The FIFA World Cup, Migrant Workers, and International Law's Dirty Secret

OJ Leslie Johns and Margaret E. Peters

20.11.22 | 0 Comments

[Leslie Johns (Twitter: @PoliticsIntlLaw) is a Professor of Political Science and Law at UCLA and author of Politics and International Law: Making, Breaking, and Upholding Global Rules *(Cambridge University Press). Margaret E. Peters (Twitter: @MigrationNerd) is an Associate Professor of Political Science and Global Studies at UCLA. Her research on bilateral labor agreements was published in* International Studies Quarterly *and* Theoretical Inquires in Law.*]*

In the coming weeks, soccer fans worldwide will be focused on Qatar as the world's top teams compete in the 2022 FIFA World Cup. After being chosen in 2010 to host the games, Qatar embarked on numerous infrastructure projects. To complete these projects, Qatar relied on foreign workers. Experts estimates that Qatar has hired approximately 2.2 million foreign workers for over a decade to build the World Cup facilities. These workers come from India, Nepal, Bangladesh, Sri Lanka, Kenya, and the Philippines.

Journalists and advocacy groups have publicized massive human rights abuses committed in Qatar against these foreign workers by their employers. A common theme of these reports is that international law provides workers with universal human rights, regardless of where they work. Qatar has attempted to manage its bad publicity by making modest attempts to reform, like signing new human rights treaties (but with extensive reservations to limit their effect for migrants) and making some modest domestic reforms. Yet these actions hide a dirty secret from public view: international law can enable mass violations of human rights. Namely, Qatar's system of foreign worker recruitment was created and enabled by bilateral labor agreements, which prioritize the economic needs of states above the human rights of individual workers.

How Bilateral Labor Agreements Work

A bilateral labor agreement is a legally binding document that is written by two states to regulate the movement of migrant workers from an origin to a destination state. A key component of these agreements is that the migration is temporary. States often keep these agreements private, making it difficult to systematically collect data on them. A few law scholars and political scientists have begun sharing public databases of these legal documents. (For example, see here and here.) Our discussion is based on these new resources.

Bilateral labor agreements usually specify the industries in which migrants can work, how much the migrants will be paid, and the basic working conditions. Some bilateral labor agreements include an employment contract and mandate that specific agencies screen migrant workers.

Qatar began signing bilateral labor agreements in the early 1980s with countries in North Africa and South Asia. Then in 2007 and 2008, as Qatar prepared its bid for the FIFA World Cup, Qatar began signing a flurry of new agreements and amending old agreements. These agreements were signed mostly with countries in South Asia but also with Gambia, the Philippines, and Turkey.

Bilateral labor agreements are not widely publicized in the media or shared with advocacy groups. This secrecy serves a purpose: it allows governments to hide potentially embarrassing or unpopular policies. Secrecy also allows governments to conceal information from current and potential migrants about their rights (or lack thereof).

While bilateral labor agreements help to promote the flow of migrant workers, they rarely offer migrants protection from abuse. For example, only about half of Qatar's agreements have a standard contract in place, offer wage protections, or have provisions about how employers should resolve disputes with their employees. Employers are not prohibited from confiscating passports; the Qatari government does not have to monitor workplaces to ensure that labor rights are respected; nor are migrants offered any rights to equal treatment or non-discrimination.

In sum, the focus of Qatar's bilateral labor agreements is on promoting labor migration, not protecting migrant workers.

The Broader Importance of Qatar's International Law Strategy

The FIFA World Cup represents a troubling and widespread trend: the rise of "authoritarian international law". This term was coined by Tom Ginsburg, who wrote that "authoritarian regimes are increasingly facile in their engagement with international legal norms and institutions, deploying legal arguments with greater acuity, even as they introduce new forms of repression that are legally … sophisticated." Qatar has crafted a secretive network of bilateral labor agreements to recruit temporary foreign workers from low-wage countries while using domestic laws to traps these workers into forced labor.

International cooperation between states doesn't always yield outcomes that are good for society. As political scientist Ian Hurd explains, "Because international law reflects partial rather than universal interests, it is important to investigate which interests are served and which are denied."

Qatar's interests have been served greatly by international law. It gains temporary access to cheap labor without making meaningful or costly concessions on human rights.

Similarly, Qatar's treaty partners—like Bangladesh, Nepal, and the Philippines—have benefited from the bilateral labor agreements that they joined. The temporary outflow of young male workers reduces unemployment at home, which benefits the stability of incumbent governments and reduces political violence. Labor migration also comes with economic benefits to the origin government since migrant workers generally pay taxes and send remittances home to their family members.

Whose interests are being denied? The migrant workers toiling to make the FIFA World Cup possible. They suffer years of abuse, indignity, violence, discrimination, racism, and wracking pain so that the world can watch some men kick a ball about.

It is easy to read this as a story about faraway places and people that don't really matter to our lives. Few of us will ever stay in a Qatari hotel or have the privilege to attend a FIFA World Cup in person. Few of us will ever meet a Qatari emir, an Argentinian soccer star, or even a Nepali construction worker and share our viewpoint about the mess that the 2022 FIFA World Cup has become. But, in an important way, we are all a part of this story because all of us will be watching the FIFA World Cup or know someone who will. We all have a stake in how Qatar and other states use and misuse the rules of the international law to serve their own interests and to deny the interests of others. We are all part of this story.

Print

Topics

Business & Human Rights, Featured, General, International Human Rights Law, Middle East, Organizations

Share

Email | Twitter | Facebook | LinkedIn | WhatsApp | Print

No Comments

Sorry, the comment form is closed at this time.

Recent Posts

- Events and Announcements: 20 April 2025
- ICC's Jurisdiction over the Crime of Aggression: Amending Article 5 Instead of Article 15bis (Part II)
- ICC's Jurisdiction over the Crime of Aggression: Amending Article 5 Instead of Article 15bis (Part I)
- Duterte, Netanyahu, and Putin: The ICC's Power Play
- The Axis of Loss in Gaza: The Environmental Losses During Humanitarian Warfare