

I, too, Belong Here: Legal Exclusion Regime and Foreign Labour in Kuwait

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Abstract

“I, too, Belong Here”: Legal Exclusion Regime and Foreign Labour in Kuwait

Mustafa Bokesmati

In recent years, Kuwait, like other Gulf states, has faced international scrutiny over its treatment of migrant workers, particularly within the framework of the Kafala sponsorship system. Reports of wage theft, restrictive mobility, and sudden deportations are often discussed as contemporary crises, yet their origins lie in much older patterns. The exponential growth of the oil industry in the Arabian Gulf during the mid-20th century transformed the region's economies, societies, and labour systems. In Kuwait, as in other Gulf states, the rapid expansion of oil extraction and export created a labour demand far beyond what the local population could meet. This gap was filled largely by migrant workers from the South Asian subcontinent and neighbouring Arab countries.

This thesis argues that the legal, economic, and social frameworks governing these migrant labour forces were not created in a vacuum but were rooted in colonial-era labour regimes. While much existing scholarship centres the Kafala system as the principal mechanism of exploitation, this study moves beyond Kafala as a singular explanatory frame to examine the broader historical, political, and economic structures that made such systems possible and enduring. These regimes, inherited and adapted by newly independent Gulf states, perpetuated exclusionary practices that tied the migrant worker's value to their productivity in the oil economy while denying them pathways to permanent residency, political rights, or social integration.

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Dedication

To Khalto Rana,
Lebanon,
& Palestine.

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Introduction

The contemporary boom in labour migration to Kuwait can be traced back to the discovery of oil in commercial quantities on February 23, 1938¹. That being, Kuwait and other Persian Gulf Arab countries have been active sites of migration pathways since at least the eighteenth century. the first Kuwaiti settlement in 1716, included settlers from Najd, and modern-day Iraq and Iran. Mercantile activities such as pearling, trading and naval transportation provided the basic needs for the settlers². The maritime networks across the Persian Gulf and Arabian Sea allowed for the transportation of commodities as well as the interaction of cultures. Most importantly, these maritime pathways enabled Kuwait to position itself on a route of labour migration and movement of labour across water bodies.

The British Mandate over the Persian Gulf states starting in 1899, encompassing both Arab and Persian territories, facilitated the free coordination of the labour movement and consolidated these networks³. As will be discussed later, the various political agents and representatives of the British mandate in Bahrain, Basra, and Bushire maintained constant contact. Telegraphs sent between these political agents depict the different decisions made with regard to moving labour from one city to another to fulfill labour shortages. Indeed, the discovery of oil was one of the main reasons for the logistical

¹ Chisholm, Archibald H. T. 1975. *The First Kuwait Oil Concession Agreement: A Record of the Negotiations, 1911-1934*. London: F. Cass, 81.

² Al-Nakib, Farah. 2016. *Kuwait Transformed: A History of Oil and Urban Life*. Stanford, California: Stanford University Press, 7-25

³ Ibid

planning undertaken by the political agents who are primarily concerned with the construction of oil field infrastructures⁴.

This historical progression situated Kuwait within a geographical region permeated by migratory pathways. The discovery of Oil in the Arabian Gulf region placed it in a paradoxical position. On the one hand, the Kuwaiti state needed to match a labour supply that fulfilled its urbanization and development goals. On the other hand, Kuwaiti society suddenly found itself as a minority group within its own country. This led to a series of labour laws and regulations that imposed a framework of non-permanency on the migrant population in Kuwait. The intention of such regulations is to exclude this population from integration through diminishing of legal, economic and social rights within the state.

From the widespread discovery of oil in 1938, there was a continuously growing influx of revenue. Around 6 million dollars went to the Kuwaiti government's treasury in 1948. In 1953, approximately 43 million tons of oil were produced, and a revenue of 169 million dollars was collected that year alone. The increasing revenue facilitated the state's rapid urbanization, the provision of basic services, and the development of industries such as hospitals, schools, universities, telecommunications, essential infrastructure, and real estate development.

Similarly, the early mid-1900s situated other Persian Gulf Arab states in a position of rapid urbanization. These states are marked by their starkly low population compared to

⁴ 'File 28/32 I Recruitment in Persian Gulf states' [45r] (89/132), British Library: India Office Records and Private Papers, IOR/R/15/2/724, in Qatar Digital Library.

the revenue and development capabilities of their governments⁵. A large number of migrant workers was needed to fill the labour gap as infrastructure in these states was built and expanded. Moreover, skilled labour was required to provide the essential services the Arabian Gulf countries were aiming to provide to their citizens. This prompted two patterns of migration in Kuwait and the Arabian Gulf region. Since the beginning of the labour migration into the region, most of the labourers were from neighbouring Arab states, such as Egypt, Iraq, and Palestine⁶. After the Iraqi invasion of 1990, there was a growing dependence on migrant workers from the South Asian continent⁷.

As early as the 1950s, a body of legal regulations existed and were utilized to systemize the entry, employment, residency status, as well as the conduct of the migrant worker. These legal structures were built by British and Private enterprises such as the Kuwait Oil Company. By the 1960s, the assumption of the newly independent state over labour matters required the codification of labour laws. Codes were put in place to regulate the migratory pathways and policing entry to Kuwait. These codes, later to be discussed in detail include Aliens Residence Law of 1959, Nationality law of 1948 and the three corpus of labour codes in the private, public and oil sectors. These laws also utilized legal residency status as a means to monitor the behaviour and conduct in the state. In other words, the intention of these laws was entrenching a strict conduct of the labour migrants, meanwhile allowing both state institutions and private citizens to control their lives. This

⁵ Kamrava, Mehran, and Zahra Babar. *Migrant Labor in the Persian Gulf*. (New York: Columbia University Press, 2012.), 8.

⁶ Ibid.

⁷ Ibid.

is practiced through the kafala, or sponsorship system where citizens or private firms are permitted to provide a work permit to the migrant labour. The state was not interested in centralizing the system and removed itself from acting as an intermediary between the labourer and the sponsor. Yet, it had to deal with the political, social and economic repercussions on such migratory trends⁸.

The Kuwaiti state and its citizenry were not keen on a migratory model that would allow for an eventual inclusion of migrant labourers into civil and political participation. Labour laws gave the state the executive power to impose ad hoc laws which permitted the deportation of migrant workers due to any deviant behaviour. Also, labour laws limited the political power of the migrant worker and their participation in collective action within Kuwait. One other feature of Kuwaiti Labour law is the prohibition of a legal non-citizen resident from private ownership in the real estate market, a key policy that further excludes the migrant labourer from long-term residency in Kuwait, and from social inclusion⁹.

This research thus sets out to explore the legal mapping of labour exclusion as both a sociological conception and a state-sanctioned demographic planning policy. The gap between the proposed foreign inclusion, and the xenophobia frequently expressed by Kuwaiti public and state can be remedied by proposing legal amendments in domains including, but not limited to, labour codes, homeownership rights, permanent residency pathways and political representation in labour unions.

⁸ Owen, Roger. 1985. Migrant Workers in the Gulf. Minority Rights Group Report, No. 68. (London: Minority Rights Group.), 12.

⁹ Ibid.

Kuwait's rapid industrialization and urbanization boom came at the expense of the native population's perceived openness towards "the other." A legally rigid framework stratified Kuwaiti and non-Kuwaiti on the basis monopolizing welfare benefits to native Kuwaitis. Laws such as the Nationality Laws of 1948, and later Aliens Residence Law of 1959 limited the naturalization of Kuwait-born individuals¹⁰. This is a prime example of a state attempting to limit the demographic changes that can overturn its own identity from the bottom- up.

There are several central questions at play in this analysis of the legal historical framing of foreign labour rights in Kuwait. The first goal of this thesis is to interrogate the colonial history and that informed labour categorization based on national and racial biases. Second, this paper undertakes a deeper understanding of the reasons for social, economic and political factors limiting the integration of foreign labour into Kuwait. This includes the legal codes prohibiting permanent residency of foreign workers, limitations imposed on political representation in professional unions and state-sanctioned barriers on economic growth of foreign workers. The third and final goal, is to discuss the consecutive amendments to labour codes and their failure to provide inclusive framings for foreign labour in Kuwait.

¹⁰ Al-Nakib, Farah. "Kuwait's Modern Spectacle: Oil Wealth and the Making of a New Capital City, 1950-90." *Comparative Studies of South Asia, Africa and the Middle East* 33, no. 1 (2013): 11

Historiographical Analysis of Oil and Labour in the Arabian Gulf

Numerous studies have highlighted the intricate relationship between labour and oil in the Arabian Gulf, with several of them focusing on Kuwait as a focal point. The historical development of oil fields in the Middle East and the corresponding labour supply must be understood within the imperial, political, and social contexts that shaped them. It is crucial to examine the British and later American influence on the spatial, economic, and political organization of labour. This examination is fundamental to understanding the evolution of labour laws and regulations in Kuwait, which led to the state's exclusionary migration policies. Understanding the labourer's role in the oil fields and the power dynamics between oil industry elites and the state is central to this discussion. Furthermore, this issue extends beyond the oil fields; it is intertwined with the labour demands generated by rapid urbanization. The nationalization of oil industries opened new migratory pathways into oil-producing nations like Kuwait, consequently presenting a unique set of political challenges for both the state and its citizens, as well as for the migrants themselves.

Timothy Mitchell's *Carbon Democracy* posits that the influence of field labourers and their political organization evolved significantly with the advent of the oil industry. European coal miners had the advantage of being able to organize and advocate for improved working conditions, largely due to the large number of workers in each mine and the proximity of these miners to one another, which facilitated an effective model for mobilization. Conversely, European leaders such as Kaiser Wilhelm and Winston Churchill, during the late 1800s and early 1900s, recognized the potential disruptions posed by collective mobilization and sought to design industrial and political systems that would

fragment workforces, disperse sites of production, and thereby limit the capacity of workers to act collectively¹¹. These strategies became particularly evident in the global expansion of the post-war oil industry, where the technological and logistical characteristics of oil extraction allowed companies and allied governments to develop labour regimes less vulnerable to organized disruption. In the case of Saudi Arabia, this translated into a deliberate suppression of political activism among oil workers, as seen in the strikes launched by Aramco employees in 1945 and again in 1956 in protest against racial segregation, unequal pay, inadequate living conditions, and the absence of political rights¹². The company responded by creating an Arabian Affairs division tasked with monitoring the workforce, gathering intelligence, and identifying perceived “agitators” for arrest, torture, or deportation by state forces, including units reconstituted from the former Ikhwan militias. Once this domestic opposition was effectively neutralized, the Saudi state, working in close alignment with American oil executives, intelligence operatives, and Cold War policymakers, redirected oil revenues towards consolidating the authority of the religious establishment and promoting Islamist movements abroad as a counterweight to the nationalist governments of Egypt and Iraq¹³. This alignment of corporate, state, and religious interests not only insulated the political economy of oil from internal dissent but also embedded a model of governance and labour control that would influence the political trajectories of other oil-producing states in the postcolonial era.

¹¹ Mitchell, Timothy. 2011. *Carbon Democracy: Political Power in the Age of Oil*. London: Verso, 22-3

¹² *Ibid*, 211

¹³ *Ibid*, 212.

Mitchell's arguments are significantly grounded in the transformation of labour power through a geographical and spatial perspective. He contends that labour mobilization has diminished due to the spatial coordination of oil fields. Unlike coal, which necessitated extensive loading and unloading processes, oil, a fluid, can be efficiently transported through pipelines, requiring less human labour. Furthermore, oil field workers now spend more time in the presence of their managers, as they are no longer engaged in the physical digging for energy sources. Consequently, the use of pipelines to transport oil has curtailed the disruptive potential of labourers, that is, strikes. These pipelines are not only easily repairable but also allow for the use of parallel substitute pipelines to maintain the daily supply¹⁴.

Imperialist political and economic elites were made aware of these limitations in the labour mobilization movement. A new model of welfare industrialism was imposed in energy supplying industries. The argument made by these firms is that the new model of labour participation is “democratic”. Mitchell makes an argument that the welfare system that was provided by these firms compromised the claims for an egalitarian life for the workers in energy-producing industries¹⁵.

Conversely, Kaveh Ehsani's *Disappearing the Workers* complicates and builds on Timothy Mitchell's claims on spatial coordination of oil fields and labour power. According to Ehsani, the borders of the oil industry are not constrained to the extraction of oil from the fields or even pipelines. The oil industry also extends to include “midstream and downstream” operations such as refineries, petrochemicals, and ports. Therein lies a web

¹⁴ Mitchell, Timothy. 2011. *Carbon Democracy: Political Power in the Age of Oil*. London: Verso, 26

¹⁵ Ibid.

of concentrated labour force working side by side for long periods of time. This in return allowed for strikes organized by oil field workers such as 1905's Baku labour risings, or the later 1936 Venezuelan oil workers strike¹⁶.

The context of labour rights and energy producing industries varies after the decolonization period. Especially since the main sources of oil are located in non-European, and decolonized states, especially the Arabian Gulf states. Ehsani positions the decolonized countries and their relation to the oil industry. He writes that the different locations of oil industries, such as refineries, oil fields and ports were regarded as national projects. These projects were to be utilized for the rapid development and industrialization of the decolonized lands. The states were now expected to provide social welfare to all citizens including the labourers themselves. These states worked within a framework of welfare industrialism but required migrant labourers to expand on these urbanization projects. The effect of the oil industry was not constrained to the oil fields and other mechanisms of energy transfer such as ports and pipelines but also reached the development processes of infrastructure provision and construction of the state itself¹⁷.

One can understand labour in the Arabian Gulf states through Ehsani's expansion on Mitchell's spatial coordination, as Kuwait, along with other countries, adopted a form of welfare industrialism since the 1960s while also implementing labour regulations that would control any political turmoil on behalf of labourers. Another specific context

¹⁶ Ehsani, Kaveh "Disappearing the Workers: How Labor in the Oil Complex Has Been Made Invisible," in *Working for Oil: Comparative Social Histories of Labor in the Global Oil Industry*, ed. Atabaki, Touraj, Elisabetta Bini, and Kaveh Ehsani. (Cham: Springer International Publishing, 2018.), 16.

¹⁷ Ibid, 27.

regarding labour and its relation to the state is the extreme dependence on migrant labourers to support this neoliberal system. The migrant labourer meets the demand for skilled and unskilled labour required to build the state itself. Meanwhile, the neoliberal system in these states permits the exclusion of migrant labour from any political or economic integration within the state. As will be discussed later, the Kuwaiti state utilized its status as a host state by providing economic benefits to the migrant labourer through a welfare system. However, the migrant labourer is not permitted to demand better treatment due to executive powers that allow the dismissal and deportation of any deviant migrant labourers. The context of Kuwait as a case to be discussed within Timothy Mitchell and Kaveh Ehsani's interaction is intended to highlight the rights of migrant labourers, as opposed to Kuwaiti citizens, that are diminished and curtailed under the neoliberal system.

From a socio-legal perspective, this exclusion is embedded within the intersecting frameworks of the kafala sponsorship system, the Alien Residence Law, and the Nationality Law. Collectively, these legal regimes operate to produce the migrant worker as a body without rights: a figure essential to the development of the economy, yet denied the political agency reserved for citizens. Sara Ahmed's formulation of *affective economies* expands on this understanding by tracing how such legal and economic structures are animated by the circulation of emotions that attach themselves to particular bodies and to specific nodes within the social field¹⁸. In the Kuwaiti context, the migrant body becomes a node through which affects such as fear, resentment, and moral anxiety are directed, reinforcing the perception of migrant labour as simultaneously vital to national development and potentially corrosive to social cohesion. These affective attachments in turn produce the

¹⁸ Ahmed, Sara. 2004. "Affective Economies." *Social Text* 22 (2_79): 121.

citizen-subject in opposition to the migrant-subject, thereby legitimizing the endurance of exclusionary legal regimes. In this way, the political economy of exclusion described by Mitchell and Ehsani is maintained not only through the spatial and material organization of labour, but also through a legal-affective apparatus that ensures migrant labour remains both structurally necessary and permanently external to the political community.

The sources for this research are drawn from a combination of primary archival materials, including British colonial records, oil company correspondences, and Kuwaiti legislative documents, alongside secondary scholarly analyses on Gulf labour history, political economy, and migration studies. These sources indicate that Kuwait's labour system historically operated through a combination of ad hoc and informal regulations that reproduced colonial labour hierarchies. Such structures curtailed collective bargaining, restricted protest rights, and enabled punitive measures, including deportation and incarceration, thereby limiting the autonomy and agency of migrant workers. A notable limitation of the available materials is the relative scarcity of subaltern sources that capture the perspectives and lived experiences of the migrant labourers themselves, constraining the full documentation of their voices and subjectivities. A further gap emerges from the expansive scope of the subject. Much of the existing literature focuses on specific areas, such as the Kafala system, domestic work, or public discourse. By contrast, comprehensive analyses that examine labour exclusion in Kuwait across multiple dimensions, including migration mechanisms, labour codes, legal disempowerment, recruitment networks, gendered exclusion, and broader moral and national frameworks, remain limited.

This study approaches labour exclusion in Kuwait as both a socio-political construct and a state-directed instrument of demographic management. The persistence of

these systems is mediated not only by legal frameworks, including the kafala sponsorship system, the Alien Residence Law, and the Nationality Law, but also by the circulation of affects that attach to particular bodies and nodes within the social field. In the Kuwaiti context, the migrant body functions as a node through which fear, resentment, and moral anxiety circulate, positioning migrants as simultaneously indispensable to the state's development and potentially threatening to social cohesion. These affective and legal mechanisms together produce the citizen-subject in opposition to the migrant-subject, reinforcing the legitimacy of exclusionary practices. By tracing these continuities, this thesis situates Kuwait's labour policies within a longer trajectory of structural exclusion, economic dependency, and deliberate political marginalization.

