

Migration and Dilemma Between Assimilation and

" Guest Worker " approach

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Introduction :

Since the second world War labour migration has essentially been a product of the economic forces in the Arab region. The Direction, volume and geographical patterns of the migration movement have been determined by " The uneven distribution of oil wealth in the Middle East and the uses to which it has been put " (1) . The exploitation of oil resources and the development of the economies of the oil rich states has led to wide disparities of economic development . The major rich-oil exporting countries have small population, with big projects for industrial transformation by means of investing the large scale oil revenues. These plans cannot take place without the imports of skilled labour from poorer Arab States with larger population problems of under-development and unemployment. The labour exporting States answered enthusiastically to the employment opportunities that arose in the oil exporting countries.

Section 1 Migration movement in the Arab Region :

A) Evolution of migrants movement : At first migrants movement was local, and the early demands for labour was limited to the oil companies.

The revenue for labour was small and it did not have have serious effects on the economics of the workers exporting countries. By 1960s more widespread modern development began to take

place, provisions of social services and infrastructure reached a considerable scale such as schools roads, airports, ports, industries etc (2) This expansion of economic development required a highly qualified administration including a volume of labour and skills not available locally (3) .

By 1973 the big rises in oil revenues are of particular significance, more ambitious development programmes for industrialisation had begun in several oil-exporting states even in those who have already undergone substantial economic development and recognised by practically any standard as affluent, sometimes on a massive scale. The result of this evolution was a rapid increase in their demand for migrant labour.

From the one hand the reliance of the major Arab oil exporting countries upon migrant labour (4) is particularly remarkable, not only because of small population with limited work forces, but also to the nature of industrial projects for which the workers are imported .

Those projects are of permanent character with indicates minimum of stability in migrants residency, besides that the economic programmes and their extend exceed the capacity of the local manpower even in its full capacity .

B) Characteristics of migrants; - Considering the scale of migration and economic projects on the one hand and the poor local working forces on the other, it is not surprising that the migrants are drawn from all skill and educational levels: These are examples of movement associated with migrants of varied educational qualification and skill : The long tradition in the eastern wing of the Arab region (5) tends to result

in migrants from the possessing better qualification (6) than citizens of southern part of the Arab peninsula whose access to formal education has until recently been limited. Skilled migrants, such as Jordanians, Palestinians, Syrians, Libanese, and Egyptians, tend to travel with their families and to settle for long periods in the countries of employment. The volume of migrants with stable long duration residency compared with local nationals call for a kind of assimilation in view of obtaining the social peace. This fraction of the workforce is usually better paid than manual labour who usually works in construction sites and generally have shorter duration of residency with less attractive conditions of employment.

C) Changing structure of migrant nationalities in the receiving countries:

Since 1973 the demands of oil rich-states for Arab labour, skilled and manual, exceeded the number of migrants from the traditional Arab suppliers. Despite the increase in migrations from Jordan, Syria, Egypt, Sudan and other Arab states suppliers of labour, the short fall in labour supplies forced the oil states to look outside the Arab region for alternatives. On the other hand the nature of the economic enterprises planned to be executed in a fixed period and their volume, draw the attention to the necessity of dealing with organised labour agencies who can furnish the aforesaid enterprises with every kind of labour either skilled or not, without unnecessary delays.

Given the economic necessities and the non-existence of organised labour Agencies in the Arab world the oil States found in the Asiatic States a new source of labour such as Koreans,

Philippinos, Thais, Malasians, Pakistanis and Indians. Besides the big dependence on European technical labour related to the execution of tenders mainly "turn key" projects.

By 1975 a radical transformation in the labour market took place in the Gulf states due to the rapid increasing shares of Asians and the decrease in proportion of jobs occupied by Arab migrants (7) .

This new factor constitutes, with the new policy of separating the industrial areas from Urban centers and the grant of turn key contracts which include construction furnishing of staff, running industrial enterprises, an element of disintegration between local citizens and new arrivals. The difference between the languages, traditions, religion, of the new non-Arabs workers and local citizens besides the provisory nature of their jobs, puts them outside any possibility of assimilation or integration. But for political reasons it seems that this new element is considered more convenient for the Gulf States than the Arab migrants. Usually the non Arab workers have no political or ideological aims, with the exception of Iranians, besides the possibility to deal with them by means of organized agencies specialized in furnishing labour and the know-how expertised.

