponsorship system, contract substitutions, wages, health and safety, freedom of association and collective bargaining, inspections and the labor complaint mechanism. In the following, I outline the most important points and categorize them, as above, according to who the measures are directed.

Reviewing Qatar’s labor migration policies and practices
Recognizing certain problems with Qatar’s Sponsorship System, the report advises the government to comprehensively review the kafala system and strengthen the right to free movement for migrant workers. In doing so, Qatar should consider its international obligations. In detail, the law firm urges Qatar to abolish the requirement of the exit permit in the long term while in the short term, the exit permit should be granted per default within two or maximum three days (DLA Piper, 2014, pp. 8-9). With regards to the labor law’s requirement for employers to grant a No Objection Certificate to their employees in case they request a transfer to another employer, the report recommends to abolish this provision and grant automatically the transfer whenever the employer is abusive (DLA Piper, 2014, pp. 6-7). The report furthermore criticizes the Sponsorship Law’s regulations regarding absconded migrant workers. Accordingly, supposedly absconded migrants should only be detained after the process of law as ruled so and not only after an employer reports the worker as having absconded (DLA Piper, 2014, p. 10).
In order to improve the protection of migrant workers’ right in general, the report recommends for Qatar to establish a comprehensive set of worker welfare standards to which all public contracting authorities and respective sub-contractors must adhere to. The QF Mandatory Standards and the SC Workers’ Welfare Standards are here presented as example guidelines (DLA Piper, 2014, pp. 4-5). Lead contractors should be legally responsible for the implementation of such standards by their sub-contractors. Moreover, a *Migrant Worker Model Employment Contract* should be established and adopted by all public contracting authorities (DLA Piper, 2014, p. 10). This model employment contract should for instance provide for a minimum salary, legally binding for all employers in Qatar. Whenever salaries are not paid, workers should be given the right for an exit visa or the permission to change the employer (DLA Piper, 2014, p. 12). Whenever a project is funded by the State of Qatar, the government should ensure that all payments are made on time, so that workers’ salaries can always be paid on time by the subcontracting company (DLA Piper, 2014, p. 13).

With regards to the recruitment process, the report highlights the pressing issue of agencies outside of Qatar that charge recruitment fees. While recognizing that Qatari labor law forbids such practices, the report recommends amending the law and including a provision prohibiting also any indirect expenses paid by the worker. Moreover, the government should prohibit any commerce with foreign agencies that charge fees for workers (DLA Piper, 2014, pp. 6-7). In addition, the report recommends for Qatar to introduce a control system which only grants licenses when agencies respect the aforementioned model contract and its provisions. In order to detect ethical agencies, the report moreover urges the government to collaborate with governments of labor sending countries and international NGOs. Those which are operating unethically should be blacklisted, as already proposed by several other here presented parties (DLA Piper, 2014, p. 10).

In order to deal with various issues relating to Qatar’s restriction on the migrants’ right on freedom of association, DLA Piper suggests that Qatar’s Ministry of Labor should consult relevant stakeholders and work on proposals allowing migrant workers the right to freedom of association and representation. Further restrictions should only be made under adequate justifications (DLA Piper, 2014, p. 18).

Against the background of the enforcement of already existing and proposed laws and guidelines, the report recommends for the Qatari government to improve the monitoring and information processes. These monitoring and information processes apply to three different stages of labor migration: before, during and after the migration of the labor
force.

In order to improve the processes before migration, the report urges Qatar to monitor the engagement of ethical recruitment agencies. Moreover, the report suggests opening Labor Information Bureaus which organize information orientations for workers before and upon arrival in Qatar and to provide the employment contracts into the languages the workers understand (DLA Piper, 2014, p. 6).

With regards to processes during the migration of labor force, the report recommends for the Labor Inspection Department to conduct regular checks on employment contracts before and after arrival in Qatar (DLA Piper, 2014, p. 11). Either the Ministry of Labor or the Ministry of Foreign Affairs should furthermore introduce verification requirements for migrant workers in order to verify whether the worker has been informed about the terms and conditions, whether the worker has paid any recruitment fees and whether the contract is based on the model contract (DLA Piper, 2014, p.11). Moreover, migrant workers should always be informed about their living and accommodation standards in Qatar (DLA Piper, 2014, p. 16).

Most of the recommendations, however, focus on the processes after the worker’s migration to Qatar. Accordingly, the report urges the Ministry of Interior to investigate any alleged wrongdoing by the employer after a worker has filed a complaint (DLA Piper, 2014, p. 9) and publish the outcome of any labor dispute (DLA Piper, 2014, p. 18). Moreover, the Labor Inspection Department should monitor whether workers’ passport have been retained (DLA Piper, 2014, p. 12). Regarding irregularities of the payment of workers’ salaries, the report suggests for Qatar to monitor the transactions electronically and for this purpose to collaborate with the Qatar Central Bank (DLA Piper, 2014, p. 13).

Besides the rather general advice to improve the monitoring of several guidelines and standards, the report furthermore gives more concrete advices on how this can be achieved. Accordingly, DLA Piper suggests for the Labor Inspection Department to increase the number of labor inspectors and train them in conjunction with the International Labor Organization. These inspectors, moreover, should be given more power and the right to sanction noncompliance. When inspectors interview the workers regarding their condition, they should be accompanied with interpreters whenever necessary (DLA Piper, 2014, p. 17).

In order to deal with various issues relating to the accommodation of migrant workers, the report urges Qatar to create more standardized accommodation sites that provide secure storages facilities (for passports and ID cards) (DLA Piper, 2014, p. 16). For this
purpose, the law firm furthermore suggests for the Ministry of Municipality Affairs and Urban Planning and the Ministry of Labor to engage with private actors and create sufficient land for these accommodations (DLA Piper, 2014, p. 17). To ensure high standards, the report furthermore recommends for Qatar to include accommodation standards into their contracts with contractors and to monitor them carefully (DLA Piper, 2014, p. 16). Against this background, the report urges the government to distribute the Ministry of Municipality and Urban Planning's “Worker Accommodation – Planning Regulation” (DLA Piper, 2014, p. 15).

In the light of the workers’ health conditions, DLA Piper recommends for Qatar to introduce an electronic ID card which includes a health card (DLA Piper, 2014, p. 14). While referring to the SC standards, the report furthermore highlights the importance of Qatar to distribute information for employers and workers on the health and safety standards. These standards should subsequently be monitored (DLA Piper, 2014, p. 14).

In order to clarify the workers’ deaths due to cardiac arrest, the law firm recommends for Qatar to commission an independent study and inquire the cause of such deaths. Furthermore, autopsies of human bodies when an unexpected or sudden death occurs should be carried out (DLA Piper, 2014, p. 15).

In addition to the implementation of higher workers’ standards and the recommendations to improve the monitoring, the report furthermore proposes various sanctions. In doing so, the report recommends for Qatar to withdraw sponsorship licenses in case a sponsor retains the worker’s passport (DLA Piper, 2014, p. 9). With regards to the above mentioned recommendation of implementing a comprehensive model contract, the report further proposes to implement financial penalties for lead contractors when certain provisions are not followed (DLA Piper, 2014, p. 9), and to withdraw the sponsorship license entirely in case of repeated non-compliance (DLA Piper, 2014, p. 8). When health and safety standards are not followed, the report suggests for the Ministry of Labor to first blacklist respective employers in case of minor breaches. More serious breaches of health and safety standards should be responded with criminal charges (DLA Piper, 2014, p. 13).

In addition to new guidelines, more monitoring and sanctions, the report proposes several measures for Qatar to implement in order to improve the complaint system for migrant workers. In doing so, the law firm proposes to introduce fast track procedures and streamline the process of redress for major complaints (DLA Piper, 2014, p. 7). The Ministry of Labor should furthermore provide a central point of contact for complaints concerning recruitment agents (DLA Piper, 2014, p. 7). To ensure that migrant workers
feel free to complain, the report recommends to implement a non-retaliation provision into Qatari law (DLA Piper, 2014, p. 16). In order to ease the workers’ access to the complaint system, the report proposes to review the Ministry of Labor’s physical accessibility and eliminate language barriers. Moreover, any legal fees and charges should be abolished (DLA Piper, 2014, p. 19).

With regards to the here mentioned recommendations, DLA Piper stresses the importance of Qatar to commission an independent party, such as the National Human Rights Committee, that monitors the implementation of these recommendations (DLA Piper, 2014, p. 19). In addition, the report urges Qatar to collaborate with the ILO and provide all requested documents (DLA Piper, 2014, p. 18).