Mechanisms of Migration and Labour in the Arabian Gulf

The political and economic history of Kuwait in the twentieth century cannot be disentangled from the broader regional transformations that unfolded in the Arabian Gulf under British influence. From the late nineteenth century onward, the consolidation of British authority through treaty relations, naval dominance, and administrative oversight established a framework that shaped the governance, migration, and labour regimes of the Gulf states. In Kuwait, these imperial arrangements were not merely a matter of securing maritime trade routes or containing regional rivalries—they laid the legal and administrative foundations upon which the modern state would emerge. The discovery of oil in the 1930s intensified this trajectory, drawing Kuwait further into the orbit of global capital and transforming the scale and composition of its labour force. Migrant labour became indispensable to the rapid expansion of oil production and the associated infrastructural development, yet it was incorporated into a hierarchical system that stratified workers along lines of nationality, race, and class.

These structures were neither incidental nor ad hoc; rather, they reflected the deliberate design of both British administrators and local rulers, who sought to manage the economic demands of oil extraction while maintaining political control. Labour was subject to increasingly sophisticated forms of categorization, surveillance, and regulation, with sponsorship systems and visa requirements emerging as mechanisms of control well before formal independence in 1961. This period also witnessed the establishment of deportation as a punitive tool against foreign workers—a practice embedded in a broader legal and political framework that privileged citizen labour while rendering migrant

labourers both essential and precarious. Understanding Kuwait's labour organization thus requires situating it within the longer genealogy of imperial governance in the Gulf, where the intersections of oil, migration, and state power gave rise to enduring patterns of inclusion and exclusion.

This chapter aims to argue how Kuwait's labour regulations and policies regarding migratory entry and the policing of labourers stemmed from these mechanisms of labour devised during the transition of sovereignty from British to Kuwaiti authority. These mechanisms are drawn along two lines concerned with organizing residency regulations and labour planning. First, residency regulations were designed to police and control the entry, exit and conduct of labour. And second, labour planning governed pay rates and allowances, which helped institute stratification along local versus non-local identities. These mechanisms permeated official labour laws, after their legislation in 1961, resulting in the institutionalization of exclusion of foreign labour.

The British protectorate over the Arabian Gulf started at the advent of the twentieth century with the fall of the Ottoman Empire. The western imperial powers were politically interested in the region due to its proximity and its trade connections to India, the jewel of the British Empire. Coincidentally, with the exploration of oil and its uses in the region, imperialist concerns shifted from geographical interest to economic ones as well. The British imperial presence adopted and manipulated labour migrations within the region to its advantage insuring a constant supply of labour.

The politics of oil, labour and migration organized around nationality within the region can be traced back to the early 1930s. Article 8(b) of the Kuwait Oil Company

(KOC) concession with the British authorities stipulated the hierarchy of nationalities employed in KOC. It was agreed that the hiring of unskilled labour would be based on the local population. If the required labour can not be fulfilled, upon the permission of the Sheikh, non-Kuwaiti labourers would be employed by the company. This is similar to section 17 of the 1935 Anglo-Persian Oil Company (APOC) concession agreement between the British and Qatari Sheikhs. Labourers are primarily to be employed from local populations except when technical clerks are required to fulfill the skilled labour¹⁹.

As a result of its geographic position and the discovery of fossil fuels, starting in the 1930s, Kuwait became one of the main host countries for migrant labourers, when oil concessions were signed with the British authorities. The first challenge faced by Kuwait was securing the required labour. It was needed for the extraction and production of oil, as well as the urbanization plans of the Kuwaiti government. Starting with the mass extraction of oil in 1946, the Kuwait Oil Company filled the labour gap with migrants from India and Pakistan²⁰. Indian labour was utilized for the construction of “midstream and downstream” facilities such as refineries, distillation plants and marine ports. The Indian labour grew from 177 in 1946 to 2514 in 1948. The number of Indian and Pakistani migrant labourers in Kuwaiti non-oil related industries grew to 8000 by the year 1952²¹.

Later, in May of 1942, correspondences from the Political Resident of Bushire in Iran were sent to the Political Agent in Bahrain and Kuwait, depicting a dynamic labour

¹⁹ Seccombe, I J, and R I Lawless. 1986. “Foreign Worker Dependence in the Gulf, and the International Oil Companies: 1910-50.” *The International Migration Review* 20 (3): 551

²⁰ Longva, Anh Nga. *Walls Built on Sand: Migration, Exclusion, and Society in Kuwait*. (Boulder, Colo.: WestviewPress, 1997), 25.

²¹ Seccombe, I J, and R I Lawless. 1986. “Foreign Worker Dependence in the Gulf, and the International Oil Companies: 1910-50.” *The International Migration Review* 20 (3): 564-5

movement. The archival correspondences included an inquiry regarding surveying the Persian Gulf regions, more specifically Bahrain, Kuwait and Muscat for possible recruitment into non-combatant labour for the British army in the area. The correspondences also reflect a keen concern for the economic situation in areas with high unemployment rates. The financial crisis of Bahrain in December 1942 led to high unemployment rates. This in turn, allowed the Political agents in Bahrain to persuade around 2000 men to move to Basra and support the British army in a non-combatant capacity²².

²² 'File 28/32 I Recruitment in Persian Gulf states' [17r] (65/132), British Library: India Office Records and Private Papers, IOR/R/15/2/724, in Qatar Digital Library.

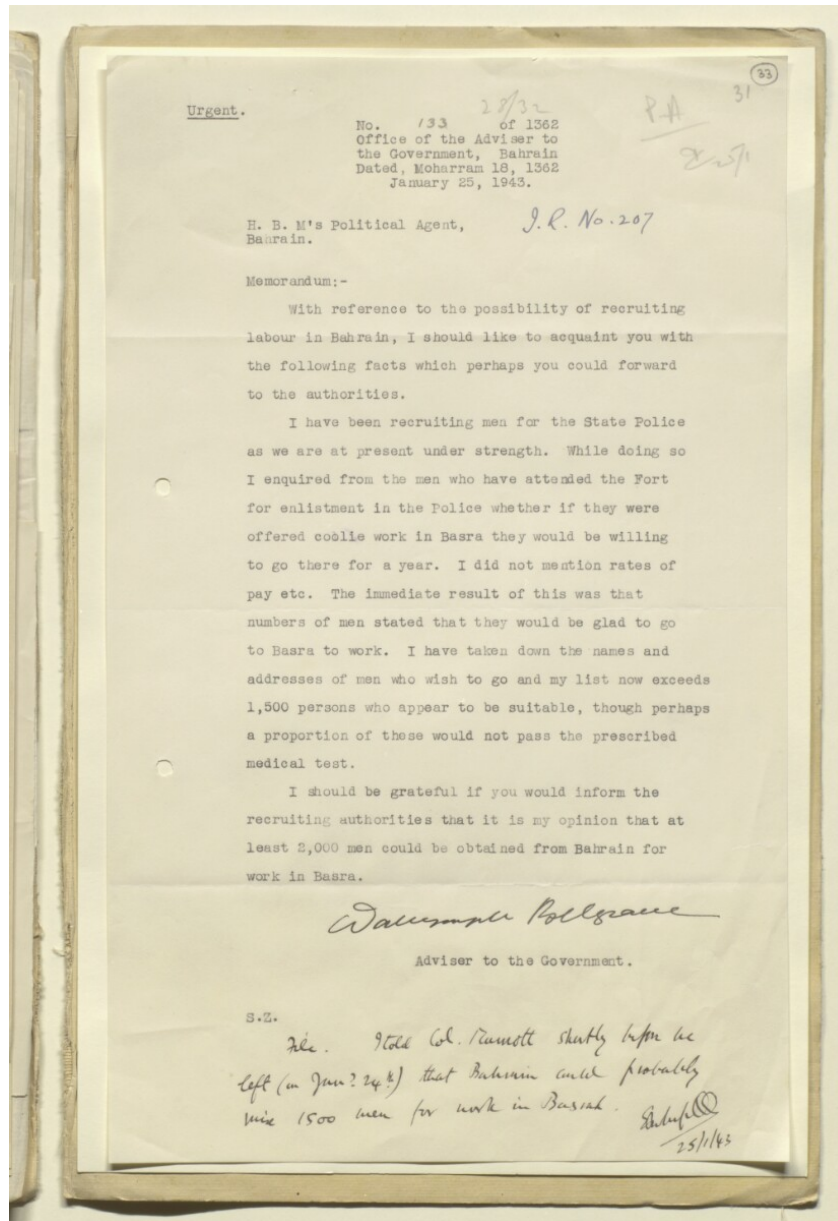


Figure 1 Letter from British Political Agent in Bahrain requesting 2000 workers²³

²³ 'File 28/32 I Recruitment in Persian Gulf states' [17r] (65/132), British Library: India Office Records and Private Papers, IOR/R/15/2/724, in Qatar Digital Library.

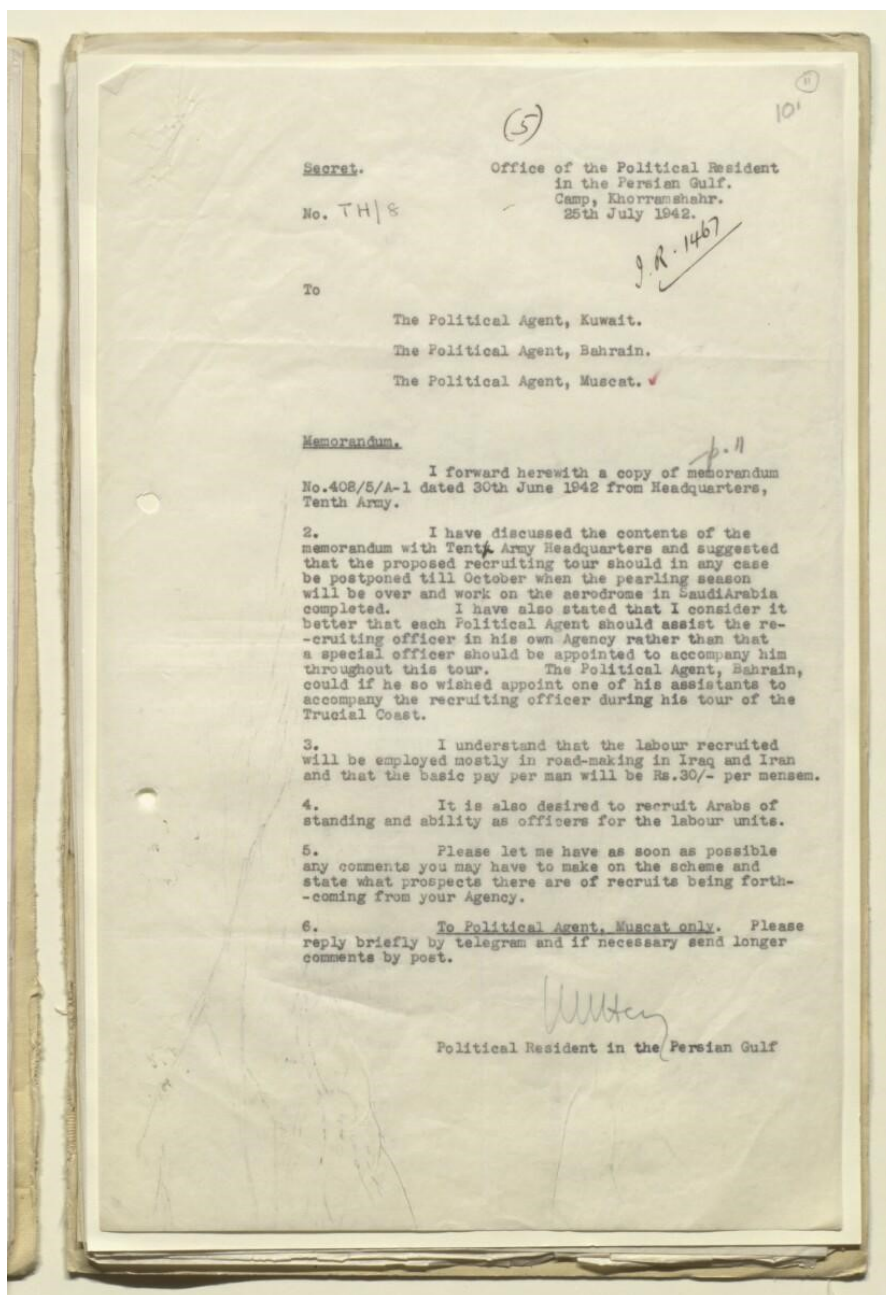


Figure 2 Letter from British Political Agent stipulating allowances²⁴

Imperialist military domination was intertwined with Oil in the Persian Gulf region, on either side of the Gulf. In April 1943, Colonel Charles Marriot, a commander in the

²⁴ 'File 28/32 I Recruitment in Persian Gulf states' [11r] (21/132), British Library: India Office Records and Private Papers, IOR/R/15/2/724, in Qatar Digital Library
<https://www.qdl.qa/archive/81055/vdc_100025688064.0x000016>

British Air Force, requests for labour workers at the Oil refinery in Abadan, Persia. By then, the economic situation in Bahrain was improved mainly due to the construction of the Royal Naval and Air Force base in Bahrain. Moreover, there was an extension of the Bahrain Petroleum Company that required labour supply. The recruitment arrangements failed to provide the required number of Bahraini men for the oil fields of Abadan. The population of local labour did not fulfill the supply and recruitment from across the region was required. Nevertheless, the recruitment plans in the British army showed a direct connection between the imperial military presence and the extraction of oil in the Persian Gulf region. The correspondences trace a labour migration pathway that was forged within the region to consolidate the migration of Arabian Gulf settlers within the region, but also the imperialist and neoliberal system of oil extraction²⁵.

Interestingly, the requisition of labour within the correspondence provides a glimpse into the proposed roles and rights of non-combatant recruits into the British Army in Iran and Iraq. The migrant workers were to be recruited from Kuwait, Bahrain, and Muscat to construct roads in Iraq and Iran. Those of working age were to be recruited as officers over their labour unit. The Arab non-combatants were provided with a base rate of pay, an expatriation allowance, as well as allowances for haircutting and washing. The contracts were to be made for one year only; thus, unlike the British combatants, the Arab non-combatants were not assigned any allowance for consecutive years of service. Hence, an administrative hierarchy was institutionalized in the pay allowances between the British combatants and their Arab compatriots²⁶. Continuously, the British recruitment agents have

²⁵ Ibid, (45-57/132)

²⁶ 'File 28/32 I Recruitment in Persian Gulf states' [23r] (45/132), British Library: India Office Records and Private Papers, IOR/R/15/2/724, in Qatar Digital Library <https://www.qdl.qa/archive/81055/vdc_100025688064.0x00002e>

entitled Arab workers an allowance for any disabilities that could occur due to the nature of the job. The disability payment was to be decided based on the injured organ or set of organs²⁷.