SECTION II : ARAB MIGRATION AS AN ELEMENT OF INTEGRATION IN THE ARAB REGION.

It is necessary to consider the different aspects of Arab migration as a way for social assimilation and economic integration in the present situation.

A) Inter-Arab labour Migration as a means of redistribution

of the national revenue between the Oil-Rich States and the poorer

ones: Most of the Arab states without oil revenues suffered from different kinds of unemployment. These Problems found some kind of remedy by the labour opportunities in the Gulf states for the eastern suppliers of labour in the Arab world (8) .

The growth in domestic labour demand in the oil states for development aims pushed wages to levels which are extremely attractive to the under employed in neighbouring non- oil countries. The opening of the doors to a larger numbers of migrant workers reduced pressure on wages and restricted its inflationary effect, while it did not effect the market of qualified and experienced labour due to the limited supply at the regional level. Consequently the competition has steadily pushed wages of this category upwards.(9

On the other side the exodus of national labour to the oil states due to the difference in wages and attractive work opportunities has meant a big rise in wages in the labour exporting states (10) and a serious inflation of development project costs. The governments of those countries recently showed their concern to halt this movement who they deemed critical to national interests. Such concern to halt this movement who they deemed critical to national interests. Such concerns are clearly seen in labour migration legislation in Syria and Iraq. other countries tried to replace national migrating labour by a cheap labour from other Arab neighbour countries by facilitating entry and residency procedures such is the case of Jordan until recently. This country with 305400 of its citizens

working, mainly, in the oil exporting states (11) and have a workforce of 79566 of non - Jordanians on its territory (12).

However, the gains to the labour exporting states have been significant from this migration. There has been an important easing of unemployment in those states in particular Egypt, Yemen, Lebanon after the civil war and Jordan. But the most significant gains derived from the remittances of workers abroad. These remittances contributed in meeting foreign exchange requirements of economic plans and investment programmes (13) which constitutes an element of economic interdependence and integration.

B) Inter - Arab Migration as a mean of reducing the wage differentials between the rich oil countries and the non-oil States:

The significant wage differentials between the rich oil States and the non oil Arab countries have been the primary reason for the motivation of workers migrations. These differentials have given workers the opportunity to increase real savings as compared with employments in their original States.

This advantage was limited later on by the significant effect of inflation in the region which resulted in a striking decline in real wages paid to workers in particular in the highest paying states like Kuwait, and Saudia - Arabia. This result was more obvious in the lowest paying countries, where the index of wages indicates that the relative real wage differentials have been generally reduced between the oil states importing of labour and the non oil countries exporting of workers on the way of economic assimilation.

On the other hand the flows of migration, in particular those with technical skills, have been effective in reducing wage differentials in both the labour exporting and importing countries, by down the growth of wages in the labour importing countries and by putting pressure on the exporting states to increase the regional competitiveness of their wages (14).

SECTION III : Barriers of Migration Among Arab States as an Element of Dis - integration :

There are many legal obstacles besides the economic and social costs that stand as barriers to free mobility of labour among the Arab countries which should be taken into account when considering the migratory, if it is to be modelled as an element of assimilation.

A) Legal Obstacles : Arab migrants are still governed as other foreign migrants by international conventions which provide minimum standards of equality in work opportunities and treatment. These conventions does not amount, in their dealing with Arab migrant workers, to the hopes and ideals of a common Arab nation despite the fact that the Arab countries have helped to promote and to vote those conventions into existence (a);

On the other hand, most of the Arab labour laws and regulations do not give preference to the Arab migrants on foreigners (15) (b).

