MIGRANT LABOR & THE MORAL IMPERATIVE: FILIPINO WORKERS IN QATAR AND THE UNITED ARAB EMIRATES IN THE 21ST CENTURY

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ABSTRACT

Migrant work is a critical part of the Philippines’ economy. In 2009, remittances, or money sent back to the Philippines from citizens working abroad, comprised 10 percent of the country’s gross domestic product (GDP). But these earnings often come at a heavy price, as migrant laborers encounter a host of abusive practices at the hands of Filipino recruitment agencies and Middle Eastern employers.

The aim of this thesis is threefold. First, it provides information on and exposes this human rights issue, convincing readers of the “moral imperative” to help stop these abuses. Second, it explores the need for migrant workers, and the vulnerability of Filipino workers who do not have adequate work opportunities in the Philippines. Third, it offers solutions to improve working conditions for Filipino workers in Qatar and the United Arab Emirates (UAE). Although the thesis begins with a historical introduction, the scope of the work is the first decade of the twenty-first century, while the countries examined are the Philippines, Qatar and the UAE.

The thesis is organized into five parts. Chapter One: “Introduction: A Brief Overview of Philippine History” sets the stage by providing necessary background
information on the Philippines. Chapter Two: “The Demand by Qatar and the UAE for Migrant Workers” discusses the need for overseas Filipino workers (OFWs) in these two countries and outlines important definitions and statistics. Chapter Three: “The Plight of Filipino Workers in Qatar and the UAE” then deals with five aspects of their plight: desperate need for a job, expensive journey to the Middle East, dangerous work conditions, problems with remuneration and substandard living conditions. Chapter Four: “Shared Responsibility: The Role of the Philippines, Qatar and UAE Governments and Other Interested Parties in the Filipino Migrant Worker Problem” investigates how each government fails to adequately protect OFWs, and analyzes the efforts of interested parties, such as the United Nations (UN) and Human Rights Watch, in helping migrant workers. Chapter Five: “Conclusion: Recommendations to Address the OFW Problem” proposes solutions to improve the Filipino migrant labor situation, such as creating jobs within the Philippines and drawing more attention to human rights abuses, especially by governments and employers. The final chapter compares and contrasts the plight of Filipino workers in both Middle Eastern countries and notes that more needs to be done to alleviate this problem.
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CHAPTER ONE

INTRODUCTION: A BRIEF OVERVIEW OF PHILIPPINE HISTORY

This thesis seeks to bring attention to an urgent human rights issue – maltreatment of migrant Filipino workers in Qatar and the United Arab Emirates (UAE) – and to present solutions to improve their work conditions. Qatar and the UAE provided jobs for over one-third of all overseas Filipino workers (OFWs) in 2009, but these two countries are continually criticized for allowing worker abuse to occur within their borders.¹

The reason for studying the Philippines is clear: the country is more reliant upon its overseas workers than is any other nation in Southeast Asia. In fact, 10 percent of the Philippines’ gross domestic product (GDP) comes from remittances.² Since the majority of OFWs travel to the Middle East, this region merits attention. Moreover, in 2009, among Middle Eastern countries, the UAE was second only to Saudi Arabia as the top destination for OFWs.³ While Saudi Arabia was initially considered as a country for study in this thesis, it was eventually excluded because a relatively low portion of the country’s population, about 19 percent, is comprised of foreign workers, compared with over 80 percent in both Qatar and the UAE.⁴ The UAE has also been chosen because it attracted a great deal of negative media coverage for condoning employers who abuse migrant construction laborers.⁵ Regarding Qatar, although it is not as popular a destination for OFWs as the UAE or Saudi Arabia, the International Monetary Fund (IMF) recently predicted that Qatar would be the world’s fastest-
growing economy in 2010, making its labor market a subject of increased interest in the future. Also, the UAE employs a large number of female OFWs in the domestic sphere, allowing comparisons across gender, employment sector and destination country in this thesis.

The aim of the introduction is to set the stage for the thesis by providing a brief history of the Philippines. Its scope is rather extensive, ranging from the ancient period to the modern era in the country. The chapter is organized in five parts: “The Indigenous Period (3000 B.C.E. – 1521 C.E.);” “The Spanish Period (1521 – 1898);” “The American Colonization Period (1898 – 1946);” “The Post-Independence Period and the Start of Overseas Filipino Workers (1946 – present);” and “Conclusion.” The “Conclusion” includes a brief summary of important points, illustrating how history impacts the migrant labor problem in the twenty-first century. This introduction is a critical element of the thesis, as it establishes a solid foundation for analyzing Filipino workers’ current problems in Qatar and the UAE.
Map 1. The Philippines

I. The Indigenous Period (3000 B.C.E. – 1521 C.E.)

Examining the Philippines’ geographical location and its economic, political, religious and social history is a crucial first step in understanding the country’s present dependence on migrant labor. Its history includes 300 years of Spanish rule, followed by 50 years of American rule; for almost four centuries, it was thus controlled by foreign powers.

Located east of Vietnam and between the Philippine Sea and the South China Sea, the Philippines is an archipelago of approximately 7,107 islands. The country is part of Southeast Asia, a region that includes ten other nations: Brunei, Cambodia, East Timor, Indonesia, Laos, Malaysia, Myanmar, Singapore, Thailand and Vietnam. The Philippines is comprised of three primary regions: Luzon, the largest island in the north; the Visayas, the group of islands in the center; and Mindanao, the largest island in the south. The Philippines’ capital, Manila, is in Luzon. The Philippines enjoys a strategic location due to its proximity to so many of Southeast Asia’s important bodies of water, namely – the South China Sea, Philippine Sea, Sulu Sea, Celebes Sea and Luzon Strait. This has made the nation attractive to foreign colonizers and historically kept it open to various cultures and influences from Asia and other parts of the world. Moreover, its natural resources, especially timber, petroleum, copper, nickel, gold, silver and salt, have helped the country develop products for export.

The Philippine coastline is approximately 36,290 kilometers long, and the area of the entire country is about 300,000 square kilometers. The Philippines has a very
diverse ecosystem, including tropical forests, marine mangroves and coral reefs, and its location – about five to twenty degrees north of the equator – makes the climate tropical and warm. The northeast monsoon season lasts from November to May, while the southwest monsoon season is from May to October. The country is located in a high-risk area for typhoons and volcanic eruptions.10

Given the Philippines’ strategic location and natural resources, it is not surprising that some of its earliest residents engaged in trade. As early as 3000 B.C.E., Austronesian11 people begin arriving in the Philippines from Taiwan. These ancient inhabitants cultivated rice, a crop that requires both a tropical climate and water. Settlers gathered in groups led informally by local leaders, and most aspects of life then were handled locally. Foreign influences from Hindu and Buddhist monks, who traded textiles and other valuable goods in the Philippines, were selectively integrated into local Philippine culture, and kinship traditions prevailed in society. Early Filipino religion was animism, or the belief that natural objects and the universe itself possess souls.12

By 500 B.C.E., Philippine ports were trading with China, Southeast Asia and India. This pattern of Filipino trade continued throughout ancient history, even as the Sri-Vijaya Empire controlled trade along the Strait of Malacca from 700 to 1100 C.E. The Sri-Vijaya Empire, located in what is now southern Sumatra, Indonesia, was heavily influenced by Buddhist expansion in the eighth through twelfth centuries. The
Sri-Vijaya Empire also maintained a powerful and influential navy, and was one of the crucial trading partners of the Philippines.\textsuperscript{13}

But by the 1400s the Sri-Vijaya Empire was in decline, and Chinese traders under the Ming dynasty (1368 – 1644 C.E.) came to dominate commerce in Southeast Asia. However, as Arabia became an increasingly important global cultural and trade center, Muslim traders’ influence also began to spread to Southeast Asia and the Philippines during the thirteenth through fifteenth centuries. More specifically, in the thirteenth century, Islam arrived in the Philippines, converting a large portion of the native population. Filipinos came into contact with Muslim traders and were influenced by Sufi leaders, or religious ascetics known for their mystical talents and interpretation of scripture, who convinced them to embrace Islam. They softened the harshness of early Islam by advocating egalitarianism, brotherhood and learning. Plus, Islam came to the Philippines when the Middle East led the world in medicine and astronomy, further enhancing the religion’s appeal. By the end of the fifteenth century, established Muslim states existed in Sulu, southern Mindanao and Manila in northern Luzon, and when the Spanish arrived to colonize the Philippines in the sixteenth century, they called these Filipino Muslims the “Moros.”\textsuperscript{14} But, the arrival of the Spanish halted the spread of Islam.

As a result of the influx of Chinese and Islamic trading in the fourteenth century, by the time the Spanish began to colonize the Philippines in the sixteenth century, the country was already a codified mix of several religions and cultural
groups. Today, the Moros are the largest non-Christian group in the Philippines, comprising about five percent of the population.15

II. The Spanish Period (1521 – 1898)

Spain and Portugal were among the first nations to seek alternate trade routes in Asia in the late fifteenth century. By the early sixteenth century, explorer Ferdinand Magellan had reached the Philippines. Although Magellan was Portuguese, the Spanish hired him to continue exploration inspired by Christopher Columbus’ discovery of the New World in 1492. After his crew survived a harsh journey wrought with illness, Magellan initially named the Philippine islands “Lazarus,” since the biblical Lazarus had arisen from the dead, much like Magellan’s crew had triumphed over rough conditions.16 Later in 1521, Magellan was killed in a battle on the islands, and in 1543, Ruy López de Villalobos changed the name to the “Philippines” after Philip II, the king of Spain during Spanish colonization of the Philippines.17

Spain’s motivations are best expressed in one simple phrase: “God, gold and glory.” “God” represents the Spanish desire to convert “natives” in foreign lands to Christianity. Ultimately, though, the Spanish vision of total Christian conversion was never completely achieved in the Philippines, given that Islam had already established a foothold in the South. Yet, of the three aims, this was the most successful. While the Spaniards attempted to take Mindanao and Sulu, predominantly Muslim areas in the southern Philippines, the Muslim community retaliated with a jihad, or religious war, against the Spaniards. Even in the present-day, the Muslim minority in these areas
continues to retaliate against the majority, primarily through the Moro Islamic Liberation Front and the Abu Sayyaf insurgent groups.18

Still, Spanish influence and the pursuit of “God” did result in the majority of Filipinos converting to Catholicism. While the conversion campaign largely failed in the Islamic south, Catholicism became the dominant religion in Filipino society. According to the 2000 census, 80.9 percent of Filipinos identified themselves as Roman Catholics, 2.8 percent as Evangelical and 4.5 percent as “other Christian.” On the other hand, only 5 percent of Filipinos selected Muslim, while 2.3 percent, 2 percent, 1.8 percent, 0.6 percent and 0.1 percent identified themselves as Iglesia ni Kristo, Aglipayan, “other, “unspecified,” and no religious affiliations, respectively.19

“Gold,” or the second driver behind Spanish expansion in the Philippines, was also critical. Explorers sought riches for the king, especially gold and spices. Although many explorers thought they would find spices in the Philippines, their efforts were unsuccessful until the remaining members of Magellan’s crew later reached the Moluccas, or Spice Islands, in Indonesia. After establishing a base in Manila, the Spanish engaged in a lucrative galleon trade from China to Mexico. They exchanged exotic goods, such as spices, ivory, silk, and porcelain, from China for silver from the New World. On the return trip, the Spanish carried goods across the Pacific Ocean, through the Philippines, and then to Acapulco in Mexico. Finally, they shipped these goods to Spain. For over 200 years, ships traveled from Mexico to the Philippines via the galleon trade.
“Glory,” or the third aim, led the Spanish to assume they could rule the Philippines and bring fame to themselves, their king and their country. After claiming the Philippines, the Spanish almost immediately disrupted the traditional Filipino system of collaboration and kinship by forcing Filipinos to relocate into *encomiendas*, or “settlements of local people created by the Spaniards for purposes of assessment and tax collection.” The indigenous concept of communal land ended, and the Spanish turned over land control to friars and the elite.\(^{20}\)

This relocation process marginalized Filipinos socially, economically and culturally. Socially, Filipinos had to cope with the loss of their prior community establishment, and from a micro-economic standpoint, *encomiendas* put many Filipinos at a disadvantage by forcing them to perform labor and pay tribute to the Spanish, while priests, friars and other religious leaders became overly powerful, rich and often abusive. From a macro-economic standpoint, the galleon trade ultimately hindered economic development by dominating the country’s resources.\(^{21}\) Culturally, Filipinos had to adapt to the Spanish way of doing things.\(^{22}\)

However, many Filipinos were not content with the Spanish-style overhaul of their society, and as a class of educated Filipino citizens developed, so did the seeds of rebellion. By the nineteenth century, Christianity in the Philippines had evolved, uniting Filipinos through cohesive Catholic and seminary school systems from which educated Filipino lay and religious leaders emerged. But no matter how educated these Filipinos became, they still could not move into the upper ranks of the ruling class in
the Philippines, and friars held the most power in Filipino society. By the late
nineteenth century, *ilustrados*, or the “prosperous, Filipino, export-oriented,
agricultural elite,” became disaffected with Spanish colonialism. And after Spanish
rule in Latin America and the galleon trade diminished, even peasants, who held the
lowest position in colonial society, were hurt by landlords’ decision to collect more
taxes to support the economy amidst the declining galleon trade.

It was during this period – the emergence of an educated Filipino class and a
faltering economy – that the Propaganda Movement, which advocated the idea of
Filipino nationalism, gained momentum. José Rizal (1861 – 1896), an *ilustrado*,
criticized friars in two famous novels, *Noli me tangere* and *El filibusterismo*, and
publicly advocated institutional reforms that would give Filipinos more freedom and
integrate the Philippines as a province of Spain. Rizal emerged as the leader of the
non-violent Filipino progressive movement, founding La Liga Filipina, a civic
institution, in 1892. But the Spanish had Rizal executed by firing squad in 1896, falsely
accusing him of inciting revolution. Today, Rizal is still considered a Filipino hero,
and the anniversary of his death is celebrated as “Rizal Day.” But Andrés Bonifacio’s
anti-colonial group called the Katipunan, or “The Most Respectful Association of the
Sons of the People,” was actually behind the Philippine revolution, which officially
started on August 26, 1896.

While Bonifacio initially served as the leader of the Philippine independence
movement, he lost critical battles at San Juan, Langka River, and Balara, and was
severely wounded while trying to reassert his power base in Morong in a fight against Emilio Aguinaldo, a rival Philippine leader. As Bonifacio’s reputation weakened and his conflicts with Aguinaldo intensified, Aguinaldo emerged as the dominant leader of the Philippine rebellion, eventually taking over and ordering Bonifacio’s execution in 1897 on charges of treason. As part of an 1898 truce with Spain that included an indemnity, Aguinaldo and other rebels agreed to go into exile in Hong Kong. But despite this truce, peace did not last long.

Also in 1898, the United States (U.S.) went to war with Spain, as the U.S. supported Cuba’s fight against Spanish rule. While in exile, Aguinaldo met with American Commodore George Dewey, who offered independence to the Philippines if Aguinaldo would help the Americans fight against the Spanish in the Philippines. Aguinaldo subsequently agreed and allied himself with the U.S.

Dewey won a major victory against the Spanish on May 1, 1898, at Manila Bay, and Aguinaldo remained allied with the Americans in the ongoing battle to oust Spain from the Philippines. After Aguinaldo successfully liberated various areas of the Philippines, he declared Philippine independence from Spain on June 12, 1898. But Aguinaldo did not have control of Manila, an area that still remained under U.S. influence following Dewey’s victory at Manila Bay. Although he helped secure a U.S. victory, Aguinaldo soon found himself betrayed and he was forced to be engaged in a yet another battle for Philippine independence, this time against the Americans.
III. The American Colonization Period (1898 – 1946)

Despite the U.S. victory at Manila Bay and Aguinaldo’s freedom declaration, Filipinos were not yet independent, as neither the U.S. nor Spain recognized Aguinaldo’s declaration of independence in June. Unfortunately for the Filipinos, many American leaders considered the Philippines a potential strategic acquisition. However, not all Americans supported this imperialist viewpoint, sparking a national debate between them and the Imperialists about whether the U.S. should take control of the Philippines.