(cont)

Table of Allowance Rates

Category	Pay of Basic	Supervision Allowance	Shifting and Working Allowance	Total	Plus, pay after two years service	Plus Portion payable after two years service
Overseas	22/-	11/-	-	33/-	33/-	-
4/Portlans	22/-	11/-	-	33/-	33/-	-
India	22/-	11/-	-	33/-	33/-	-
1/India	18/-	7/-	-	25/-	25/-	-
2/India	16/-	5/-	-	21/-	21/-	-
3/India	14/-	3/-	-	17/-	17/-	-
Non-Overseas	11/-	7/-	-	18/-	18/-	-
4/Non-Overseas	11/-	7/-	-	18/-	18/-	-
5/Non-Overseas	11/-	7/-	-	18/-	18/-	-
6/Non-Overseas	11/-	7/-	-	18/-	18/-	-
7/Non-Overseas	11/-	7/-	-	18/-	18/-	-
8/Non-Overseas	11/-	7/-	-	18/-	18/-	-
9/Non-Overseas	11/-	7/-	-	18/-	18/-	-
10/Non-Overseas	11/-	7/-	-	18/-	18/-	-
11/Non-Overseas	11/-	7/-	-	18/-	18/-	-
12/Non-Overseas	11/-	7/-	-	18/-	18/-	-
13/Non-Overseas	11/-	7/-	-	18/-	18/-	-
14/Non-Overseas	11/-	7/-	-	18/-	18/-	-
15/Non-Overseas	11/-	7/-	-	18/-	18/-	-
16/Non-Overseas	11/-	7/-	-	18/-	18/-	-
17/Non-Overseas	11/-	7/-	-	18/-	18/-	-
18/Non-Overseas	11/-	7/-	-	18/-	18/-	-
19/Non-Overseas	11/-	7/-	-	18/-	18/-	-
20/Non-Overseas	11/-	7/-	-	18/-	18/-	-
21/Non-Overseas	11/-	7/-	-	18/-	18/-	-
22/Non-Overseas	11/-	7/-	-	18/-	18/-	-
23/Non-Overseas	11/-	7/-	-	18/-	18/-	-
24/Non-Overseas	11/-	7/-	-	18/-	18/-	-
25/Non-Overseas	11/-	7/-	-	18/-	18/-	-
26/Non-Overseas	11/-	7/-	-	18/-	18/-	-
27/Non-Overseas	11/-	7/-	-	18/-	18/-	-
28/Non-Overseas	11/-	7/-	-	18/-	18/-	-
29/Non-Overseas	11/-	7/-	-	18/-	18/-	-
30/Non-Overseas	11/-	7/-	-	18/-	18/-	-
31/Non-Overseas	11/-	7/-	-	18/-	18/-	-
32/Non-Overseas	11/-	7/-	-	18/-	18/-	-
33/Non-Overseas	11/-	7/-	-	18/-	18/-	-
34/Non-Overseas	11/-	7/-	-	18/-	18/-	-
35/Non-Overseas	11/-	7/-	-	18/-	18/-	-
36/Non-Overseas	11/-	7/-	-	18/-	18/-	-
37/Non-Overseas	11/-	7/-	-	18/-	18/-	-
38/Non-Overseas	11/-	7/-	-	18/-	18/-	-
39/Non-Overseas	11/-	7/-	-	18/-	18/-	-
40/Non-Overseas	11/-	7/-	-	18/-	18/-	-
41/Non-Overseas	11/-	7/-	-	18/-	18/-	-
42/Non-Overseas	11/-	7/-	-	18/-	18/-	-
43/Non-Overseas	11/-	7/-	-	18/-	18/-	-
44/Non-Overseas	11/-	7/-	-	18/-	18/-	-
45/Non-Overseas	11/-	7/-	-	18/-	18/-	-
46/Non-Overseas	11/-	7/-	-	18/-	18/-	-
47/Non-Overseas	11/-	7/-	-	18/-	18/-	-
48/Non-Overseas	11/-	7/-	-	18/-	18/-	-
49/Non-Overseas	11/-	7/-	-	18/-	18/-	-
50/Non-Overseas	11/-	7/-	-	18/-	18/-	-
51/Non-Overseas	11/-	7/-	-	18/-	18/-	-
52/Non-Overseas	11/-	7/-	-	18/-	18/-	-
53/Non-Overseas	11/-	7/-	-	18/-	18/-	-
54/Non-Overseas	11/-	7/-	-	18/-	18/-	-
55/Non-Overseas	11/-	7/-	-	18/-	18/-	-
56/Non-Overseas	11/-	7/-	-	18/-	18/-	-
57/Non-Overseas	11/-	7/-	-	18/-	18/-	-
58/Non-Overseas	11/-	7/-	-	18/-	18/-	-
59/Non-Overseas	11/-	7/-	-	18/-	18/-	-
60/Non-Overseas	11/-	7/-	-	18/-	18/-	-
61/Non-Overseas	11/-	7/-	-	18/-	18/-	-
62/Non-Overseas	11/-	7/-	-	18/-	18/-	-
63/Non-Overseas	11/-	7/-	-	18/-	18/-	-
64/Non-Overseas	11/-	7/-	-	18/-	18/-	-
65/Non-Overseas	11/-	7/-	-	18/-	18/-	-
66/Non-Overseas	11/-	7/-	-	18/-	18/-	-
67/Non-Overseas	11/-	7/-	-	18/-	18/-	-
68/Non-Overseas	11/-	7/-	-	18/-	18/-	-
69/Non-Overseas	11/-	7/-	-	18/-	18/-	-
70/Non-Overseas	11/-	7/-	-	18/-	18/-	-
71/Non-Overseas	11/-	7/-	-	18/-	18/-	-
72/Non-Overseas	11/-	7/-	-	18/-	18/-	-
73/Non-Overseas	11/-	7/-	-	18/-	18/-	-
74/Non-Overseas	11/-	7/-	-	18/-	18/-	-
75/Non-Overseas	11/-	7/-	-	18/-	18/-	-
76/Non-Overseas	11/-	7/-	-	18/-	18/-	-
77/Non-Overseas	11/-	7/-	-	18/-	18/-	-
78/Non-Overseas	11/-	7/-	-	18/-	18/-	-
79/Non-Overseas	11/-	7/-	-	18/-	18/-	-
80/Non-Overseas	11/-	7/-	-	18/-	18/-	-
81/Non-Overseas	11/-	7/-	-	18/-	18/-	-
82/Non-Overseas	11/-	7/-	-	18/-	18/-	-
83/Non-Overseas	11/-	7/-	-	18/-	18/-	-
84/Non-Overseas	11/-	7/-	-	18/-	18/-	-
85/Non-Overseas	11/-	7/-	-	18/-	18/-	-
86/Non-Overseas	11/-	7/-	-	18/-	18/-	-
87/Non-Overseas	11/-	7/-	-	18/-	18/-	-
88/Non-Overseas	11/-	7/-	-	18/-	18/-	-
89/Non-Overseas	11/-	7/-	-	18/-	18/-	-
90/Non-Overseas	11/-	7/-	-	18/-	18/-	-
91/Non-Overseas	11/-	7/-	-	18/-	18/-	-
92/Non-Overseas	11/-	7/-	-	18/-	18/-	-
93/Non-Overseas	11/-	7/-	-	18/-	18/-	-
94/Non-Overseas	11/-	7/-	-	18/-	18/-	-
95/Non-Overseas	11/-	7/-	-	18/-	18/-	-
96/Non-Overseas	11/-	7/-	-	18/-	18/-	-
97/Non-Overseas	11/-	7/-	-	18/-	18/-	-
98/Non-Overseas	11/-	7/-	-	18/-	18/-	-
99/Non-Overseas	11/-	7/-	-	18/-	18/-	-
100/Non-Overseas	11/-	7/-	-	18/-	18/-	-

Figure 3 List of Allowance Rates²⁸

²⁷ 'File 28/32 I Recruitment in Persian Gulf states' [29r] (57/132), British Library: India Office Records and Private Papers, IOR/R/15/2/724, in Qatar Digital Library <https://www.qdl.qa/archive/81055/vdc_100025688064.0x00003a>

²⁸ 'File 28/32 I Recruitment in Persian Gulf states' [23r] (45/132), British Library: India Office Records and Private Papers, IOR/R/15/2/724, in Qatar Digital Library <https://www.qdl.qa/archive/81055/vdc_100025688064.0x00002e>

TABLE OF RATES FOR PERMANENT PARTIAL DISABILITY.

IRAQ.

	<u>% of 2 Yrs Pay.</u>
Loss of right arm at elbow or above	70
" " left " " " " " "	60
" " right " below elbow	60
" " leg at knee or above	60
" " left arm below elbow	50
" " leg below knee	50
" " hearing	50
" " one eye	30
" " one thumb	30
" " all toes of one foot	20
" " thumb phalanx	10
" " big toe	10
" " index finger	10
" " finger other than index	5

were required to encourage local labourers to join the British Air Force as non-combatants. Moreover, the report expresses geographic limitations proposed by possible recruits. For example, Marriot notes that few men will accept being relocated to regions north of Basra or east of Shaiba. Interestingly, pearl diving, main source of income for local Bahrainis and Kuwaitis is referenced in the report. The Colonel stresses that no man will agree to be bound for more than a year. This was made to ensure the return of local recruits to their pearl diving activities at the beginning of the season.

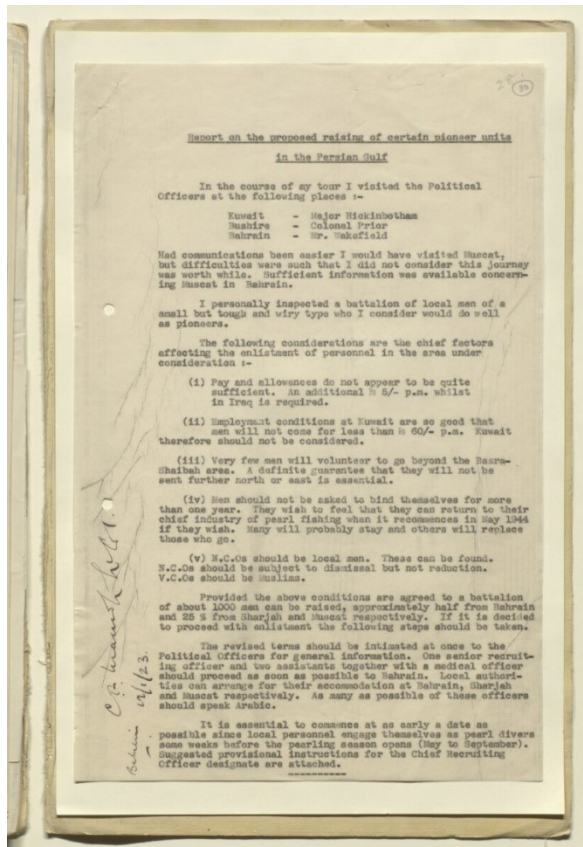


Figure 5 Report Prepared by Colonel Marriot³¹

³¹ 'File 28/32 I Recruitment in Persian Gulf states' [30r] (59/132), British Library: India Office Records and Private Papers, IOR/R/15/2/724, in Qatar Digital Library
<https://www.qdl.qa/archive/81055/vdc_100025688064.0x00003c.

Here, it is critical to converge the previously referenced Mitchell's discussion on western welfare industrialism. These correspondences reflect a deliberate framing of imperial expansion projects along the lines of labour welfare. As a result to labour mobilization in Europe, this model of welfare has been continued from the West and reintroduced into the newly found oil and imperialist industries in the Persian Gulf. The division of labour roles and pay rates based on the British combatant and Arab non-combatant also offered a basis for a socio-economic hierarchy of allowances. This has been incorporated into the labour regulations of the newly decolonized Persian Gulf states in their interaction with non-citizen migrant labour populations.

Even within this welfare framework of oil labour, both British and Arabian Gulf authorities had to deal with the political and social ramifications of the labour migration trends in the region. Indian workers in Bahrain were threatening to strike from the 1930s to the 1940s. On the other hand, Arab migration into the Arabian Gulf states also spelled political turmoil in the region. Educated locals and other Arab migrants played a crucial role in supporting the constitutional movements in Kuwait and Bahrain. In 1938, the same masses aimed to organize oil labour in Kuwait and in Bahrain³². This was a pressing issue that required further control, as the migratory trend was increasing the influx of migrants.

In Bahrain, the British sponsorship system established control over non-Muslim foreigners while local rulers managed Muslim subjects. This model was adapted in other Gulf regions with notable differences. For instance, the 1915 Muscat Order in Council extended British jurisdiction to foreigners, a similar approach to that of Bahrain. Kuwait

³² Chalcraft, John. "Migration and Popular Protest in the Arabian Peninsula and the Gulf in the 1950s and 1960s." (International Labor and Working-Class History 79, no. 1 (2011)), 30.

followed with its 1925 Order in Council, mirroring Muscat's system but with a more limited scope of British jurisdiction, initially impacting only a few Indian petty traders. The discovery of oil in Kuwait in the 1940s, however, drastically increased the number of foreign workers, reflecting the broader implications of the oil boom.

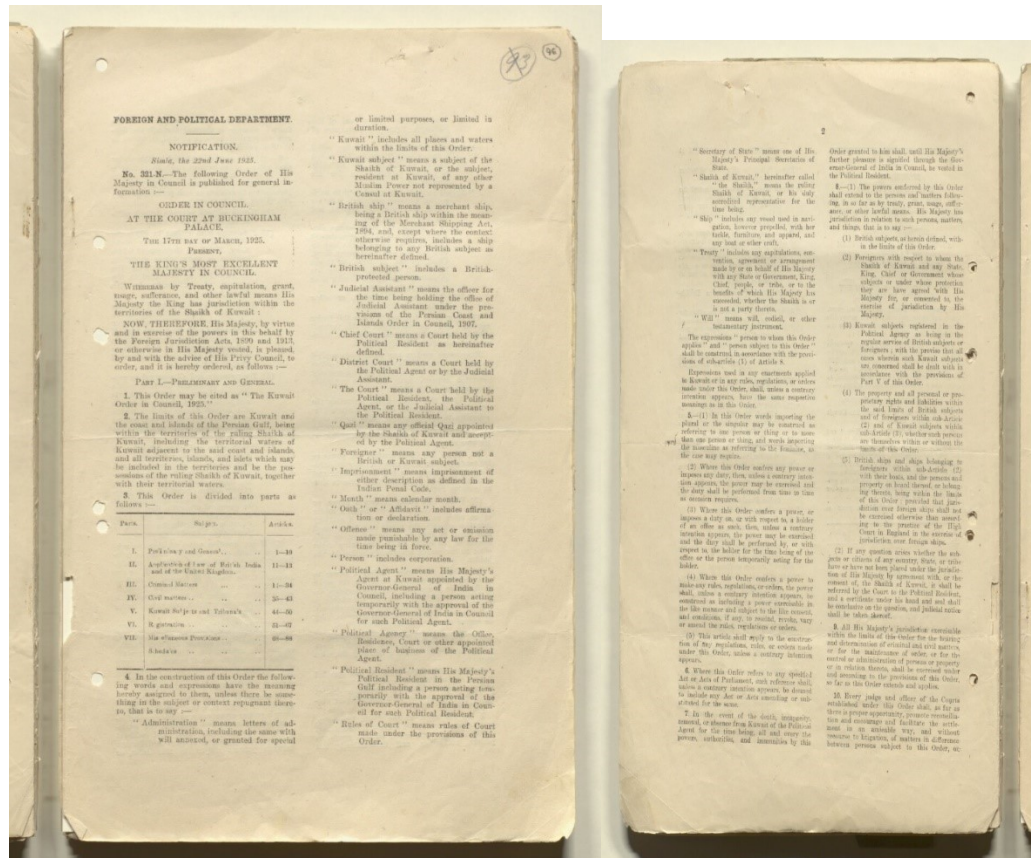


Figure 6 1925 Kuwait Order in Council³³

By the 1950s, Kuwait faced labour strikes and increasing management concerns, prompting the implementation of various regulations similar to those in Bahrain. These

³³ File 18/68 I (D 114) Kuwait Order in Council' [107r] (228/534), British Library: India Office Records and Private Papers, IOR/R/15/1/303, in Qatar Digital Library
<https://www.qdl.qa/archive/81055/vdc_100023510893.0x00001d>

included visa issuance, nationality laws, and residence permits. Domestic workers, especially, required sponsors throughout the 1950s, and sponsors were obligated to repatriate workers if their services were terminated³⁴. The categorization of workers, which became increasingly detailed and complex as the oil industry expanded, aimed to manage labour conditions and address issues arising from strikes and worker dissatisfaction.



Figure 7 The Evening Star Article, “Trouble Seen Brewing In Oil-Rich Kuwait”³⁵

³⁴ “Walls at Every Turn.” 2010. Human Rights Watch. <https://www.hrw.org/report/2010/10/06/walls-every-turn/abuse-migrant-domestic-workers-through-kuwait-sponsorship#5384>.

³⁵ Evening Star (File 62). (Washington, DC), May. 20 1959. <<https://www.loc.gov/item/sn83045462/1959-05-20/ed-1/>>

IN CONFIDENCE TO MEMBERS

ARABIAN GULF: NATIONALITY STRUCTURE OF LABOUR FORCE IN THE OIL INDUSTRY (1) 1965.

STATE AND OIL COMPANY	Management Structure			Westerners		Asians			Arabs				TOTAL
	Senior Management	Supervisory Clerical Technical Grades	Process Labour Drivers(3) unskilled & semi-skilled	Euro-peans	USA	Indians Pakis-tanis	Iran-ians	Japan-ese	Nation-al	Jord-anian	Gulf	Un-speci-fied	
KUWAIT - Kuwait Oil Company (KOC)	British	British Indian/Pakistani Jordanian	Kuwaiti	541	32	1353	3	-	1299	803	-	1212	5243
NEUTRAL ZONE - Arabian Oil Company (AOC) Aminoil/Getty (2)	Japanese American	Jordanian Not known	Saudi/Kuwaiti Kuwaiti/Saudi	20 -	- 71	- -	- -	125- -	80 65	250 -	600 -	- 458	1075 595
SAUDI ARABIA - Aramco	American	US/Saudi	Saudi	-	1456	-	-	-	10240	-	-	1067	12785
BAHREIN - Bahrain Petroleum Company (BAPCO)	British	British/Bahreini	Bahreini	621	-	365	-	-	4846	-	-	-	5832
QATAR - Qatar Petroleum Company (QPC) Shell Company of Qatar	British	Indian/Qatari Jordanian	Qatari	101	-	330	-	-	955	24	38	13	1461
	British	Jordanian	Qatari	91	-	144	4	-	312	128	16	-	695
ABU DHABI - Abu Dhabi Marine Areas (ADMA) (4) Abu Dhabi Petroleum (ADPC)	British	Indian/Pakistani	Abu Dhabi	212	29	449	-	-	723	26	148	-	1587
	British	Indian/Pakistani	Abu Dhabi										
Total oil labour force in Arabian Gulf.				1,586	1588	2,641	7	125	18,520	1,231	802	2,770	23,270

NOTES: (1) Production and Refining only. Does not include companies prospecting, drilling or local distribution of products.

(2) Aminoil only. Getty figures not known.

(3) Excluding domestic servants, who are usually Indian or Pakistan.

(4) Labour force figures not yet received.

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Figure 8 Table Showing Categorization Based on Nationality³⁶

The British authorities, in collaboration with oil companies such as the Kuwait Oil Company (KOC), meticulously categorized workers based on their nationality, race, social class, and marital status. This categorization reflected the broader labour hierarchy and administrative efforts to maintain control over the labour force.