Revisions recommended to private companies
While the majority of recommended measures by the DLA Piper law firm address Qatari authorities, the report also includes private actors to some extent. In doing so, the report proposes for lead contractors to establish health and safety teams to improve the safety measures on construction sites. Each employer should furthermore appoint managerial staff for the supervision of these safety measures (DLA Piper, 2014, p. 14). Moreover, each employer should provide a worker welfare officer, who acts as a contact person for workers’ complaints regarding accommodation standards and who forwards the complaint first to employer, and if not resolved, directly to the Labor Inspection Department (DLA Piper, 2014, p. 14).

Besides the above depicted measures and recommendations, the report also stresses the importance of transparent communication between all governmental and non-governmental, inter- and intra-governmental parties (DLA Piper, 2014, pp. 3-4). However, as most of the recommendations are directed at Qatari authorities, the report proposes to amend exiting law, to monitor the compliance with already existing law, to sanction noncompliance and to provide a better complaint system for migrant workers. Most of these measures intend to strengthen the position of migrant workers and reduce certain injustices that result from certain conditions, such as improper living and health standards and the absence of protection from abusive sponsors.

5.4 International organizations as the watchdog for the adherence to the international legal system
Both the United Nations Human Rights Council and the International Labor Union drafted reports regarding the issue of labor migrant rights in Qatar. In doing so, the François Crépeau, the UN’s Special Rapporteur on the human rights of migrants, visited
Qatar in November 2013 and investigated the current situation of labor migrants with regards to their protection of human rights. Similar to the reports by Amnesty International, Human Rights Watch and the International Trade Union Confederation, the report of the Special Rapporteur reveals frequent cases of labor exploitation of migrant workers in Qatar. In order to combat such exploitative practices, the report proposes particular measures to be taken by the government of Qatar, labor sending countries and private actors. The reports drafted by the ILO differ to the Human Rights Council’s report to the extent that it presents two comments on particular allegations raised by trade unions. The first allegation was raised by the International Trade Union Confederation and the Building and Woodworkers International and concerned Qatar’s non-observance of the ILO’s Forced Labor Convention (ILO, 2014a). The second allegation concerns Qatar’s excessive control over migrant workers and their restrictions regarding the right to freedom of association and collective bargaining (ILO, 2014b). Based on the allegations raised by the trade unions, responses made by Qatari officials and results of own investigations, the reports furthermore present several recommendations. While the ILO’s report regarding Qatar’s alleged non-observance of the Forced Labor Convention and the report by the UN Special Rapporteur incorporate topics of all three injustices, the ILO’s report regarding Qatar’s alleged restrictions of workers to exercise rights of freedom of association mostly focuses on issues that fall in the category of political misrepresentation. In the following I summarize the most important points of the three documents under the respective categories of economic maldistribution, political misrepresentation and cultural misrecognition and subsequently outline the measures that are either targeted at Qatar, labor sending countries or private actors.

5.4.1 Injustices based on economic maldistribution
The report of the Human Rights Council reveals cases of migrant workers living in inadequate facilities. While the Special Rapporteur also criticizes the accommodation conditions of some labor camps, as they for example provide bunk beds (U.N. Human Rights Council, 2014, p. 11), he mostly disapproves with the living conditions of migrants in deportation centers. Accordingly, detained migrants often are not provided for sheets, clothes and hygiene products while they are staying in overcrowded rooms (U.N. Human Rights Council, 2014, p. 14).
Both documents of the Human Rights Council and the ILO report on BWI’s and ITUC’s allegation furthermore present findings that indicate serious flaws during the process of
recruiting migrant workers. Accordingly, the Special Rapporteur reports about migrant workers being charged recruitment fees in home county or being pressured to accept changing contracts upon arrival in Qatar. Moreover, the report reveals cases of migrant workers who initially travelled to Qatar on the basis of a business or travel visa but then started work illegally without a work visa and thus no legal residence permit (U.N. Human Rights Council, 2014, p. 14). While the same concerns were raised by the complainant organizations, the ILO approves these and concludes that fraud, deception and contract substitution constitute means of indirect coercion (ILO, 2014a, p. 14). Especially with regards to illegal recruitment fees, the ILO criticizes the absence of penalties for Qatari national recruitment agencies that trade with foreign non-ethical agencies (ILO, 2014a, p. 10). While the Special Rapporteur recognizes the existence of blacklists for companies that engage in wrongful practices, he however also criticizes these lists. When abusive employers are prohibited to hire new staff as a result of being blacklisted, they are consequently also less willing to grant No Objection Certificates to their currently employed workers, which further tie them to their abusive employers (U.N. Human Rights Council, 2014, p. 12).

Connected to the general problem of recruitment flaws in a wider sense, the Special Rapporteur moreover reveals cases of companies illegally trading work visas. These companies receive work visas form the Qatari Ministry of Labor while they, in fact, have no employees. Instead, according to his investigation, these companies sell the work visas to the highest bidders (U.N. Human Rights Council, 2014, p. 9).

The Human Rights Council’s investigation furthermore reports cases where migrant workers face restrictions of their free moment, which occurs mainly due to confiscation of workers’ passport, the denial of NOC, plane tickets or exit permits (U.N. Human Rights Council, 2014, p. 9). As practices, such as passport confiscation, are illegal under Qatari law, the Special Rapporteur thus criticizes the government of not adequately implementing its laws (U.N. Human Rights Council, 2014, p. 9). Other practices that are legal and part of the Qatari law, such as the obligatory exit permit, however, contradict the freedom of movement as stipulated by the UDHR and the International Convention on the Elimination of All Forms of Racial Discrimination (U.N. Human Rights Council, 2014, p. 9). While the complainant organizations report about similar incidences to the ILO, the Qatari government claims that illegal passport confiscations are a matter of the past and that new sanctions have stopped sponsors from doing so. Moreover, regarding the issue of not granting No Objection Certificates, the government highlights the Ministry of Interior’s authority to transfer sponsorship in case of abusive
sponsor (ILO, 2014a, p. 3). However, the ILO comments that these transfers happen too rarely and thus raise concerns regarding the accessibility to such measures (ILO, 2014a, p. 12). Furthermore, the ILO criticizes the government of not providing information regarding the sanctions that it has imposed on sponsors who illegally confiscate passports (ILO, 2014a, p. 11). In general, the ILO criticizes the Law No. 4 of 2009 (regulating entry and exit of migrant workers) as contributing to the migrant workers’ restrictions to move freely. Accordingly, these restrictions prevent workers from leaving their abusive sponsors in a legal manner and push them to leave without their consent. This, however, subjects them to be reported absconded and therefore detained and subsequently deported (ILO, 2014a, p. 14). With regards to supposedly illegally residing migrant workers in Qatar, the ILO comments that the government fails to provide any information on the penalties it imposes on companies that do not complete residency procedures for their workers (ILO, 2014a, p. 11).

The detention centers, as the Special Rapporteur reveals, present a further problem. According to the Human Rights Council’s report, many detainees are put in such centers only for minor reasons, such as outstanding fines that some workers need to pay due to overstaying in the country. However, this often occurs merely because sponsors do not want to pay for the renewal of their workers’ visas (U.N. Human Rights Council, 2014, p. 13). The Special Rapporteur moreover states that many detainees have in fact not violated any laws (U.N. Human Rights Council, 2014, p. 15). In addition to the above stated poor living conditions that detainees experience in the centers, the Special Rapporteur also criticizes their limited access to legal assistance, to phone calls and information regarding their deportation process (U.N. Human Rights Council, 2014, p. 14). Furthermore, detained mothers who are imprisoned with their babies violate the Convention on the Rights of the Child, as the Special Rapporteur further highlights (U.N. Human Rights Council, 2014, p. 16)

The HRC’s report acknowledges that bilateral agreements between Qatar and labor supply countries provide a model contract with various regulations, such as a contract period, annual leave and a mandated loan by the employer upon the employee’s request. However, these regulations can be disadvantageous for the worker. Paid loans, for instance, are often used as a reason by employers to refuse a NOC or exit permit (U.N. Human Rights Council, 2014, p. 10). Moreover, the Special Rapporteur notes that the bilateral agreements, which serve as basis for the model contract, require an annual meeting of the participating parties in which they discuss new developments and provisions. Such meetings, in fact, do not take place on such a regularly basis (U.N.
With regards to health issues, the Human Rights Council’s report furthermore documents the inadequate treatment of illnesses and injuries in the centers (U.N. Human Rights Council, 2014, p. 14). Moreover, access to health care for migrant workers in general is rather difficult. First of all, health care is bound to ID cards, which employers must provide for their workers. However, if they fail to do so, migrant workers have no ID cards and thus no access to health care. Second, while the Special Rapporteur criticizes the construction sites as very dangerous and the high amount of deaths and injuries as concerning, he also criticizes the reporting methods of the government as insufficient (U.N. Human Rights Council, 2014, p. 11). The ILO moreover adds that, as domestic workers are excluded by the labor law, they are also not sufficiently protected regarding their occupational health and safety and their work time regulations, including the daily and weekly rest periods (ILO, 2014a, p. 9).