Imperialists stressed control of the Philippines for economic, political and socio-cultural reasons. Economic motives for U.S. colonialism in the Philippines included the following: establishing a trading post in the Pacific to exchange goods with China; finding new markets for U.S. exports, especially excess agricultural and industrial products; and using the Philippines as a source of investment and raw materials. From a political perspective, maintaining a strong worldly presence had become increasingly important to American leaders at the end of the nineteenth century, and control of the Philippines would promote American interests in Asia. For example, Theodore Roosevelt, a former U.S. Secretary of the Navy who became President in 1901 upon McKinley’s assassination, strongly advocated annexing the Philippines as a means to assert American naval supremacy.27

Socio-culturally, while the vision of “God, gold and glory” inspired Spanish colonization of the Philippines, “Manifest Destiny” and “Social Darwinism” were
often used to rationalize a U.S. acquisition of the Philippines. Manifest Destiny suggested that the U.S. was “destined” to expand across the North American continent, from the Atlantic seaboard to the Pacific Ocean, while Social Darwinism argued that “elite” countries like the U.S. should dominate weaker nations like the Philippines. The concept of Social Darwinism, as well as influential American writings about Manifest Destiny, especially Rudyard Kipling’s famous poem “White Man’s Burden: The U.S. and the Philippine Islands,” indicate how a Eurocentric view of the world made Americans treat Filipinos as uncivilized, lesser people.28

While Imperialists used these concepts to advance their agenda, in 1898, prominent statesmen and leaders who were primarily members of the Democratic Party formed the Anti-Imperialist League, an organization opposed to American annexation of the Philippines. These anti-imperialists argued against overseas expansion on the grounds that it violated the principle of self-government outlined in the U.S. Constitution. In other words, the U.S. should not involve itself in colonization efforts but should instead recognize the Philippines’ right to govern itself. In the end, the Anti-Imperialist League’s efforts proved unsuccessful, especially after one leading Democrat, William Jennings Bryan, sided with the Imperialists. Partially as a result of Bryan’s efforts to rally several other Democrats to support annexation, the Imperialists won the debate, and on February 6, 1899, the Treaty of Paris passed by one vote in the U.S. Senate. Under this treaty, the U.S. paid Spain $20 million for the Philippine
islands, Puerto Rico and Guam, signaling that the false promise of Philippine independence would not be realized anytime in the near future.\textsuperscript{29}

After the U.S. gained control of the Philippines under the Treaty of Paris, Filipinos rebelled against colonial rule again. The Philippine-American War, or what the U.S. termed the “Philippine Insurrection,” which began in 1899, eventually ended with Aguinaldo’s surrender in 1901, after the Philippines suffered heavy losses during three years of guerilla warfare. Sadly, during the Philippine-American War the “U.S. military killed more Filipinos in 3 years than the Spanish killed in 300 years.”\textsuperscript{30}

In colonizing the Philippines, the Americans, similar to the Spanish, perpetuated a system that placed most land and power in the hands of a few elite Filipinos. In 1902, American President William Howard Taft negotiated with the Pope, purchasing about 400,000 acres of friar lands, pledging to credit the Philippine government for that amount and issue bonds as a way to redistribute the land without costing the government heftily. However, Americans ruling in the Philippines ended up selling the land at the purchase price, and only the wealthiest Filipinos could afford it. As a result, elites still retained power and peasants remained helpless under American rule.\textsuperscript{31}

Like the Spanish, the Americans were never completely successful in molding Filipino society to meet pre-conceived ideals. The U.S. also faced strong resistance from Filipino Muslims, and the Moros fought against the Americans for 17 years until they were formally incorporated into the U.S. territory in the Philippines in 1915. The
legacy of land control problems contributed to the emergence of a Communist party and insurgency in the Philippines later in the twentieth century.\textsuperscript{32} While demeaning, racist views, poor land redistribution policies, and the U.S.’ initial false promise of independence and subsequent betrayal of Aguinaldo created negative views of Americans among Filipinos, the U.S. did make two positive, long-lasting contributions to Filipino society: establishing a public education system and instilling democratic governance ideals in society. The U.S. expanded its socio-cultural influence in the Philippines by sending Christian missionaries to convert Filipinos and educating Filipinos on U.S. democratic values. For example, in the early twentieth-century, the U.S. sent over one thousand teachers to the Philippines, in a move that some consider a precursor to the Peace Corps. Two of the primary goals of this teaching program were to modernize Philippine society and impress the importance of democracy on young students.\textsuperscript{33}

Regarding the American contribution to democratic governance in the Philippines, the U.S. Congress passed the Philippine Bill of 1902, which called for the creation of a bicameral legislature, formed in 1907. Then, in 1935, the Philippine Commonwealth, modeled after the U.S. bicameral legislature and led by President Manuel Quezon, was established through the Tydings-McDuffie Act of 1934, on the understanding that independence would be granted in 1944.\textsuperscript{34} But with the outbreak of World War II and the Japanese Occupation of the Philippines throughout the war years, independence was postponed to July 4, 1946.\textsuperscript{35} Meanwhile, following Quezon’s
death in August 1944, his vice president, Sergio Osmeña, took over as his successor. But Osmeña was unable to win the presidency in 1946, after his relationship with the U.S. deteriorated and prominent American General Douglas MacArthur supported Manuel Roxas, who won the election by a narrow margin to become the first president of the independent Philippines.³⁶

IV. The Post-Independence Period and the Start of Overseas Filipino Workers

(1946 – present)

Since the Philippines became independent, its political, social and economic landscape has been rather tumultuous. Periods of weak and corrupt leadership occurred, especially under President Ferdinand Marcos (1965 – 1986). Prominent examples of political instability have been the Moros’ violent attacks and protests against the government; Communist insurgency rooted in discriminatory land policies; and stagnation in the economy. Before World War II ended, Osmeña had successfully rallied the Hukbalahaps, commonly known as the Huks, to fight the Japanese. However, once World War II was over, the Huks posed a problem, as the Cold War had begun. The Huks later went on to launch a Communist insurgency. Roxas tried to deal with this problem, but he did not resolve it before his abrupt death in 1948. Roxas’ successor, Elpidio Quirino, who had been vice president, also had to deal with the Huks, and employed Ramon Magsaysay to help with the problem.

Regarding the land problem, it was grounded in colonial rule, but continued to be an issue during World War II and after independence. Many in the Philippine upper
class had managed to protect their land, wealth and interests by collaborating with the Japanese during the Occupation. Land problems and corruption persisted after the war ended, and many poor peasants were on the verge of starvation at the time of independence.

Another problem was the economy. The Philippines was hardly prepared to stand on its own, and the U.S. ensured that its economic interests in the Philippines were protected, even though the terms were less than favorable for Filipinos. In 1946, the U.S. Congress’ Philippine Trade Act, or Bell Act, and the Philippine Rehabilitation Act, or Tydings War Damage Act, became effective. Although the Bell Act allowed the Philippines to trade with the U.S. with no tariffs and the Tydings War Damage Act provided the Philippines with $620 million in rehabilitation funds from the U.S., these acts still preserved American interests while exploiting the Philippines. For example, American businessmen had the same rights as Filipinos when investing in the country and the Philippine peso was tied to the U.S. dollar indefinitely. After convincing Roxas to support this agreement, the Americans continued to extend their interests through the Military Bases Agreement of 1947, which gave the U.S. a lease of 99 years for its bases in the Philippines.

Roxas’ successor, Quirino, focused on post-war reconstruction and the Philippines’ economy grew but he was not able to rectify some of the lasting problems from colonial rule, namely, unequal land and wealth distribution, particularly in rural areas, and widespread corruption. In 1953, Quirino did not win re-election for a second
term. That election was won by Ramon Magsaysay, a vocal spokesman against Communism, who won support from the staunchly anti-Communist Americans. Backed by America’s Central Intelligence Agency (CIA), Magsaysay managed to temporarily quell the Huk Communist rebellion, offering them amnesty and land in the southern Philippines. After Magsaysay died in a plane crash in 1957, Carlos P. Garcia became president. Garcia’s nationalistic themes, including the “Filipino First Policy” against the Chinese in support of Filipino businessmen and the “Respectable Independence” movement against the U.S., were popular among Filipinos, as he sought to establish greater economic independence for the Philippines and gain back some land at Olongapo from the U.S. However, Garcia did not do a good enough job handling domestic issues, especially the ongoing Huk problem.39

The seemingly unsolvable problem of corruption also plagued Garcia’s administration, and Diosdado Macapagal of the Liberal Party defeated Garcia in his re-election bid. Macapagal’s term (1961 – 1965) marked one of the more successful periods for the Philippine economy, as GDP grew by 5.15 percent, the peso was placed in the free currency exchange market and the Agricultural Land Reform Code of 1963 was passed, an attempt to address land control problems.40

Despite his efforts at reform, Macapagal lost his re-election bid in 1965 to Ferdinand E. Marcos, a senator who switched affiliations from the Liberal to the Nationalist Party to win a party nomination and oppose Macapagal. After Marcos won, he served from 1965 to 1986, during which time he established strong ties with the
U.S. through his anti-Communist stance; embezzled large sums from his own country; imposed martial law from 1972 to 1981 in order to stay in power for more than two presidential terms; and added to the economic and political instability in the Philippines.\textsuperscript{41} His first term, from 1965 to 1969, went well, as he was a charismatic figure who promised to fulfill the Philippines’ “mandate for greatness.” Marcos found favor with different groups – with the peasants by providing enough rice, with the general populace for spending on infrastructure projects, and with the U.S. for sending troops to Vietnam.

In 1969, Marcos was the first Philippine post-war president to win re-election. However, his second term did not go well. The economy grew worse, as Marcos had borrowed excessively to fund infrastructure projects, and many of these loans matured during his second term. Marcos built a cult of personality around him, and then cited the threat of Communism as an excuse to impose martial law in 1972. But martial law was really just a method for him to retain power.\textsuperscript{42}

The Marcos era is especially important in that it marks the time when many Filipinos pursued work in the Middle East to find stable income, partially a result of poor economic policies, lack of well-paying jobs, corrupt administrative policies and the use of martial law. In the 1970s, Filipinos accelerated movement towards the Middle East, since wages paid for overseas contract work exceeded what Filipinos could earn at home and there were more work opportunities abroad. While Filipinos primarily migrated to Saudi Arabia in the 1970s, they also began to go to Qatar and the
UAE in the 1980s. OFWs continued to be in great demand throughout Marcos’ rule until 1986. Even after the Marcos years and into the twenty-first century, Filipinos have sought work in the Middle East. In fact, in 2002, nearly 46 percent of Filipinos working abroad were in the Middle East. In 2006, the top five host countries of Filipino workers were as follows: Saudi Arabia, UAE, Hong Kong, Kuwait and Qatar. Clearly, most of the overseas work for Filipinos is in the Middle East, with only one non-Middle Eastern country listed in the top five.

The money OFWs send back to the Philippines is a major factor in the country’s economy. In 2005, this sum amounted to more than U.S. $10 billion. At that point, the Philippines was the fourth largest recipient of foreign remittances, ranking behind India, China and Mexico. Furthermore, OFW remittances supplied 13.5 percent of the Philippines’ 2005 gross domestic product (GDP). Of the aforementioned top four countries, the Philippines’ 13.5 percent of GDP was the largest in proportion to the domestic economy.

Despite these statistics, the Philippines is certainly not the only country in Southeast Asia with a large population of migrant workers – approximately 4.5 million Indonesians work overseas, sending back over U.S. $70 billion in remittances in 2008. But the Philippines is arguably the most dependent on migrant work. The Philippines also stands out from other Southeast Asian countries in that its political leadership more actively and openly encourages its own citizens to seek work abroad.
Unfortunately, instability in the Philippine political system and economy has continued throughout the past two decades. As previously mentioned, corruption was especially problematic under Marcos, resulting in his being forced to flee the country in 1986 following mass protests, or the “People’s Power” Movement, led by Mrs. Corazon C. Aquino. Mrs. Aquino had become the opposition leader after her husband Senator Benigno Aquino was assassinated in 1983 while returning from exile in the U.S. to challenge Marcos. Mrs. Aquino became the next president following Marcos’ removal, and remained in office until 1992. She brought wide-ranging reforms to the Philippines, such as abolishing the constitution that had been in place during Marcos’ martial law and establishing the new 1986 Freedom Constitution, which limits the president to only one six-year term. Aquino was able to reestablish moderate growth in the economy and undo some of the damage caused by Marcos’ poor policies, but the Philippines still faced severe unemployment and inflation troubles. Moreover, security problems with the Moros and several failed assassination attempts against her further drained the country’s economic resources.  

Adhering to her commitment to good governance, Aquino only served one term, and then backed Fidel V. Ramos, who won the 1992 election and led the Philippines through a period of substantial economic growth. In fact, Ramos’ reforms helped the Philippines weather the 1997 Asian Financial Crisis. In 1998, Joseph Estrada became president, but he was forced to step down in 2001 on charges of corruption, again demonstrating just how disruptive corruption is to the Philippines.
Similarly, election fraud and scandal plagued the Gloria Macapagal-Arroyo presidency (2001 – 2010), suggesting that the political landscape remains unstable. On June 30, 2010, current President Noynoy Aquino, son of former President Corazon Aquino, began his term, hopefully ushering in some much needed changes in the Philippines.51

Today, the Philippines is still haunted by Communist and Moro insurgencies, and the ongoing threat of military coups. Economically, the country struggles to lift its people out of poverty. Nearly one-third of the nation’s 100 million citizens live below the poverty line.52 Philip F. Kelly, author of *Landscapes of Globalization: Human Geographies of Economic Change in the Philippines*, best summarizes the Philippines’ monetary struggles in the twentieth-century: “… the economy of the Philippines was characterized by overdependence on a few exports, land tenancy, indebtedness, low productivity, corruption, inefficiency, undercapitalization, and miserable working conditions.”53

Inequality within Philippine society continues to be a motivating factor behind overseas migration. The gross wealth disparity in the Philippines encourages workers to look for opportunities abroad. In 2010, the Philippines continues to struggle to develop and maintain a domestic labor economy that supports its citizens, as there are not enough jobs and salaries are lower than in the Middle East.
Conclusion

As these sections on Philippine history demonstrate, Arab and Chinese traders, and later Spanish and American colonizers, played a large part in shaping the Philippines’ culture, religious beliefs, political system and economic pursuits. Today, two primary problems traceable to colonialism – unequal land distribution and gross wealth disparities – persist, and ultimately hinder economic opportunities for many Filipinos. Related to these problems is corruption, which has plagued Philippine politics and society since independence. Given these issues, it is not surprising that many Filipinos have sought opportunities abroad. The Philippines simply does not have enough jobs, and the jobs that do exist do not pay enough for Filipinos to make ends meet. But as the next chapter will demonstrate, Qatar and the UAE do have plenty of higher-paying jobs, attracting these Filipinos who are desperate for work.
Chapter One


9 Ibid.


11 Austronesian refers to the related group of languages spoken by people in Indonesia, Malaysia, the Philippines, Taiwan and in parts of Vietnam.

12 Nadeau, Chap. 1.


20 Nadeau, 26-30.

21 David Joel Steinberg argues this point in The Philippines: A Singular and a Plural Place. Steinberg explains that the galleon trade dominated most capital, leaving little incentive for the Philippines to develop new international trade practices. By the mid-eighteenth century, the galleon trade had essentially monopolized the country’s economy, rather than helping the Philippines evolve natural trading patterns with the rest of Southeast Asia.

22 Nadeau, 28.

23 SarDesai, 150-65.


25 Nadeau, 46.

26 SarDesai, 155-58.

27 Ibid, 156-57.


30 Nadeau, 52.

31 SarDesai, 50-51.
32 Ibid, 156-57.

33 Ibid.

34 U.S. President Franklin Roosevelt signed the Tydings-McDuffie Act, also known as the Philippine Independence Act, into law on March 24, 1934. The law established a ten-year Philippine Commonwealth, with independence scheduled for 1946. As anthropologist Kathleen Nadeau summarizes: “[t]he Filipinos accepted the Tydings-McDuffie Act primarily because they thought that it was the best compromise that they could secure at the time and it was implied that there would be a later review.”

35 In June 1962, Philippine President Diosdada Macapagal (1961 – 1965) officially changed the date of independence from July 4th to June 12th, the date the Philippines declared independence from Spain in 1898.


38 Ibid.


41 Tyner, 48-52.


44 Tyner, 37.

45 Numbers six through ten include the following other, non-Middle Eastern countries: Taiwan, Singapore, Italy, United Kingdom and South Korea.

46 Tyner, 5.


49 For more on this point, see Chapter Four of this thesis.

50 SarDesai, 220-30.


52 The Central Intelligence Agency World Factbook estimates that as of July 2010, the Philippines’ population is 99.9 million people, and according to the most recent figure from the same source, 32.9 percent of the population lives below the poverty line. See Central Intelligence Agency, “The World Factbook: Philippines – Economy,” https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html (accessed August 30, 2010).

CHAPTER TWO
THE DEMAND BY QATAR AND THE UAE FOR MIGRANT WORKERS

Faced with the prospect of low wages and few job opportunities, many Filipinos view working abroad as a better option than staying in the Philippines. Qatar and the United Arab Emirates (UAE), two countries with economic prosperity fueled by oil revenues, have more jobs than their own citizens could ever fill. As a result, these countries employ many workers from overseas, including Filipinos.

The aim of this chapter is to define the term migrant worker, specify what types of jobs overseas Filipino workers (OFWs) typically perform abroad, and outline the history of Qatar and the UAE, clarifying why these two countries need so many Filipino workers today. The scope of the chapter is the twenty-first century, although the sections on the history of Qatar and the UAE span several centuries. The chapter is organized into five parts: “Definition of the Term Migrant Worker,” “OFWs in Qatar and the UAE,” “The Case of Qatar: Its Need for Migrant Workers,” “The Case of the UAE: Its Need for Migrant Workers,” and “Conclusion.”