A prime example of categorization along the lines of race and social class is the “Bachelor” category. Typically, this category was assigned to Indian and Pakistani workers. It signaled both the lower socioeconomic status, and migration of the worker without their family. This label is a direct appropriation from Indian bureaucracy under British colonial rule which was later transposed into the classification system within Kuwait and the rest

³⁶ File FCO 8/69 Labour Relations 1967-1968' (16), The National Archives, London England, in Arabian Gulf Digital Archives <<https://www.agda.ac/en/catalogue/tna/fco/8/69>>

of the region³⁷. Benefits such as allowances, pay and housing, were assigned values markedly lower compared to other labour categories. The status converged to mean low-skilled “single” worker, and as a result housing capacities were limited to smaller accommodations. In contrast, larger accommodations were dedicated to European and American employees along with their families. This segregation underscored the broader labour hierarchy and the interplay of race, nationality with socioeconomic background³⁸.

As Kuwait approached independence in the early 1960s, the relationship between local rulers and British authorities became increasingly contentious. One of the key advisors explicitly mentioned in archival records included Amin Izz Ud-din, an Egyptian consultant from the Department of Social Affairs. Sheikh Sabah Al-Ahmad, president of the said department was spearheading the process of formalizing labour codes. In 1954, Kuwait established a labour committee with both Kuwaiti and British advisers to oversee labour regulations³⁹. The fruition of the committee was the introduction of a new labour law in 1961. The labour code was drafted with limited British consultation, further highlighting the growing assertion of Kuwaiti authority. This proposed law, modelled on Bahraini legislation and Egyptian principles, aimed to unify and modernize labour regulations⁴⁰.

According to AlShehabi, two main contentions were expressed by British authorities in response to administrative nationalization. Firstly, British judicial discretion

³⁷ AlShehabi, Omar Hesham. 2021. “Policing Labour in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States.” *British Journal of Middle Eastern Studies* 48 (2): 300.

³⁸ Ibid.

³⁹ File FO 371/127020 Labour Law and Employment in Kuwait.1957’ (7), The National Archives, London England, in Arabian Gulf Digital Archives <<https://www.agda.ae/en/catalogue/tna/fo/371/127020/n/7>>

⁴⁰ AlShehabi, Omar Hesham. 2021. “Policing Labour in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States.” *British Journal of Middle Eastern Studies* 48 (2): 307.

over 25,000 employees was severely compromised by the proposed Kuwaiti labour law. Underpinning this pluralistic legal landscape was legal contention between British authorities and the Kuwaiti state. The apprehension to Kuwait's proposed labour laws was perceived as a challenge to Arab sovereignty. Moreover, British officials could not countenance that local labour laws were relatively more progressive than the British ones⁴¹.

Archival records at the *Arabian Gulf Digital Archive* on *Labour Law and Employment in Kuwait* provide insight into the keen attention paid by regional British authorities in tracing the Kuwait Department of Social Affairs' efforts to create a national labour code. In a summary of findings dated July 8, 1957, K.J. Hird, Labour Counsellor at the British Embassy in Beirut, responds to an inquiry from D.M.H. Riches (Foreign Office, London) regarding the status of consultation on a proposed Labour Law in Kuwait. Hird recounts a visit to Kuwait in October 1956 with Cyril Marshall, during which Amin Izz ud-Din, a key official in the Department of Social Affairs, revealed he was under pressure from Shaikh Sabah al-Ahmad to draft and implement a Labour Law.

Izz ud-Din, however, advised caution, suggesting that existing regulations covering government and Kuwait Oil Company workers already offered substantial employment standards. He recommended focusing on enforcing current legislation and enhancing cooperation with the Oil Company before drafting new laws. He proposed to delay the Labour Law for about two years, at which point a joint committee, similar to Bahrain's Labour Law Advisory Committee, could be formed to draft it collaboratively.

⁴¹ Ibid.

Hird notes a potential inconsistency with this position, as a recent dispatch indicated that the Department of Social Affairs would be heavily engaged in labour law work over the coming year. He questions whether this effort is preparatory or intended to produce a final draft, suggesting that Izz ud-Din's recommendations may have been overridden.

Thus, the early 1950s ushered the process of retrocession, wherein British jurisdiction was gradually being transferred to Kuwaiti control. This marked a significant policy shift, transforming the relationship between the Kuwaiti state and the Kuwait Oil Company (KOC). Administrative responsibilities were transitioning from private industrial actors to state institutions. Initially compelled to provide essential services such as security, education, healthcare, and municipal governance due to the absence of effective state structures, the KOC effectively operated as a surrogate government following the commencement of oil exports in 1946.

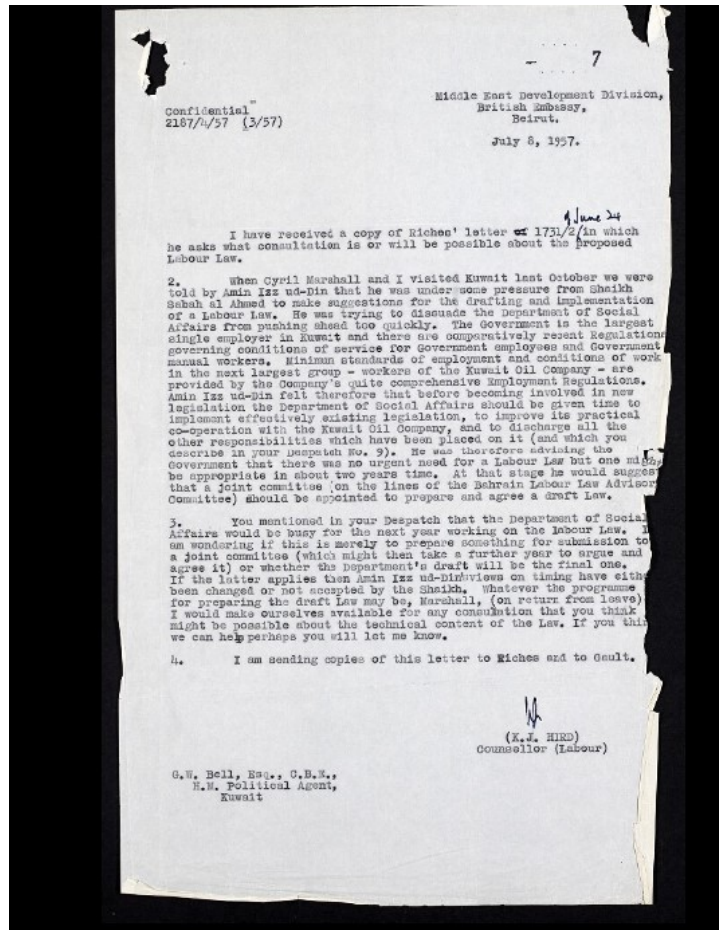


Figure 9 Summary Findings of K. J. Hird⁴²

⁴² File FO 371/127020 Labour Law and Employment in Kuwait.1957' (7), The National Archives, London England, in Arabian Gulf Digital Archives <<https://www.agda.ae/en/catalogue/tna/fo/371/127020/n/7>>

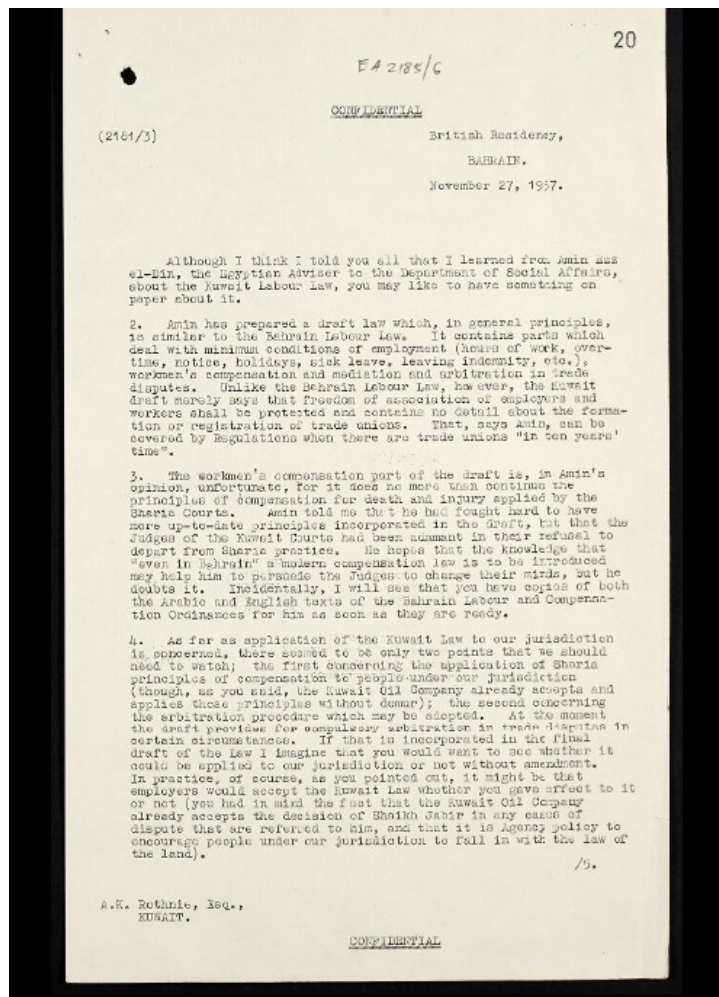


Figure 10 Correspondence Detailing Deliberations on Labour Laws⁴³

However, as Kuwaiti state capacity expanded, British officials advocated for the gradual assumption of these functions by the state. The intention was to normalize Kuwait's governance and to avoid the perception of a parallel authority operating independently of state control. This shift was framed not only as an administrative necessity but as critical to political stability, especially in light of rapid demographic growth and the increasing influence of Arab nationalist currents. British interests, particularly regarding oil security and regional influence, led to calls for the elevation of the British Government's local

⁴³ File FO 371/127020 Labour Law and Employment in Kuwait.1957' (21)

representation, arguing that only a high-status envoy could effectively support the Sheikh and safeguard the strategic importance of Kuwait amid mounting internal and external pressures⁴⁴.

Following the expansion of Kuwaiti state authority and the formalization of governance structures, the government implemented the kafala (sponsorship) system to regulate the residence and employment of migrant labourers. Formalized in the 1970s in response to the initial waves of labour migration, the system restricted access to foreign workers while delegating responsibility for their conduct, legal compliance, and departure to citizen employers. Under kafala, each migrant worker is required to obtain a work entry visa and residence permit, which can only be issued through a contractual relationship with a citizen or an institution. The citizen-employer, or kafil, assumes legal and economic responsibility for the migrant throughout the contract period, including the duty to notify immigration authorities of any changes and to oversee deportation in cases of premature termination⁴⁵. In practice, this structure consolidates the authority of the kafil over the migrant, ensuring that workers remain dependent on their employers to maintain legal residency and employment status. While the system imposes obligations on employers, enforcement is limited unless legal action is initiated, thereby creating a hierarchy in which the state delegates power over migrant bodies to private citizens while retaining ultimate regulatory control⁴⁶.

⁴⁴ “Pages 40: FO 371/109910 (1954) Relationship between Kuwait Government and Kuwait Oil Company Ltd.” n.d. Arabian Gulf Digital Archive. <https://www.agda.ae/en/catalogue/tna/fo/371/109910/n/40>.

⁴⁵ Alzahrani, Majed M. 2014. “The System of Kafala and the Rights of Migrant Workers in GCC Countries – with Specific Reference to Saudi Arabia.” *European Journal of Law Reform* 16 (2): 382.

⁴⁶ *Trafficking and Transiting: New Perspectives on Labor Migration*, Summer 1999, pp. 20-22.

Migration Trends in Kuwait

In February 1961, Kuwait achieved full independence, and the Kuwaiti government assumed jurisdiction over all residents, including foreigners. The introduction of a 1959 nationality law, emphasizing *jus sanguinis*, made naturalization challenging and underscored the growing distinctions between citizens and non-citizens. The Kuwaiti government gradually restricted sponsorship to citizens and firms, establishing a framework that would influence labour regulations across the Gulf region. This trend of restricting sponsorship to citizens extended to other GCC countries as they achieved independence throughout the 1960s and early 1970s.

In Bahrain, British officials advocated for retrocession, a move reluctantly accepted by the local ruler, who initially resisted managing foreign labour complexities. By 1964, Bahrain had fully transitioned to local control over immigration and residency, with new legislation emphasizing the role of employers in sponsoring foreign workers⁴⁷.

By 1971, all GCC states had formalized their independence and assumed jurisdiction over all residents. The shift from British to local control led to the establishment of more restrictive labour sponsorship systems. These systems, characterized by their reliance on local sponsorship and limited benefits for non-citizens, became integral to the labour market in the Gulf. The Kafala system, a product of British colonial practices, evolved into a modern regulatory framework governing migrant labour, reflecting both the region's economic transformation and its political developments.

⁴⁷ AlShehabi, Omar Hesham. 2021. "Policing Labour in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States." *British Journal of Middle Eastern Studies* 48 (2): 309.

By 1975, Arab migrants, from Palestine, Lebanon and Syria, held the largest share of the migrant population in Kuwait, accounting for around 70 percent of the workforce. Meanwhile, Iranian, Indian and Pakistani migrants represented the remaining 30 percent of the migrant labour demographics⁴⁸. One of the main reasons for the influx of labour into Kuwait was the income levels offered by the jobs found in Kuwait. With a low level of administrative surveillance of skill sets, mid-skilled labourers could secure a skilled-level job with higher pay. Unskilled labourers were also able to acquire higher-paying jobs than those in their home countries. Kuwait offered a stable civil life, accompanied by rapidly growing infrastructure. Hospitals, schools, universities, and other public services were modernized and organized to facilitate the development of the state infrastructure.

In turn, Kuwaiti nationals found themselves a minority within a multi-ethnic and multi-cultural society. In 1957, 55 percent of the population was Kuwaiti, while the remaining share was non-Kuwaiti. Twenty-two years later, the ratio of Kuwaiti nationals to non-Kuwaiti residents went from 31% to 70%. The number of non-Kuwaiti residents remained disproportionately overrepresented; by the year 1990, they occupied 73 percent of the population within Kuwait⁴⁹.

Thus, the 1970s were marked by a sense of demographic threat from the growing number of non-Kuwaiti migrant labourers. The government, with its booming oil revenues, had to impose an exclusionary framework that would ensure the temporariness of migrant

⁴⁸ Al-Moosa, Abdulrasool, and Keith McLachlan. *Immigrant Labour in Kuwait*. (Routledge Library Editions: Kuwait, 1985), 6.

⁴⁹ Longva, Anh Nga. *Walls Built on Sand : Migration, Exclusion, and Society in Kuwait*. (Boulder, Colo.: WestviewPress, 1997), 27.

labour within Kuwait. That is, the migrant labourer was not to reside in Kuwait permanently and would stay temporarily in Kuwait⁵⁰. The migrant labourer, as will be discussed in the following section, was not intended for integration but was regarded as a tool for economic gain. This exclusionary framework was institutionalized through labour laws and executive regulations that signaled the disposability of the migrant labourer. In other words, a migrant worker was not to expect any entitlement to equal residency, economic and social rights as their Kuwaiti compatriot.

The historical evolution of Kuwait's labour system reveals a complex interplay between imperial legacies, local political strategies, and the structural demands of an oil-based economy. British influence, initially exercised through treaties and political agreements, extended into the realm of labour regulation, shaping the early sponsorship systems, nationality laws, and categorization practices that defined the conditions of migrant work. These colonial-era frameworks did not dissolve with independence but were adapted and expanded by the Kuwaiti state to consolidate control over an increasingly diverse and transient labour force. The result was a labour regime that institutionalized difference—between citizen and non-citizen, between skilled and low-skilled, between “European” and “Bachelor” migrants—ensuring both the availability of foreign labour and the political insulation of the citizen body.

The reliance on migrant labour was thus coupled with a set of exclusionary mechanisms, including the threat and practice of deportation, that allowed the state to manage the social and political risks associated with a non-citizen majority. These

⁵⁰ Ibid, 44

practices, rooted in the colonial governance of the Gulf, have proven remarkably durable, shaping the contours of Kuwait's political economy well into the twenty-first century. By tracing the genealogy of these mechanisms—from British protectorate governance to post-independence labour laws—it becomes clear that the organization of labour in Kuwait is not simply a response to the exigencies of oil production but part of a deeper historical pattern in which migration, economic development, and state sovereignty are inextricably bound. The challenge for any critical examination of Gulf labour regimes lies in recognizing both the historical continuity and the evolving forms of regulation that sustain this system, underscoring the enduring legacy of imperial and postcolonial governance in the Arabian Gulf.

Reproduction of Exclusion: Legality and Regulation of Labour Migration in Kuwait

This chapter offers a genealogy of pre-state labour control measures. It also continues to lay out consecutive national legal codes pertaining to residency, conduct and policing of labour in Kuwait. Starting with the colonial context, where local customs were appropriated and reinterpreted into procedural edicts. The oil concessions across the Arabian Gulf countries consolidated British authority in newly found oil companies, such as the Kuwait Oil Company. The management of local and foreign labour was codified by British officials due to the Kuwaiti Amir allotting them the corresponding judicial discretion. The codification included rights such as pay, residency, disability compensation and end-of-service pay.

The first section will overview the scholarly research on the kafala system in the GCC states, bringing historiographic work into conversation with ethnographic and socio-legal studies. The next section will discuss the legal roots of the exclusion of foreign labour. This section will lay out the three definitive labour codes in Kuwait covering the following labour markets: Petroleum, Private and Public. These came into fruition after deliberations of a Kuwait-led labour code committee starting in the 1950's under the State's Department of Social Affairs. Labour control and management through legal apparatuses, thus, was nationalized. The final section of this chapter provides the legal basis for policing of labour. It aims, using archival material, to trace the genealogy of state policing as it weaves into legal codes, government agencies and control power assigned to private citizens.