Similar to the reports of the human rights organizations, the Special Rapporteur observes that the labor law of Qatar does not provide a minimum wage regulation and that some migrant workers have not been paid at all, not enough or not regularly, which is especially common among domestic workers (U.N. Human Rights Council, 2014, p. 11). Both parties, the complainant organizations and the Qatari government confirm these accusations, as the ILO notes (ILO, 2014a, p. 14). Additionally, the ILO criticizes that the labor law also does not provide any penalties for employers who do not pay their employees (ILO, 2014a, p. 9).

Many of the above observed flaws and misconducts amount to cases of labor exploitation, as both reports of the Human Rights Council and the International Labor Organization conclude. Especially critical are hence the migrant workers’ restrictions of their free movement, such as the requirement of a NOC and the requirement of the employers’ consent when leaving the country, the risk of becoming absconded and detained, practices of contract substitutions and no payment of wages (ILO, 2014a, pp. 14-15; U.N. Human Rights Council, 2014, p.7). According to the Special Rapporteur, especially domestic workers face critical conditions that characterize labor exploitation (U.N. Human Rights Council, 2014, p.9). As the NOC is mandated by the sponsorship system, the Special Rapporteur thus concludes that the kafala system enables the exploitation of foreign work force (U.N. Human Rights Council, 2014, p.9). As the complainants BWI and ITUC refer to Qatar’s alleged non-observance of the Forced Labor Convention, the ILO concludes that some of the observed flaws and misconducts indeed violate the Forced Labor Convention of the ILO (ILO, 2014a, p. 14). The Special
Rapporteur moreover claims that some of the above mentioned conditions of migrant workers, such as being deceived into work and subsequently abused, amount to trafficking as defined in the Palermo Protocols of the United Nations (U.N. Human Rights Council, 2014, p. 9)

5.4.2 Injustices based on Political Misrepresentation
Besides the aforementioned issues relating to economic misrepresentation, the documents furthermore observe injustices that fall under the category of political misrepresentation. While the Human Rights Council’s report and ILO’s comment on the BWI’s and ITUC’s allegation of Qatar’s non-observance of the Forced Labor Convention present some issues relating to political misrepresentation, the second comment by the ILO regarding the ITUC’s allegation of Qatar’s restrictions of workers to exercise rights of freedom of association treat only issue that fall under the category of political misrepresentation. Therefore, I here concentrate on the latter comment of the ILO.

As a response to the ITUC’s complaints, the ILO criticizes the labor law of including several restrictions regarding the right to exercise freedom of association. These restrictions include the general prohibition for migrant workers to organize (ILO, 2014b, p. 232), the prohibition for workers to organize when company size is smaller than 100 workers (ILO, 2014b, p. 233); the dependence of granting the right to strike on the agreement of more than 50 percent of the respective workforce (ILO, 2014b, p. 234); the exclusion of specific sectors (such as petroleum, transportation and production sectors) as they are wrongfully classified as essential services; the limitation to right to strike only for disputes between employer and employee as opposed to granting strikes also due to economic or social policies debates; the application of compulsory arbitration outside of actual essential services (ILO, 2014b, p. 235); the absence of corresponding compensatory benefits for those who are excluded of the right to association due to their employment in essential services (ILO, 2014b, p. 236); and finally, the stipulation of only one workers’ committee per enterprise, and the obligated unity of all committees under the “General Union of the Workers of Qatar” (ILO, 2014b, p. 233), which is furthermore only allowed to join an international organization after the Labor Ministry’s approval (ILO, 2014b, p. 237).

In addition to the ILO’s critical comments regarding the provisions of the labor law and the right to freedom of association, the first ILO report and the report of the Human Rights Council observe certain obstacles for migrant workers to access the complaining
process. Despite the availability of numerous complaint mechanisms represented through the Ministry of Labor, Ministry of Interior, the National Human Rights Committee and the labor court, the Special Rapporteur identifies barriers for migrant workers that include the lack of information, lack of legal aid, language barriers, and fear of retaliations (U.N. Human Rights Council, 2014, p. 12). Even though the labor law states that lawsuits remain without fees, the Human Rights Council’s report reveals that workers still need to pay money in order to seek for an expert opinion. Furthermore, the division between the institutions and the diverging responsibilities and power are rather confusing, as the report notes (U.N. Human Rights Council, 2014, p. 12).

The complainants of the ILO report on forced labor raise similar concerns and add that, due to the lack of official labor inspections, it remains the workers’ burden to complain and draw attention to abusive employers, rather than the state (ILO, 2014a, p. 3). After having conducted their own investigation, the ILO acknowledges these issues and concludes, based on the low amount of penalties for employers, that many workers either fear to file a complaint or lack in access to the complaint system (ILO, 2014a, pp. 13-14). In this regard, the ILO furthermore criticizes the government of not providing sufficient information about the cases resolved by the institutions (ILO, 2014a, p. 13)

5.4.3 Injustice based on cultural misrecognition

Observed injustices that fall under the category of cultural misrecognition are less frequently presented in the reports. However, similar to the allegations of the human rights organizations and trade union, the Special Rapporteur reveals discriminatory practices based on nationality. As the salary is often based on the worker’s nationality, he recognizes a general different appreciation between the workers’ countries of origin and thus a violation of the International Convention on the Elimination of All Forms of Racial Discrimination (U.N. Human Rights Council, 2014, p. 15). While the government of Qatar explains such variations with different bilateral agreements, the sending countries, however, claim that Qatar is reluctant to increase the stipulated salaries and stops issuing work visas to the country that attempts to negotiate higher salaries (U.N. Human Rights Council, 2014, p. 11).

In addition, he also notes discrimination based on the worker’s occupation, as domestic workers are entirely excluded by the labor law and thus especially vulnerable for abuse (U.N. Human Rights Council, 2014, p. 1). In general, he sees the objectification of migrant workers as property rather than human beings as problematic. The unequal relationship between migrants and Qatari natives thus facilitates exploitative practices

I have now presented some of the most important findings and categorized them under the three injustices of economic maldistribution, political misrepresentation and cultural misrecognition. Most of the reports’ findings characterized certain issues that fall under injustices due to economic maldistribution, such as recruitment flaws, restrictions of free movement, dangerous working and living conditions and forced labor in general. However, especially the ILO’s response to Qatar’s alleged restriction to freedom of association highlight particular issues that I categorized as unjust treatment based on political misrepresentation. According to the report, migrant workers have no or very limited rights to defend their own interests while simultaneously their access to the complaint system is rather difficult. Finally, as already highlighted by the human rights and labor rights activists, the ILO and HRC observed discriminatory practices based on nationality and occupation, hence injustices based on cultural misrecognition.

5.4.4 Proposed measures

As a response to the above depicted findings, all three reports furthermore recommend several measures for different parties. In the following I present these recommendations and categorize them according to which party they are addressed. Most recommendations are addressed to the government of Qatar and several governmental or government affiliated units. However, also some measures are directed at private actors and governments of sending countries. With these measures, international organizations are sending a clear message: they are claiming jurisdiction over the protection of the rights of labor migrants in Qatar, making it clear to both the government of Qatar and to those of the sending companies, as well as to the private companies operating there that they no longer are free to act on the issue how they please. Rather, international organizations are monitoring and evaluating their actions, placing explicit demands on how they act. This message is moreover backed by the fact that the ITUC and BWI appealed to the ILO, hoping to receive assistance from a more powerful player. In the following I first consider the responsibility placed on the governments and then that placed on the private actors.

Shared but no balanced responsibilities: Identifying Qatar as the main accountably
With regards to the much criticized recruitment process, both the ILO’s report on forced labor and the HRC report propose several measures for Qatar to implement. In order to ensure that no recruitment fees are charged and no contracts changed after the worker’s arrival in Qatar, the Special Rapporteur recommends implementing an e-government solution. Moreover, recruitment agencies should be monitored. The report therefore suggests establishing a central body, possibly across all GCC states, which overlooks the actions of such agencies (U.N. Human Rights Council, 2014, p. 18). The Special Rapporteur furthermore urges the government to refrain from any collaboration with uncertified agencies (U.N. Human Rights Council, 2014, p. 18). To do so, Qatar should work closely with the governments of labor sending country and consider opening labor offices in respective countries and improving the collaboration between the countries (U.N. Human Rights Council, 2014, p. 18). On that matter, migrant sending countries should actively sanction recruitment agencies that violate international human and labor rights or charge extra fees for workers (U.N. Human Rights Council, 2014, p. 22).