I. Definition of the Term Migrant Worker

The United Nations (UN) is the most prominent authority on human rights and migrant work, and its Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families defines a migrant worker as “a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is
not a national.” In other words, a migrant worker is someone who works outside his or her home country.¹

The Philippines has adopted the UN’s Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and, in doing so, also recognizes the definition of a migrant worker outlined in the Convention.² In addition to defining terms, this Convention seeks to prevent and eliminate the exploitation of migrant workers throughout the entire migration process, and calls for the UN Committee on Migrant Workers to monitor the Convention’s implementation. The Convention was officially ratified in 2003 after meeting the minimum requirement of 20 ratifying states. Today, 43 states have ratified the Convention.³ However, no Western migrant-receiving state or Arab state, including Qatar and the UAE, has signed onto the Convention.

Migrant workers can be further classified as skilled or unskilled. Skilled workers generally possess specific or technical abilities used to enhance production in an economy. Skilled positions broadly include: managers and administrators; professionals; associate professionals; and tradespersons. A skilled worker may have attended college, university or technical school, and typically earns a higher wage than an unskilled worker. On the other hand, unskilled workers, also referred to as “unskilled laborers” or just “laborers,” usually perform daily production tasks to enhance an economy. Menial and repetitive tasks generally comprise an unskilled laborer’s workday. Unskilled workers are more likely to be taken advantage of due to
their lack of education, economic vulnerability or placement in unmonitored domestic roles. Unskilled laborers may include construction workers; agricultural workers; cleaners; and stock and material handlers. The Philippine Overseas Employment Administration (POEA), which tracks the number of Filipinos who leave each year to work abroad, also classifies migrant workers into many other categories, including land-based versus sea-based, new hire versus re-hire and male versus female.4

Regarding land-based work, the following are some of the types of jobs filled by OFWs: clerical; administrative; managerial; agricultural; animal husbandry; production; and manual labor. As for sea-based work, OFWs typically work for a shipping company abroad or they man any kind of international fishing, passenger or cargo vessel. Some of the jobs include: fisherman; boatman; barge crewman; ship engineer; and petroleum-refining worker stationed on an oil rig. The last position is a very dangerous one, especially if an explosion takes place aboard the rig.

Regarding new hire versus re-hire, new hire means the POEA has provided a new job for a worker. Re-hire means a worker has returned to the Philippines upon completing an overseas contract, but is now sent back overseas on a new contract.5 As for gender roles, female OFWs in Qatar and the UAE tend to work in the following positions: cleaners; maids; nannies; nurses; charworkers; caregivers; caretakers; and housekeepers. As for Filipino men, they are better represented in occupational categories like construction worker; electrical wireman; laborer; plumber and pipe fitter; and welder and flame-cutter.6
According to the POEA, in 2009, 1,422,123 Filipinos were sent overseas, with about 77 percent and 33 percent filling land-based and sea-based positions, respectively. This figure reflects the number of new or re-hired, temporary or non-immigrant, Filipinos who left the Philippines in 2009. There are generally three types of Filipinos working overseas: permanent migrants, or immigrants; temporary or non-immigrants; and irregular migrants. The Commission on Filipinos Overseas works to uphold the interests of Filipinos in the first category, permanent migrants or immigrants, while the POEA annually provides statistics on OFWs, or temporary or non-immigrants. Irregular migrants are undocumented OFWs. In 2009, an additional 454 Filipinos were reported as permanent migrants. The exact number of irregular migrants could not be determined for this thesis since these workers do not obtain proper documentation. Of the contracts processed for land-based work in 2009, about one-quarter were for new hires, with the remaining three-quarters for re-hires. The total number of OFWs sent overseas in 2009 increased by 15.1 percent from 2008.7

II. OFWs in Qatar and the UAE

Looking specifically at the Middle East, 669,042 Filipinos left to work there in 2009, representing nearly half, or 47 percent, of all OFWs in the world that year. About 13 percent of OFWs in the Middle East worked in Qatar, and 29 percent worked in the UAE.8 In addition to Qatar and the UAE, OFWs worked the same year in the following other Middle Eastern countries: Bahrain, Egypt, Iran, Israel, Jordan, Kuwait, Lebanon, Libya, Oman, Saudi Arabia, Syria and Yemen.9
The POEA has provided data on the number of deployed, land-based OFWs in the Middle East from 2003 to 2009, including both re-hires and new hires, and a further breakdown of the figures illustrates the remarkable increase in the number of OFWs specifically seeking work in Qatar and the UAE. First, between 2003 and 2009, nine of the aforementioned twelve Middle Eastern countries showed a net increase in land-based OFWs. These countries are: Bahrain, Jordan, Kuwait, Libya, Qatar, Saudi Arabia, Syria, the UAE and Yemen. Of those nine countries, Qatar and the UAE had the two largest percentage increases in land-based workers in 2009 over 2008, with an 84 percent and 75 percent increase in OFWs leaving the Philippines to work in Qatar and the UAE, respectively.\textsuperscript{10}

In 2003, only 14,344 and 49,164 OFWs were sent to Qatar and the UAE, respectively. In the case of Qatar, by 2005, this number had more than doubled to 31,421. For the UAE, by 2006, the number of OFWs nearly doubled from the 2003 level to 99,212. In 2009, there were 89,290 reported OFWs in Qatar and 196,815 in the UAE. Saudi Arabia continued to receive the largest number of OFWs that year, or a total of 291,419 Filipinos.\textsuperscript{11}

Of the 37,970 new OFWs hired in Qatar in 2009, nearly half were employed in the category related to construction and manufacturing, entitled: “Production and Related Workers: Transport Equipment Operators and Laborers.” Of the remaining OFWs in Qatar, the POEA report categorized one-quarter of them as “Service Workers.” The final quarter included all other categories of employment:

Jobs available to OFWs in the UAE are similar to the positions offered in Qatar. For example, of the 49,911 new OFW hires for 2009 in the UAE, about one-quarter worked in the aforementioned “Production and Related Workers: Transport Equipment Operators and Laborers” category. “Professional, Technical and Related Workers,” combined with the “Sales Workers” category, made up nearly one-quarter of new OFW hires in the UAE in 2009, with “Service Workers” comprising the remainder. The breakdown between skilled and unskilled workers derived from the 2009 POEA statistics is consistent with data compiled earlier in the decade; most official estimates state that one-third of all OFWs are unskilled laborers, including domestic helpers, cleaners and manufacturing laborers.

Of the 37,970 new OFWs hired to work in Qatar in 2009, 70 percent were men and 30 percent were women. Interestingly, nearly the opposite was true regarding new hires in the UAE, as 32 percent were men and 68 percent were women. In both Qatar and the UAE, men greatly outnumber women in the following categories: “Production and Related Workers: Transport Equipment Operators and Laborers” and “Professional, Technical and Related Workers.” However, women greatly outnumber men in the “Service Workers” category. The main reason the percentage of newly hired women employed in the UAE outpace men is that most of the women are hired as
service workers. In this category, only 3,679 Filipinos, compared to 21,043 Filipinas, went to the UAE in 2009. Of these 21,043 women, nearly half, or 10,492, were domestic helpers and related household workers, while only 66 male OFWs were employed in the same category.\textsuperscript{15}

The gender ratio of OFWs working in the UAE illustrates the so-called “feminization” of the migrant labor force that has occurred in recent decades, as Filipinas are now viewed as viable candidates for migration. For example, James A. Tyner, author of \textit{The Philippines: Mobilities, Identities, Globalization} summarizes this migrant labor “feminization” phenomenon:

\begin{quote}
Out-migration from the Philippines has historically been male-dominated. This is true not only of the migratory systems initiated during the period of Spanish and American colonialism, but also of the substantial migrations to the Middle East in the 1970s. Since the 1990s, however, both settlement migration and temporary overseas employment from the Philippines have been female dominated.\textsuperscript{16}
\end{quote}

While both genders are at-risk for maltreatment, females may be especially vulnerable, given their presence in private homes, places where there is rarely external oversight or the means to escape an abusive employer.

Meanwhile, the growth in OFWs working in Qatar is slated to continue in 2010, as recent reports confirm, such as an April 2010 newspaper article entitled “Qatar Has Highest Filipino Labour Market Growth Rate in the Gulf.”\textsuperscript{17} Some of the accelerated migration to Qatar was aided by a 2009 agreement between the Philippines’ and Qatari governments to add 100,000 jobs for OFWs, especially in the construction sector. In
fact, former Philippine Labor Secretary Marianito Roque noted in 2009: “[a] bout 85% of the available jobs for overseas Filipino workers in Qatar require technical and highly skilled workers in the construction sector.” Qatar will also need workers to help build its new Doha International airport and a new city called Lusail, the largest project ever in Qatar.

In addition to the construction sector, Qatar continues to need workers to support and enhance its oil and gas industry. Also, demand for household workers will likely rise since Qatar is expected to be the fastest-growing economy in the world in 2010. The demand for household work often accelerates with increased living standards.

The demand for workers in the UAE is not likely to be as strong as in Qatar, primarily due to the impact of the worldwide financial crisis and the 2009 Dubai Debt Crisis. In 2009, the UAE’s gross domestic product (GDP) declined by 3.4 percent, although most estimates expect its GDP to maintain a 2 to 3 percent growth rate in 2010. Prior to the economic downturn, the UAE had expected more migrant workers in health care, construction and hospitality, consistent with its goal to be the leisure and financial center of the Arab World. Of course, the strong oil and gas industries in both Qatar and the UAE will continue to require Filipino workers for oil rig and other resource-based positions.

While all these figures are helpful, they do not take into account the thousands of Filipinos who work abroad illegally. According to Luzviminda Padilla, the Labor
Attaché at the embassy of the Philippines in Washington, D.C., approximately 800,000 to 900,000 Filipinos are illegal workers.\textsuperscript{23} This presents a problem because there is no way to keep record of them and they are harder to protect. Also, Filipinos who do not complete the proper documentation compromise their own safety, as unlicensed recruitment agencies are notorious for exploiting Filipino workers by charging exorbitant fees or setting them up with employers who have a history of abuse.
Map 2. Qatar

III. The Case of Qatar: Its Need for Migrant Workers

Located on the northeastern part of the Arabian Peninsula bordering Saudi Arabia in the west and the UAE in the south, Qatar is a small country in the Middle East, with an area of only 11,586 square kilometers and a population of about 1.5 million. Foreigners comprise about 85 percent of the total population and 90 percent of the workforce. Filipinos represent the third-largest group of expatriates in Qatar. Qatar’s capital is Doha, home to more than half of all Qatari citizens.

Qatar is mostly flat desert. As a result, the country has virtually no arable land for agriculture. Although the area has been inhabited since the Stone Age, many modern-day Qataris descend from nomadic tribal people who moved from neighboring areas, especially Nejd and Al-Hasa, in the early eighteenth century. Some Persian merchants also migrated to Qatar, and for centuries Qatar’s main economic activities were trading, pearling and fishing. Qatar has been predominantly Muslim ever since the seventh century, when Al-Mundhir Ibn Sawa Al-Tamimi, the ruler of Bahrain and Qatar, accepted an invitation from the Prophet Muhammad to convert to Islam, after which Qatari residents became Muslims. Today, the country is 77.5 percent Muslim, 8.5 percent Christian and 14 percent other religions. About 90 percent of Qatari Muslims are Sunnis. Under Sunni Islam, the largest branch of Islam in the world, followers accept the first four caliphs as the rightful successors of the Prophet Muhammad.
The government is a constitutional monarchy, with the Amir serving as head of state and head of government. Two ruling families have historically governed the country: the Al-Khalifa family of Bahrain and the Al-Thani family of Qatar. However, in the nineteenth century, the British authorities became increasingly interested in Qatar as a strategic intermediary point between Great Britain and India, and thus looked for ways to enhance British presence in the area. Although the Al-Khalifa family controlled Qatar until the mid-nineteenth century, most Qataris opposed their rule, and the British negotiated the termination of the Al-Khalifa family of Bahrain’s claim, except for the payment of tribute, at the request of Qatari nobles. This tribute continued until 1872, when the Ottoman Empire occupied Qatar. After the Ottoman Empire began to collapse and the Ottomans left the area following World War I, Great Britain established control in Qatar. The British recognized the Al-Thani family, who had inhabited the country for over 200 years, as the ruling royal family.  

Following World War I, Qatar became a British protectorate, much like other Gulf principalities. Essentially, status as a British protectorate meant that the ruler could not dispose of any territory, except to Great Britain, nor could the ruler enter into relationships with any other country without British consent. In exchange, the British agreed to protect Qatar from any sea or land attacks. In 1916, Qatari Sheikh Abdullah agreed to this arrangement, and in 1934, Qatar entered into an even more extensive British protectorate agreement.
While Qatar was a British protectorate, its pearling industry essentially fell apart, primarily due to the Great Depression and the Japanese introduction of the cultured pearl. After World War II, the economic situation in the Gulf region worsened, as the newly-created independent government of India imposed heavy taxes on pearls imported from Arab states in the Persian Gulf. As a result, prior to the discovery of oil in Qatar in 1940, most Qatars were impoverished. However, in the 1950s and 1960s, petroleum revenues brought increased prosperity to Qatar. In these decades following World War II, many former colonies became independent, and in 1968, the British announced that they would end their treaty relationship with Gulf sheikdoms. Later, when plans between Qatar and the other eight former British protectorates to form a union of Arab Emirates failed, Qatar declared its independence on September 3, 1972.

Next, Qatar’s economy struggled from 1972 through the mid-1990s under Amir Khalifa bin Hamad Al-Thani, who severely hampered growth by siphoning off petroleum revenues. In 1995, the Amir’s son, Amir Hamad bin Khalifa Al-Thani, overthrew his father in a bloodless coup and liberalized the constitution. He has retained power ever since. Today, Qatar’s economy is still thriving under him.

Presently, Qatar’s two valuable natural resources, petroleum and natural gas, drive the economy, accounting for more than 50 percent of GDP. In recent years, to ease Qatar’s extensive reliance on oil and gas, resources that constitute 85 percent of exports and 70 percent of the government’s revenues, the government has focused on
developing “nonassociated natural gas reserves and increasing private and foreign investment in non-energy sectors.” Still, Qatar possesses about 14 percent of the world’s natural gas reserves, or the third largest supply of natural gas in the world. In fact, Qatar’s extensive oil reserves of 15 billion barrels could last for about 37 years.

Following its shift to an oil and gas economy and increased worldwide demand for these resources, on a GDP per capita basis, Qatar became one of the richest countries in the world. According to the Central Intelligence Agency’s (CIA’s) analysis, Qatar’s GDP per capita was about $119,500 in 2009, slightly below Liechtenstein’s $122,100. Qatar’s overall GDP growth rate has been phenomenal, with a 17.3 percent, 13.4 percent and 9.2 percent GDP growth rate in 2007, 2008 and 2009, respectively. The 2009 GDP growth figure makes Qatar one of the fastest growing economies in the world. It has been projected to be the fastest growing economy in 2010.

But Qatar is heavily reliant on migrant labor, primarily because there are more jobs available than Qatari citizens could ever fill. Qatar’s unemployment rate was only 0.5 percent in 2009. Since most Qataris have so many options, they do not want to accept lower paying jobs in manual labor, and thus there is a demand for outsiders to perform these functions. Regarding domestic work, many Qataris can afford to have maids, and Filipino women are prime candidates. Although wages are not extremely high, they still exceed those offered for the same positions in the Philippines. The wide disparity between the minimum wage paid to domestic helpers in the Philippines
versus that in Qatar effectively illustrates why so many Filipino workers prefer to work in a Middle Eastern country. In the Philippines, the monthly minimum wage varies by region and is set at 800 pesos for househelpers in highly-urbanized areas, 650 pesos for those in chartered cities and first-class municipalities and 550 pesos for househelpers in other municipalities. Contrast these figures with Qatar, where the monthly minimum wage is currently set at 1,000 Qatari riyals, or about 13,500 Philippine pesos, and it is clear that it is typically much more lucrative for a Filipino to perform the same job abroad. Plus, although neither Qatar nor the UAE has established a law providing a minimum wage for all workers, both Qatar and the UAE offer a guaranteed minimum wage for OFWs pursuant to each country’s special agreement with the Philippines.

Unfortunately, Qatari employers often abuse overseas workers by confiscating passports, refusing to pay wages or providing poor living conditions. Moreover, as an American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) Solidarity Center Report on Qatar discloses: “[l]ow-wage workers frequently complain that employers pay them late or not at all, deny them overtime wages, house them in substandard living quarters with no running water, lure them with false contracts, and refuse to give back their passports at the end of their contract.”

Although Qatar has engaged in efforts to increase its protections for migrant workers, establishing the National Human Rights Committee in 2002 and collaborating with the Philippines to establish a minimum wage for OFWs in 2008, as recently as 2009, reports of migrant labor abuse in Qatar persist.
IV. The Case of the UAE: Its Need for Migrant Workers

The UAE is also located in the Middle East, bordering the Gulf of Oman and the Persian Gulf and situated between Saudi Arabia and Oman. The country is approximately 83,600 square kilometers, with a population of nearly five million. Foreigners comprise about 80 percent of the population and 85 percent of the workforce, figures that are nearly identical to those of Qatar. The UAE consists of the following sheikhdoms: Abu Dhabi, the capital and most populous city; Ajman; Dubai; Fujairah; Ras al-Khaimah; Sharjah and Umm al-Qaiwain.
Like in Qatar, in the UAE the terrain is mostly flat desert, and oil and gas drive the economy. The Prophet Muhammad brought Islam to the region in the seventh century, and thus in the present-day, the country’s population is predominantly Muslim. In fact, today there is even a higher percentage of Muslims in the UAE than in Qatar, as 96 percent of UAE citizens are Muslims, compared to 77 percent in Qatar, and only four percent claim other religions, mostly Christianity and Hinduism. Also similar to Qatar, the majority of Muslims in the UAE are Sunnis.39

Beginning in the sixteenth century, portions of what is now the UAE were controlled by the Ottoman Empire. In the nineteenth century, many emirates entered into a protectorate treaty with the British Empire, similar to the aforementioned Qatar-Great Britain agreement. In the nineteenth and early twentieth century, the pearling industry was a huge part of the economy, but in the late 1950s and early 1960s, the regional economy seriously faltered, primarily due to the aforementioned troubles in the Arab Gulf pearling industry – the Great Depression and the use of the cultured pearl.