Migrant workers in Kuwait face a wide array of exclusionary mechanisms beyond formal sponsorship: administrative practices such as arbitrary deportation, legal frameworks like the Alien Residence Law of 1959, moral expectations of passivity and subservience, and structural gaps in labour protections for specific categories of workers, such as domestic workers. These non-kafala exclusionary practices are reinforced by both state and non-state actors, including recruitment agencies, employers, and even segments of civil society, shaping the lived experience of precarity and invisibility for a significant portion of the migrant labour force.

The exclusionary system in Kuwait has evolved through a complex interplay of imperial legacies, legal structures, and social practices. Historical evidence reveals that its origins lie within two intersecting realms. Firstly, it incorporates the British colonial administration's approach to labour control during the mid-20th century. Secondly, it builds

on local customs of labour control that were assimilated into the corpus of state control over labour.

Thus, this chapter aims to bring attention to these overlapping systems of exclusion, analyzing how they operated in tandem with or independently of kafala to structure labour control in Kuwait.

Historicizing The Kafala System

The 1920s were marked with high flow of “foreign” labour, specifically, pearl divers into Bahrain. The influx pattern was triggered by the increased demand on Bahraini pearls. This period marked the genesis of the Kafala system in Bahrain, and later Kuwait, with the exploration of oil.

Starting in December of 1928, when the British advisor proclaimed new regulations on the entry and exit of non-residents migrating into British Bahrain. A month later, in January of 1929, a passport regulation was passed defining the responsibilities and obligations of sponsors⁵¹.

⁵¹ 'File 13/8 PASSPORT REGULATIONS GOVERNING PERSIANS AND BAHRAINIS' [44r] (89/520), British Library: India Office Records and Private Papers, IOR/R/15/2/1405, in Qatar Digital Library <https://www.qdl.qa/archive/81055/vdc_100023846467.0x00005a>

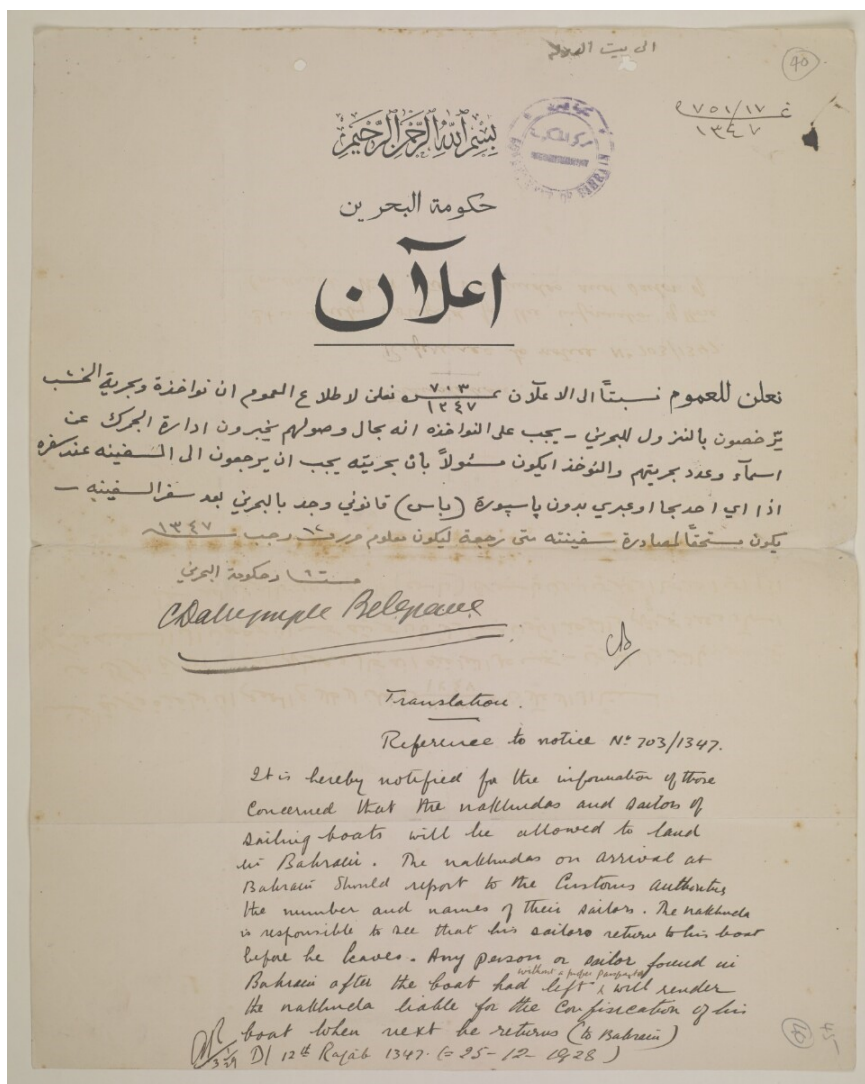


Figure 11 Proclamation of New Entry and Exit Requirements⁵²

⁵² (File 13/8 PASSPORT REGULATIONS GOVERNING PERSIANS AND BAHRAINIS' [40r] (81/520), British Library: India Office Records and Private Papers, IOR/R/15/2/1405, in Qatar Digital Library <https://www.qdl.qa/archive/81055/vdc_100023846467.0x000052>).

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PASSPORT REGULATIONS.

(as in force on Jan'y, 24th, 1929)

1. No person is allowed to embark or to dis-embark from the S. I. mail steamers before the sign known as the "Haji Dely" (a black wooden ~~xxx~~ cross on the mast) has been lowered, with the exception of the following officials:
The Passport Officer
The State Police
The Port Officer
The Medical Officer
The Ship's Agent, or his official representative.
2. No person has the right to dis-embark before he has been given permission to do so by the Medical Officer. All passengers for Bahrain will submit to a medical examination on the ship before dis-embarking. Any persons although they may be in possession of proper passports, who are found to be suffering from infectious or contagious disease may be refused permission to land by the Medical Officer on his own discretion.
3. Foreign prostitutes and professional beggars will be refused permission to land.
4. The Passports of all passengers wishing to dis-embark at Bahrain will be examined on board by the Passport officer who will stamp the passports with the Government stamp if they are in order. No person whose

-B-

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- whose passport is not stamped will be allowed to dis-embark in Bahrain.
5. Documents for internal travel known as "Ilm al Khubar" or "Billets de passage" issued by the Persian Government are invalid for Bahrain. No Persians will be allowed to land in Bahrain unless they hold passports which have been endorsed for Bahrain, by a British Consular Officer. The Bahrain Government recognises the endorsement by the British Agent, Sheikh Jas bin Abdul Latif on passports of Persian passengers from Dubai and Sharjah.
Persian subjects long resident in Qatar will be allowed to land in Bahrain subject to their producing a certificate from the Ruler of Qatar stating that they are long resident in his territory, there being no British Agent or consular officer in Qatar.
 6. Genuine Persian Divers who are in possession of Divers Books which are issued by the Government of Bahrain and which show that they are indebted to or diving for Bahrain Bekhudas will be allowed to land in Bahrain and the passport stamp will be stamped in the divers books.
 7. Clauses No. 3, 4, 5 and 6 apply to passengers on Native craft as well as ship's passengers.
 8. The Captains and their crews arriving at Bahrain on Native craft from Persia on commercial business will be allowed to land in Bahrain.

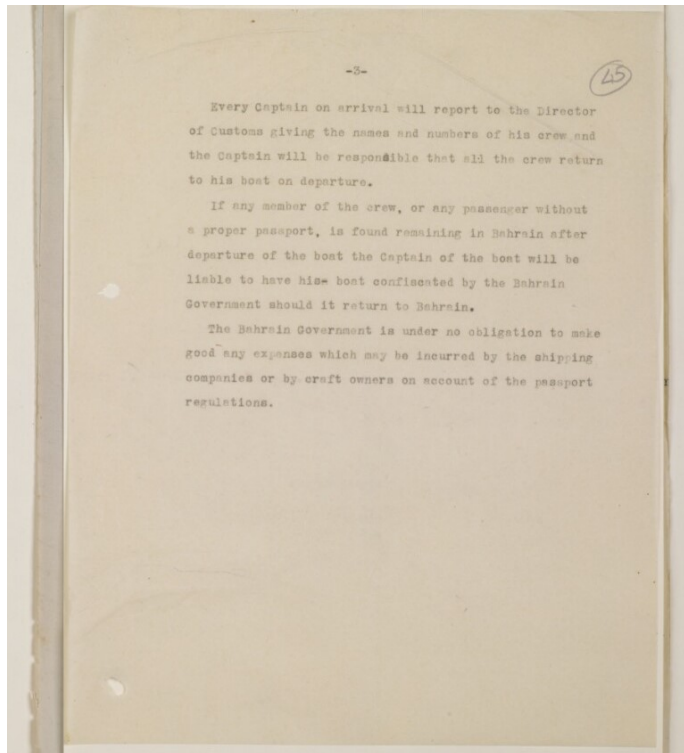


Figure 12 Rules Stipulating the Responsibility of the Nokhetha⁵³

British officials framed a sponsorship program that assigned the *Nokhetha* (Captain) as responsible for the recruitment, safety and return of the foreign labour to their home country. The ship captain was to report to customs officials with the divers' passports, and diving license. Information collected from the captain included the number of divers, their names and travel documents. More importantly, British officials assigned the responsibility of repatriation to the captain. A repatriation deposit was to be paid by the ship captain to prevent from possible absconding of foreign divers⁵⁴. Hence, the arrival of the foreign divers, and consecutive departure from Bahraini jurisdiction were privatized to

⁵³ 'File 13/8 PASSPORT REGULATIONS GOVERNING PERSIANS AND BAHRAINIS' [44r] (89/520), British Library: India Office Records and Private Papers, IOR/R/15/2/1405, in Qatar Digital Library <https://www.qdl.qa/archive/81055/vdc_100023846467.0x00005a>

⁵⁴ AlShehabi, Omar Hesham. 2021. "Policing Labour in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States." *British Journal of Middle Eastern Studies* 48 (2): 278-9.

the captain. This measure positioned the captain to fulfill two roles. Simultaneously, the captain acted in a capacity, as a private citizen, as a guardian to the divers, and an agent of colonial jurisdiction over labour.

A secondary device of control employed by British authorities included No Objection Certificates (NOC). This bureaucratic measure conditioned the permission of entry to Bahrain on a repatriation deposit of 60 rupees to be paid by the employer or sponsor. During the second world war, an exit visa was required for visitors into and departing individuals from Bahrain. Thus, foreign workers, including in oil fields, were conditioned to a plethora of legal processes of movement control and policing⁵⁵.

The legal map of the Arabian Gulf countries is charted by British structuring of entry and exit control measures of foreign labour along the lines of migratory pathways. This was complicated by local commercial activities and the need for control of entry and exit of demanded foreign labour.

In a similar fashion, Kuwait, during its oil boom, witnessed an exponential increase in its foreign labour demand. Entry requirements and NOCs were employed as control measures for incoming Kuwait Oil Company foreign employees, which fell under the British jurisdiction. The first nationality law was instated in 1948, and a year later, British political agency required the registration of foreign nationals⁵⁶.

The previous chapter discussed the retrocession process, that is, assumption of labour codification by the Kuwaiti state. This marked the years of legal deliberation in the

⁵⁵ AlShehabi, Omar Hesham. 2021. "Policing Labour in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States." *British Journal of Middle Eastern Studies* 48 (2): 299.

⁵⁶ *Ibid*, 304.

1950s and later consolidation of labour codes starting the year 1960. While based on sponsors, repatriation deposits and exit visas, the Kafala system in Kuwait was marked by monopolizing sponsorship to Kuwaiti citizenry. This contrasted with pre-independence era where any local resident had the right to sponsor a foreign labourer. As a result, Kuwait's sponsorship framework was dependent on restricting Kuwait nationhood and the delimitation of labour migration⁵⁷. The power dynamic assigned to the Captains in Bahrain was reproduced in Kuwait. Thus, the Kuwaiti citizen or enterprise was expected to act as an agent of the state, and a guardian of the labourer.

The regulation of entry, residency status and conduct of the migrant population is central to the discussion on the exclusionary framework of the labour migration policies in Kuwait. Entry into Kuwait is based on the premise of having a contractual job assigned to the person before their arrival. The Kafala or sponsorship system assigns the role of the sponsor as the main entity responsible for the legal rights and responsibilities of the migrant. The sponsor can be either a private citizen or a national firm; both are responsible for providing health insurance, necessary work permits and a contractual job position to the migrant.

The state did not centralize the issuance of residency permits, nor does it provide any assurances to migrant workers regarding their residency rights. That is, the employer, or private sponsor, is solely responsible for providing legal residency status. Once a contract ends, the residency permit becomes invalid, and the migrant worker is expected to leave the country. This allows for the continuation of abuses where employers can

⁵⁷ AlShehabi, Omar Hesham. 2021. "Policing Labour in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States." *British Journal of Middle Eastern Studies* 48 (2): 309.

terminate the work contract without prior notice. This instant termination would naturally trigger the removal process of the worker. In terms of political rights of the migrant worker, several laws prohibited them from complete integration into their labour union⁵⁸. This is in parallel with the colonial division of labour based on local versus non-local hierarchies. Therefore, it imposes an institutionalization of the supremacy of Kuwaiti citizens in the labour policies of the country.

Scholarly Terrain of the Kafala System

Historiographically, the kafala system in Kuwait has been interpreted as a tool of colonial governance and as a culturally embedded institution that reflects the socio-political hierarchy of Gulf Arab societies. Omar Hesham AlShehabi argues that the modern kafala system, far from being a mere legacy of tradition, emerged as a deliberate legal innovation during British colonial administration in the Gulf, particularly in the early to mid-twentieth century, as a means of outsourcing the policing and regulation of a rapidly expanding migrant labour force to private citizens, thereby allowing the colonial state to maintain control while minimizing administrative burdens.

AlShehabi locates the institutional origin of kafala in the interwar British strategic imperative to keep labour cheap, mobile, and politically inert. He shows that the British authorities, notably in Kuwait, formalized residency and sponsorship laws that required every migrant to have a local sponsor (Kafil), effectively deputizing the private sector to monitor, discipline, and, if necessary, expel foreign workers. Particularly in the 1940s and 1950s, responsibility for foreign labour was delegated to private sponsors. This delegation

⁵⁸ Owen, Roger. *Migrant Workers in the Gulf*. Minority Rights Group Report, No. 68. (London: Minority Rights Group, 1985), 11.

was meant to minimize bureaucratic intervention and contain labour unrest. For instance, British authorities overseeing the Kuwait Oil Company (KOC) in the early 1950s classified workers according to nationality and family status, enforced segregated housing, and facilitated a system in which workers' residency was tied directly to their employers⁵⁹.

This arrangement, codified in Kuwait's 1959 Aliens' Residence Law and later reinforced in labour law, namely, the 1964 Private Sector Labour Law⁶⁰. It created a dual structure of control that allowed the state to benefit from labour migration without extending rights or social integration to the labourers themselves.

While AlShehabi traces the structural origins of the system, Anh Nga Longva documents its everyday consequences, particularly among domestic workers, who often remain excluded from labour law protections. Longva presents a more anthropological and sociological account of the kafala system in Kuwait, situating it within the everyday social relations between citizens and migrants. Drawing on extensive fieldwork, particularly with domestic workers and their Kuwaiti employers, Longva argues that kafala reproduces pre-existing patterns of patronage, tribal hierarchy, and dependence, with the sponsor assuming not only legal control but also a paternalistic role over the migrant.

Her ethnographic study of domestic labour in Kuwait describes numerous cases in which migrant workers experienced confinement, overwork, and abuse within private homes, with little to no legal recourse. In one notable case, a domestic worker was unable to flee her employer's abuse due to the legal requirement that she obtain her sponsor's

⁵⁹ AlShehabi, Omar Hesham. 2021. "Policing Labour in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States." *British Journal of Middle Eastern Studies* 48 (2): 306-7.

⁶⁰ *Ibid*, 308-9

permission to leave the country, highlighting the extreme dependency created by the kafala system⁶¹. Longva emphasizes how this dependency is reproduced not only through law but also through social norms and practices, including the widespread confiscation of workers' passports and their complete integration into the employer's household⁶².

Longva notes that in Kuwaiti society, the system is viewed as a form of protective guardianship, where the sponsor is expected to "look after" the worker, even as it legally binds the migrant into a vulnerable and subordinate position⁶³. Longva emphasizes that the power of the *Kafil* (sponsor) over the worker extends beyond the workplace into everyday life, encompassing control over housing, movement, and even access to justice⁶⁴. This dynamic, she argues, is especially pronounced in the realm of domestic labour, where women workers are often isolated and entirely dependent on their employers for their livelihood, protection, and legal status⁶⁵.

While both scholars agree that kafala functions to maintain migrant precarity and legal dependency, they differ fundamentally in their genealogies and emphases: AlShehabi frames kafala as a deliberately constructed legal instrument rooted in colonial imperatives, while Longva sees it as an institutionalized form of social exclusion shaped by deep-seated cultural and identity-based hierarchies⁶⁶. Together, their work reveals how the kafala system in Kuwait is not merely a static legal regime, but a dynamic mechanism of control

⁶¹ Longva, Anh Nga. 1997. *Walls Built on Sand : Migration, Exclusion, and Society in Kuwait*. Boulder, Colo.: WestviewPress., 96

⁶² Ibid, 103-5

⁶³ Longva, Anh Nga, 1999. "Keeping Migrant Workers in Check: The Kafala System in the Gulf," *Middle East Report*, no. 211, 22.

⁶⁴ Ibid, 21.