a) International and inter-Arab Conventions : (1) International conventions: There are internationally minimum standard of internationally minimum standard of equality in work opportunities and treatment agreed upon for workers, which Arab states helped to put into existence. These agreements are essentially

the Migrant workers - Supplementary provisions- Convention of 1975 No 143 which imposes binding obligations upon ratification. Fourteen Arab States members of the I.L.O. voted in favour of the convention. (16) Besides this major binding convention there is non - binding migrant workers recommendation No 151 of 1975 which supplement the revised migrant for employment convention of 1949 No 97, which was ratified by one Arab state only (17). In fact such minimum standards acceptable to be applied on non Arab foreigners working in the Arab region or the Arab labour migrating in Europe and working there, they are below the hopes of the unity and integrity. To encourage assimilation in the Arab world necessitate at least the wave of two major legal obstacles :

- First : the removal of restrictions on the reunification of the families of the migrants workers.
- Secondly : the abrogation of all legal provisions and administrative practices which enable hosting countries to force the departure of Arab migrants not employed on temporary work on grounds other than public health and security.

2) Inter Arab conventions : Inter - Arab agreements related to migrant workers are either multiple - party conventions or bilateral ones.

* Multiple - Party conventions: Since the late fifty's, Arab states were planing to regulate the migrant labour movement across their borders. The feeling in the Gulf area that Iranian migrant constitute a big danger to the Gulf states with small

population forced the Arab labour first conference in 1965 to call on the Gulf states to issue legislations and regulations to serve the purpose of limiting the non - Arab migrations and encouraging inter - Arab labour mobility. In its second conference the Arab labour ministers meeting passed a resolution calling on the Arab States to include their legislations provisions giving preference to Arab labour on foreign workers (18). The resolution suggested the preparation of multiple - party and bilateral conventions for the same purpose.

A draft of bilateral treaty dealing with labour force have been prepared by the third conference of the Arab Ministers of labour and later adopted by the Arab league council in 1968. This convention was adopted by Egypt 1969, Jordan 1970, Syria 1970, Iraq 1970, Sudan 1972 and Libya 1974. The agreement was later known as the second convention of 1967. The application of the aforesaid convention revealed the existence of many practical and legal defaults (19).

- The convention did not emphasize the necessity of unifying the authorized departments responsible for the migration of Arab labour force.
- The convention did not include any provisions relating to the training and education of the Arab migrant workers as their national colleagues.
- The convention did not include any provisions relating to the civil rights and the right to join the professional Syndicates.
- The convention did not include provisions encouraging organized Arab migration.

- The convention was elaborated with the care of the A.L.O.
- States but without any participation of workers representatives.

Due to the lack of perfection in the above convention, the third Arab labour conference began a wide discussion over its deficiency and completed the subject matter during the fourth meeting which was held in Tripoli 1975.

This conference agreed upon the Arab convention with annex which includes a bilateral agreement draft, known afterwards as the ammended Arab convention on migrant work force No. 4/1975.

The later convention No 4 was promissing in its practicality, by dealing with the regulation of labour mobility by means of a binding minimum standard of treatment which the parties can surpass. (art. 1/4 of the amended convention).

On the other hand, the convention stressed the necessity of executing migration policies based on the encouragement of Arab labour migration between the Arab states to replace, gradually the foreign migrations.

The convention called the Arab States to apply a policy of equality between Arab and local workers and to avoid imposing abusive measures against the migrant workers in case of political conflict between their states of origin and the hosting states. Finally, the convention called for the unfication of the worker families.

Five Arab countries ratified the convention No 4 which means that it is put in to force (20) But until very recently the regulations in the Arab states are still far from applying the conventions provisions.

* Bilateral convention: besides the multiple convention there are bilateral ones which links two Arab countries together and deals with the migration of the labour force between their respective states.

The amended Arab convention on migrant work force No 4/1975 encouraged such agreements and provided a draft model of these conventions.

The bilateral conventions were mainly agreed upon by Egypt as a big exporting country for the labour force on the one hand and the host countries on the other.