However, the discovery of oil in Abu Dhabi in the 1960s set off a period of rapid economic development and unification in the areas that would eventually become the UAE. In 1971, six of Great Britain’s former sheikhdoms or “Trucial States,” merged to form the UAE, establishing rule under a federal constitutional monarchy.40 Prior to the shift to an oil-based economy, the emirates were considered impoverished,
whereas today they are mostly known for their dazzling city skylines and astonishingly fast-paced economic and technological development.

Much of this growth can be attributed to the government’s newfound openness towards foreign investment. The UAE government offers Free Trade Zones, which allow 100 percent ownership and no taxes, encouraging foreign companies and governments to invest in the region. According to the CIA World Factbook, the UAE’s GDP was $200.4 billion, $208.7 billion and $194.3 billion in 2009, 2008 and 2007, respectively. These figures suggest the economy of the UAE continues to grow, despite a four percent drop in GDP in 2009 due to a Dubai debt crisis. The average GDP per capita in the UAE in 2009 was an estimated $42,000. On a GDP per capita basis, the UAE is the seventeenth richest country in the world, although it is less rich than Qatar, which is ranked second.41

Similar to Qatar, one of the most notable aspects of the UAE economy is its reliance on foreign workers. The reasons for this dependence are essentially the same as in Qatar – the unemployment rate is relatively low, four percent in 2008, and there is demand for Filipino workers to fill manual or domestic jobs.42 As in Qatar, wages in the UAE exceed what Filipinos can earn at home. However, the UAE’s unemployment rate is tangibly higher than Qatar’s, and as the CIA’s most recent annual report on the UAE notes, the UAE must focus more on generating domestic jobs, handling foreign
workers and reducing its oil dependence:

Dependence on oil and a large expatriate workforce are significant long-term challenges. The UAE’s strategic plan for the next few years focuses on diversification and creating more opportunities for nationals through improved education and increased private sector employment.43

Yet, in the past decade, it has become clear that the migrant labor situation in the UAE is far from ideal for many workers, drawing the UAE significant negative attention for its “migrant labor problem” and conveying that the UAE is worse than Qatar when it comes to abuse. For example, Human Rights Watch, a non-governmental organization (NGO), has repeatedly criticized the UAE, producing a 2003 report on discrimination against Southeast Asian workers in the emirates.44 The following year, the U.S. also drew attention to the UAE, with a Department of State report emphasizing the severity of the problem of migrant worker abuse within the country.45

That same year, additional reports appeared regarding the mistreatment of laborers in the UAE. For example, in a 2004 article entitled “Workers’ Safety Queried in Dubai,” a British journalist reported on an investigation following the death of five laborers at a construction site in a Dubai airport terminal. In addition to these deaths, the article disclosed that 12 laborers were injured when a reinforcement cage supporting a wall collapsed.46 It is obvious that more abuses occur in the UAE than in Qatar, especially since the UAE has so many construction workers in Abu Dhabi and Dubai. Clearly, by the mid-2000s, investigative journalists and non-profit
organizations had begun to uncover the problems faced by migrant workers in the UAE, detracting from the allure of the country’s economic growth.

**Conclusion**

Qatar and the UAE, two fast-growing economies, seemingly represent ideal destinations for OFWs. Although these former British protectorates were impoverished in the early twentieth century, the mid-twentieth century Middle East oil boom put them on the fast track to prosperity. This prosperity provided them with enough money to build up their infrastructures and create new jobs. As a result, Qatar and the UAE became a “perfect” match for many Filipinos, who are desperate for better-paying work and attracted to opportunities offered in the Middle East. However, given that such a large percentage of Qatar’s and the UAE’s workforces are foreign workers, maltreatment of migrant laborers has occurred and must be addressed. The next chapter will thus examine the problems faced by OFWs, to fully understand the severity of the human rights issue and why it is so imperative to act quickly to resolve their plight.
Chapter Two


3 In addition to the 43 states that have ratified the convention as of August 15, 2010, 14 other states have signed onto the convention, meaning that their government intends to adhere to its provisions. These other states are: Bangladesh, Benin, Comoros, Guinea-Bissau, Paraguay, Sao Tomé and Principe, Sierra Leone, Togo, Cambodia, Gabon, Indonesia, Liberia, Serbia and Montenegro.


8 Ibid.

9 While OFWs deployed to Iraq in 2003 and 2004, the POEA has not reported any OFWs in Iraq since 2004. Also, in 2008, one OFW was categorized as: “Middle East (unspecified).”


13 Ibid.


15 Philippine Overseas Employment Administration, “OFW Deployment per Country and Skill: New Hires For the Year 2009.”


18 Ibid.


21 Overseas-Filipinos.com, “Qatar Facts for Overseas Filipino Workers.”


23 Information courtesy of Ms. Luzviminda Padilla, Labor Attaché at the Embassy of the Philippines in Washington, D.C., through a telephone interview on August 31, 2010.


25 Habib Toum, “Qatar Has Highest Filipino Labour Market Growth Rate in the Gulf: Philippines and Qatari Government Signed an Agreement on 100,000 New Jobs.”
Nejd is a vast plateau region of the central Arabian Peninsula. It was the nucleus for the modern state of Saudi Arabia. Al Hasa is a region in east Saudi Arabia on the Persian Gulf.


While the GDP per capita for Qatar reflects a 2009 estimate, the most recent figure presented for Liechtenstein was its 2007 GDP per capita. Liechtenstein is a small country in Europe, bordered by Switzerland to the west and Austria to east, with a population of only about 35,000 people. See Central Intelligence Agency, “The World Factbook: Country Comparison, GDP per capita,” https://www.cia.gov/library/publications/the-world-factbook/rankorder/2004rank.html (accessed September 6, 2010).

This projection is based on figures obtained from the International Monetary Fund’s (IMF’s) World Economic Outlook released in July 2009. Qatar is expected to be the fastest growing economy in the world with a projected 16.4 percent growth rate. Also, this rate may be understated, given that almost all past country GDP growth rate predictions have been raised from the initial IMF projection. The official figures for 2010 will be released in early 2011.


The Trucial States were a group of sheikdoms in the Persian Gulf that allied themselves with the United Kingdom (U.K.) in 1853 under the Perpetual Maritime Truce. Under this truce, the sheikdoms agreed to become British protectorates. In 1968, the U.K. announced its intention to end its protectorate over the Trucial States. The sheikdoms then unsuccessfully attempted to establish a federation with Qatar and Bahrain. The British government terminated its treaty relationship on December 1, 1971, and the seven states became independent. While six of the states merged to form the UAE in 1971, Ras al-Khaimah joined in February 1972.


Ibid.


CHAPTER THREE

THE PLIGHT OF FILIPINO WORKERS IN QATAR AND THE UAE

“At least seven Filipino workers in Qatar … have stopped working and are now seeking repatriation, after complaining of labor violations by the company that hired them.”

– Danilo Flores, Officer of the Philippines Overseas Workers’ Welfare Administration in “Pinoy Workers in Qatar Stop Work in Protest vs. Violations”

“Others [abused OFWs] don’t want to come home even if they have continually been bruised and battered since they find no other options in the Philippines.”

– Lourdes Zapanta, Prosecutor for the Philippines’ Department of Justice in “140 Filipinas are Slaves in Dubai”

“About 3-5 coffins of these OFWs (Overseas Filipino Workers) arrive at the Manila International Airport every day.”

– E. San Juan Jr., Renowned Filipino Cultural Theorist in “Overseas Filipino Workers: The Emergence of an Asian-Pacific Diaspora”

The above quotes all point to a growing problem in Qatar and the UAE: maltreatment of migrant Filipino workers. While the first quote, taken from a 2010 newspaper article, solely references contract violations, the second, found in an exposé on Filipinas working in Dubai and written that same year, elaborates on the severity of exploitation abroad and the lack of jobs in the Philippines.¹ The third quote, extracted from a comprehensive 2009 report on Filipino migration, implies that abuse can be
deadly. Unfortunately, there are hundreds of other recent reports, stories and quotations that confirm similar hazards for Filipinos working in the Middle East.

The aim of this chapter is to expose the plight of Filipinos working in Qatar and the UAE. The scope of the chapter is the first decade of the twenty-first century, and it examines five aspects of their plight: desperate need for a job; expensive journey to the Middle East; dangerous work conditions; problems with financial remuneration; and substandard living conditions. The chapter will provide an in-depth analysis of this plight, including how workers may be treated differently based on their employment sector, skill level and gender. By shedding light on the severity of their plight, this chapter will stress the need to improve the conditions of Filipino workers in Qatar and the UAE.

I. Desperate Need for a Job

OFWs go to Qatar and the UAE because they cannot find adequate work in the Philippines to make ends meet. Moreover, as mentioned in the prior two chapters, wages paid overseas exceed those offered for the same jobs in the Philippines. For example, in 2005, 50 skilled port handling-equipment operators from the Philippines-based International Container Terminal Services left for Dubai, attracted by the higher salaries offered by Dubai Ports World, a state-owned firm in the UAE. It is also important to note that while unskilled laborers have historically sought better wages abroad, in the last decade, the same has become true for skilled and professional
workers. As described in a 2006 report on “brain drain” in the Philippines:

Low-skilled workers have long left the Philippines for higher-earning jobs abroad. But an expanding diaspora of the Philippines’ best and brightest professionals is hitting the country’s overall competitiveness and threatens to jeopardize the viability of entire sectors of the local economy. And indications are that what’s locally referred to as ‘the brain-drain situation’ is set to get worse before it gets better.4

In addition to the problem of low wages, economic inequality and the lack of upward social mobility in the Philippines also motivate Filipinos to look for opportunities abroad. The middle class is not nearly as established in the Philippines as it is in Western countries, and corruption, coupled with a weak economy, keeps wealth in the hands of a few elite families. The legacy of two colonial experiences, under which the Spanish gave land to the friars and the elite while the Americans allowed the elite to keep control of this land, combined with the Philippine government’s inability after independence to solve land problems, have been driving forces behind poverty in the country.

Recent statistics on the Philippine economy illustrate this wealth stratification. For example, in a 2009 book entitled The Philippines: Mobilities, Identities, Globalization, author James A. Tyner asserts that the Philippines “… is a land where the richest 10 percent of the population hold over 40 percent of the total income, while the poorest account for less than 2 percent. Overall, nearly half of the population lives on less than US $2 a day.”5 To escape abject poverty, many Filipinos move to the country’s major cities, especially Manila, and find new jobs. Still, Manila has failed to
provide enough options, pushing citizens to seek overseas work.

From a socio-cultural perspective, migrating abroad is common. Sheila Coronel, editor of *Pork and Other Perks: Corruption and Governance in the Philippines*, found that in the late 1990s, 3,500 people out of a total population of 49,000 in Pangasinan, Philippines, were working abroad, translating to roughly one out of 14 people. In another example, in *The Philippines: Mobilities, Identities, Globalization*, author James A. Tyner examined Philippine Overseas Employment Administration (POEA) Statistics to reveal that “… approximately 11 percent of families in Manila receive their main source of income from abroad; in contrast, only about 14 percent of Manila families earn their main source of income through entrepreneurial activities.”

In the case of the Philippines, the “culture of migration” is rooted in history. Filipinos first began looking for work in the U.S. in the eighteenth century under Spanish rule. Under American rule, most labor migration from the Philippines in the twentieth century consisted of Filipinos moving to the U.S. or to America’s Pacific territories. These Filipinos were nearly all unskilled laborers assigned to agricultural projects in Hawaii, which required a constant supply of cheap labor in order to maintain sugar-growing plantations. They were recruited by U.S. labor officials, who first came to the Philippines under the Hawaiian Sugar Planters Association (HSPA), which sought to bring Filipinos to Hawaii.
Other Filipino males came to the U.S. through the navy, as the U.S. started to enlist Filipinos as stewards and mess boys in the early twentieth century. In 1903 there were only nine Filipinos in the navy; by World War I there were 6,000. After serving in the U.S. navy, many went to work on the merchant marine. From 1925 to 1932, “the total number of Filipinos in the U.S. merchant marine was estimated to be between 5,500 and 6,000.”

Following a slowdown in migration to the U.S. during World War II, working overseas reemerged in Filipino society, but the swiftest acceleration occurred under President Ferdinand E. Marcos during the early 1970s. While Filipinos primarily migrated to Saudi Arabia in the 1970s, they also began to go to Qatar and the UAE in the 1980s:

In the 1970s and the 1980s, quite a different flow of migration developed: most emigrants were workers engaged in contract work in the Middle East, and to a lesser extent, elsewhere. Although some were professionals, the majority were production, construction, and transport and equipment workers or operators, as well as service workers.

The reasons why OFWs leave the Philippines essentially remain the same and support a “culture of migration,” as most workers seek jobs and to earn more money in the absence of adequate economic opportunities within the country. Economic reasons are usually the most important factors behind migration.

Political motives are often directly connected to economic reasons. In other words, political leadership in the Philippines has produced inefficient economic policies and allowed corruption to persist, leading to high unemployment and
underemployment, ultimately supporting the “culture of migration.” Perhaps the most prominent example of how bad governance motivates migration is the sharp growth in migration during President Marcos’ rule in the 1970s. While in the post-World War II period the Philippines seemed posited for economic growth, poor leadership and economic policies prevented the Philippines from living up to expectations. Shortly after Marcos imposed martial law in the country in 1972 to deter the Communist insurgency and to ensure he would stay in power for more than two terms, the economy began to falter:

Throughout the 1970s the restructuring of the Philippine economy toward commercial agriculture and export-oriented industrialization radically altered domestic labor market conditions and relations. Denied access to traditional economic forms of subsistence (through the lack of landownership), yet more fully incorporated into the waged labor force, many Filipinos found in-country employment opportunities unavailable or untenable due to low wages. Filipino migration gained momentum, in some cases to escape Marcos’ oppressive rule, and in others, to find economic opportunities.

Despite the end of martial law in 1981 and of Marcos’ rule in 1986, the Philippine economy has essentially stagnated under the presidents after him – Corazon Aquino, Fidel Ramos, Joseph Estrada, Gloria Macapagal-Arroyo and Benigno Aquino – and corruption remains a huge problem that keeps wealth in the hands of a few. Moreover, opportunities for workers, especially those who are unskilled, have not really expanded domestically. As a result, workers continue to leave the Philippines, desperate to increase their earnings and economic possibilities. However, these
aspirations are not always realized, and, as the next section will demonstrate, many Filipino workers are indebted before even leaving their home country.

II. Expensive Journey to the Middle East

This section will outline the process that a Filipino must go through in order to obtain authorization to work in the Middle East, highlighting how costly and difficult it can be to navigate the journey. When a Filipino decides to work overseas, the first thing he or she must do is go to a recruitment agency. The Philippines has hundreds of these agencies, the majority of which are located in Manila, the capital. These agencies can be divided into two categories: agencies that focus on recruitment of land-based workers, called private recruitment agencies, and agencies that recruit sea-based workers, called manning agencies. These private recruitment agencies can be further divided into two categories: private employment agencies (PEAs) and service/construction contractors (SCCs). A summary of the distinction between these two categories is as follows: “PEAs provide Philippine foreign labor to clients with the foreign client as the principal employer. Conversely, SCCs provide labor through the deployment of Philippine companies, with the Philippine company receiving the foreign labor contract.”11 An OFW needs to have some idea about the type of job he or she would like to obtain in Qatar or in the UAE to determine which agency to use.

Recruitment agencies typically focus on specific segments of labor. James A. Tyner, author of The Philippines: Mobilities, Identities, Globalization notes:

Further segmentation of recruitment agencies is evident. Because of
complex licensing procedures and a desire to capitalize on specific foreign labor markets, private labor recruitment agencies exhibit labor-niche specialization. Aside from the aforementioned division between land-based and sea-based workers, recruitment agencies may specialize in the deployment of particular occupations (e.g. – nurses, domestic workers, construction workers) and/or in particular destination (e.g. – Japan, Kuwait).  

For land-based workers, the typical contract length is two years, while for sea-based workers the contract is usually one year.  

Even if an OFW has found a reputable recruitment agency for a line of work, he or she still faces the daunting task of paying agency fees and then funding travel to the Middle East. Although some OFWs are well-educated and have sufficient funds, for the most part they come from such impoverished backgrounds that they do not have adequate money to even secure their travel abroad. As a result, many OFWs, particularly the unskilled, must take out loans in order to pay recruitment agencies and travel fees. They do so expecting that they will be able to pay back the loan reasonably quickly after they earn higher wages in the Middle East.  