⁶⁵ Longva, Anh Nga. 1997. *Walls Built on Sand : Migration, Exclusion, and Society in Kuwait*. Boulder, Colo.: WestviewPress., 100-1

⁶⁶ AlShehabi, "Policing Labour in Empire," 199; Longva, *Walls Built on Sand*, 82–89

shaped by colonial statecraft, postcolonial legal formalism, and entrenched socio-cultural ideologies that stratify citizenship and labour along lines of nationality, gender, and class.

Building on both historical and ethnographic accounts, Hanan Malaeb critically assesses the legal and human rights implications of kafala in Kuwait. She points out that reforms aimed at improving conditions for domestic workers, such as the 2015 law regulating domestic labour, have failed to dismantle the fundamental mechanisms of control inherent in the sponsorship system. Although the law introduced measures such as rest periods and limits on working hours, it retained punitive clauses that criminalize workers for “absconding,” thereby preserving the power of the sponsor⁶⁷. Moreover, there exists the persistence of illegal practices, such as the confiscation of passports, which remain common despite a 2007 ministerial decree prohibiting the practice⁶⁸.

Taken together, these three accounts underscore the continuity of the kafala system as a mechanism of labour control in Kuwait. AlShehabi’s archival research situates the system within the broader history of British imperial governance in the Gulf; Longva’s fieldwork reveals the intimate and often violent dimensions of migrant dependency within Kuwaiti households; and Malaeb’s legal analysis illustrates how formal reforms have failed to eliminate key features of the system. This convergence of historical, social, and legal perspectives offers a comprehensive understanding of the persistence and resilience of kafala as a defining feature of Kuwait’s labour regime.

⁶⁷ Malaeb, Hanan N. 2015. “The ‘Kafala’ System and Human Rights: Time for a Decision.” *Arab Law Quarterly* 29 (4): 312-3.

⁶⁸ Labor Ministry Decree no. 166 of 2007, published in *al-Kuwait al-Youm*, July 18, 2007.

Building on the foundational analyses of the kafala system by scholars such as Omar AlShehabi, Anh Nga Longva, and Hanan N. Malaeb, it becomes evident that migrant exclusion in Kuwait extends well beyond the confines of the sponsorship model. While AlShehabi situates kafala within a colonial genealogy of labour policing and state-building, and Longva reveals its social entrenchment through ethnographic detail, Malaeb underscores the persistent legal gaps and human rights failures it facilitates.

Yet, these studies, while deeply critical of kafala's structure and logic, also open up space for examining a broader architecture of exclusion that persists even in the absence of or reform of the sponsorship model.

Decentering the Kafala: Nationality and Residence as Exclusionary Frameworks

The first formal attempt to define the criteria for Kuwaiti nationality was undertaken in 1948, two years after the initiation of oil production. Under this early framework, residents whose ancestors had been present in Kuwait since 1899 were recognized as citizens, as were children born in Kuwait to non-Kuwaiti parents, while Arabs or Muslims who had resided in the country for a decade were permitted to apply for naturalization⁶⁹. However, the first official census conducted in 1957 revealed that foreigners migrating to Kuwait for employment opportunities already constituted approximately 45% of the population⁷⁰. In response, a more restrictive *Kuwait Nationality Law* was enacted in 1959, eliminating the options of citizenship by birthright or long-term residence. The law defined “original” Kuwaitis (*asasan*) as those whose families were

⁶⁹ Crystal, Jill, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (Cambridge: Cambridge University Press, 1995), 88.

⁷⁰ Kuwait Ministry of Planning, *Annual Statistical Abstract*, 1966, 27.

“settled in Kuwait” (al-mutawattinun fi al-kuwayt) by 1920⁷¹. Individuals who did not meet these criteria could obtain naturalization only through a discretionary decree issued by the Minister of Interior.

In preparation for independence in 1961, the authorities initiated a process to identify and register Kuwaiti citizens for the first time. Those asserting a claim to Kuwaiti nationality were required to submit petitions to specialized committees during designated registration periods for verification of their status⁷². Residents of established towns were typically able to provide supporting documentation, such as property records, birth and death registries, and travel papers, demonstrating that their families had been settled in Kuwait by 1920. In contrast, roughly one-third of the population was officially recognized as eligible for “original” citizenship and designated as Kuwaitis bi-l-ta’ sis, signifying “by establishment” or founding status. This number excluded recent arrivals holding foreign nationality documents⁷³.

Building on the foundation of narrowly defined nationality, the *Alien Residence Law* of 1959, was enacted to govern the status and movement of non-citizen residents. Whereas the nationality law established the criteria for full civic belonging, the residence law provided the state with mechanisms to supervise, regulate, and constrain foreign workers.

⁷¹ Law 15 of 1959: Kuwait Nationality Law, Article 1.
<https://www.refworld.org/legal/legislation/natlegbod/1959/en/17674>

⁷² Al-Nakib, Farah. “REVISITING ḤAḌAR AND BADŪ IN KUWAIT: CITIZENSHIP, HOUSING, AND THE CONSTRUCTION OF A DICHOTOMY.” *International Journal of Middle East Studies* 46, no. 1 (2014): 12.

⁷³ Ibid.

The *Alien Residence Law*, issued under Amiri Decree No. 17 of 1959, established the legal framework through which non-citizen residents were permitted to enter, remain, and work in Kuwait. Under this law, any foreign individual wishing to reside in the country was required to obtain a residence permit from the Head of the Police and Public Security Department, a mechanism that positioned the state as the ultimate arbiter of legal presence. Certain exceptions were outlined, such as Kuwaiti women being able to secure permits for their foreign husbands and children, provided these family members were not employed by public or private institutions, and the woman had not acquired nationality through marriage (Art. 9). Similarly, non-Kuwaiti women widowed from a Kuwaiti national were eligible for residence under specified conditions (Art. 9)⁷⁴.

Temporary residence for foreign nationals was limited to periods of three months, renewable by the Ministry of Interior for up to one year (Art. 11), while regular residence permits could not exceed five years and were contingent upon the validity of the individual's passport (Art. 12). Foreign residents were explicitly prohibited from transferring sponsorship or employment to another employer during the contractual period, reinforcing the dependency of migrant labour on designated sponsors (Art. 12). The law also established obligations for sponsors to notify authorities of the termination of residence or employment and required renewal procedures to be initiated one month prior to expiry (Art. 15)⁷⁵.

⁷⁴ Global Labour Markets and Migration, "Kuwait: Amiri Decree No. 17 of 1959 issuing the Aliens Residence Law," Gulf Research Center. <https://gulfmigration.grc.net/amiri-decree-no-17-of-1959-issuing-the-aliens-residence-law/>

⁷⁵ Ibid.

Articles 16 through 22 codified the mechanisms for deportation, granting the Head of the Police and Public Security Departments the authority to remove any expatriate, even those holding valid permits, in cases of court-issued deportation orders, lack of means of subsistence, or violations of public order, security, or morality (Art. 16). Once deported, a foreign national could only return with explicit permission from the Minister of Interior (Art. 19). In practice, these provisions reinforced the structural subordination of foreign workers, ensuring that their residence, employment, and mobility remained contingent upon state discretion and the oversight of individual sponsors⁷⁶.

Thus, legal residency was contingent upon adherence to state-mandated conditions and the sponsorship of a Kuwaiti citizen or institution, situating migrants within a framework of structural dependency. In combination, these two legal instruments produced a dual system: citizenship remained exclusive and safeguarded, while foreign labour, though indispensable to the state's economic functioning, was systematically excluded from political, social, and economic participation.

⁷⁶ Global Labour Markets and Migration, "Kuwait: Amiri Decree No. 17 of 1959 issuing the Aliens Residence Law," Gulf Research Center. <https://gulfmigration.grc.net/amiri-decree-no-17-of-1959-issuing-the-aliens-residence-law/>

Legal Roots of Exclusion: Kuwaiti Labour Code(s)

Labour law in Kuwait is divided into three separate, yet converging acts. They correspond to the three main sectors of the economy. The labour laws of Kuwait are represented by the *Laws concerning Labour in the Private, Public, and Oil* sectors, respectively.

The *law concerning Labour in the Oil sector (Oil Sector Labour Code)* was legislated in 1969, aiming to define the labour mechanisms on oil fields. According to section 1(a) of this law, “Oil Operations” are defined as any surveillance, discovery, and extraction processes which lead to the production and refining of oil or natural gas. Meanwhile, section 1(C) defines an “oil sector Labourer.” It defines the labourer as any person working in an oil operation. However, this subsection limits the scope of this labour law to the nationality of the labourer in question. Section 1 (C.1) limits the applicability of the law exclusively to Kuwaiti labourers who work in any capacity within oil operations⁷⁷. That is, it applies to Kuwaiti oil labour working in any operation that excavates, extracts, produces, and transports oil and natural gas. This also includes the Kuwaiti labourers required for the construction operations of pipelines and logistical infrastructure⁷⁸.

The *Oil Sector Labour Code* also covers a variety of employee rights. These include an entitlement to 40 hours of work, paid leave, and transportation allowances. This reflects the welfare industrialism that is observable in the recruitment plans of British Political Agents in the oil fields of Iraq and Iran. However, section 2 of the same law stipulates that

⁷⁷ Law Concerning Labour in the Oil Sector, 28 (Kuwait, 1969)

⁷⁸ Ibid.

the *Law Concerning Labour in the Private Sector (Private Sector Labour Code)* of 1964 would apply to any sections that are not covered by this law. Given the exclusive applicability of *Oil Sector Labour Code* to Kuwaiti nationals, the foreign labour in the oil sector is administered under the *Private Sector Labour Code*. The Kuwaiti legal context excluded equal welfare rights from non-Kuwaiti labourers. Simply put, the law does not entitle the same provisions and allowances to the migrant labourer working in the oil field.

Continuously, The *Law Concerning Labour in the Private Sector* of 1964 covers the policies regarding immigration, working conditions, unionization rights and termination of contracts by the *Kafil* or sponsor. This law is pertinent to the rights of migrant labourers in the oil sector, as it covers provisions otherwise excluded from the *Oil Sector Labour Code Law*. According to the *Private Sector Labour Code*, in its section 3, entry of labour into Kuwait can only be permitted by the Ministry of Social Affairs and Labour⁷⁹. That is, the ministry has the sole power to permit certain citizens and firms to employ migrant labour. In Section 6 of the *Private Sector Labour Code*, the ministry has the executive power to terminate any work permit of a migrant labourer if their employment is deemed to be a direct competition to the employment of Kuwaiti citizens. In the same section, termination of a work permit is legal if the employee is found to have breached “good conduct”⁸⁰ Employment and entry of the migrant labourer are interrelated according to this law. The burden of finding a job and securing residency in Kuwait is dependent on securing a sponsor and maintaining good conduct within society.

⁷⁹ Law Concerning Labour in the Private Sector, 38 (Kuwait, 1964)

⁸⁰ Ibid.

The concept of "good conduct" is inherently vague, which amplifies the argument surrounding the exclusionary framework of the system. Defining this term not only leaves room for interpretation but also highlights the complexities within the system that can lead to exclusion in its work. The migrant worker is regarded as a disposable commodity and can be deported from the state for any political or even social acts that might be labelled as inappropriate. There was no clear legal definition of "good conduct," but according to an article in the *Arab Times*, published on September 8th, 1988, 16 migrant labourers were deported for testing positive for HIV. The article clearly states that testing also revealed the positivity of 4 other Kuwaiti nationals who are under medical surveillance. The dichotomy in the institutional reaction to breaches of "good conduct" between Kuwaiti and non-Kuwaiti individuals is glaring in this example. This case also highlights the *ad hoc* nature of deportation orders in Kuwait. There were no legal definitions of "good conduct," nor were there legal entitlements to due process in decisions related to termination of work permits. The residency and economic stability of migrant workers can be precarious at any given time if they are found to be breaching "good conduct" standards.

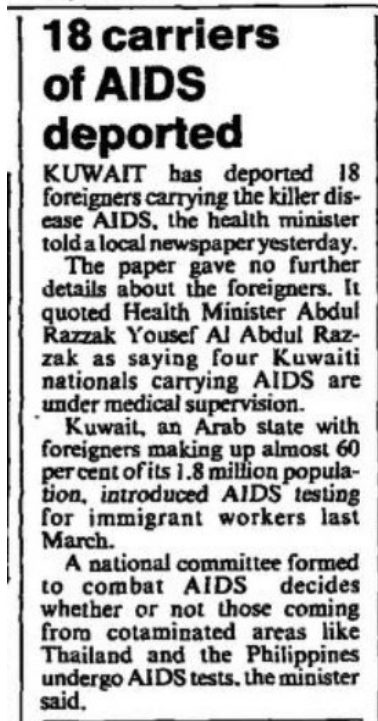


Figure 13 "18 Carriers of AIDS Deported." Arab Times (Kuwait City), September 8, 1988.

The institutional hierarchy of separation between Kuwaiti citizens and other migrant workers is evident in Section 10 of the *Law Concerning Labour in the Private Sector*. It stipulates that the employer should prioritize hiring in the following order: Kuwaitis, legal Arab residents, and then legal non-Arab residents⁸¹. Similarly, this hierarchy also permeates the political rights of migrant labourers. Kuwaiti employees of 100 or more are allowed to form a union and collectively bargain for their rights. On the other hand, migrant labourers cannot form a union and can only join one after five years of residency in Kuwait. However, non-Kuwaiti members of a union are not allowed to vote in the executive or legislative councils of their professional union⁸². Thus, this limits the

⁸¹ Law Concerning Labour in the Private Sector, 38 (Kuwait, 1964)

⁸² Law Concerning Labour in the Private Sector, 72 (Kuwait, 1964)

political participation of the migrant labourer and prohibits them from voicing their claims for equal treatment. The exclusion of foreign labour from the representative bodies in Kuwait will be discussed in a later chapter.

In essence, the migrant worker is reduced to a labourer who is responsible for providing services to their employers with no entitlement to claims for better treatment. There was no trade unions founded to represent the rights of specific migrant labour-dominated industries, most notably, housekeeping and driving services. Nevertheless, according to the *Private Sector Labour Code*, housekeepers are exempt from the provisions and entitlements of this law and have yet to be regulated¹⁹.

Thus, a paternalistic relationship is enshrined by the labour laws of Kuwait. With the *ad hoc* nature of the laws regulating the conduct of migrant workers and the loss of any powers for collective bargaining, it is easier for *Kafils* to abuse their employees' rights. The migrant labourer is to be sponsored by the *Kafil*, who provides services such as health insurance, a source of income, and sometimes housing. Yet, the juxtaposition of this dynamic is the power imbalance between the sponsor and the migrant labourer. The employee is stripped of the right to demand better treatment, and *ad hoc* decisions give the right to Kuwaiti employers to incarcerate migrant labourers. Executive powers are also allowed to deport any migrant labourer for breaching "good conduct".

This framework is one of exclusion; it limits the agency of the migrant labourer to a mere economic commodity rather than an active member of the Kuwaiti society. Limits on participation in professional unions and the imposition of hierarchies based on ethnic prioritization are other models of exclusion that exist within Kuwait's labour laws. The

neoliberal economic system has made Kuwait into a high-income host country that attracts migrant labourers. Yet, with its welfare industrialism, the migrant labourer is limited in their political, economic, and social integration into Kuwait's society.

Deportation and Immigration Control as Tools of Exclusion

In an article titled "Sponsorship Warning" published in the Arab Times, the Ministry of Interior reminded Kuwaiti citizens and private employers to seize the passports of their employees. This came at a time when there was a resurgence in the number of "run-away" employees, more specifically, housekeepers and drivers⁸³. This adds another layer of institutionally sponsored incarceration of employees, devolving them from the right to due process and their right to terminate their work contract.



Figure 14 "Sponsorship Warning." Arab Times (Kuwait City), September 6, 1988.

⁸³ "Sponsorship Warning." Arab Times (Kuwait City), September 6, 1988.

Historical records from the British Political Agency in Kuwait reveal that the deportation mechanism predated the oil era's mass labour migration. In 1920s correspondence concerning Salih Sasoon Mahlab, a Jewish merchant temporarily deported to Basra on suspicion of economic malpractice, the decision was taken through coordination between the Ruler, Shaikh Salim El Mubarak As-Subah, and the British Political Agent⁸⁴. The charges were later disproved, and Mahlab was permitted to return. The episode illustrates how deportation functioned as a discretionary tool of governance, applicable on grounds that went beyond criminal conduct, foreshadowing the administrative and sponsor-controlled expulsion powers embedded in the later kafala framework.