Instead of recommending any direct measures, the ILO report on alleged forced migration welcomes Qatar’s steps to punish the illegal act of charging recruitment fees and stresses the importance to actively enforce laws in order to combat forced migration. Moreover, the report also highlights the importance of Qatar’s effort to request lists from labor sending countries of certified ethically operating agencies (ILO, 2014a, p. 10).

Somewhat related to the overall recruitment process, both reports furthermore comment on the sponsorship system. While the Special Rapporteur notes that the current Sponsorship System is under review, he furthermore proposes several issues that need to be addressed. In doing so, both reports suggest for the government of Qatar to first and foremost ensure that workers’ sponsorships are transferred automatically in case of abuse and that changing employers in general becomes easier (U.N. Human Rights Council, 2014, p. 8; ILO, 2014a, p. 12). In this regard, the requirement of the NOC should be abolished (U.N. Human Rights Council, 2014, p. 18) and migrant workers whose residence permit was not renewed by their employer should receive assistance (U.N. Human Rights Council, 2014, p. 21). During the processing of a worker’s complaint against his or her employer, s/he should be provided legal assistance, food and accommodation (U.N. Human Rights Council, 2014, p. 112). In long term, however, the entire Sponsorship System should be abolished and replaced with an open market (U.N. Human Rights Council, 2014, p. 8). The ILO report on alleged forced
labor phrases the recommendation more general and urges Qatar to review the kafala system so that labor migrants are no longer vulnerable to exploitation (ILO, 2014a, p. 10).

Besides the recommended review or abolishment of the Sponsorship System, all three reports propose several alterations and amendments of the current Qatari legislative system. The HRC report hence recommends Qatar to sign a list of international human rights and labor rights conventions that include matters connected to migration, torture, civil and political society, as well as freedom of association and collective bargaining (U.N. Human Rights Council, 2014, p. 16). Especially the last two matters represent an important issue for the second ILO report. Therefore, the report urges Qatar to lift all restrictions on these rights (except for essential services) including the ban of strikes for enterprises with less than 100 employees (ILO, 2014b, p. 233). In general, the ILO report recommends reviewing its legislations that are connected to the organization of workers. While the laws should be changed according to ILO’s principles, the report stresses specifically the importance for workers to be able to choose and join any labor union (ILO, 2014b, p. 233). In this regard, the report furthermore urges Qatar to only enforce compulsory arbitration when both parties agree or when essential services are involved (ILO, 2014b, p. 235). When essential services are restricted to engage in strike actions, they should be furthermore adequately compensated (ILO, 2014b, p. 235). In general, as the report concludes, Qatar should actively protect unionists, combat any form of discrimination against unions and guarantee access to easy redress system in case of discrimination (ILO, 2014b, p. 237).

Both HRC and ILO further recommend Qatar to include domestic workers into certain legislations that protect their labor rights (ILO, 2014a, p. 12). In doing so, the Special Rapporteur welcomes Qatar’s National Development Strategy in which it is not only stated that Qatar plans to reduce its dependency on domestic workers, but also to develop a better protective legislative framework for domestic workers (U.N. Human Rights Council, 2014, p. 12). In this regard, the HRC report reminds the government to utilize the National Development Strategy to revise the labor law and implement better protection for migrant workers (U.N. Human Rights Council, 2014, p. 17). While the here mentioned recommendation concern the insufficiency of Qatar’s legal framework to adequately protect migrant workers, both parties however also stress the effectiveness of current laws and policies if they are properly enforced (U.N. Human Rights Council, 2014, p. 17; ILO, 2014a, p. 19). Accordingly, both reports of the HRC and ILO recommend implementing more
penalties in case laws are violated. Among these recommended penalties is for instance the extension of blacklisting and to include abusive employers of domestic workers (U.N. Human Rights Council, 2014, p. 12). In order to combat forced labor in general, the ILO moreover proposes to penalize contract substitution, punish national recruitment agencies that collaborate with unlicensed agencies in labor sending countries, and sanction non-payment of wages (ILO, 2014a, p. 13). Based on the findings of wide spread practices of passport confiscation, the ILO furthermore urges the government to continue to follow up and sanction cases of illegal passport confiscation (ILO, 2014a, p. 11). In general, the number and nature of violations as well as respective sanctions should be publicized by the government, as the ILO recommends (ILO, 2014a, p. 15).

Before penalizing certain wrongdoings, however, the government needs to improve its monitoring system. While the Special Rapporteur appreciates Qatar’s intention to double the number of labor inspectors up to 300 (U.N. Human Rights Council, 2014, p. 12), both HRC and ILO reports add that these inspectors should be trained according to international human and labor rights standards and that they should conduct regular and unannounced inspections of worksites and workers’ accommodations (U.N. Human Rights Council, 2014, p. 19; ILO, 2014a, p. 13).

In addition to more and better systematic inspections, the government should moreover gather data on workers’ complaints, accidents and illnesses (U.N. Human Rights Council, 2014, p. 19). In this regard, both organizations highlight the importance to provide more information in general. According to the Special Rapporteur, the government should ensure that all arriving migrants are informed about their rights and their contracts (U.N. Human Rights Council, 2014, p. 18). The ILO report on freedom of association requests Qatar to be kept informed regarding changing labor law legislations and measures (ILO, 2014b, p. 238). Moreover, the report urges the government to provide information on its procedures of dealing with workers’ organizations (ILO, 2014b, p. 233).

While the ILO report on forced labor reminds the government on some measures that should be implemented, it also welcomes its current efforts to educate migrant workers on their rights, as for example through translations of important legislations (ILO, 2014a, p. 13). This would in general facilitate workers to protect their own rights. Information and education, however, alone is not enough. Accordingly, both HRC and ILO propose certain measures for Qatar to improve the existing complaint mechanisms for migrant workers. Among these measures are for instance the general
recommendations to ease the access to the redress system by providing interpreters and free of charge access (for both regular and irregular migrants) (U.N. Human Rights Council, 2014, pp. 20-21). In this light, the Special Rapporteur welcomes the initiative of the National Development Strategy to establish a worker’s tribunal to solve labor disputes (U.N. Human Rights Council, 2014, p. 13).

As a response to the above described observations by the Special Rapporteur regarding discriminatory practices of migrant workers, he proposes for Qatar to initiate a public discourse which propagates social diversity and condemns any act of discrimination. Moreover, a general culture of human rights needs to be developed (U.N. Human Rights Council, 2014, p. 21)

With regards to combating discrimination, the Special Rapporteur also proposes for Qatar to establish a minimum wage system which does not differentiate between the worker’s country of origin and also applies to domestic workers. The payment of salaries should subsequently be done via bank transfer regularly each month (U.N. Human Rights Council, 2014, p. 19). The ILO reminds Qatar that its labor law already includes several provisions that regulate the payment of wages. As salaries often are obviously not paid according to these provisions, the report urges the government actively approach this issues (ILO, 2014a, p. 13).

As a response to the observed problematic conditions of migrants in the detention centers, the Special Rapporteur furthermore calls Qatar for improvements. Accordingly, Qatar should consider finding specific shelters for migrants who are currently being detained for various, often minor, reasons. Such shelters, as provided by the Qatar Foundation, would therefore not only be cheaper but also respect the migrants’ human rights. This applies especially for women with their children. Before detaining a migrant, specific criteria must be met that align with international human rights and labor standards (U.N. Human Rights Council, 2014, pp. 15-16). The sole reason of having absconded should not be enough to be detained, as the Special Rapporteur continues (U.N. Human Rights Council, 2014, p. 20). Those who are detained should always be informed about their rights, reason and duration of detention. Moreover, detainees should have adequate medical assistance, including sufficient food, cloths, hygiene products and exercise. In order to support an adequate implementation of these measures, the Special Rapporteur furthermore urges Qatar to guarantee access for local and international civil society organizations to the detention centers (U.N. Human Rights Council, 2014, p. 21).
Placing some responsibility to the private sector

While the majority of recommended measures are directed at the Qatari government, some also address private actors, such as companies and recruitment agencies. Hence, the Special Rapporteur urges private actors to ensure that no hired worker has paid any recruitment fees, that all job tasks are in accordance with the work contract, that workers are housed in adequate accommodations and that workers’ salaries are paid timely, including overtime compensation (U.N. Human Rights Council, 2014, pp. 22-23). In response to the HRC’s observation of widespread practices of retaining workers’ passports, the Special Rapporteur suggests for private actors to end such practices and always provide workers with updated IDs (U.N. Human Rights Council, 2014, p. 17).