A 2006 Human Rights Watch report provides a comprehensive picture of the plight of migrant construction workers and the role loans play in contributing to this plight. As the report outlines, the plight of migrant workers often begins in their home countries, as “they [migrant workers] pay local recruitment agencies exorbitant fees (in the range of $2,000 - $3,000) to arrange for their employment contract, obtain an employment visa for the UAE, and purchase their air travel.” Many OFWs go into debt to agencies to pay for the journey. While going into debt, some then have to deal
with unethical employers who do not pay them the salary agreed upon or who delay payment. In some cases, employers deduct from their salary to cover the cost of travel. In other cases, contracts are tampered with and workers are paid late.

In summary, workers typically require loans, either from the recruitment agencies or another party, to pay for agency fees, visas and travel expenses. As a result, upon arriving in the UAE, workers must devote a significant portion of their first few months of wages to repayment of these loans. This often creates a problem as

Coming up with the monthly repayment becomes the prime focus of the workers, who devote most of their pay during their first two years of employment to servicing the loans. When construction firms immediately withhold a worker’s first two months of wages – which is apparently so common that it is said to be a “custom” – the worker almost immediately falls into arrears on his debt, and additional charges start to accrue. Furthermore, workers may become caught in a cycle in which they cannot stop working, despite employer mistreatment, due to the fact that they owe money to recruitment agencies.15

As has been noted, the practice of requiring payment from the first two months’ salary is common for OFWs working in Qatar as well. In one case,

She [a female OFW working in Qatar] agreed to the offer of the recruitment agency that she work as a domestic worker, taking care of a five-year old child, for a monthly salary of QR700. She also agreed to give her salary for the first two months to the agency as commission. However, she was not given a written and signed copy of their verbal agreement.16

Unfortunately, many OFWs struggle to even make it to the Middle East, given that they must borrow so much money. But upon their arrival, abusive employers take advantage of them, further aggravating an already difficult situation.
III. Dangerous Work Conditions

Life does not get any easier for migrant workers once they arrive in the Middle East. After becoming indebted to recruitment agencies, OFWs experience the following problems in Qatar and the UAE: dangerous work environments; heat-related illnesses; unpaid wages or breaches of contract; substandard living conditions; and primarily in the case of female OFWs, sexual abuse.

In terms of dangerous work environments, construction sites, particularly those in the UAE, are the worst. OFWs in the construction industry are often asked to do dangerous work to build high-rises and skyscrapers, and sustain serious injuries by falling from poor scaffolding or being hit from overhead by falling construction equipment. Physical abuse is also common in domestic jobs, such as maids and gardeners, and OFWs report that their employers have whipped and beaten them. In fact, conditions for OFWs in domestic roles can be so physically dangerous that after Marilyn Vinluanat, a female OFW working in Dubai, escaped from an employer who beat her, OFW maids attempted to enhance their protection. In 2009, Filipino maids formed an organization affiliated with the Filipino Expatriates in the UAE (Filex) to cover domestic workers with insurance worth 50,000 UAE dirham, or approximately 664,919 Philippine pesos, since these workers do not receive insurance from their employers. Although Vinluanat escaped, some OFWs have actually died from physical abuse sustained while on the job. Employers are legally required to report work-related deaths, but Human Rights Watch found, after launching an extensive
investigation in Dubai, that deaths were significantly under-reported.¹⁸

Employers play a critical role in the plight of the migrant worker, especially since they are responsible for the work conditions. In terms of construction or sea-based positions, in which the work itself is dangerous and there are significant safety standards, employers may try to save money by cutting back on measures that would actually protect foreign workers. This is a moral problem in and of itself, but employers generally know they can get away with it because there are not enough officials to uphold the law. Plus, the government is not truly committed to enforcing regulations, especially laws that punish companies that bring significant revenue to Qatar and the UAE by operating within their borders. In just one example of lax enforcement, public documents for Dubai revealed that 34 construction workers died on site in 2004, and another 39 died in 2005; yet, according to Human Rights Watch:

The low number of construction companies complying with the legal requirement to report cases of workplace death and injury to the government is strongly suggestive of a cover up of their true extent by the construction sector, an allegation made in a number of media reports.¹⁹

Regarding not having enough officials to enforce laws, a 2006 Human Rights Watch report disclosed that 140 government inspectors in the UAE were responsible for overseeing the labor practices of more than 240,000 businesses employing migrant workers in that state. Of great concern is that the same deficiency of oversight may mean an absence of appropriate enforcement of health and safety standards, which may directly account for worker deaths and injuries. Human Rights Watch effectively
summarizes the safety problem as it relates to government enforcement:

While engaged in the hazardous work of constructing high-rises, workers face apparently high rates of injury and death with little assurance that their employers will cover their health care needs. A lack of reliable and comprehensive statistics, including the failure to enforce company reporting requirements about deaths and injuries, is indicative of the entirely deficient capacities of the agencies tasked with investigating labor practices.20

Although it is difficult to determine the exact number of deaths from hazardous conditions at construction sites, the apparent conflict between media reports and actual numbers reported suggests that many employers are complicit in abusing migrant workers. And in the domestic sphere, employers know they can get away with mistreatment as they are operating in private and it is difficult for an OFW to escape and prove any wrongdoing by an employer.

Another important aspect of the plight of OFWs working in the Middle East is heat-related illnesses, such as heat stroke and dehydration. Although employers do not have any control over temperature, they are responsible for ensuring that OFWs are not working during the hottest times of the day. Again, unskilled workers in the construction industry are especially vulnerable to this plight.

According to Human Rights Watch: “[t]he mean maximum temperatures in the UAE during the months of April to September are well above 90 degrees F (32 degrees C), with humidity in excess of 80 percent.”21 Given this excess heat and humidity, heat-related illnesses impact migrant laborers in the construction industry. Heat stroke and dehydration are potentially deadly problems that can affect OFWs,
especially in the summer months of July and August, when temperatures regularly rise above 100 degrees Fahrenheit in Qatar and the UAE. The heat is so dangerous that the Dubai Chapter of the World Safety Organization claims that heat-related illnesses are the largest safety concern for migrant laborers.22

Again, many employers aggravate the plight of OFWs by under-reporting the number of workers who die due to heat-related conditions, protecting themselves from any legal troubles but putting OFWs in extreme danger. For example, in July and August of 2004, approximately 5,000 migrant workers were brought to the Rashid Hospital in Dubai to seek treatment for heat-related illnesses.23

Based on consensus about the dangers of performing extensive construction work outdoors during the hottest months of the year, several health professionals recommended a ban against outdoor work between 12:30 and 4:30 during July and August. In a July 2005 article entitled “Law Banning Work in Afternoons Urged,” health experts argued in favor of the ban. For example, Dr. Rajeev Gupta told the Dubai-based newspaper *Khaleej Times*:

> During the months of July and August, when the mercury soars to unbearable limits, UAE records a spate of cases where laborers are hospitalized due to heat strokes and cramps. Heat exhaustion or heat stroke is preventable if one takes precautionary measures. The most important of which is not to expose oneself to the sun from eleven in the morning to five in the evening.24

Initially, the government was actually responsive to this recommendation, and in June 2005, the Ministry of Labor in the UAE adopted the declaration, banning outdoor construction work between the hours of 12:30 and 4:30 in July and August. As a result, the number of admits to the hospital for heat-related illnesses declined.
According to Dr. Naroo of the Rashid Hospital in Dubai, the decree banning outdoor construction work between 12:30 and 4:30 “resulted in reducing heat-related admissions to hospitals,” and in July 2005 “only 1,200 to 1,500 [cases] are anticipated this month.”

However, following this initial positive response, the business employers failed to sustain this change on a long-term basis, as noted below:

That the decree did not go even further in reducing heat-related admissions is probably because many companies openly ignored it – government inspectors reported that during July and August 2005, more than 60 percent of the companies inspected did not follow the afternoon break law. The authorities did not fine a single company for breaking the law.

Similarly, pressure from contractors eventually led to a weakening of this decree, which became known as the “mid-day break” rule. The prohibited work hours were eventually shortened from 12:30 - 4:00 pm to 12:30 - 3:00 pm.

Yet, as recently as 2009, reports continue to surface about employers violating this ban. In August 2009, a report in Arabian Business detailed the extent to which employers in the UAE were in violation. The report studied employers from July 1st to August 16th, and found that 553 firms did not follow the law. This figure represents nine percent of UAE construction companies. As of August 2009, enforcers of the ban had carried out a total of 5,930 visits, and found that the construction companies operating in Dubai had the worst record, with 12 percent of companies investigated violating the ban. On the other hand, construction companies operating in Sharjah in
the UAE had the best records relative to the other emirates, with less than two percent of Sharjah companies violating the ban.\textsuperscript{28}

In order to enforce the ban, the Ministry of Labor adopted a fine system, with rates increasing for subsequent violations. If a company is found violating the rule for the first time, it is fined 10,000 dirhams, and company transactions are suspended for three months. The fine doubles in the event of a second violation, as transactions are then suspended for six months. Additionally, the company’s rating will be downgraded to a “C.” In the case of a third violation, the fine increases to 30,000 dirhams, transactions are suspended for a year, and the company’s rating remains at a “C.” The only exception to this policy is government bodies, which cannot be fined as it is beyond the jurisdiction of the Ministry of Labor to do so. Also, the mid-day break rule applies not just to construction laborers, but also to workers in all sectors.\textsuperscript{29}

However, employers can still find ways to circumvent the mid-day break rule. One of the primary problems with the law is that while it does not allow work during the hottest part of the day, it also does not require employers to provide a place of shade or rest for the workers. Photographs taken during the mid-day break have shown workers sleeping on the ground outside, without any shade, air conditioning, or other amenities that would actually help them cope with the dangerous heat and humidity. Although laws for protecting workers exist, they must be strengthened to eliminate loopholes and enhance enforcement mechanisms since employers continue to knowingly break the rules.
Regarding female workers and dangerous work conditions, recent fact-finding missions to investigate the plight of female domestic helpers in the Middle East have revealed the worst: domestic helpers report being underpaid, physically and/or sexually abused, as well as being forced to work long hours. Luz Ilagan, who represents the women’s group Gabriela in the Philippine Congress, disclosed some disturbing findings after completing her 2009 mission to the Middle East, including horrors that await runaways who try to escape the abuse. Her fact-finding mission included interviews with over 400 Filipina workers who had tried to run away to seek refuge, and one runaway admitted to hiding “inside a rubbish bin while waiting to be rescued by a representative of the Philippine Embassy.” Another Filipina told her that “she was so desperate she jumped from the second-story window of her employer’s house and broke her back.”30 In another case, a woman told Ilagan that she escaped the home of her abusive employers only to be raped by a taxi driver who had picked her up.31 Sadly, women are often subject to even worse treatment than men while working in Qatar and the UAE.

Part of the problem is that female workers are not subject to the same protections and visibility as male workers, given that they are often undocumented workers, who travel with only a tourist visa and then secure work while abroad. Proving this point, in an article in Qatar’s leading English daily newspaper, The Peninsula, former Philippine Labor Secretary Marianito Roque admitted: “[m] ost of Filipina domestic helpers in Qatar and elsewhere in the Middle East who came to
work here were undocumented back home and this remains a major problem in the labour market.” In the same interview, Roque noted that about 70 percent of Filipina domestic workers in Qatar managed to obtain employment there without completing the required documentation and other processes through the POEA.

Unfortunately, women working in private homes are prey for sexual abusers. Female OFWs lack the most basic protection, given the “invisible” nature of their positions and their closeness to males in the home. This problem has become so bad that, as recently as January 2010, Human Rights Watch tried to draw increased attention to the plight of female migrant workers. As one publication has pointed out:

The New York-based rights group Human Rights Watch, in its World Report 2010, said many female domestic workers throughout the [Middle East] region are subjected to unpaid wages, food deprivation, forced confinement, physical or sexual abuse and long working hours.

Based on this World Report, in January 2010, a Congressional Delegation called for a complete ban on Filipino workers going to the Gulf for any sort of employment. They claimed that OFWs are essentially being treated like “modern-day slaves.”

IV. Problems with Financial Remuneration

In addition to dangerous work conditions, workers suffer problems with their salaries. These are either paid late or not paid at all, both of which constitute a breach of contract. Employers frequently withhold wages from OFWs, leaving workers with little or no income. For example, in the case of some female OFWs in Qatar in 2010, they “were also supposed to receive a salary of $400 (about P18,500), but they
received only 750 Qatari riyals (P9,500). This is apart from the food allowance and overtime pay they were also supposed to get but were never given to them.”35 In this case, the employers did not pay the agreed-upon wages in an effort to cut their own costs, and they got away with it because they know that OFWs are vulnerable and that there is little chance that they will get caught violating labor laws.

Upon first examination, it appears as though the problem of unpaid wages could easily be solved if OFWs simply stopped working when their employers take advantage of them. Human Rights Watch has addressed this problem, as the 2006 reports states: “[i]n most other places, a worker faced with hazardous working conditions and unpaid wages, in a free market economy that has an extreme shortage of labor, would move to a different job.”36 But OFWs cannot just leave because they are frequently employed under contract, and must remain with an employer for a specified period of time. Most contracts for land-based OFWs last for two years, while contracts for sea-based workers last one year. The Human Rights Watch report explains that all migrant construction workers in the UAE are contracted to work only for a specified employer. More specifically, a worker seeking “to move to a different employer is eligible to do so only after working for two years for the present employer and obtaining his or her consent to the move.”37 This type of arrangement, under which the employer has control over the worker’s movements, allows employers to essentially trap OFWs and get away with abuse.

In many cases, employers are able to withhold wages and “hold” workers by
unlawfully confiscating their passports. This is a huge problem for an OFW, since without a passport, there is virtually no way to get back to the Philippines. According to the 2006 Human Rights Watch *exposé*, all of the construction workers interviewed said that their employers confiscated their passports upon their arrival in the UAE, a common custom used to keep workers from fleeing.38 A 2009 article entitled “Abandoned OFWs in Doha Return Home” also reported on this unlawful practice. A group of 10 OFWs working in Qatar “were stranded in Doha after the employer took off with their passports.”39 Employers continue to violate the law, again recognizing that they can save money by essentially enslaving workers and that Middle Eastern governments often do not enforce regulations.

Clearly, officials’ reluctance to enforce the law in Qatar and the UAE only facilitates employer abuse of OFWs. After living thousands of miles away from their home country, OFWs are also stuck without options to seek different employment if their employers do not pay proper wages. Even worse, the practice of forcing employees to stay is actually illegal, despite the fact that it is commonplace. The UAE’s law, Prohibition of Forced or Compulsory Labor, should actually protect workers from this type of obligation. As a 2004 U.S. Department of State report on the UAE and labor reveals, this law “prohibits forced or compulsory labor for both adults and children; however, employment agents continued to bring some foreign workers to the country to work under forced or compulsory conditions.”40 The report goes on to add that employers often switched or changed contracts for low-wage workers.
Contract switching is also a problem in Qatar, as described in a 2009 newspaper report on OFWs:

… a former Qatar worker now in the Philippines said he had Filipino friends who complained they were given salaries lower than indicated on their contracts. A woman likewise complained her husband was deployed as a carpenter but was instead assigned as a steel fixer — a more difficult job — when he got to Qatar. His salary remained the same, however.41

Given that workers must pay money to recruitment agencies to secure employment abroad, they often feel obligated to stay with an employer to at least break even. But these laws which are supposed to protect migrants workers are not doing so, and more concrete punishment and enforcement are needed to curb employers from withholding unpaid remuneration and switching contracts.

V. Substandard Living Conditions

Yet another aspect of the plight of OFWs concerns substandard living conditions. Unlike day workers in other parts of the world, who can retreat to private shelter and their families after a trying day, migrant workers in the Middle East are inextricably tied to their employers, who often try to save money by providing minimal living arrangements. Some of the problems OFWs report that relate to living conditions include the following: unsanitary housing arrangements; inadequate food provisions; social isolation; and lack of medical care.

Regarding unsanitary housing arrangements, this problem is common among construction workers, as employers place them in dormitory-style housing outside of a
city, where it is cheaper. Often referred to as “labor camps,” these arrangements are hardly acceptable. In one example, Human Rights Watch visited six establishments housing migrant workers in the two largest labor camps in Dubai. The investigation revealed some disturbing findings, as: “[a] typical dwelling was a small room (12 feet by 9 feet) in which as many as eight workers lived together. Three or four double bunk beds represented the only furniture in each room. The workers used communal bathrooms and showers outside their rooms.” Whereas housing for construction laborers tends to be the worst, housing for domestic workers is generally better, as these workers typically reside within their employer’s private home. However, as described in the previous discussion of dangerous work conditions for female domestic workers, living within the home makes a female OFW easy prey for a sexual abuser.