⁸⁴ File 9/9 Deportation of Jewish merchant, Salih Sasoon Mahlab, to Basra [12r] (20/35), British Library: India Office Records and Private Papers, IOR/R/15/5/22, in Qatar Digital Library <https://www.qdl.qa/archive/81055/vdc_100034102406.0x000015>

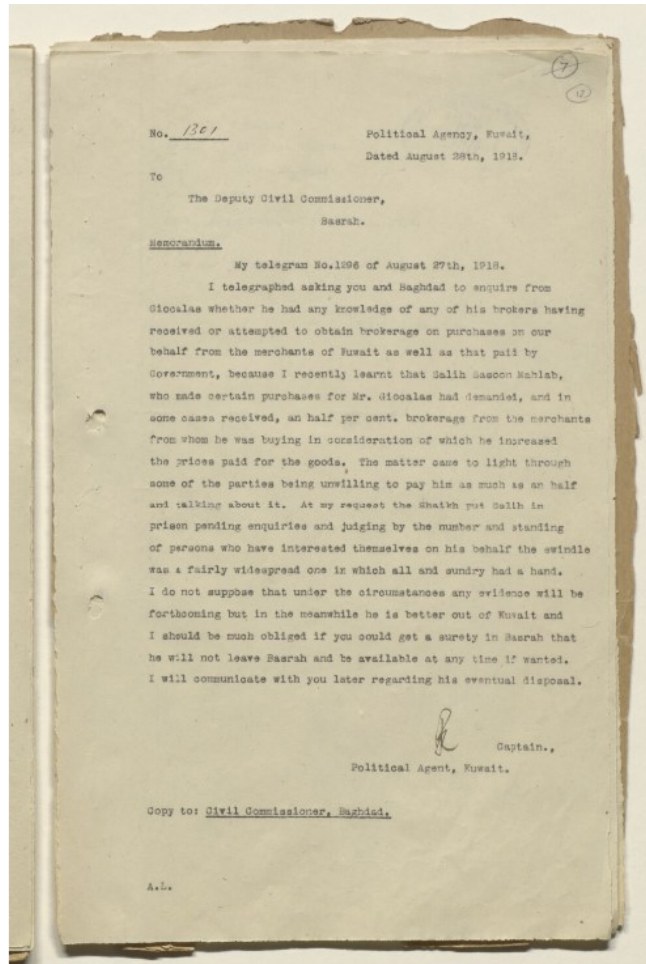


Figure 15 Telegram on Deporting Salih Sasoon Mahlab⁸⁵

In Kuwait, deportation operates not merely as a legal penalty for criminal violations, but as a central mechanism of labour governance and migrant exclusion. The legal infrastructure surrounding deportation is rooted in the Aliens' Residence Law No. 17 of 1959, which grants the Ministry of Interior sweeping discretionary powers to expel non-citizens without the need for judicial oversight. Migrants can be deported for a broad range of reasons, including violations of labour regulations, accusations of “immoral conduct,”

⁸⁵ File 9/9 Deportation of Jewish merchant, Salih Sasoon Mahlab, to Basra [12r] (20/35), British Library: India Office Records and Private Papers, IOR/R/15/5/22, in Qatar Digital Library <https://www.qdl.qa/archive/81055/vdc_100034102406.0x000015>

or simply for being considered a threat to public security. The term “good conduct,” frequently invoked in labour regulations and deportation orders, remains legally undefined, offering authorities broad discretion to interpret and enforce it in ways that often criminalize poverty, illness, or non-compliance⁸⁶. This legal ambiguity and concentration of executive power create an environment where deportation functions as a tool of social control, reinforcing the temporary and precarious position of foreign labourers in Kuwaiti society⁸⁷.

Administrative deportation is frequently used to suppress labour unrest. In recent decades, the Kuwaiti state has deployed mass deportation in response to strikes or protests by low-wage workers, particularly in the cleaning and construction sectors. For instance, in 2018, hundreds of workers employed by a cleaning company under a government contract were deported after striking to protest unpaid wages. Rather than pursuing legal remedies against the employer, the state revoked the workers’ residency permits, rendering them undocumented and subject to immediate removal⁸⁸.

The deportation process in such cases circumvents labour courts entirely. It is typically carried out through the General Department of Residency Affairs, often within a matter of days, leaving workers without legal recourse or access to appeal mechanisms. Deportation is not limited to acts of defiance or illegality. Migrants can be removed from

⁸⁶ Malaeb, Hanan N. 2015. “The ‘Kafala’ System and Human Rights: Time for a Decision.” *Arab Law Quarterly* 29 (4): 313.

⁸⁷ *Ibid*, 310-1

⁸⁸ Human Rights Watch, *Kuwait: Labor Abuse, Wage Theft, and Mass Deportations*, 2018, <https://www.hrw.org/news/2018/09/12/kuwait-labor-abuse>.

the country for changing employers without authorization, overstaying a visa due to bureaucratic delays, or even for pregnancy in the case of domestic workers⁸⁹.

These practices reflect the continued conflation of residency with employment status, and the degree to which migrant presence in Kuwait remains conditional—not on human rights frameworks, but on labour utility and employer satisfaction. Even legal reforms such as the 2015 Domestic Workers Law have failed to shield workers from deportation threats, as the power to file absconding charges and initiate removal procedures remains largely in the hands of sponsors⁹⁰.

In effect, deportation in Kuwait functions as a non-judicial disciplinary system that regulates migrant behaviour, enforces moral conformity, and protects citizen privilege. It is both a reflection and a reinforcement of a broader exclusionary regime in which non-citizens are permanently outside the realm of political, legal, and social belonging. By circumventing judicial review and bypassing labour protections, deportation entrenches the notion that foreign workers are not rights-bearing residents but disposable commodities, tolerated only for as long as they remain useful and obedient.

This chapter has traced a genealogy of pre-state and state-directed mechanisms of labour control in Kuwait, demonstrating how migrant exclusion emerged at the intersection of colonial impositions, national legal codification, and enduring social practices. From early deployments of sponsorship and deportation through merchant captains, to the post-oil governance apparatus of narrowly defined nationality and the

⁸⁹ Human Rights Watch, *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait's Sponsorship System* (New York: HRW, 2010), 15–16.

⁹⁰ Ibid, 18–9.

Alien Residence Law, we observe a consistent pattern: the structuring of migrant presence and conduct remained subject to discretionary logics and legal flaws that systematically curtailed their autonomy.

While the kafala system has often dominated scholarly and policy critique, this analysis has shown that its mechanisms were neither novel nor singular. Instead, kafala was one node within a broader architecture anchored in two intersecting legal regimes: one that restricted access to citizenship through arbitrary genealogical definitions and ministerial privilege (Nationality Law), and another that regulated—and enforced—residency through administrative oversight, conditional permissions, and deportation prerogatives (Alien Residence and Labour Codes). These regimes operated in tandem with extrajudicial enforcement—through police powers, workplace surveillance, and employer authority—producing a layered system of containment and marginality.

Through examinations of labour codes spanning the oil, private, and public sectors, and archival records of deportation and recruitment control, we observe how legal instruments produced categories of citizen and non-citizen subject, in which the former was afforded rights and obligations, while the latter was confined to conditional legality and administrative precarity. The benevolent framing of the sponsor—as guardian, employer, and intermediary, served to mask the structural inequalities embedded in the system, normalizing dependency as governance. At the same time, moral expectations of docility and loyalty justified differential treatment and codified inequality.

By decentering kafala and foregrounding the legal roots of exclusion, this chapter lays the groundwork for a more expansive understanding of how state, law, and society

collaboratively reproduce migrant marginalization in Kuwait, across legal texts, enforcement institutions, and everyday practices. It opens up analytic space to ask: how do these formal limitations intersect with affective economies, public discourse, and resistance? How might reforms encounter, adapt to, or be obstructed by embedded legal and emotional infrastructures of exclusion?

This foundation equips us to move forward in the thesis toward an examination of the affective economies of exclusion, the embodied experiences of migrants under these regimes, and the socio-legal innovations, both formal and informal, that continue to uphold, destabilize, or reconfigure the persistent boundary between citizen and migrant in Kuwait.

From Merchant Brokers to Modern Recruitment Agencies: Informal Networks and the Structural Exclusion of Migrant Labour in Kuwait

The management and control of migrant labour in Kuwait has historically relied not only on formal state institutions but also on a complex network of informal actors, including recruitment agencies, sub-contractors, and brokers. The contemporary vulnerabilities faced by foreign workers—ranging from debt bondage to legal precarity—have deep historical roots. In the late nineteenth and early twentieth centuries, mobility into Kuwait was mediated through merchant houses, dhow captains, and pearl boat owners, who advanced travel costs and wages to workers from Persia, East Africa, and southern Arabia. These arrangements created economic dependency, often formalized through debt repayment, and were embedded within wider regional trading networks connecting Kuwait to Basra, Bombay, and Zanzibar. With the expansion of the oil economy and the establishment of the Kuwait Oil Company in the 1930s, such intermediation practices were

adapted to industrial labour recruitment, with intermediaries in India, Palestine, and Pakistan facilitating the flow of workers. Archival sources reveal that disputes over unauthorized agents charging excessive fees were commonplace, yet informal recruitment channels persisted due to urgent labour demands.

Accounts from maritime observers such as Alan Villiers (*Sons of Sindbad*, 1923) illustrate the enduring nature of exploitation and dependency: sailors were often left unpaid or only partially compensated, binding them economically to captains and intermediaries. This historical continuity is crucial for understanding modern recruitment systems, where licensed agencies, informal brokers, and visa traders reproduce similar patterns of dependency, albeit under the veneer of legality. The transition from pre-oil to post-oil systems demonstrates both continuity and transformation: while intermediaries have become institutionalized, the underlying mechanisms of control through debt, sponsorship, and contractual manipulation remain constant.

Beyond industrial and maritime labour, gendered patterns of exclusion emerged alongside these structural frameworks. Female domestic workers—primarily from South and Southeast Asia and East Africa—have long been excluded from labour protections, their mobility, wages, and legal status tightly controlled by the kafala sponsorship system. This structural vulnerability is reinforced by moral and social hierarchies, which position certain nationalities as more “suitable” for domestic service and regulate behaviour through both legal and ethical codes. Collectively, these historical and contemporary patterns illustrate how migrant labour in Kuwait has been systematically shaped by informal and non-state mechanisms of exclusion, creating precarity long before workers ever enter the country.

Informal and Non-State Exclusion: Recruitment Agencies and Broker Networks

The contemporary landscape of recruitment agencies, visa trading, and informal broker networks in Kuwait is rooted in much older patterns of labour intermediation. In the late nineteenth and early twentieth centuries, mobility into Kuwait was mediated by merchant houses, dhow captains, and pearl boat owners who advanced travel costs and wages to workers from Persia, East Africa, and southern Arabia, creating debt relationships that were repaid through labour⁹¹. This merchant-based brokerage was informal but embedded in regional trading systems, linking Kuwait to Basra, Bombay, and Zanzibar. With the establishment of the Kuwait Oil Company in the 1930s, these practices were adapted to the recruitment of industrial labour, as the company contracted recruitment to intermediaries in India, Palestine, and Pakistan. Archival correspondence from the British Political Agency in Kuwait records disputes over “unauthorised agents” charging excessive placement fees and misrepresenting job conditions, yet the authorities tolerated informal channels to meet the oil sector’s urgent demand for manpower⁹².

Alan Villiers, in his maritime memoir *Sons of Sindbad* (1923), vividly recounts the exploitative conditions faced by sailors in the Gulf and Arabian maritime trade. He describes situations in which crew members were often left unpaid or only partially compensated for months of work, creating dependence on ship captains or merchant patrons for basic subsistence. Villiers highlights how these debts and irregular payments

⁹¹ Fuccaro, Nelida. *Histories of City and State in the Persian Gulf : Manama Since 1800*. Cambridge: Cambridge University Press, 2009, 54-8.

⁹² Al-Nakib, Farah. 2016. *Kuwait Transformed : A History of Oil and Urban Life*. Stanford, California: Stanford University Press, 79.

bound sailors to the vessels and to the intermediaries who controlled hiring, effectively creating a system of economic coercion long before formal labour laws or the oil economy emerged. This account illustrates a historical continuity in Gulf labour practices: even in pre-oil maritime commerce, intermediaries exercised control over workers through debt and withheld wages, a pattern that later re-emerged in modern recruitment networks and visa trading⁹³. his historical pattern demonstrates a continuity in Gulf labour practices: the control of workers through debt and dependence, established in maritime commerce, persisted into the industrial and post-oil era.

The transition from pre-oil to post-oil systems reflects both continuity and transformation. While early intermediaries operated informally within merchant networks, the rise of the oil economy and the formalisation of the kafala sponsorship system codified similar dynamics of control through licensed recruitment agencies, visa sponsorships, and subcontracting. Just as sailors once depended on captains and merchants for employment and sustenance, migrant workers today rely on recruitment agencies and sponsors, frequently incurring debt through recruitment fees that must be repaid upon arrival. The mechanisms have evolved, but the underlying pattern, workers' dependence on intermediaries who control access to employment and income, remains a persistent feature of Kuwaiti labour migration.

Beyond the formal state mechanisms of exclusion, migrant labour in Kuwait is also shaped by a web of non-state actors, most notably recruitment agencies, sub-contractors, and informal broker networks, which contribute to the structural vulnerability of foreign

⁹³ Villiers, *Sons of Sindbad*, 322.

workers before they even arrive in the country. These intermediaries are deeply embedded in the transnational labour migration chain, especially in corridors connecting Kuwait with South and Southeast Asia. While Kuwaiti labour law prohibits the charging of recruitment fees to migrant workers, this regulation is routinely violated by agencies operating in sending countries and within Kuwait itself. Workers frequently report paying between 1000 to 5000 USD in recruitment fees, often financed through high-interest loans, leaving them indebted upon arrival and highly dependent on their employers to repay their obligations⁹⁴.

These exploitative arrangements are rarely monitored effectively. Although the Public Authority for Manpower is technically responsible for overseeing licensed recruitment agencies, enforcement remains inconsistent, and many brokers operate without licenses, particularly in the recruitment of domestic workers. Informal brokers often bypass official channels, arranging visas through personal or commercial contacts in Kuwait and then transferring the sponsorship upon the worker's arrival⁹⁵. This process is known as visa trading, wherein Kuwaiti citizens sell work visas (or iqamas) to migrants in exchange for a fee, without providing actual employment. Workers who arrive under these conditions often find themselves without a job, shelter, or income, and are vulnerable to detention and deportation for "illegal residency."⁹⁶

Even when migrants are recruited legally, they often face contract substitution, a widespread practice in which the terms agreed upon in the sending country are changed

⁹⁴ Migrant Forum in Asia, *Recruitment Fees & Migrants' Rights Violations*, 2015, 2.
<<https://mfasia.org/recruitmentreform/wp-content/uploads/2015/03/Policy-Brief-Recruitment-Fees-Migrants-Rights-Violations.pdf>>

⁹⁵ Human Rights Watch, *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait's Sponsorship System* (New York: HRW, 2010), 20–21.

⁹⁶ Ibid.

upon arrival in Kuwait. This includes reduced wages, different job responsibilities, or longer working hours. Due to the power imbalance between employer and worker, and the limited enforceability of pre-departure contracts, there is little room for redress⁹⁷. These practices not only violate international labour standards but also underscore the integral role of recruitment processes in producing precarity within Kuwait's migrant labour system.

Scholars such as Crystal Ennis have emphasized that these transnational recruitment systems operate as part of what she calls a “migration governance complex,” in which state and non-state actors across borders collaboratively manage the flow of labour while shifting the risks and costs onto the workers themselves⁹⁸. This system is sustained not only by legal ambiguity but also by a tacit tolerance of informality, which allows employers and brokers to exploit migrant labour while avoiding accountability. In this context, exclusion does not only happen through explicit state violence or legal removal, but also through bureaucratic neglect, commodification of work visas, and the systemic devaluation of foreign labour rights.

The collusion between private recruitment firms, visa traders, and employers, combined with lax state enforcement, produces a stratified labour market in which migrants are structurally excluded from secure employment, legal protections, and meaningful agency. Despite repeated calls by the International Labour Organization (ILO) and human rights organizations for reforms in recruitment governance, Kuwait has yet to implement a

⁹⁷ Ibid, 28.

⁹⁸ Ennis, Crystal A., and Nicolas Blarel, eds. 2022. *The South Asia to Gulf Migration Governance Complex*. Bristol: Bristol University Press., 8–10.

comprehensive model that ensures fair recruitment practices or protects workers from the exploitative tactics of informal intermediaries⁹⁹. Thus, the very process through which migrants enter Kuwait becomes the first site of exclusion, setting in motion a cycle of debt, dependency, and legal vulnerability that persists throughout their time in the country.

Gendered Exclusion and Domestic Work

One of the most deeply entrenched and legally tolerated forms of exclusion in Kuwait targets female domestic workers, whose labour is both essential to the functioning of Kuwaiti households and systematically devalued by law and custom. Domestic workers, predominantly women from South and Southeast Asia and East Africa, are excluded from the protections of Kuwait's Labour Law No. 6 of 2010, which applies to private sector workers but specifically exempts household employees from its provisions¹⁰⁰.

Although a separate Domestic Workers Law (Law No. 68 of 2015) was passed to address the regulatory vacuum, it provides only minimal protections, such as rest periods and limits on daily work hours, and lacks effective enforcement mechanisms. Crucially, it does not dismantle the structural dependency created by the kafala system, leaving sponsors with disproportionate control over workers' mobility, employment, and legal status¹⁰¹. This legal marginalization translates directly into routine abuse and exploitation.

In her ethnographic work, Anh Nga Longva highlights how domestic workers often live in conditions of surveillance and confinement, with their movements, phone use, and

⁹⁹ ILO, General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs, 2019.

¹⁰⁰ Kuwait Labor Law No. 6 of 2010, art. 2; Malaeb, "The 'Kafala' System and Human Rights," Arab Law Quarterly 29, no. 4 (2015): 312.

¹⁰¹ Malaeb, "The 'Kafala' System," 313–314.

personal autonomy tightly controlled by their sponsors¹⁰². In many cases, workers are denied a day off, forced to work 14–18 hours per day, and subject to verbal, physical, and sexual abuse. Since their legal residency is tied to their employer, and since the household is considered a private space, access to outside assistance is extremely limited¹⁰³. A study by Human Rights Watch in 2018 revealed that many women who fled abusive conditions were detained and later deported as “absconding” workers rather than being recognized as victims of exploitation¹⁰⁴.