During the sixties of this century many agreements were reached between Egypt as a labour exporting party and Iraq, Sudan, Kuwait, as labour importing countries. The most important is the agreement reached with Kuwait in 1966. But was never ratified

After 1973 new negotiated were initiated between Egypt, and Oman, Qatar which resulted in an agreement between Qatar and Egypt organizing the migration of Egyptian labour to Qatar; Another one was ratified with Libya without being put in application

b) Treatment of Arab workers as foreigners by domestic laws:

Most of the Arab domestic laws treats the Arab national workers as foreigners from this category Saudia Arabia (Labour and workers regulation No 745), Algeria (Order No 75/31, 1975), Morocco

which was replaced and amended by the laws issue in the 18 January 1939 and the 24 August 1941 and the 21 August and of 9 August 1952 which were substituted in 1966 by the Royal decree of the 3rd of June 1966 amended by the Royal decree of the 22 October 1966), Tunisia (Law No 27/1966) .

The second category of states which give priority to the Arab over the foreigners but applies common procedures relating to the work permission. From this categorie the Gulf States (U.A.E. Federal Law No 8/1980), Jordan (Law No 21/1960) as amended by law No 2/1965 and law No 25/72), Qatar (Labour law No 3/1962), Kuwait (labour law No 38/64) and Egypt (21 Regulations issued by the minister of labour 9/1963. This category of states have different regulation for residency conditions from one country to another, some of them link the residency permit with the work licence such as the Gulf states, others link the residency permit with the financial capacity and ability to spend money during the residency period like Egypt, other states. like Jordan, give some arab citizens the possibility to reside without formal procedures (the case of Jordan vis-a-vis Syrian and Egyptian citizens), some other states (Algeris and Tunisia) link the residency possibility to the reciprocity of treatment only (syria) or with the obligation to inform the authorities.

The third category includes only one state -(Iraq) (22) which issued a legislation of labour (no 151/1970) confirming, by its article 5 , the full right of every arab migrant to reside and to work in its territory. This legislation was followed by Series of regulations relating to the execution of the labour legislation besides other decrees which offers enormous advantages to the arab migrants working in Iraq as : -

1) The nationality Act, attributing the Iraqi citizenship to the Arab nationals, excluding the Palestinians in order to preserve their national identity, (Law No 5 issued in 1975 by decree No 33 and as amended by Law No 49 issued in 1975 by decree No 254) . The provisions of the law exempted Arab nationals from any prior conditions or periods of residency other than having the legal capacity .

2) Arab migrant, obtaining the Iraqi citizenship, can preserve all his acquired rights from his service in Iraq including the amount of Salary, housing allowances etc and any advantages granted to him as an alien.

On the other hand the decree No 375 issued in 1977 provided that the Arab migrant can add for pension purposes, the period of his service in his national state to that done in Iraq without having to pay for that same period.

3) The Iraqi authorities abrogated all residency official permits or entry procedures for Arab migrants.

4) Arab migrant to Iraq is exempted from military service in case of naturalization and giving evidence of doing his military service in his country of origin (decree No 197 issued in 1978) or paying for it (decree No 85 issued in 1979) .

5) The Iraqi authorities issued a decree (No 38 of 1977) giving the right to all Arab Nationals to be appointed as a civil servant in the government and its agencies provided that the candidate accomplish the necessary conditions for the post as the Iraqi citizens.

Once he is appointed the Arab national will be treated on equal terms with the Iraqis.

6) Article 5 of the amended law of labour No 113 (issued in 1970) gave the Arab workers the right to be treated on equal terms as the Iraqis. The same decree ordered the officials responsible in public sectors and private labour sectors and cooperatives to respect this equality.

7) Article one of act No 72 (issued in 1978) gave the Arab nationals, excluding the Palestinians, the right to acquire lands and immovable properties provided that the candidate have a continuous residence in Iraq for five years period.

8) The Iraqi authorities issued two decrees (No 559 and No 534 in 1979) giving Arab military men serving with the Iraqi armed forces, including the Palestinians, the right to benefit from acquired by means of the armed forces and housing facilities on equal terms as Iraqi military personnel.