Many employers also provide food or food allowances for OFWs. As Human Rights Watch explained in its 2006 report, employers usually supply migrant workers with food or food subsidies, although some provide workers with access to canteens. This practice was confirmed by the Labor Attaché at the embassy of the Philippines in Washington, D.C., who explained that employment contracts for OFWs typically require employers to provide food and appropriate shelter. But OFWs repeatedly report that employers deny them adequate food and fail to pay them their food allowance. As previously mentioned, in 2010, a group of OFWs working as waitresses in Qatar were supposed to receive a salary of $400 (about P18,500), but only 750
received Qatari riyals (P9,500). They also did not receive a promised food allowance and overtime pay.⁴⁵

Although living conditions for land or sea-based workers can vary widely based on employer, one resounding theme is that OFWs are frequently isolated in substandard housing, separated from both from the citizens of the country in which they work and their own families in the Philippines. These living conditions are far from ideal, given that they can cause mental, emotional and physical problems for OFWs.

Another problem is the lack of medical care for OFWs. While it is a standard requirement under employment contracts for employers to provide emergency medical assistance for OFWs, there are two problems with this rule. The first is that emergency medical assistance is not the same as ongoing health insurance, which means an OFW may not have access to, or be able to afford, regular medical care. The second problem is that employers do not abide by the contract rules on medical care in yet another attempt to cut costs. For example, in an April 2009 article, an OFW working in Qatar described how an employer mistreated him and other workers and denied them healthcare: “[w] e had to shoulder our food, and our water and electricity expenses would also be deducted from our salaries. If you got sick they wouldn’t bring you to the hospital. We had to fend for ourselves. They didn’t care about us.”⁴⁶ Again, OFWs frequently mention experiencing these substandard living conditions, but employers continue to take advantage because they know it is unlikely that they will be caught.
Conclusion

To summarize, OFWs continue to migrate to Qatar and the UAE, and based on 2009 statistics, the number of Filipinos working in these countries is on the rise. While economic and political motives, including the prospect of finding work and earning higher wages, entice workers to come to these two countries, dreams of a better life are not always realized because of the plight that these OFWs face. The desperate need for a job; expense of going abroad; dangerous work conditions; problems with contracts and payments; and substandard living conditions all make life difficult for an OFW. Sadly, from the moment a Filipino walks into a recruitment agency, he or she is liable to become severely indebted before even leaving the country, not to mention the other horrors he or she may encounter abroad.

Of the five aforementioned plights, dangerous work environments and substandard living conditions are the worst, given that, when taken to extremes, they can lead to death. In terms of gender, the dangers of construction jobs, especially heat-related illnesses, affect men the most, while women carry an extra burden in that they may be physically and sexually abused in domestic work.

In light of employers’ abusive practices, the governments of the Philippines, Qatar and the UAE, as well as other interested parties, must work to protect migrant workers. As the next chapter on the role of governments and interested parties will illustrate, there is much more that governments and groups can and should do to improve the lives of OFWs in Qatar and the UAE.
Chapter Three


4 Ibid.

5 Ibid.

6 James A. Tyner, The Philippines: Mobilities, Identities, Globalization, in Global Realities: A Routledge Series, edited by Charles C. Lemert (New York: Routledge, 2009), 4. Also, according to Tyner’s research and his analysis of other authors’ work: “[s]ome studies suggest that 30 to 50 percent of the entire Philippines population is dependent on migrant worker remittances.”

7 Ibid.


10 Dolan, 52.

11 Ibid, 103-04.

12 Ibid, 104.


Ibid, 8-9.


Ibid, 11.

Ibid, 6-11 and 64.


Ibid, 41.


Ibid.


Caplin, “Mirage in the Desert Oasis: Forced Labor in Dubai and the United Arab Emirates.”


Ibid.

Ibid.


34 Ibid.

35 Abella, “Pinoy Workers in Qatar Stop Work in Protest vs Violations.”

36 Ibid.


38 Ibid, 10-11.


43 Ibid.

44 Luzviminda Padilla, telephone conversation with author, August 31, 2010.

45 Abella, “Pinoy Workers in Qatar Stop Work in Protest vs Violations.”

CHAPTER FOUR

SHARED RESPONSIBILITY: THE ROLE OF THE PHILIPPINES, QATAR AND UAE GOVERNMENTS AND OTHER INTERESTED PARTIES IN THE FILIPINO MIGRANT WORKER PROBLEM

Employers in Qatar and the UAE share much blame for the plight of OFWs, given that they confiscate workers' passports, refuse to pay promised wages or maintain appropriate working conditions, and frequently deny mistreating workers. The Qatar and the UAE governments fail to establish and meet obligations to protect OFWs. But the Philippine government is also a key player in this cycle of OFW abuse. The Philippine government, entrusted with the task of protecting its own people and promoting economic growth, repeatedly comes up short by not having sufficient employment opportunities at home, failing to protect OFWs and to prosecute abusers, as well as continually encouraging OFWs to work overseas.

The aim of this chapter is to explore the role of the three governments, as well as other interested parties, in the plight of OFWs. The scope of the chapter is the twenty-first century, and it is organized into six sections: “The Philippine Government and Overseas Work;” “The Qatar Government and OFWs;” “The UAE Government and OFWs;” “The UN, Human Rights Law and OFWs;” “Other Interested Parties and OFWs;” and “Conclusion.” Each section will provide information on some of the most recent actions these governments and interested parties have undertaken in regards to OFWs, and clarify which international human rights laws are designed to protect
OFWs and other migrant workers. This chapter will demonstrate the important role that governments and interested parties play in the lives of OFWs.

I. The Philippine Government and OFWs

The Philippine government is guilty of three primary offenses in the plight of OFWs in the twenty-first century: not creating enough jobs; failing to reduce the gap between the rich and the poor; and not rooting out corruption. As a result, OFWs have had to look abroad for employment.

At the start of the twenty-first century, allegations of corruption led Joseph Estrada, who had been elected President of the Philippines in 1998, to resign. As a result of Estrada being forced out of office in 2001, Gloria Macapagal-Arroyo, Estrada’s Vice President, became President that year, serving the remaining four years of Estrada’s term. She then won the presidential election in 2004 and continued in office. When she took over, the economy was struggling. Although Arroyo had earned a Ph.D. in Economics and made poverty eradication a focus of her administration, not enough attention was paid to domestic job creation, and Arroyo pushed for even more Filipinos to work abroad. Arroyo actually formulated a specific name – overseas Filipino investor, or OFI – for her country’s migrant workers. In 2001, the first year of her term, President Arroyo first used this synonym to refer to Filipino workers who contribute to the economy through remittances, buying property and creating businesses. Clearly, her use of the term “investor” is meant to depict the contributions as more valuable to the economy than just the word “worker.”
Arroyo was careful to frame these workers’ contributions in a positive light, consistently referring to them as “overseas Filipino investors,” rather than the more commonly used term, “overseas Filipino workers,” to emphasize their connection and importance to the Philippine economy. Arroyo characterized these workers as “investors” who send back money necessary to improve the economy and develop new businesses, investment, and infrastructure within the Philippines.

The growth in OFWs working abroad in the twenty-first century also accelerated as Filipinos sought to fill gaps in the Japanese workforce, and Arroyo encouraged citizens to capitalize on the opportunity. Arroyo illustrated the direct correlation between migrant work and economic performance, citing that if foreign workers did not send earnings home, the Philippines’ GNP would not have increased by 21 percent in 2001.² Arroyo attempted to intensify migration throughout the world, aiming for at least one million Filipino workers overseas as the target for each year in the first decade of the twenty-first century.³ In July 2003, she sent a small number of troops to Iraq as a show of support for the U.S. effort, but she withdrew them after insurgents kidnapped a Filipino truck driver in Iraq. Arroyo’s decision to give in to terrorist demands and withdraw early drew international condemnation, especially from the U.S.⁴

While rewarding OFWs and recognizing that their contributions to the economy are important, sending workers abroad is not a sound long-term economic strategy. Notably, on the first day of his presidency, June 30, 2010, current Philippine
President Benigno “Noynoy” Aquino III stressed that his administration aims to generate more local jobs so that Filipinos have other options besides leaving the country to work abroad. This is vitally important because as of April 2010, unemployment sits at about 8 percent, while underemployment is around 17.8 percent. In that same inaugural speech, Aquino also ordered the Department of Foreign Affairs (DFA), Philippine Overseas Employment Administration (POEA), and the Overseas Workers Welfare Administration (OWWA), as well as other relevant agencies, to be more responsive to the needs of overseas Filipino workers. In addition, he appointed a new labor secretary, Rosalinda Baldoz, viewed as a step towards greater protection of OFWs. According to a Filipina journalist working in Dubai: “[t]he appointment of OWWA Administrator Baldoz as DOLE secretary reflects the importance given by Aquino in attending to the welfare of migrant workers.” However, she also added that she hopes the new appointment is not “just symbolism.” Thus, it is still unclear to what extent Aquino and Baldoz will be able to create jobs and protect OFWs.

Besides the lack of domestic jobs, the Philippines needs to deal with economic stagnation, economic inequality and corruption. Regarding economic stagnation, this has prevented the government from expanding its tax base, which would help the government make debt and interest payments. Regarding economic inequality, the gap between rich and poor is still very wide, and the average GDP per capita in 2009 was only $3,300. In fact, most wealth remains in the hands of a few elite families. The
gross wealth disparity is illustrated by the fact that the top 10 percent of households consumed over 30 percent of the goods in 2006.\textsuperscript{10}

Regarding corruption, the problem persists, as a 2009 study by the Heritage Foundation, a Washington D.C.-based think tank, and the \textit{Wall Street Journal} indicates. This annually compiled report, which looks at economic freedoms such as trade freedom, investment freedom and protection of property rights, ranked the Philippines 109\textsuperscript{th} overall out of 179 countries, meaning the Philippine economy is among the least free in Asia. It states that “[t]he Philippines is weak in business freedom, investment freedom, property rights and freedom from corruption.” It also notes that the perception of corruption is “pervasive” and anti-corruption laws are not enforced consistently.\textsuperscript{11}

In 2010, the Philippine economy is expected to grow, but similar to the past few decades, at a slower rate than its peers in Asia. The United Nations (UN) Economic and Social Commission for Asia and the Pacific predicts a 3.5 percent growth rate in 2010, “fueled by sustained remittances from overseas Filipino workers, and increased government spending.” But this rate does not match its peers:

While the Philippines will recover this year [2010], it will be outpaced by Indonesia, which is forecast to grow by 5.5\%, Malaysia (5\%), South Korea (5.2\%), Singapore (7\%), Taiwan (4.5\%), and Thailand (4\%).\textsuperscript{12}

As the UN commission goes on to explain, although the Philippine economy is poised to grow, it remains vulnerable to fluctuations due to heavy reliance on exports and remittances. In the short-run, remittances certainly do help the economy, but in the
long-term the Philippines needs better economic policy to maintain sustainable growth and produce more domestic job opportunities.

In addition to economic problems, lack of enforcement of labor regulations contributes to the plight of OFWs. In the Philippines, major agencies responsible for handling OFWs include the following: the Philippines Overseas Employment Agency (POEA), the Department of Labor and Employment (DOLE), the Department of Foreign Affairs (DFA) and the Overseas Workers’ Welfare Administration (OWWA), a division within DOLE that is dedicated to OFWs. The Philippines’ DOLE has one Philippine Overseas Labor Office in Doha, Qatar, and two such offices in the UAE, located in Dubai and Abu Dhabi. The DFA is responsible for administering passports and visas. But the DFA also focuses on OFWs, as part of its mission is “[t]o protect the rights and promote the welfare of Filipinos overseas and to mobilize them as partners in national development.” The OWWA focuses explicitly on OFW welfare, offering a reintegration program, negotiating with employers, and providing counseling and medical and legal assistance to OFWs. However, the OWWA is a membership organization, and there is a U.S. $25.00 fee to join, too expensive for many poor workers to pay. Those who pay the fee can obtain membership in one of two ways: by having an overseas work contract processed at the POEA or by voluntarily registering to join while at a work site overseas. Once these criteria are met, the POEA and OWWA maintain a record of all members in a database, and send membership cards.
Both the OWWA and the POEA are responsible for training OFWs prior to their journey overseas. For example, in May 2010, the OWWA conducted a three-day, Pre-Departure Orientation Seminar (PDOS) for them. These pre-departure programs inform OFWs about their rights under the Migrant Workers and Overseas Filipinos Act of 1995, an important piece of legislation passed after two tragic incidents concerning OFWs occurred. In the first incident, Flor Contemplacion, a Filipina maid in Singapore, confessed to murdering another OFW in 1991 and was executed in Singapore in 1995. However, many Filipinos claimed that she was either insane or had been framed by her employer, leading President Ramos to plead, unsuccessfully, with Singapore to stop the execution. This case incited Filipinos to push the Philippine government to take concrete measures to protect migrant workers. In the second incident, Sarah Balabagan, a 15-year-old who entered the UAE illegally in 1995 by pretending to be 28-years-old, was put on trial for murdering her 85-year-old employer, after he had allegedly attacked and raped her. Balabagan received U.S. $27,000 as compensation for the rape, but was found guilty of manslaughter and sentenced to seven years in jail. After both the lawyers for the families of Balabagan and the defendants challenged the ruling, her sentence was overturned in September 1995 and she was sentenced to death. However, the UAE President then intervened in her case, and her sentence was lessened to 100 cane lashes and 12 months in prison.

The two cases led to the Migrant Workers and Overseas Filipinos Act of 1995, called “the most significant reorganization of the Philippine state migratory apparatus
since the formation of the POEA in 1982. Since this act protects Filipino workers both at home and overseas, as well as prosecutes individuals or organizations that illegally recruit Filipinos. After defining the meaning of illegal recruitment, the Migrant Workers and Overseas Filipinos Act lays out penalties for violations:

Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine not less than two hundred thousand pesos (P200,000.00) nor more than five hundred thousand pesos (P500,000.00). The penalty of life imprisonment and a fine of not less than five hundred thousand pesos (P500,000.00) nor more than one million pesos (P1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein.

The Act also discusses the relationship among the OWWA, POEA and DFA, as well as some responsibilities for each agency. The OWWA has the responsibility for coordinating with international agencies, and repatriating workers in cases of “war, epidemic, disasters or calamities, natural or man-made.” The Act also calls for an Emergency Repatriation Fund under the direction of the OWWA, initially to consist of 100,000,000 pesos.

Another important part of the Act relates to re-integrating OFWs into society after they return from work abroad. DOLE is responsible for maintaining a replacement and monitoring center to assist with the transition following time overseas. The monitoring center also works to develop a domestic economy by serving “as a promotion house for their [returning OFWs] local employment” and by tapping their “skills and potentials for national development.”
Furthermore, the Migrant Workers and Overseas Filipinos Act makes provisions for information sharing among the various agencies. As this Act reads:

An inter-agency committee composed of the Department of Foreign Affairs and its attached agency, the Commission on Filipino Overseas, the Department of Labor and Employment, the Philippine Overseas Employment Administration, The Overseas Workers Welfare Administration, The Department of Tourism, the Department of Justice, the Bureau of Immigration, the National Bureau of Investigation, and the National Statistics Office shall be established to implement a shared government information system for migration.

Other important items outlined in the Act include details on legal rights for migrant workers, the establishment of a legal fund for OFWs in distress, and congressional representation for migrant workers. More specifically, the Act states:

Pursuant to Section 3(2), Article VI of the Constitution and in line with the objective of empowering overseas Filipinos to participate in the policy-making process to address Filipino migrant concerns, two (2) sectoral representatives for migrant workers in the House of Representatives shall be appointed by the President from the ranks of migrant workers: Provided, that at least one (1) of the two (2) sectoral representatives shall come from the women migrant workers sector: Provided, further, that all nominees must have at least two (2) years experience as a migrant worker.22

This is a very important provision as it ensures government representation for OFWs, whose interests may differ from those of domestic workers. In summary, while the Act has helped OFWs by enhancing information sharing among agencies and providing legislative representation for migrant workers, more needs to be done to directly assist and protect OFWs while they are abroad.

The POEA, formed in 1982 as a result of the merger between the Overseas
Employment Development Board (OEDB), the National Seaman Board (NSB) and the Bureau of Employment Services (BES), also offers a range of services, including the following: briefing workers prior to departure; processing contracts for overseas work; assisting with job referrals; conducting pre-employment orientation seminars; offering legal assistance to victims of illegal recruitment; monitoring departing OFWs; and compiling annual statistics on OFWs who work overseas. Organizationally, the Manila-based POEA is divided into the following four sections: Pre-Employment Services; Licensing and Regulation; Adjudication; and Welfare and Employment.23

But OFW problems persist, especially the high numbers of illegal recruitment and complaints of abuse, leading to questions about the effectiveness of the POEA and other related Philippine government organizations.

Regarding illegal recruitment, the number of cases has risen steadily from 2003 to 2009. In each of these seven years, the numbers were as follows: 1,219, 1,462, 1,198, 1,504, 1,624, 1,687 and 1,610. Conversely, the number of cases the POEA has acted upon has declined steadily since 2003. From 2003 to 2009, the POEA acted upon the following cases in each year: 625, 650, 206, 350, 339, 329 and 183. In other words, the number of cases of illegal recruitment has risen each year. Ironically, however, the POEA acts upon increasingly fewer cases each year. This calls into question the POEA’s and the Philippine government’s commitment and ability to prosecute offenders.24
II. The Qatar Government and OFWs

Unlike the Philippines, Qatar does not have an unemployment problem, boasting a 0.5 percent unemployment rate in 2009, or the second lowest in the world. Instead, it relies on overseas workers who make up about 85 percent of the total population and 90 percent of the workforce. But repeated claims of human rights violations and abuse pose a problem for the Qatari government. There are three primary issues that the Qatar government needs to resolve: employer retention of passports; rights of OFWs pertaining to exit visas and overtime pay; and illegal recruitment.