5.5 Conclusion

Whether the reports were issued by human rights and labor rights activists, by Qatari actors, by an international law firm or by international organizations, all eight actors participate in the discourse about the conditions and rights of labor migrants in Qatar. In doing so, the actors’ reports present a range of observations that document the current situation of labor migrants in Qatar. These observations, whether individually or aggregated, tell a story of migrant workers who are prevented to participate as peers - compared to native Qatari - in social life. Therefore, I applied Frasers’ three-dimensional model of injustice and subsumed each observation accordingly. As depicted above, most cases fall under injustice due to economic maldistribution, as migrant workers are often paid inadequately or not at all, are forced to live in squalid accommodation or in general are forced to work, to name only a few cases. Besides the precariousness of the workers’ economic condition, they are furthermore prevented to exercise basic political rights, such as to organize in order to give voice for own concerns; or hindered to access to redress system in order to remedy the situation. Interestingly, among the analyzed documents, such cases of injustice based on political misrepresentation were less congruently reported about than cases of economic misrepresentation. This is especially the case for the third dimension of injustice: cultural misrecognition. Accordingly, only some of the here mentioned actors observed particular discriminatory practices, which mostly encompassed discrimination based on country of origin (due to varying salary levels between same occupational profession but workers’ different nationalities) and based on occupation (due to domestic workers being excluded from labor law and thus excluded from institutionalized protective measures).
In addition to the claims of the scrutinized discourse, the section above gave insightful ideas about the dynamics of the discursive field in question. Human and labor rights organizations assign themselves the role of protecting the rights of labor migrants. By initiating the discourse, these organizations were not only the first actors to draft reports about the workers’ conditions, they also were the most dominant and persistent group. However, knowing about their limited power that goes beyond the mere publication of information, some of the organizations, such as the ITUC, furthermore sought support from more powerful actors, such as international organizations. Providing the normative framework (international human rights and labor rights standards) in which certain claims are made (for further details see next chapter), the ILO conducted its own research and assessed the allegations raised by the ITUC and BWI. Independently from these researches, also the UNHRC published a report investigating the condition of labor migrants in Qatar.

Within this discursive field, Qatari organizations also became active and engaged in a discussion about the social issues of migrant workers. This is, keeping Qatar’s historic and more recent commerce with immigrants in mind, as outlined in chapter 2.2, a rather unique way to approach the issue. Organizations affiliated with Qatari authorities suddenly reveal certain unjust treatments of non-locals and recommend respective measures. However, as the QF and SC reports have shown, the observations and recommendations are far less extensive as the ones presented by the reports of the civil society actors. Moreover, not only are they less comprehensive, some are also formulated in a different way. Accordingly, while admitting that Qatar is the ultimate responsible party, the QF report nevertheless identifies the main source of labor exploitation within the labor sending countries and thus relocates the moral blame for questionable practices outside of Qatar. In doing so the QF report attempts to influence the dynamics of the discursive field, which are dominated by human and labor rights organizations and international organizations.

Additionally, Qatari authorities entered the field though another party, the international law firm DLA Piper. While Qatari organizations are locally or nationally grounded, the law firm is a transnational entity, which acts on the same scale as other international organizations, such as Human Rights Watch or the International Trade Union Confederation. Interestingly, however, its analysis reveals issues that are rather consistent with those of the international organizations and civil society actors instead those of Qatari organizations.

I have now discussed who interacts when and with which claims within the discursive
field that surrounds the issue of labor migrant rights in Qatar and elaborated how these interactions affect one another and the field as such. In order to deepen the focus on the content of the claims and thus on the global phenomena of labor migrant rights against the background of the theoretical framework I now proceed to the institutional frameworks that surround the actors’ claims. While above I have concentrated on the observations made by different parties I here focus on their recommended measures in order to combat the unjust treatment.
6. Institutional and discursive mandates in the institutionalization and consolidation of the migrant labor rights discourse

In this chapter I focus on the institutional mandates that the above depicted discourse participants refer to when presenting their observations and proposals to improve the protection of labor migrant rights. Always bearing Fraser’s abnormal justice discourse and Sassen’s multi-scalarity of local issues in mind, the aim of this chapter is to elaborate how the discourse participants make use and refer to certain institutions and frameworks (local, regional or global) while debating a phenomenon (temporary labor migration) for which there is yet no clearly established and explicit regulative institutional framework. Three different frameworks are under consideration here: local standards, such as the Supreme Committee Workers’ Welfare Standards and the Qatar Foundation Mandatory Standards, which both apply on either of the authority’s construction sites; national law, such as Qatari labor law and the sponsorship law; and international human and labor right standards as set by the ILO and UN.

This chapter is structured as follows: firstly, I focus on how the discourse participants discuss issues that are illegal by local standards or national law but nevertheless occur frequently, such as recruitment fees and inadequate living conditions. Secondly, I focus on issues that are legal by Qatari law and/or local standards but oppose international labor and human rights standards, such as migrant workers’ restrictions to free movement and restrictions to freedom of association. Thirdly, I present an issue that many reports have highlighted, but which is not or not sufficiently covered by Qatari law or local standards and only by international standards, such as the exclusion of domestic workers from the Qatari labor law. Lastly, I discuss the payment practices of migrant workers and outline two examples: one which depicts how Qatari authorities have changed the labor law in the course of the discourse and one which shows how the government of Qatar has not reacted during the here considered time span.

6.1 Consensual institutional frameworks

To start with, all discourse participants agree that Qatar’s regulative framework provides some provisions that theoretically protect migrant workers from abusive situations. One issue that all actors highlight is, for instance, the widespread practice of labor migrants being charged recruitment fees. However, this is illegal by Qatari labor law (Article 33), local standards (SCWWS Article 6 and QFMS Article 11) and ILO Convention 181 Article 7. While all parties acknowledge the illegality surrounding the issue of recruitment fees, there are different approaches on how they deal with it.
The QF’s report identifies the main problem of unethical recruitment procedures (and the thereof based issues of forced labor, debt bondage and trafficking for labor exploitation) to be in the regulatory frameworks of the investigated labor sending countries (Jureidini, 2014, p. x). Against this backdrop, the QF praises QFMS, as they specifically demand that no fees must be charged from recruitment agencies in labor sending countries. The ILO Convention 181 however, as the report continues, demands this only in general from private employment agencies and even includes certain exceptions (Jureidini, 2014, p. xi). Jureidini continues and explains that such a provision of the QFMS should "not be seen as an interference in the affairs of a sovereign country, but an intervention in business practice for ethical recruitment" (Jureidini, 2014, p. xi). The report here locates the core issue of unethical recruitment to be in labor sending countries and therefore praises the regional framework (QFMS) as more effective and comprehensive than the international convention and forestalls potential criticism regarding the intervention of local standards into foreign matters. However, further down, the QF report also identifies shortcomings because the standards do not require labor supply agencies in Qatar to only collaborate with ethically operating recruitment agencies and recommends including this into the QFMS (Jureidini, 2014, pp. xii-xiii). Interestingly, the report mostly focuses on the local standards and does not make any direct references to Qatari labor law.

Also the SC report does not make any references to the labor law when tackling the issue of unethical recruitment. While the report in general rather neglects to cover the issue of unethical recruitment due to the short time span between the issuances of the SCWWS and the report and the complexity of the topic (Supreme Committee, 2014, p. 5), it somewhere else suggests that issues of recruitment and employment practices "involve complex legal questions" which relate "to international law and the laws of sending countries [...]" (Supreme Committee, 2014, p. 24).

Similar to the QF report, also the SC locates the main issue of unethical recruitment to be with the labor sending countries and shifts the responsibility to international and national legislations of these countries.

Other reports, on the other hand, concentrate on the Qatari labor law when discussing recruitment fees. Human Rights Watch, for instance, criticizes the labor law of not specifying that employers have to pay any recruitment related fees (Human Rights Watch report, 2012, p. 7) while the report somewhere else quotes a study of the World Bank suggesting that Qatari recruitment agencies often circumvent Qatari law and receive indirectly such charges through agencies in labor sending countries (Human
Rights Watch, 2012, p. 2). This is also recognized by the DLA Piper report, which is indicated by its recommendation suggesting to extent the provision of Qatari labor law and to prohibit the receiving of indirect fees relating to recruitment (DLA Piper, 2014, p. 6).