The regulation of domestic workers is also deeply gendered. Cultural expectations regarding obedience, cleanliness, and sexual respectability influence the perceived value of workers based on their nationality, race, and religion. Employers often express preferences for Filipina, Sri Lankan, or Ethiopian workers based on racialized assumptions about discipline, hygiene, and docility¹⁰⁵. These hierarchies are not only symbolic but also materially affect wages, working conditions, and susceptibility to abuse. Domestic workers who resist control or assert their rights often face retaliation, including confinement, non-payment, or false criminal accusations.

Scholars such as Attiya Ahmad have argued that the disciplining of domestic workers in Kuwait occurs not only through legal systems but also through moral discourses that render them objects of religious and social reform. In her study of domestic workers’ conversion to Islam, Ahmad shows how employers view religious conversion as a form of

¹⁰² Longva, Anh Nga. 1997. *Walls Built on Sand : Migration, Exclusion, and Society in Kuwait*. Boulder, Colo.: WestviewPress., 104–106.

¹⁰³ Human Rights Watch, “I Already Bought You”: Abuse and Exploitation of Female Migrant Domestic Workers in the Gulf (New York: HRW, 2018), 25–30

¹⁰⁴ Human Rights Watch, *Walls at Every Turn*, 18–20.

¹⁰⁵ Longva, *Walls Built on Sand*, 98–100.

moral purification and control, an attempt to civilize or domesticate the worker's identity¹⁰⁶. This dynamic reinforces the notion that foreign female labour must be reshaped not only through work but through ethical submission to the host society's norms.

Moreover, mechanisms for redress remain severely limited. Although the Domestic Workers Department within the Ministry of Interior was established to handle complaints, it is often understaffed and unable to offer meaningful legal remedies. Most disputes are settled informally, with workers repatriated rather than compensated. Language barriers, fear of retaliation, and the risk of detention all discourage workers from pursuing justice, especially when employers accuse them of theft or misconduct, a tactic commonly used to discredit claims of abuse¹⁰⁷.

In sum, domestic workers in Kuwait face a layered structure of exclusion that combines legal invisibility, social isolation, and moral regulation. Their exclusion is not a byproduct of kafala alone but is embedded in labour laws, immigration policy, household norms, and religious discourses. As such, any effort to address migrant labour rights in Kuwait must contend with the gendered and privatized nature of domestic work, where the most vulnerable workers are hidden from public view and denied full recognition as rights-bearing individuals.

Social and Moral Exclusion: Public Discourse and National Identity

¹⁰⁶ AHMAD, ATTIYA. "INTRODUCTION.: EVERYDAY CONVERSIONS." In *Everyday Conversions: Islam, Domestic Work, and South Asian Migrant Women in Kuwait*, 1–36. Duke University Press, 2017.

¹⁰⁷ Amnesty International, *Their House Is My Prison: Exploitation of Migrant Domestic Workers in Kuwait* (London: Amnesty, 2014), 12–14.

The moralized framing of migrant labour in Kuwait is not a recent development; it has historical antecedents in Gulf migration governance during the late British protectorate era. Archival correspondence from 1957 reveals that Jordanian citizens could not obtain a visa to enter Gulf states, including Kuwait, without first producing a “Good Conduct Certificate” issued by Jordanian security authorities, affirming that the applicant was of good character and not wanted by public security officials¹⁰⁸. British and Gulf authorities viewed such certification as a political safeguard, explicitly intended to keep “extremists” and “trouble-makers” out of the region. This illustrates how migration control was, from an early stage, bound up with the idea that entry to the Gulf was conditional on moral and political acceptability—a logic that continues to underpin Kuwait’s exclusionary framework today. The modern deportation of workers for “immorality” or “public order” violations echoes these earlier practices, showing continuity between colonial-era moral screening and contemporary moral policing.

¹⁰⁸ File FO 371/126911 Political relations between States in Persian Gulf and Jordan 1957’ (8), The National Archives, London England, in Arabian Gulf Digital Archives <https://www.agda.ae/en/catalogue/tna/fo/371/126911/n/8>

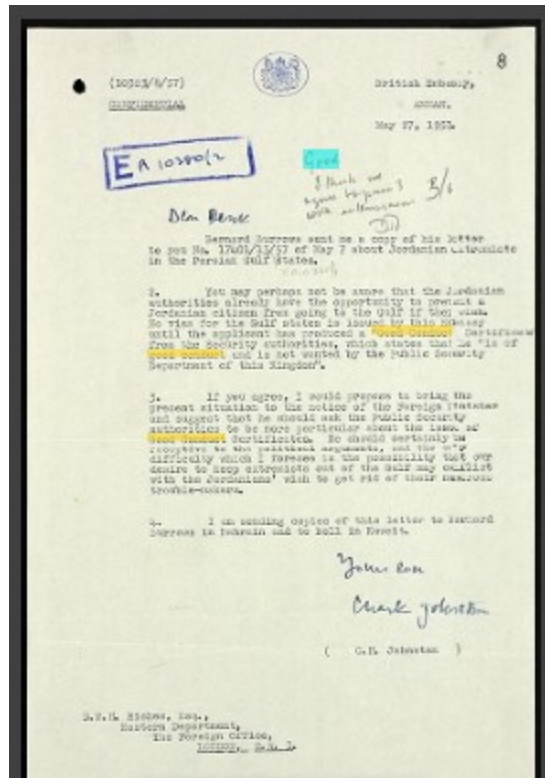


Figure 16 Requirement of Good Conduct Certificate

In addition to legal and economic structures, migrant labour exclusion in Kuwait is deeply reinforced by public discourse, national identity politics, and moral framings that position migrant workers as cultural outsiders and social threats. While the presence of a large non-citizen population, constituting nearly 70% of Kuwait's total population, has long been central to the country's labour economy, official rhetoric and media representation often depict migrants as temporary guests who must be regulated, scrutinized, and ultimately removable¹⁰⁹. These discourses reproduce a moral hierarchy in which citizenship is not only a legal status but a cultural claim to authenticity, order, and belonging.

¹⁰⁹ Longva, Anh Nga. 1997. Walls Built on Sand, 26–29, Migrant-Rights.org, Home Surveillance Marketed against Domestic Workers' Privacy Rights, July 2014. <https://www.migrant-rights.org/2014/07/home-cameras-marketed-against-privacy-rights/>

Kuwaiti media and parliamentary discourse routinely frame migrants in terms of burden, disorder, or contagion. During the COVID-19 pandemic, for instance, high-ranking officials and public commentators blamed migrant communities for spreading the virus, with one MP suggesting that migrant labourers lived “like rats in their cages,” demanding their immediate deportation¹¹⁰. Migrant-heavy neighbourhoods were among the first to be placed under total lockdown, and the government ramped up deportations under the pretext of “public health violations.” These measures were widely supported in the press, reinforcing a broader narrative that portrays foreign workers as inherently unruly and incompatible with the moral order of Kuwaiti society¹¹¹.

This racialized and moralized discourse extends into everyday interactions. Domestic workers and low-wage labourers are often regarded as needing to be “moral” drawing upon tropes of racial inferiority and social deviance¹¹². In public spaces, migrant workers, especially men from South Asia or East Africa, face heightened surveillance, are frequently denied access to certain facilities, and are subject to arrest under vague “public morality” laws¹¹³. These include dress code violations, loitering, and gathering in large numbers, all of which are selectively enforced.

The exclusion is also discursively embedded in the idea of Kuwait as a moral society that must be protected from the potential corruption posed by foreign labour. As

¹¹⁰ Human Rights Watch, Kuwait: Migrants at Risk During Pandemic, April 2020, <https://www.hrw.org/news/2020/04/14/kuwait-migrants-risk-during-pandemic>.

¹¹¹ Malaeb, “The ‘Kafala’ System and Human Rights: Time for a Decision,” Arab Law Quarterly 29, no. 4 (2015): 310.

¹¹² Longva, *Walls Built on Sand*, 98.

¹¹³ Migrant-Right.org, Kuwait Bans Ethiopian Migrants and Deports Nearly 13,000 Domestic Workers, March 2014. <https://www.migrant-rights.org/2014/03/kuwait-bans-ethiopians-and-deports-13000-domestic-workers>

Malaeb notes, the deportation of workers for reasons like pregnancy outside of marriage or alleged immoral behaviour reflects not only legal action but a moral policing function of the state¹¹⁴. Migrants are expected to be silent, obedient, and invisible—any deviation from these expectations can trigger administrative punishment. This results in a regime where exclusion is not only implemented through institutions but also cultivated through social norms and affective hierarchies that shape public sentiment and everyday policy.

The Human Rights Watch report, “Walls at Every Turn,” identifies media framing in Kuwait that supports this view by showing how the press often distinguishes between “good” and “bad” migrants based on their economic utility, behaviour, and conformity. Migrants who are viewed as hardworking and submissive are praised; those who protest or demand rights are portrayed as disruptive or criminal¹¹⁵. This discursive economy affords migrants a narrow and conditional legitimacy, one that is constantly under threat and subject to revocation.

Such public narratives serve to justify restrictive laws, discretionary deportations, and systemic exclusion. They naturalize unequal treatment by framing it as necessary to preserve national culture and social cohesion. This moralized nationalism effectively underwrites the exclusionary labour regime in Kuwait by transforming structural inequalities into acceptable or even essential forms of social governance.

¹¹⁴ Malaeb, “The ‘Kafala’ System,” 311.

¹¹⁵ Human Rights Watch, *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait’s Sponsorship System* (New York: HRW, 2010), 15–16.

Legal Disempowerment and Lack of Access to Justice

The exclusion of migrant workers in Kuwait is further entrenched by the legal system itself, which often fails to provide foreign labourers with meaningful access to justice. Although Kuwait has ratified various international labour and human rights conventions, the implementation and enforcement of legal protections for non-citizen workers remain fragmented and inconsistent. Migrants, especially those in low-wage or domestic sectors, face multiple procedural and structural barriers to asserting their rights through legal channels. These include language barriers, lack of legal representation, employer intimidation, and institutional biases that favour citizen employers over foreign employees.

In theory, Kuwait's labour courts are open to all workers; however, in practice, the process of filing a complaint is lengthy, bureaucratic, and often futile. Migrants must continue to reside legally in the country during litigation, which is nearly impossible if their residency permit is revoked after filing a complaint or if the employer accuses them of "absconding"¹¹⁶. As Hanan Malaeb explains, sponsors retain significant discretionary authority during the dispute resolution process; their ability to cancel a worker's visa or file criminal charges undermines the worker's ability to pursue justice¹¹⁷. Even when workers succeed in obtaining a favourable ruling, enforcement is weak. Employers who refuse to pay court-ordered compensation face minimal consequences, and the state rarely intervenes to ensure compliance¹¹⁸.

¹¹⁶ Human Rights Watch, *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait's Sponsorship System* (New York: HRW, 2010), 32–35.

¹¹⁷ Hanan N. Malaeb, "The 'Kafala' System and Human Rights: Time for a Decision," *Arab Law Quarterly* 29, no. 4 (2015): 313.

¹¹⁸ Migrant Forum in Asia, *Challenges on Access to Justice for Migrants*, 2018, 3. <https://mfasia.org/migrantforumasia/wp-content/uploads/2018/05/Access-to-justice-is_MFA.pdf>.

Legal aid is not guaranteed, and translators are often unavailable or insufficiently trained. Many workers are unaware of their rights or fear retaliation if they attempt to exercise them. A 2010 Human Rights Watch report noted that even in cases involving physical abuse or wage theft, labour authorities frequently encouraged migrants to accept repatriation rather than pursue legal remedies¹¹⁹. For undocumented workers or those in irregular legal status, whether due to employer misconduct or bureaucratic delays, legal recourse is virtually inaccessible. In such cases, the system itself becomes a form of institutional exclusion, preserving employer impunity while marginalizing those most in need of protection.

These legal constraints are particularly acute for female domestic workers, who often face additional hurdles in accessing justice. Since their workplace is the private home, inspection and documentation of abuse are difficult. When they flee abusive employers, they risk being criminalized as runaways¹²⁰. Even when they reach police or labour authorities, their complaints are often dismissed without investigation. Reports from Amnesty International and Migrant-Rights.org highlight numerous cases where women were returned to abusive sponsors or placed in overcrowded shelters pending deportation.

This situation reflects what Longva refers to as the “paradox of rights without access”¹²¹. While Kuwait’s legal framework formally recognizes certain labour protections, the structural barriers to accessing those rights render them largely symbolic. Migrant workers are not merely passive recipients of exclusion; many actively seek

¹¹⁹ Human Rights Watch, *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait’s Sponsorship System* (New York: HRW, 2010), 62.

¹²⁰ *Ibid*, 68.

¹²¹ Longva, Anh Nga. 1997. *Walls Built on Sand : Migration, Exclusion, and Society in Kuwait*. Boulder, Colo.: WestviewPress, 98.

justice and resist abuse, but their efforts are repeatedly frustrated by a legal architecture designed more to manage and contain labour than to protect it. The imbalance of power between citizen sponsors and foreign workers is thus institutionalized not only through labour laws and immigration policies, but through a judicial process that is largely inaccessible to the very populations it claims to serve.

The lack of institutional pathways for redress reinforces the broader social message that migrant grievances are peripheral, illegitimate, or disruptive. This absence of legal remedy feeds back into the wider mechanisms of exclusion discussed earlier, deportation, moral policing, and informal exploitation, demonstrating how the failure of legal accountability is itself a form of governance. In this context, the denial of justice is not incidental but systemic, functioning as a central pillar in the architecture of migrant labour control in Kuwait.

The genealogical approach to Kuwait's labour migration reveals that contemporary mechanisms of exclusion are deeply embedded in historical patterns of intermediation, dependency, and control. From pre-oil merchant brokers and maritime debt systems to modern recruitment agencies and visa trading, intermediaries have consistently mediated workers' access to employment and income, shaping structural vulnerabilities that persist today. Gendered hierarchies further complicate these dynamics, as domestic workers remain legally marginalized and socially scrutinized, their labour essential yet systematically devalued.

Modern enforcement gaps, informal practices, and moralized public discourses work in tandem with formal legal structures to produce a stratified and precarious labour

market. Migrant workers' dependency on sponsors and intermediaries, coupled with limited avenues for legal reparation, underscores the continuity of exclusion across temporal, legal, and social dimensions. Understanding Kuwait's migrant labour system requires acknowledging the intertwined roles of history, informality, and governance: exclusion is not only a feature of contemporary policy but a long-standing mechanism that has evolved to meet changing economic and social demands. By historicizing these networks, this chapter situates the vulnerabilities of today's migrant workers within a broader continuum of structural and gendered control, highlighting the persistent challenge of ensuring equitable and rights-based labour governance in Kuwait.

Conclusion

Continuing Issues in Migrant Rights

The historical analysis of labour law in Kuwait offered a context around the progression of labour laws from private and public sectors to migrant labour conditions on oil fields. However, it is equally important to look at contemporary trends on the status of migrant labourers within the exclusionary framework that was built on in the previous sections.

Legally, an amended version of the Law Concerning Labour in the Private Sector was legislated in 2010¹²². The new law excluded non-Kuwaiti employees from forming their own syndicate or join any professional union. Moreover, provisions on the termination of the work contract have been defined and extended the definition of “good conduct”. Mainly, an employee is considered to breach “good conduct” if they were “found guilty of a crime that relates to honor, trust or morals”. This complicates cases such as the deportation of HIV positive migrant labourers rather than provide them with ease of access to essential health care. Essentially, good conduct continues to be based on socially accepted, but also subjective notions of morality. This gives the employer more power to terminate the employee and deport them based on an arbitrary policy.

Socially, a news report on The Arab Time, published on June 21st, 2021, has confirmed that oil companies are aiming to decrease the number of migrant labourers in the oil sector. Accordingly, this decision has been based on the directives of the state and National Assembly of Kuwait¹²³. Thus, the Kuwaiti framework of social exclusion of the

¹²²Law Concerning Labour in the Private Sector, 41 (Kuwait, 2010)

¹²³ "Expats Number Dwindles; Oil Sector on Road to 'total' Kuwaitization." ARAB TIMES - KUWAIT NEWS. June 21, 2021.

migrant labourer continues to be institutionalized in the main sectors of the economy to maximize and monopolize the benefits of the oil profits to the citizens of Kuwait.

This paper focused on the progression of the migratory pathways in the Persian Gulf region and its acceleration through the discovery of oil. The imperialist positioning of these migratory pathways utilized labour to extract and consolidate routes of energy transportation. Regulations needed to be imposed within the concessions signed between the Sheikhs of the Arabian Gulf states and the British Political Agents. There was a keen interest to safeguard the profits of the oil industry and develop the states into urban and modern states. This required the migration of millions of labourers into Kuwait while forcing the state to regulate their entry, residency, and conduct. Parallels can be found between the welfare industrialism structured by the British authorities on the oil fields and the consecutive labour laws of Kuwait. Timothy Mitchell posits that welfare industrialism diminished the abilities of labourers to demand better working conditions. Kuwait's context with relation to labour rights is centered around migrant labourers. Labour laws, and regulations defining legalities of entry, working conditions, conduct have limited the power for migrant labourers in Kuwait. The framework of exclusion allowed for ad hoc regulations that would lead to the deportation of any delinquent migrant labourer. But also, a migrant labour was not allowed to actively participate in any union, unlike their Kuwaiti compatriots. Policies of incarceration were publicly advocated by the State and further diminished the right of movement of the migrant labour. Thus, Kuwait's Labour laws and politics of exclusion have yet to become more inclusive and articulate the right for social, economic, and political equality of the migrant labourer.

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