Regarding the first problem, a step in the right direction was made in 2009 when the government issued a new law that prohibits the retention of passports by employers. While this law is helpful in theory, in practice, problems still persist because employers continue to flout the law. As for workers’ rights, it is challenging to obtain an exit visa to leave Qatar if the contract has been tampered with. As a U.S. Department of State report on Qatar revealed:

Although the law provided an administrative procedure for obtaining an exit permit without an employer’s approval, the process was burdensome. Foreign embassies reported that the process was ineffective and that they continued to be called upon to mediate disputes concerning exit permits between foreign workers and their sponsors.

On the issue of the denial of overtime pay, Qatar Labor Law does include rules regarding this – employees are entitled to overtime pay after 48 hours of work.
However, employers do not follow this rule and the government does not check. But it is very important for the Qatar government to make sure that the laws are enforced.

Regarding the problem of illegal recruitment, the Qatar government addressed this issue in 2008. That year, the Philippines and Qatar began work on a two-year strategic plan, signing the Additional Protocol to the existing Labor Memorandum of Agreement (MOA). This protocol includes developing a standard contract for all OFWs in Qatar; a minimum wage increase from 1,000 Qatari riyals, or about 13,500 Philippine pesos, to 1,400 riyals, or about 19,000 pesos; and the formation of a new Technical Working Group of the Qatari-Philippines governments to help monitor illegal recruitment. Illegal recruitment makes it more difficult to track workers and verify their employers; consequently it is harder to ensure that these workers are protected. In short, according to a Qatari Tribune interview with former Philippine Labor Secretary Roque: “88 percent of workers abused or who have fled their employers are those who had entered the host country illegally,” and “any recruitment agencies which violate the new provisions should be closed down.” Still, it is unclear whether the 2008 protocol and additional agreements have helped, especially given that many employers and OFWs do not follow the law.

III. The UAE Government and OFWs

The UAE government is similar to the Qatar government in that both do not have an unemployment problem. Likewise, the UAE relies on overseas workers, who make up 80 percent of the population. Moreover, both governments also have special
agreements with the Philippine government regarding a minimum wage for OFWs. In the case of the UAE, the minimum monthly salary for OFWs in 2009 was U.S. $400.\textsuperscript{32}

Furthermore, sponsorship laws give employers in both governments excessive control over the OFWs, often leading to abusive situations or near enslavement. For example:

\begin{quote}
In the U.A.E., the guestworker may work for no one other than his sponsor unless he leaves the country and returns under a new sponsorship … \textit{This system, as applied to lower level positions, has been analogized to slavery}. The system is so characterized because the employee is tied to one employer.\textsuperscript{33}
\end{quote}

However, of the two governments, the UAE appears to have more problems with OFWs. In addition, in the UAE, law enforcement is lax. As noted in Chapter Three, the UAE’s Ministry of Labor routinely fails to prosecute employers who under-report deaths or injuries at construction sites, or who violate the mid-day work ban. Many UAE officials are unwilling to effectively partner with the Philippines to introduce greater protections for migrant workers.

On the other hand, the UAE has taken some steps to improve the plight of migrant workers. For example, its Ministry of Labor and its Central Bank signed a Memorandum of Understanding to help facilitate direct deposits for laborers’ salaries. Despite these efforts, many workers continue to report that they do not receive wages. Another seemingly positive step was taken in 2009 when the UAE passed a law “prohibiting the issuance of worker’s housing permits to companies whose accommodations are not commensurate with international labor standards.” Companies already in operation have five years to meet this requirement. Again,
Despite these efforts, OFWs continue to report substandard working conditions in the UAE.\textsuperscript{34} Ironically, the UAE seems quick to remind OFWs of their responsibility. In 2010, the UAE government released a book entitled \textit{The Worker: Rights and Duties} to remind migrant workers that they should respect UAE culture and be informed about the terms of their work contract, rather than claiming ignorance.\textsuperscript{35}

Overall, Qatar is doing more to address OFW abuse. As previously described, in 2008 and 2009 Qatar began to develop a more comprehensive and concrete partnership with Philippine government agencies, but the same cannot be said for the UAE. In 2010, the Migration Policy Institute, a Washington, D.C.-based think tank, published a comprehensive study on OFWs in the UAE, entitled “Migration’s Middlemen: Regulating Recruitment Agencies in the Philippines-United Arab Emirates Corridor.” For this report, Dovelyn Rannveig Agunias, an associate policy analyst at the Migration Policy Institute, interviewed Filipino officials in the UAE. An article reporting her findings effectively sum up the inaction of UAE government officials when it comes to helping OFWs: “Ms. Agunias interviewed Filipino officials in the UAE, who said that the requested funding for more personnel and improved facilities was denied by their government’s appropriations committee.” Furthermore, the UAE does not really partner with the Philippines, as “[t]he Philippines already has sophisticated institutions to handle specific aspects of migration, and some of these institutions do not have clear counterparts in the UAE government.”\textsuperscript{36} Clearly, a stronger commitment to enforcement and protection of OFWs would help ease OFW
IV. The United Nations, Human Rights Law and Migrant Workers

The UN’s Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is one of the most important international agreements impacting OFWs. This Convention is significant because it represents worker protection that is supported by the world’s largest inter-governmental organization with 192 member states, including all sovereign nations in the world. Since its creation in 1945, the UN has focused on human rights and humanitarian issues, as well as international peacekeeping. In fact, part of the rationale for creating the UN in the post-World War II period was to create an agency that could deal with human rights problems, ensuring that atrocities, such as the genocide of World War II, would never happen again.

Regarding migrant work, one of the UN’s initial objectives was to create a legal framework to consider and take action against human rights complaints. The second point of the preamble to the UN Charter confirms this principle, stating that the organization’s aim is “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” Chapter 9, Article 55, also requires member states to have “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,” and to take joint and separate action to achieve that aim.\(^{37}\)
In 1948, the UN took another critical step in its quest to protect human rights by adopting the Universal Declaration of Human Rights (UDHR). As the name implies, it is a declaration, and not a treaty, and therefore not legally binding, but many Southeast Asian nations, particularly the Philippines and other members of Association of Southeast Asian Nations (ASEAN), have been receptive to, and influenced by, the UDHR. For example, in preparation for the 1993 World Conference on Human Rights, ASEAN member states reaffirmed the 1967 Bangkok Declaration, which states the regional association’s commitment to human rights.38

Although the UDHR provides a framework for broad-based human rights, in 1990 the UN took the concept of human rights law and applied it specifically to migrant workers, adopting the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention was finally ratified on July 1, 2003, after 20 states agreed to it. This Convention references the following other UN conventions and declarations as providing a framework: the UDHR; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of the Child. Essentially, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families sets out to protect
overseas workers, acknowledging that greater risks exist for migrant workers than people who work in their home country. A point in this Convention’s preamble explains the rationale behind the Convention as follows:

... workers who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers ... certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition.39

The Convention defines the term “migrant worker” as “a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”40 It also states the rights of migrant workers as follows: to practice their religion while working abroad; to maintain personal property; to receive equal pay and to be subject to the same minimum wage requirements as nationals; to be treated equally in court; and to participate in unions. Moreover, the Convention discusses the importance of employer respect for migrant workers’ cultural identities and the illegality of confiscating personal identity documents.

But the Convention does not just require employers to respect migrant workers; it also outlines responsibilities for governments that send workers abroad:

Before their departure, or at the latest at the time of their admission to the State of employment, migrant workers and members of their families shall have the right to be fully informed by the State of origin or the State of employment, as appropriate, of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities in which they may engage ….
In other words, in the case of Filipino migrant laborers traveling to Qatar and the UAE, the Philippine government has a responsibility to inform workers fully about their overseas commitment. So far, however, this responsibility has not been fully met.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families also outlines equality for migrant workers, including equal access to education, housing and social services and equal taxes. For example, Article 16, part 2, guarantees to migrants and their families “effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.” In addition to protecting documented workers, or workers who have the appropriate legal paperwork to work abroad, the Convention extends protection to those who lack appropriate paperwork, referred to in the Convention as “irregular situations.” Although the Convention has a total of 93 articles, it is clear from the aforementioned highlighted provisions that its goal is to ensure rights for migrant workers that are consistent with the rights offered to workers who reside in that country permanently.42

Despite the humanitarian aim of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to provide universal human rights protection to migrant workers, most Western states and states in the Arab Gulf have not yet ratified the Convention. The U.S. and the European countries receive a large number of migrants, but they have not signed the Convention; nor have Qatar or the UAE. Most ratifying states are located in South
America, Asia, and Africa and include the Philippines, which ratified the Convention in July 1995. As a result, the UN is limited in what it can do to actually protect OFWs, given that Qatar and the UAE have not even signed the document that outlines basic protections. Other interested parties, especially Human Rights Watch, have pushed these countries to ratify the Convention, but have not been successful. For example, in 2003, the year of ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Hanny Megally, executive director of the Middle East and North Africa division of Human Rights Watch, urged the Gulf States to agree to the convention: “Saudi Arabia and the other GCC [Gulf Cooperation Council] states have a special responsibility to participate in all international efforts to guarantee rights and justice for this vulnerable population [migrant workers].”43 But most states, including the UAE, that have not signed the Convention have essentially adopted the “states’ rights” position, arguing that there is no need for ratification as their own laws provide adequate protection for workers.44

Meanwhile, the UN has established the Committee on Migrant Workers to continue to support the aims of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to bring attention to human rights issues involving migrant workers. Since 2007, the UN also conducts an annual Global Forum on Migration and Development. In 2008, the Philippines hosted the second meeting of this forum in Manila.45
While Qatar and the UAE have not ratified the convention to protect migrant workers, the UN’s ability to facilitate a forum on the issue at least gave the Philippines an opportunity to communicate with Arab states. At this 2008 forum, the Philippine government was able to conduct bilateral talks with Arab countries, and pressure them to respect the rights of Filipino workers. As the Philippine DFA undersecretary for migrant workers’ affairs, Esteban B. Conejos Jr., explained in a 2007 newspaper article:

... the countries yet to sign up to it [the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families] argue there is no need to do so as their own laws afford sufficient protection. Many receiving countries do not want to ratify the treaty as it imposes certain obligations that equally provide for the protection of the rights of workers both for legally and illegally staying.46

Still, the 2008 forum did not result in any Arab state ratifying the convention.

To date, the UN’s role in helping Filipino workers in Qatar and the UAE has been idealistic, but has not necessarily led to positive changes. The UDHR laid out an ideal foundation for how states should respect human rights, and although the UN applied these principles to workers under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it did not lead to universal applicability and many states refused to sign onto the Convention. And while initiatives such as the Global Forum on Migration and Development are helpful to encouraging dialogue, they have failed to produce any lasting or tangible changes for Filipino workers in the Middle East.
The continuation of migrant labor exploitation in Dubai cannot simply be attributed to the UAE’s desire to deny the legitimacy and reasonableness of all principles of human rights law. In fact, as international law professor Gregory H. Fox argues in his chapter on the study of sovereignty and human rights in *State Sovereignty: Change and Persistence in International Relations*, states do not often argue that international standards for rights are fundamentally wrong. However, states are apt to deny that human rights abuses actually take place within their jurisdiction. When this denial is inadequate to defend the state’s position, the state may manipulate language to make any alleged “violations” permissible under international law.

According to Fox’s studies, “[e]ven those states that violate human-rights norms rarely assert a legal argument to do so; more often, they deny that the actual abuses occurred or claim that they are the work of rogue officials.”47 States are less likely to challenge the authority of international law than they are to try to find a way to deny any problems. Looking at the UAE, for example, both the UDHR and the actual constitution of the UAE support the notion that migrant workers should be treated fairly. More specifically, Article 25 of the UAE Constitution calls for the equitable treatment of all people, regardless of race, nationality, religion or social status.48

However, as a 2006 Human Rights Watch report on overseas workers confirmed, general indifference and inaction taken by the UAE government supports Fox’s theory that states will often try to deny human rights abuses. When faced with
international criticism of human rights violations, governments tend to selectively apply international law, minimizing accusations and defending inaction by attempting to demonstrate that the alleged “abuses” do not actually violate international law. As was shown when the UAE responded to the scathing 2006 Human Rights Watch Report, the government spent minimal effort denying the legitimacy of international human rights law, and instead focused on providing its own interpretation of the law to defend its policies as legitimate.49

For example, the UAE defended its position by repeatedly asserting that there is a difference between a “migrant” and a “temporary” worker. According to the official government response to the Human Rights report, most “migrant” workers described in the Human Rights Watch report were actually “temporary” workers, and thus were not subject to the international laws on protection of migrant workers. According to the UAE government:

Workers hosted by the UAE and other [Gulf Cooperation Council] countries cannot be considered migrant workers, as they work on a temporary basis and according to fix-term employment contracts… therefore, the immigration laws applicable in the western countries cannot be applied to these workers.50

More recent reports on labor in Dubai continue to show that the UAE government tends to ignore migrant laborers, enabling the government to argue that these problems do not exist. For example, an April 2009 exposé on Dubai entitled “The Dark Side of Dubai,” effectively describes what the writer deems as the tendency of Dubai citizens and its government to ignore the modern-day enslavement taking place in the city:
“[y]ou see them [migrant laborers] everywhere, in dirt-caked blue uniforms, being shouted at by their superiors, like a chain gang – but you are trained not to look. It is like a mantra: the Sheikh built the city. The Sheikh built the city. Workers? What workers?”51

Despite public claims to the contrary, when a government is asked to protect the rights of individuals, minorities or under-represented groups, governments frequently choose to sacrifice these individual rights to achieve some sort of “collective good.” State leaders will manipulate the terms of international law to give greater credence to collective, rather than individual rights.

This concept that each individual holds rights that should be upheld is a reoccurring theme in the UDHR and other related human rights documents. Yet, despite the alleged agreement by the international community that each individual possesses rights, the debate over individual versus collective rights poses a continuing conflict in the application of human rights law. States, governments and non-state actors often willingly favor collective rights over individual rights when choosing policies. In the case of the Qatar and the UAE governments, they have argued that their country’s rights are more important than workers’ rights. These governments justify these violations by asserting that the work done by the migrant workers contributes to the greater good of the country. In other words, the rights of the migrant worker under international law might be violated, but they argue that this is a necessary sacrifice to develop their economies. While these governments may not
explicitly admit to adopting the “collective good” attitude, migrant workers “lose” in the game of economic rationalization, as governments and corporate leaders believe that the country’s citizens will reap the overall economic benefits from the work of migrant laborers. And despite the UN’s committees and roundtable discussions about the importance of migrant worker rights, it has been unsuccessful in its attempts to lobby these two countries to ratify the Convention.

V. Other Interested Parties and Migrant Workers

The Association of Southeast Asian Nations (ASEAN), the primary regional organization in Southeast Asia, was formed in 1967 with the signing of the Bangkok Declaration. At that time, the organization consisted of the five founding fathers: Indonesia, Malaysia, the Philippines, Singapore and Thailand. While previous attempts at post-colonial unification in Southeast Asia, namely, the Southeast Asia Treaty Organization (SEATO), the Association of Southeast Asia (ASA) and Maphilindo (comprising Malaysia, Philippines and Indonesia) did not work, ASEAN became the unifying force among the Southeast Asian nations. It has since doubled its membership as Brunei joined in 1984, Vietnam in 1995, Laos and Myanmar in 1997, and Cambodia in 1999.

Overall, ASEAN encourages cooperation, unity and agreement among member states. In terms of migrant workers, in January 2007 the organization established the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers at a meeting in Cebu, Philippines. The document references the UDHR, and
promotes “a climate of freedom, equity, and stability” for migrant workers.52

The document encourages member states to strengthen the ASEAN community by “promoting the full potential and dignity” of migrant workers. ASEAN also outlines the responsibilities of “sending states,” or those states like the Philippines that send their workers abroad, to not only protect these workers, but to also “ensure access to employment and livelihood opportunities for their citizens as sustainable alternatives to migration of workers.” Furthermore, ASEAN calls on its member states to find legal ways to recruit workers, but “through valid and legal contracts.”53

In addition to the UN and ASEAN, many other interested parties examine human rights and migrant workers. As previously mentioned, Human Rights Watch produces reports on human rights violations, and its 2006 Building Towers, Cheating Workers Report was one of the most scathing reviews of the UAE and maltreatment of Southeast Asian workers, drawing significant international attention to the problem. A similar organization called Amnesty International, whose mission is to campaign for human rights, also writes exposés on nations and employers that abuse migrant workers. Both Human Rights Watch and Amnesty International provide recommendations on how states can improve their treatment of workers. In 2007, the International Federation for Human Rights partnered with the Human Rights Committee of Qatar to hold an inter-regional conference on migrant work in Asia and the Middle East, another example of interested parties focusing on OFWs and overseas workers.54
Scholarly journals, especially the *International Journal on Minority and Group Rights*, also attempt to bring attention to the plight of migrant workers. Think-tanks, such as the Migration Policy Institute, are dedicated to exposing and offering solutions in all areas of migration. Even universities recognize the plight of migrant workers, calling on academics and other experts to research the issue. For example, Georgetown University, in conjunction with a grant from the Gulf Cooperation Council and under the direction of its Center for International and Regional Studies, convened a Working Group on “Migrant Labor in the Gulf” in 2009.55

**Conclusion**

The weak economy has certainly made it challenging for citizens to find adequate work in the Philippines, and both former president Arroyo and the current president, Aquino, have struggled to produce domestic jobs and reduce dependence on overseas work. Enforcement agencies, especially the POEA, must also do their jobs, ensuring that Filipinos who do choose to work overseas are trained properly and have an outlet for complaints.