These examples show some interesting insights about the general discourse on rights of labor migrants. While the parties agree that charging of recruitment fees is illegal under Qatari Law, they disagree with the question why such practices are still widespread. Organizations closely affiliated with the Qatari authorities mostly blame labor sending countries and hold their national legislations, international legislations or Qatari local guidelines as responsible to regulate these practices. HRW and DLA Piper, however, focus on Qatar and recommend certain amendments for its national labor law. As obvious as the legal situation for labor migrants seems to be, as hazy appears the discourse about how their rights are best protected and enforced. Some perceive local guidelines, some the national laws of either the sending or receiving country, and some the international legal framework as crucial to protect migrant workers from being charged recruitment fees.

The next example represents a similar dilemma. As outlined in previous chapters almost all discourse participants observe inadequate living conditions of migrant workers. The SC report, as one of the most comprehensive one documenting the workers’ accommodation sites, acknowledges that no single site has met the criteria of the local SCWWS by the time of auditing, yet contractors running such accommodation sites have made significant improvements since implementation of the SCWWS (Supreme Committee, 2014, p. 23). HRW somewhat agrees with that and acknowledges that local regulations are of high standards but all visited accommodation sites presented inadequate conditions (Human Rights Watch, 2012, pp. 3-4). However, in order to improve this situation, the report recommends involved companies to adhere domestic and international standards (Human Rights Watch, 2012, p. 13). Also the Special Rapporteur acknowledges that the living conditions in labor camps are inadequate and often in violations with Qatari Law (U.N. Human Rights Council, 2014, p. 11) and recommends for the private sector to provide sufficient workers accommodations (U.N. Human Rights Council, 2014, p. 22).

The law firm DLA Piper expresses some more detailed recommendations but overall acknowledges the existing legal framework as sufficient. In doing so, the report recommends Qatar’s Ministry of Municipality and Urban Planning to publicize its
accommodation guidelines "Worker Accommodation - Planning Regulation" and to ensure that all migrant workers are informed about these guidelines and the adherence to these guidelines are better monitored (DLA Piper, 2014, pp. 15-16).

Compared to the aforementioned example, this case shows how the different reports mostly consensually discuss about one topic when referring directly to certain legislative frameworks. Everyone agrees that either the local or national regulations provide certain provisions that forbid the inadequate living conditions for foreign workers. Yet the DLA Piper’s recommendation indicates that Qatari authorities are not doing enough to distribute the information about existing laws and to monitor the regulations’ compliance – a problem which is already documented in chapter 5.1.

6.2 Conflicting institutional frameworks

The second example presents issues that are legal under Qatari Law but illegal by international standards. In doing so, I focus on two topics that widely dominate the reports of civil society actors and international organizations: the sponsorship system and the migrants’ right to freedom of association.

As already elaborated in chapter 2.2.2, the sponsorship system represents Qatar’s legal foreign labor recruitment and employment system and as such includes a wide range of different legislations. It also comprises the migrant worker’s requirement of an exit permit before leaving the country and the requirement of a No Objection Certificate before leaving or changing the employer. Almost all reports under scrutiny here claim that the sponsorship system facilitates abusive work conditions: Human Rights Watch claims that the sponsorship system facilitates abusive work conditions and thus recommends, especially in the light of the required exit permit and No Objection Certificate, to reform the entire system (Human Rights Watch, 2012, p. 9). Also the ITUC and AI reports coincide with the HRW’s call and urges Qatar to repeal or revise the provision regarding the NOC and the exit permit, as both contribute to abusive work conditions (Amnesty International, 2013, p. 9; International Trade Union Confederation, 2014, p. 28). In addition to the human and labor rights actors, also the UNHRC and ILO call for a substantial review or even abolishment of the sponsorship system (U.N. Human Rights Council, 2014, p. 8; ILO, 2014a, pp. 14-15). In doing so the Special Rapporteur reminds Qatar that parts of the sponsorship law violate the right to freedom of movement as declared in the UDHR and International Convention of the Elimination of All Forms of Racial Discrimination (U.N. Human Rights Council, 2014, p. 8).

However, while all these stakeholders recommend to extensively revising the system,
both organizations affiliated with the Qatari government do not make such suggestions to the same extent. While the SC report does neither make any references to the sponsorship system, nor to aforementioned provisions, the QF report acknowledges certain problems with these provisions. Accordingly, due to “loopholes” (Jureidini, 2014, p. xiv) the sponsorship system and the QF standards do not sufficiently protect migrant workers from abusive situations which are linked to the required exit via and NOC. Thus, the government should either address these loopholes or undertake the role of a sponsor (Jureidini, 2014, p. xiv).

Most stakeholders here urge the government to change its historic sponsorship law and give more rights to migrant workers. This is necessary because the current system violates international conventions and core human rights, as the Special Rapporteur notes. The QF, however, only recommends changes within the system and suggests addressing its so-called loopholes. Considering the injustices for workers allegedly arising from this system, these recommendations do not attempt to correct the underlying structures but rather the outcome of this system. In contrast to that, the solutions recommended by the international actors include the abolishment of the entire system. As shown above many reports identify violations of human rights emerging from the workers’ vulnerability due to their restriction to move freely. Thus, more rights to move freely empower migrant workers and lessen their vulnerabilities. Therefore, such steps would affect the underlying social structure of the injustices that stem from the sponsorship system and thus categorize these measures as transformative strategies.

The discussion on the foreign workers’ right to freedom of association represents another case in which the actors engage in a discourse about the contradiction between the Qatari legal framework and the international framework. As of Article 3 and 116 of the Qatari labor law, only Qatari workers, and only under given conditions, are allowed to form workers’ unions. This law is heavily criticized by the civil society actors and international organizations because it prevents foreign workers from exercising fundamental rights. The ILO and AI, for instance, allude in their reports that Qatar, due to its membership of the ILO and despite not having ratified Conventions No. 87 and 98 (freedom of association, right to organize and right to collectively bargain), is required to respect its fundamental principles (Amnesty International, 2013, p. 7; ILO, 2014b, p. 230). Not including migrant workers into the right to organize freely is therefore a discrimination based on nationality, as ILO further argues (ILO, 2014b, p. 231). Also the law firm DLA Piper acknowledges certain shortcomings of the labor law and hence
urges the Ministry of Labor to draft proposals ensuring migrant workers the right to freedom of association (DLA Piper, 2014, p. 18). The Qatari government, however, explains the exclusion of migrant workers from such rights with the immigrants’ high proportion in comparison to Qatari natives. Enabling migrant workers to engage in labor right activities thus bears risks to the “social demographics” of Qatar, as the government argues (ILO, 2014b, p. 228).

Instead of a national reform, the government therefore focuses on local standards. Accordingly, the SCWWS, for instance, makes some attempts to negotiate between the restrictions of the national law and requirements of international conventions. In this regard, the SC points to the SCWWS and its provision for contractors to establish Workers’ Welfare Forums which shall comprise, among others, one elected worker’s representative of each nationality and discuss on a monthly basis issues relating to transportation, accommodation and health and safety (Supreme Committee 2014, p. 32; SC Welfare Standards, Article 17). Notwithstanding such a provision, the ITUC report criticizes both local standards, the SCWWS and QFMS, as largely insufficient. The QFMS because it does not provide a provision for workers to discuss and negotiate working conditions with their employers (International Trade Union Confederation, 2014, p. 16) and the SCWWS because it only considers issues relating to the aforementioned three topics and thus disregards other pressing issues, such as workers’ salaries (International Trade Union Confederation, 2014, p. 18).

Non-Qatari workers in Qatar have no legal rights to advocate their own rights. Due to the wide majority of the working population comprising of foreigners, the Qatari government is afraid of its social demographics if non-natives were given rights to advocate for themselves. Thus, the labor law regulates labor migrants very carefully. Many above presented organizations therefore criticize the legal framework of Qatar extensively and use international conventions as a point of reference when recommending how to improve conditions of migrant workers. At the same time, Qatari authorities, however, focus on local regulations, such the SCWWS and QFMS, in order to strengthen migrant workers’ rights. Despite their shortcomings observed by the ITUC, these local regulations only apply at construction sites managed by the SC and QF and therefore include only to some construction workers, whereas the national labor law applies to workers in the whole country. While the here scrutinized reports by the international actors acknowledge the international legal framework as the only framework that ensures sufficient protection, Qatari entities attempt to circumvent the wide criticism of the labor law by shifting the focus towards local regulations and thus a
local solution.