B) ECONOMIC AND SOCIAL COSTS;- Besides the legal obstacles there are economic and social costs that stands as barriers to free mobility of labour among the Arab countries which should be taken into account if we have to encourage labour mobility in the region. Monetary costs include travel costs incurred by migrants and the opportunity income foregone while travelling or searching for new employment opportunities in the country of immigration, while social costs include unwillingness to leave family and close friends and live in a new social, cultural surrounding.

Section IV : Effect of Migration on Naturalization:

The figures given by this paper clarify that most of the foreign migrant workers in the Arab region are of Arab nationality especially from Egypt, Jordan, Lebanon, Yemen (South and North), and Sudan. It is necessary to examine the effect of such movement of work force on the laws of naturalization.

It is to be noted that the major part of the Arab migrant workers are residing temporarily in the hosting countries even if they remain for long periods, which contradicts the idea of assimilation. This fact is paired by another concerning the rejection from the part of some rich oil states of the idea of enlarging its population by means of external migration. This situation left its features on the applicable laws and regulations and naturalization notably the length of the residency period and the discretionary powers.

i.e. Art 4 of the Jordanian law of nationality provides that: Every person of Arab nationality has right to ask, after proving a successive residency of fifteen years, and under certain conditions, for a naturalization decision. The article gives limited discretionary powers to the administrative authorities. Article 5 of the same law gives H.M. The King the right to attribute the Jordanian nationality to any person born in Jordan or the occupied part of Palestine and who emigrated and obtained a foreign nationality (23), this attribution is not linked to any residency period. Articles 12 and 13 give the authorities wide discretionary powers in attributing the nationality or refusing it to any person requesting it, under certain conditions, after a four years residency period.

From this summary we can infer that the Jordanian law of naturalization do not deal with foreign workers as such, but deals, for the purposes of naturalization and assimilation, with foreign persons in their quality of non-Jordanians (24) the period of compulsory successive residency, which is besides the knowledge of the arabic language the proof and evidence of assimilation, varies from one arab one country to another for example the Omany laws provide the necessity of ten years of permanent successive residency unless the candidate is married to an Omany woman the period is reduced to five years Only. The law of Qatar - on naturalization - predicts by its article 3 twenty years of permanent residency for the non-arabs and fifteen years for the arabs to be naturalized, this same law gives priority to candidates which the country is in need of their skills. For its part the Kuwaity law of naturalization predicts fifteen years of permanent - successive .

Residency to obtain the nationality if the candidate is a non-Arab citizen or ten successive years for permanent residency if the candidate is an Arab. The Kuwaity law is more restrictive in attributing the nationality than other laws, it provides for limited number of persons of to be naturalized annually (fifty candidates), chosen by an official delegation designated for this purpose.

From the comparative review of the previous provision we can conclude that the majority of the naturalization laws take into consideration the Arab nationality as an element to reduce the residency period, decided to confirm assimilation.

On the other hand, nearly all the aforesaid laws give the administrative authorities (mainly the ruler or the ruler or the king) the capacity to attribute the nationality to every person who have offered remarkable services to the state without any other requirements such as a residency period i.e. article 6 paragraph.2 of the Bahrainy law of naturalization and nationality issued in 1963. The Saudi decree of naturalization issued in 1974 by its article 21 give the King the right to offer the Saudi nationality without regarding the conditions imposed by article,.

Conclusion

The extensive movement of labour within the Arab world is, ipso facto, creating a new situation of interdependence between all the countries involved. This interdependence is not planned but spontaneously created by effect of the market-demand and supply - and the necessity of pushing forward the economic projects in the rich oil states. But this situation is not fully satisfactory as an element of assimilation and integration in the Arab region. The treatment of the arab migrant labour does not amount to the ideal hopes, and is still without official organization.

On the other hand the legal assimilation of the arab migrant labour with foreigners in most of the arab states, is disappointing .

We feel the need, in this historical stage of the Arab

region, for more organization and interdependence, in the field of economic development which labour constitutes one of its basic elements. For this purpose and in view of more assimilation we suggest taking the following steps.

1. The establishment of a unified office for Arab labour with branches in all the Arab capitals. The main objective of this office will be to receive demands for labour from the member states and the public and private institutions, in the same time to propose labour force from the requests of work opportunities.