Recently, Qatar appears to be more responsive to human rights issues, collaborating with the Philippines to improve conditions for OFWs, but it remains unclear whether these efforts will create lasting, positive changes. The UAE has certainly failed to enforce its existing regulations, illustrating a lax commitment to workers’ rights. Even interested parties, especially the UN, have been unsuccessful in helping OFWs, and as this chapter has demonstrated, human rights issues often
involve many parties with different vested interests. In light of these shortcomings in
government action and human rights law, the next chapter will provide
recommendations to improve the plight of OFWs in Qatar and the UAE.
ENDNOTES

Chapter Four


2 Ibid. Arroyo made these comments while gathering with representatives of Filipino organizations in Japan on September 15, 2001.


6 Underemployment is defined to include the following situations: lack of full-time employment (visible underemployment) or a mismatch between occupation and educational background or training (invisible underemployment).


8 Ibid.

9 Ibid.


17 Tyner, 69-70.

18 Ibid, 71.


20 In August 2010, 100 million Philippine pesos was equivalent to about 2.2 million U.S. dollars.

21 Republic Act No. 8042, Migrant Workers and Overseas Filipinos Act of 1995.

22 Ibid.

23 Tyner, 108.


30 Kimberly Jane T. Jan, “Minimum Wage of OFWs in Qatar Expected to Increase.”


Ibid.

Ibid.

Ibid.


47 Sohail H. Hashmi, ed., State Sovereignty: Change and Persistence in International Relations (University Park: Pennsylvania State University, 1997), 114.


50 Ibid.


53 Ibid.


CHAPTER FIVE

CONCLUSION: RECOMMENDATIONS TO ADDRESS THE OFW PROBLEM

Options for OFWs in Qatar and in the UAE certainly seem bleak. After all, reports of abuse have not ceased in this decade despite new legislation, suggesting that things are not likely to get better anytime soon. However, if all parties involved in the plight of overseas workers – employers, governments and even OFWs themselves – make constructive changes, conditions for OFWs can eventually improve.

The aim of this chapter is to offer recommendations on how various parties, especially the governments of the Philippines, Qatar and the UAE and non-governmental organizations (NGOs), can better help OFWs. The scope of the chapter covers the plight of OFWs in the first decade in the twenty-first century, but the recommendations are for the present and the future. The chapter will answer questions like: What should the Philippines government do in both the short- and the long-term to assist OFWs? How can the Qatar and the UAE governments take more responsibility for the abuse that occurs within their own borders? What can NGOs and other interested parties do about this human rights problem? To answer these questions, the chapter is organized into three sections: “Recommendations for the Philippine Government,” “Recommendations for the Qatar and UAE Governments,” and “Conclusion.”
I. Recommendations for the Philippine Government

This section will provide both short and long-term recommendations for the Philippine government. In the short-term, or the next three to four years, it will be extremely difficult for President Benigno Aquino and his administration to stop Filipinos from working abroad, given that the migrant worker system is so ingrained in Philippine culture and the Philippine government is so reliant on remittances. As a result, Aquino must first focus on improving the lives of OFWs presently in Qatar and the UAE, and then move towards a long-term economic policy, especially regarding employment opportunities in the Philippines.

In the short-run, the government needs to make sure that OFWs are properly protected, given that the system of moving abroad for work is not likely to stop immediately. One way to do so is to ensure that OFWs fully understand their contractual agreements and are informed about potential problems abroad before they even leave the Philippines. To meet this aim, the Philippine Overseas Employment Administration (POEA) currently provides two important services: pre-departure orientation services, which began in the early 1980s, and online warnings about scams, launched in the 2000s. According to the Labor Attaché at the Philippine embassy in the U.S., the seminars have helped Filipinos become more educated about their rights, and as a result, they are more apt to properly report cases of abuse. However, while these existing services are useful, clearly they are inadequate.
One indication that the current pre-orientation programs and online warnings are inadequate is that contract substitution continues to be a problem. As described in August 2010 by John Leonard Monterona, the Middle East regional coordinator for Migrante, an international alliance of Filipino migrant organizations: “[b]efore leaving the Philippines, an OFW is given a standard employment contract but once he arrives in the host country, he is made to sign a different contract with lower salary and no overtime pay and health insurance.”\(^2\) Clearly, OFWs need to be better informed and warned about the potential for contract substitution, as the practice continues to be commonplace.

Although the POEA posts updates about scams and other warnings on its website regularly, OFWs must be reminded to check the website before leaving the Philippines, and after arriving in the Middle East. The POEA should also do more to inform workers of their rights to file complaints if things go wrong while overseas, and OFWs should pay careful attention to this information. For example, there are Labor Attachés at both the Qatar and the UAE embassies to help them.\(^3\) OFWs can also go to the police department in both countries to report issues. Thus, the POEA should encourage OFWs to report abuse, but it should also warn them to be discreet. OFWs must be told to be careful about two difficulties: escaping an employer to file a report and securing an appropriate response from police. Regarding the first problem, traveling to an embassy or a police station is a potentially dangerous endeavor if an employer closely monitors an OFW’s movements or if an OFW lives in a private
home. Regarding the second issue, police officers may be reluctant to let an OFW file an actual criminal complaint. For example, in its 2008 Human Rights Report on the UAE, the U.S. Department of State revealed that “some police authorities pressured victims not to pursue complaints against their employers and assisted employers in repatriating victims before a criminal complaint could be filed.”4 Thus, OFWs must be reminded that reporting problems to the Philippine Labor Attachés at the Qatar and UAE embassies is their best option, and that going to local police departments should only be considered as the last resort.

Regarding protection for overseas workers, the Philippine government recently took a step in the right direction by enhancing the Filipino Workers Resource Centers (FWRCs) at embassies to provide more services for OFWs. This new initiative under President Aquino is in line with the new Migrant Workers and Overseas Filipino Act of 1995, as amended in March 2010 to provide greater protection for workers. More specifically, amendments include an expanded definition of illegal recruitment and compulsory workers’ insurance. These FWRCs will offer economic and reintegration assistance, including skills training and livelihood education assistance for dependents, as well as psychological counseling services.5

The Philippine government can also better assist OFWs by partnering with, or providing funding for, NGOs that have already implemented protection mechanisms. One example is the Center for Migrant Advocacy, an advocacy group that seeks to protect the rights of OFWs. More specifically, the Center “works to help improve the
economic, social and political conditions of migrant Filipino families everywhere through policy advocacy, information dissemination, networking, capability-building, and direct assistance.”

The Center for Migrant Advocacy offers four main services to OFWs: policy and public advocacy; research and information; networking and partnership; and direct assistance. While each of these services is important, direct assistance is probably the most helpful as it includes:

… immediate help to migrant workers and their families, especially those who are distressed, most vulnerable and need immediate help. This program documents cases and gives welfare, legal, representation, and livelihood assistance to victims of abuse, armed conflict and health hazards. CMA works with government agencies, private institutions and other NGOs in pursuing this program.

The Center for Migrant Advocacy also runs an emergency hotline, as well as an emergency text message service to help OFWs report crimes. According to a 2007 article on the Center for Migrant Advocacy’s “SOS Hotline:” “since February 2006, over 800 cases involving migrant Filipinos in the Middle East have been reported to CMA using SOS SMS [short messaging system] and other means.” Working hand-in-hand with the Center is the POEA, which provides legal services to OFWs at home and helps ensure that they are matched with legitimate and registered recruitment agencies. While all of these entities help OFWs in emergency situations, coordination among these agencies should be greater. Given that these interested parties, or groups other than the Philippine, Qatar and UAE governments or OFWs themselves, have played a large role in helping OFWs, the Philippines should do more to coordinate with these
groups.

One group that the Philippines government should continue to work with is the NGOs. For example, Human Rights Watch and Amnesty International have been instrumental in drawing attention to the plight of OFWs. Their publications and exposure of OFW maltreatment have helped to “shame” employers and the Qatar and UAE governments into complying with laws and ensuring the safety of migrant workers. They can provide useful ideas for the Philippine government to deal with the OFW problem.

The United Nations (UN) is another important interested party for helping OFWs. Thus, the Philippine government should pressure the UN to lobby the Qatar and UAE governments to adopt the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The UN should lobby not just these two countries, but other large economic countries, especially the U.S., to adopt the Convention. Still, while coordinating with interested parties will help, the ultimate responsibility for improving the plight of OFWs in the short-run lies with the Philippine government.

Regarding long-term solutions, Aquino must provide more jobs in the Philippines, as sending workers abroad is not a sustainable economic strategy. He also needs to make job opportunities more attractive, as most Filipinos do not view their own country as a viable place to work:

Fifteen years after the dictator Ferdinand Marcos was brought down by the power of people who took to the streets, millions of Filipinos remain
unconvinced that their country is worth the long-term sacrifice of staying here. Their onetime dreams of democracy and prosperity have faded before the dreary reality of a persistently weak economy, some of the world’s worst pollution, rampant urban crime and corruption at every level of government.9

Given this negative public perception and the reality of high unemployment, Aquino and his administration must actively create more jobs and foster overall prosperity at home.

Thus far, Aquino has already recognized job creation as a priority for his administration. He aims to generate more local jobs so Filipinos do not have to work abroad, claiming that job creation is at the forefront of his agenda and most jobs will come from growth in domestic industries.10 His predecessor Gloria Macapagal-Arroyo allowed sending Filipinos abroad to become a political strategy, emphasizing the importance of Filipinos to the economy, coining the term “overseas Filipino investor,” and setting targets for the number of Filipinos to be sent abroad each year. While it is important to recognize the value of OFWs’ contributions to the economy, Aquino should not set targets or actively promote overseas work. Instead, he should emphasize local and domestic jobs, as there are serious social repercussions from workers being abroad, such as separations of families, divorces and juvenile delinquencies.

To bring about this job creation and reduce Philippine dependence on OFWs, President Aquino must also pursue new policies. One way to create more jobs is to enhance foreign investment in the Philippines. Thus, the Aquino administration should encourage foreign investment in the country, which often goes hand-in-hand with
domestic job creation. If more investors feel comfortable with the Philippines, they will bring business, and subsequently jobs, to the country. While Aquino is still in his first year, he recognizes the importance of foreign investment to the Philippines. In his own words:

We [the Philippines] will make our country attractive to investors. We will cut red tape dramatically and implement stable economic policies. We will level the playing field for investors and make government an enabler, not a hindrance to business. This is the only means by which we can provide jobs for our people.11

Presently, however, in 2010 many foreign investors do not express confidence that their investment in the Philippines will be worthwhile. For example, the Political and Economic Risk Consultancy (PERC) recently surveyed expatriate business executives, and found that the Philippines, India and Indonesia were cited as the countries in Asia with the most inefficient bureaucracies and red tape, both deterrents to foreign investment.12 According to PERC, the Philippines’ government has not really made a dent in corruption and bureaucratic problems.13

This PERC observation brings up the second point about how Aquino can create jobs: by reducing corruption. Corruption is such a deep-seated, long-standing problem in the Philippines that it deters foreign investment and keeps money in the hands of an elite few, rather than distributing capital throughout the broader Philippine economy. By addressing corruption, Aquino will also help narrow the wide gap between the rich and the poor. Some ways whereby he can reduce corruption include: ensuring that there is more transparency in government, cutting down on bureaucracy, and enhancing law enforcement.
A third way to promote job creation is to make compensation for domestic jobs sufficiently attractive to deter the seeking of jobs overseas. Filipinos leave the Philippines precisely because they can make significantly more money doing the same job in Qatar and the UAE than in the Philippines. As Aquino strives to improve domestic employment and the economy, he must also work to provide jobs that pay enough to entice workers to stay at home. One way to improve pay in the Philippine job market is to focus on developing the Philippines’ strengths in the export, industrial and manufacturing sectors. At the same time, the Philippines should help its workers to develop technical skills to meet new demands in these areas and command higher salaries. For example, in the second quarter of 2010, the Philippine economy grew by an impressive 7.9 percent, and this growth was mainly attributable to low inflation and expansion in exports, mining and manufacturing. Spending related to the May elections also fueled growth.\(^{14}\)

But bringing in foreign investment, rooting out corruption and creating well-paying domestic jobs are all easier said than done, and it will likely take some time before the Philippine economy shows consistent improvement. Still, protecting OFWs in the short-run and creating jobs in the long-run will ensure that by the next decade fewer Filipinos will be forced to look outside the country’s borders, an ideal outcome.

Besides creating jobs, another long-term solution is that Aquino must also pressure governments that hire Filipinos to follow existing labor laws that protect workers. The administration has already committed to enhancing multi-lateral
relationships with Qatar and the UAE, as part of Aquino’s agenda to assist OFWs.\textsuperscript{15} This is necessary because these countries are more profit-minded than concerned about worker rights and welfare.

\textbf{II. Recommendations for the Qatar and UAE Governments}

As discussed in Chapter Four, Qatar has taken some recent steps to improve its treatment of OFWs, including the establishment of a minimum wage for OFWs and the attempted crack-down on illegal recruitment. Although the UAE government has also established a monthly minimum wage for OFWs, it should demonstrate a greater commitment to working with the Philippine government and enforcing its existing protections for workers, especially the mid-day break rule described in Chapter Three. The mid-day break rule has hardly been effective, given that there are not enough officials to enforce the rule and that many officials choose not to punish offenders.

Aside from establishing greater protections for OFWs, Qatar and the UAE need to work to ensure that corporations operating within their borders respect the rights of OFWs. As mentioned in Chapter Three, many corporations ignore contractual agreements and the mid-day break rule, and government officials allow these companies to get away with these violations. Corporations break these rules because it helps them to save money and to meet their most important goal – to produce goods and sell these goods at a profit. But corporations and governments must respect human rights and be held accountable for their misdeeds. Unfortunately, most times, corporations get away with maltreatment. At a minimum, corporations should pay
OFWs agreed-upon wages and provide them with the proper protection as outlined in the labor laws.

Corporations operating in free-market economies are responsible to shareholders, making profit maximization critical. Often, corporations will focus solely on satisfying stakeholders, and thus governments should make sure that they also honor human rights obligations while making profits. To help ensure that corporations and other employers respect human rights, the Qatar and UAE governments should first adopt the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As noted by Human Rights Watch, both Qatar and the UAE should ratify the Convention and incorporate its provisions into labor law, to ensure that migrant workers are protected according to international standards.16 Both governments should also increase pressure on corporations and employers to comply with existing laws, including the Convention. These governments should hire more enforcement officers, increase fines for employers who are found guilty of abusing OFWs, and prosecute those who are in violation of the law, especially since a U.S. Department of State 2007 report uncovered several violators who have not yet been punished.17 While Qatar continues to partner with the Philippines on new initiatives to improve working conditions for OFWs, the UAE has not. It should follow suit. Of course, the Philippines should try to exert some influence on both, especially since the recently amended Migrant Workers and Overseas Filipinos Act of 1995 calls for more bi-lateral and multi-lateral coordination with countries that receive OFWs.
Conclusion

In conclusion, while all three governments should work to reduce OFW abuse, the Philippine government bears the most responsibility. At the same time, the Qatar and UAE governments are also partially accountable for the conditions of OFWs. Moreover, the workers themselves must also take some responsibility for their welfare overseas. OFWs can do this by checking their work contracts, being proactive about understanding their rights and following the directions for working abroad outlined by the POEA. OFWs must also avoid the temptation to work with an unlicensed recruitment agency.

Until the OFW numbers are reduced, the Philippine government, in the short-run, has to protect OFWs by working with other governments and critical interested parties, like the UN, Human Rights Watch and Amnesty International. As for the long-term, the government must create jobs and make sure the jobs are attractive enough to keep Filipinos at home. As noted earlier, the lack of well-paying jobs in the Philippines is the single most important factor motivating OFWs to leave, and until this issue is resolved, OFWs will continue to be at risk.

OFWs and the Philippine government should also be aware of the social consequences of migrant work. When OFWs are away from their families, problems arise, as children rarely see their parent and spouses are separated. OFWs must acknowledge the potential risk to families and their own long-term well-being associated with working abroad. While OFWs’ problems are complex, wise actions by
the governments involved and by OFWs are critical to improving working conditions, reducing OFW abuse and cutting down on their numbers in Qatar and the UAE for the overall good of the Philippines.
Chapter Five

1 Information courtesy of Ms. Luzviminda Padilla, Labor Attaché at the Embassy of the Philippines in Washington, D.C., through a telephone interview on August 31, 2010.


3 Luzviminda Padilla, telephone conversation with author, August 31, 2010.


7 Ibid.


11 Ibid.

12 Ibid.


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