6.3 The gaps of national regulations
The next example shows how an issue is only raised by international actors but mostly disregarded by Qatari actors and, after all, by the Qatari labor law, is the issue of foreign domestic workers. Domestic workers are neither included into the labor law, nor by the SCWWS or QFMS. Therefore, none of the laws’ protective provisions apply to domestic workers. This has been criticized by some reports under scrutiny here, such as by Amnesty International, ITUC, ILO, and the Special Rapporteur (Amnesty International, 2013, p. 18; International Trade Union Confederation, 2014, p. 20; ILO, 2014a, p. 10; U.N. Human Rights Council, 2014, p. 12). Other reports, however, do not include the conditions of domestic workers because they specifically focus on construction workers in general (DLA Piper, 2014, p. 1) or workers employed at particular construction sites, such as the SC projects (Supreme Committee, 2014, p. 4). Thus, only some discourse participants outlined here consider different sectors and hence attempt to include the bulk of migrant workers in Qatar.

Based on the ILO’s report in which both comments and responses of the alleging parties (ITUC and BWI) and the alleged party (Qatari government) are documented, the Qatari government acknowledges the absence of domestic workers from the labor law, but highlights regulations of bilateral agreements between labor sending countries and Qatar. In doing so, the government notes the Ministry of Labor’s requirement to approve the contracts of domestic workers, which rely on regulations stipulated by respective bilateral agreements (ILO, 2014a, pp. 5-6). In addition, the government indicates its effort to examine a draft law on domestic workers (ILO, 2014a, p. 10).

Both AI and the ILO recommend Qatar to establish a national legal framework for domestic workers (Amnesty International, 2015, pp. 5-6; ILO, 2014a, p. 10), while the ILO adds its Domestic Worker’s Convention of 2011 as a point of reference of such legislation.

According to the more recent follow-up report by Amnesty International in 2015, however, a law regarding domestic workers has not been passed yet, nor has there been any public announcement on the improvement of protective legal measures for foreign domestic workers. Moreover, an attempt to implement a GCC wide legislation regarding the working conditions of domestic workers has failed (Amnesty International, 2015, pp. 5-6).

Domestic workers are entirely excluded by Qatari labor law. Some of the here presented
discourse participants therefore criticize the lack of a protective legal framework for migrant workers in such a sector. Qatari authorities answer to such criticism by focusing on an affirmative strategy, highlighting the sufficiency of legal frameworks that are already in place, such as the model contracts that are based on bilateral agreements. By recommending to establish a national legislation to protect domestic workers, both AI and ILO reports, however, apply a transformative strategy and indicate that national legislations are more comprehensive and qualify better as protective measures as the system already in place. While the government’s promise to examine laws relating to domestic workers, Qatar somewhat also agrees to a transformative strategy, indicating to change national legislation when needed. These considerations, however, have yet failed to be transferred into any concrete measures, such as a law protecting rights of domestic workers. The Qatari government thus indirectly admits that a national legal framework would protect the workers better than bilateral agreements, but does not succeed in establishing such a framework.

6.4 Dynamic Framework
Migrant workers not receiving their salaries at all or being paid less than initially promised represent another issue highlighted by various reports. However, between the time span of the release of the first report by HRW until the publication of the last report by AI, some changes of the regulatory framework have occurred. All depicted parties approve HRW’s observation regarding practices of companies deducting salaries for various reasons from their workers, even though illegal by Qatari labor law and the respective model contracts (Human Rights Watch, 2012, p. 3). In this light, some actors, such as the ITUC and UNHCR also criticize that salaries are based on bilateral agreements rather than on a national minimum wage system. These agreements, however, link the level of workers’ remunerations to their country of origin rather than to their profession or type of work, which both the ITUC and UNHRC understand as a violation of international standards against discrimination as set by the ILO and the UNHRC (U.N. Human Rights Council, 2014, p. 15; International Trade Union Confederation, 2014, p. 25). The QF observes the same problem and indicates that varying wages between workers of the same occupations violate the QFMS’ principle of ‘equal pay for equal work’ (Jureidini, 2014, p. xv).

Consequently, all reports recommend relevant parties to take significant steps to improve the payment system. In doing so, HRW urges companies to ensure monthly payment of the workers’ salaries to be paid into bank their bank accounts (Human
Rights Watch, 2012, p. 13), while the Special Rapporteur addresses the government and recommends Qatari authorities to ensure and monitor the regular payment into the workers’ bank accounts. Against the backdrop, the SC report highlights that after the implementation of the SCWWS, all employers pay their workers on a monthly basis (Supreme Committee, 2014, p. 31). In contrast to the SC, the QF does not only refer to its worker standards, but also addresses the Qatari authorities and recommends to allow migrant workers in Qatar to open bank accounts into which all employer shall be required to pay the salary (Jureidini, 2014, p. xvi).

Regarding the unequal pay between workers of different origin, some reports, such as by the QF, the ITUC, DLA Piper and the UNHCR suggest for Qatar to implement a national minimum salary system, as this would combat discrimination based the worker’s nationality (DLA Piper, 2014, p. 12; International Trade Union Confederation, 2014, p. 6; U.N. Human Rights Council, 2014, p. 19; Jureidini, 2014, p. xv).

With regards to workers being paid inadequately and irregularly, and with regards to the thereof resulting recommendations to Qatar and to employers to improve the payment system, the AI’s latest report recognizes certain changes of the Qatari national law. Accordingly, Qatar’s authorities have added an amendment to the labor law requiring employers to pay their workers through direct bank deposits (Amnesty International, 2015, p. 5). As the so-called “wage protection system” provides a better monitoring for authorities and workers regarding of the payment practices (Amnesty International, 2015, p. 11), the measure fulfills the above presented proposal recommended by the Special Rapporteur. The AI report, however, also notes that the implementation of the amendment is still under process and even when finally implemented, only applies to workers who officially receive their salaries and thus excludes workers from protective measures who are employed under informal arrangements (Amnesty International, 2015, p. 5).

While there is no follow-up on the minimum wage recommendation in the more recent reports under scrutiny here, the UNHCR report indicates Qatar’s unwillingness to establish a national minimum wage system. Accordingly, the Special Rapporteur notes that any attempts of labor sending countries to establish a minimum salary for their emigrating workers have resulted in Qatar not issuing any work visas for workers from respective countries anymore (U.N. Human Rights Council, 2014, p. 11).

I have now presented how two issues relating to payment practices of foreign workers have been discussed throughout the discourse. According to AI’s most recent report, the most significant changes that Qatar has initiated relates to the payment of salaries.
Accordingly, the government has added an amendment to its labor law requiring employers to pay salaries into bank accounts. This was more or less exactly what other discourse participants have recommended. However, regarding the implementation of a minimum salary, no significant steps were made. Even though local and international standards require the payment of workers based on occupation or prohibit a distinction based on country of origin.

6.5 Conclusion: International and local standards versus national law

There are different institutional frameworks that apply to migrant workers in Qatar. These frameworks include local standards, national laws, bilateral agreements and international human and labor rights. Especially intergovernmental organizations and international civil society organizations address the Qatari national legal framework when criticizing the lack of protection for migrant workers or when proposing measures that could improve the situation for these workers. Organizations affiliated with the Qatari government, on the other hand, mostly focus on local standards when engaging in the discourse.

As a point of reference for an adequate protection of migrant workers’ rights, both local and international standards are often praised by many discourse participants. However, based on the higher quantity of recommendations proposed to the Qatari government and hence to the national legal framework (such as including domestic workers into labor law or enabling migrant workers the rights to freedom of association), most discourse participants identify the national institutional framework as the most effective in providing adequate protection for migrant workers. This is not surprising, considering that local standards only apply to some workers who are actually under the scope of, for instance, the QFMS or SCWWS.

When discourse participants refer to international conventions and treaties or even local standards, they often do so either with the intention to use these conventions as model provisions for how national legislations should look like or to use Qatar’s ratification of certain standards as leverage to pressure the Qatari government into adhering respective laws. However, looking at the example of how the issue relating to the payment system is disgust, this strategy is not always successful. The recommendation to require companies to pay the workers’ salaries into bank accounts has been adopted into the labor law, while the recommendation to adopt a minimum salary system into the labor law has been neglected so far. Consequently, during the period of the investigated discourse, no substantial revisions of the legal framework have occurred even though
almost all reports have suggested doing so. Only minor changes, such as the obligatory bank transaction, have been implemented.