Also this office is to cooperate with the states to ameliorate the treatment of the Arab workers in the host countries.

2. The elaboration of a unified draft of labour legislation under the host of the A.L.O., which include a minimum standard of treatment to all Arab migrant workers in the host country, with the possibility of unifying labour opportunities between migrant workers and local citizens.

3. The ease of travelling and residency procedures across the Arab states borders with the possibility of encouraging the unification of the workers families.

4. The calculation of the post-working periods when joining a new work in another Arab state for pension and social-security purposes without any extraductions.

5. The encouragement of the rich oil states to invest their wealth in the other Arab states instead of leaving their money

in the developed states. This will open more work opportunities in the non-oil Arab countries. This proposition include, an obligation imposed on the labour importing countries to compensate the labour exporting countries for the loss incurred to their economies and the expenses paid for preparing skilled labour, this compensation must be paid under the title of solidarity.

6. The encouragement of assimilation between the Arab migrant labour and the local societies by means of easing the requirements of naturalization and unifying labour wages .

Footnotes

- 1) J.S. Birks and C.A. Sinclair, International Migration in the Arab Region-Rapid Growth, changing Patterns and Broad Implications Kuwait 1978.
- 2) Y.S. Sayigh, Economies of the Arab World: Development since 1945 (London, Groom, Helm, 1979).
- 3) K.G.Frenclon : The United Arab Emirates an economic and social survey (London, Longmans, 1976) .
- ① 4) Notably Kuwait, Saudi Arabia, Libya, The United Arab Emirate and Qatar).
- ② 5) Such as Iraq.
- ③ 6) See figure 1, such as Syria, Jordan, Egypt, whose migrants to the rich oil states have traditionally been highly educated with excellent skills.
- 7) Birks and Sinclair,op.cot. figure the loss in Arab occupied jobs by 16.57. and the rise in Asians number from 33.900 to 247700 by 1975.
- ④ 8) We excluded the north western african states due to historical ties with Europe in general and France in particular.
- 9) Peter Gorham, Labour Mobility, wage differentials and their implications for development, seminar on population, employments and migration in the Arab Gulf States, Kuwait 1979.

- 10) His R.H. Prince Hassan of Jordan proposed a kind of national compensation to be paid by the oil-rich state to the exporting labour states as a remedy for the subversive effect of such migration on their economies see his address to the 63rd international conference; I.L.O. Record of proceedings Geneva, 1977).
- 11) Statistics of 1980 stated by the labour Bulletin no.9,1982 nearly 45.8% of the Jordanian migrants work in Saudi 26.2% work in Kuwait and 12.6% in other oil countries (Table 2).
- 12) The labour Bulletin No. 13/14/1981 (Table 3).
- 13) The transfer of foreign exchange by Yemenis to their country was 225 Million Dollars in 1974 and 526 Million Dollars in 1975 but in 1977 it jumped up to 1.1 Billion Dollars. The Egyptians transferred 2 Billion Dollars in 1975.
- 14) Peter Gorham, op.cit.p.422.
- 15) For a detailed study of the Arab legislative provisions concerning work, and migration conditions in the Arab World we refer to the A.L.O. publications No. 19 January 1982.
- 16) The states are Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Qatar, Sudan, Syria, Tunisia, and the U.A.E. the convention was voted at the 1975 international labour conference.
- 17) Algeria, W.R.Bohning perspectives of Arab policies on international migration, Kuwait 1978.

18) Resolution No. 22 d/2-1966.

19) Fares Mouhammad Amin, Regional cooperation and integration of the Arab work force, A.L.O. Kuwait 1978.

10 20) The ratifying states are: Jordan 1975, Somalia 1976, Palest: 1976, Egypt 1976, and Iraq in 1977.

11 21) Jalâl Adanui, in 1981 but we consider the regulations issued by the minister still in force.

22) El-Rawi Jaber, Principles of private international law Bagdad 1976 p.196.

12 23) It is understood that the term foreigners indicates, for the purposes of this article, the non-arabs.

13 24) Some articles deal with Arab citizens others deal with foreign

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