Considering that the ILO and UN provide the international regulatory framework that many discourse participants, especially the civil society actors, refer to when proposing more protective measures for migrant workers, both international organizations do not have actual legal power to enforce their frameworks. Yet these international human and labor standards provide an important model that can be referred to when suggesting changes. In the end, however, the actual jurisdiction is on the state level, meaning that measures are only effective when implemented into the national legal system.
7. Conclusion

The chapters above have touched upon a myriad of topics: globalization, migration, mega-sporting events, human and labor rights, justice discourse and other issues. While each individual term describes an own field of research, the underlying interest of this study combines all these phenomena. The aim was to scrutinize the way that rights of labor migrants are discussed. However, before focusing on the actual objectives, it is necessary to understand the context in which such a study interest arises. Accordingly, chapter 2 and 3 discuss the sociological interest behind labor migrants. While often being forced to work abroad due to poor economic conditions in their countries of destination, migrant workers enjoy restricted rights when compared to citizens of respective countries. There is not yet a well-established institutional system, such as the nation state, which could provide adequate protection from unjust treatment towards migrant workers. At the same time, global dynamics continue to circumvent (economically and socially) the nation state framework. Even though the state remains the most powerful system to provide protection for certain groups of people, such as its citizens, other groups are less protected, such as migrant workers.

The case at hand exemplifies this phenomenon at its best. As depicted in chapter 2.2, Qatar is a small but rich country, which population constitutes of more than 80 percent of foreigners while more than 90 percent of its workers are non-Qatari workers. At the same time, its restrictive migration system clearly delineates between the rights of natives and those of foreigners. Moreover, with Qatar winning the 2022 World Cup bid, there was more than only a football world championship awarded to Qatar. As with many mega-sporting events prior, also the 2022 World Cup drew extensive media attention to certain issues. As discussed in chapter 2.3. different actors have again and again used the global stage of these events to draw attention to their own agendas.

Looking at the British coverage between 2012 and 2015, the 2022 World Cup stage has attracted (and still is attracting) several civil society actors and their agenda to enforce the global human and labor rights system for migrant workers in Qatar. In the wake of initial preparations for the 2022 World Cup in Qatar, various news articles extensively reported about human rights and labor rights violations at respective construction sites, uncovered by NGOs such as Human Rights Watch and Amnesty International. Suddenly there was a discourse about labor migrant rights to Qatar that has not existed to the same extent before, if at all.

The here described setting of different events describes a scenario that presents an opportunity to find answers to the initial question regarding the process of how labor
migrant rights are discussed. As presented in chapter 4 and 5, the discourse was initiated by civil society actors. Later, more discourse participants entered the arena, among which were Qatari organizations, a private law firm and international organizations. Each actor engaged the issue by submitting a document which reported about the conditions of labor migrants in Qatar, and recommended a range of measures that, if followed, ideally resolved the problems. Chapter 5 summarizes some of the most important points of this discussion, categorizes the claims against the background of three different reasons of unjust treatment, and depicts the respective recommendations according to whom they are addressed. The results show that many labor migrants in Qatar face human and labor rights violations that are mostly characterized by unjust treatment due to economic maldistribution (e.g. squalid living conditions, inadequate payment, forced labor, etc.) but also due to political misrepresentation (e.g. no right to freedom of association, limited access to redress) and cultural misrecognition (e.g. discrimination based on country of origin and based on occupation). The results furthermore indicate that the discourse participants identified the Qatari government as the main responsible actor, as most recommendations were addressed to Qatari authorities. Surprisingly, even though as the organizer of the World Cups, FIFA only played a minor role within this discourse. FIFA has neither actively engaged in the discourse, nor has it been in the focus of the discourse participants’ recommendations. Furthermore, the governments of labor migrant sending countries and private companies in Qatar are not in the center of the report’s focus. Even though companies operating in Qatar are often addressed, it is seldom that they are specified by name. Looking more specifically at the institutional mandates of recommended measures, it becomes clear that the majority of discourse participants identify Qatar’s national legislation as the most protective framework. Even though local and international standards are often praised as rather comprehensive in terms of providing protection, the lacking coverage of the local guidelines and the unwillingness to implement international standards seriously limit the effectiveness of such frameworks.

All these findings are truly important when trying to understand what kind of injustices labor migrants face in Qatar, who engages in a discourse regarding the social issues of labor migrants involved in the 2022 World Cup, and what actions respective actors take. Even more intriguing when considering the results of this study is the establishment of

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12 As chapter 5 shows, FIFA as an actor has been mentioned and criticized by most reports. However, when looking at the respective recommendations, not many measures suggested any concrete measures for FIFA to implement. Moreover, as FIFA has not issued a report itself, it does not actively participate in the discourse and thus plays only a minor role as a discourse participant.
the discourse as such and its implication to the theoretical context. As aforementioned, the discourse about migrant worker rights in Qatar has not existed in this way before. Only after the World Cup bid went to Qatar and subsequent public interest focused on the Gulf state, the above outlined actors initiated a discourse, into which more actors from different parties gradually entered. While the discursive content compiled questions of social justice for migrant workers, the presumption of chapter 2 and 3 indicates that there is actually no suitable governing structure that could provide for an adequate protection of social justice for this group of people in Qatar. Chapter 5.6 underlines this presumption by identifying the national framework as theoretically the most capable one but practically rather ineffective due to its restrictiveness towards migrant workers. However, there is another governing structure that becomes visible when taking one step back: the discourse as such. Only due to the establishment of a discursive field into which various actors, voluntarily or forcibly, entered it became possible to negotiate the rights of labor migrants and, based on that, implement actual changes. While migrant workers have not gained many more rights in Qatar thus far, some minor changes in fact have occurred during the progression of the discourse, as pointed out in chapter 5.6. When looking at this through the lenses of Fraser, which I have outlined in chapter 3.2, one might identify the resemblance between her claim of a governing structure that follows the all-subjected principle, understanding *governing structure* in a wider sense as a regulating non-institutional framework (which I here understand as discourse) and *subjects* as everyone who is affected by a particular coercive power coming from the respective structure (which I here understand as migrant workers, as they are affected by the outcome of the discourse). Only through the establishment of the discourse did it become possible to discuss measures that protect the rights of migrant workers in Qatar on an institutional level, and thus directly affect the justice claims of this group. Therefore, the discourse serves as an abstract form of what Fraser appealed for: a governing structure with the potential to act as a precursor for actual institutional changes.

As the preparations of the 2022 World Cup are still ongoing and as there are still reports being constantly drafted, the discussion about migrant workers’ rights is yet not finished. Therefore, it is too early to make any final remarks about the outcome. Further

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13 With “Qatar: The Ugly Side of the Beautiful Game: Exploitation of migrant workers on a Qatar 2022 World Cup site” Amnesty International just recently published a new rather comprehensive report investigating the migrant worker’s exploitation in Qatar ahead of the 2022 World Cup (Amnesty International, 2016). Because of its actuality, this report could not be taken into consideration for the study at hand.
studies, along the lines of the presented research in chapter 2.3.2, that scrutinize the entire preparation period will be needed once the 2022 World Cup has taken place, in order to analyze if and to what extent the situation of migrant workers in Qatar has changed.

Besides further studies to be conducted in the future, an additional debate about the normative questions that inhabit discussions about the international human rights and a global justice system in relations to issues of migrant workers may be needed. One should note that some perceive the international human rights as a product mainly based on Western culture (see e.g. Ghai, 2000), which certainly needs to be taken into consideration when discussing rights of migrant workers in countries such as Qatar, which also belong to regional frameworks, such as the Arab Charter of Human Rights.

In this regard, it should also be noted that the entire research is framed by the systematic selection of the discourse participants outlined in chapter 4.5. While the selection method allowed an analytical inclusion and exclusion of potential actors of interest and thus provides an adequate methodological framework for this study, it must be acknowledged that it does claim to be representative. Applying a different technique may therefore generate a different set of discourse participants and hence a slightly different discourse. However, the applied method is sufficient in order to gain a general understanding of what is going on in Qatar with regards to certain issues of migrant workers at World Cup construction projects, and to identify the potential of mega-sporting events as a discursive stage through which justice claims of certain groups can be discussed.

In summary, the structure of the results of this study encompasses three domains: methodological, theoretical, and empirical. The herein applied methodological strategy of how to frame and analyze discourse serves as a model for future research intentions which focus on discourse analysis of complex topics, such as human rights of certain groups. The theoretical gain is situated in the realization of the discourse as an abstract form of a governing structure for abnormal justice claims. This discussion should be further developed and potentially situated within additional theories, such as Foucault’s governmentality (Foucault, 1991). Finally, the empirical insight of this thesis includes a profound analysis of the discourse participants, their claims, and their interactions with one another.
8. Literature


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