The question of migration in the Middle East has become of particular importance given its link to global labour markets and lopsided population growth in the Arab Gulf area. Globally, Saudi Arabia (9.1 million) and UAE (7.8 million) are now on the 4th and 5th place of global migration movements – led by the United States, The Russian Federation and Germany. The United Kingdom and France are on 6th and 7th place respectively. Extensive naturalization in many Western countries on one hand, and multiple counting due to renewable visa policies in the Arab Gulf region on the other, makes quantitative comparisons difficult. Yet, there is no doubt that migration and citizenship is an issue of utmost importance in particular in the Gulf area.

This paper aims to critically frame the debate in view of an increasing amount of literature on the nexus between migration and citizenship. This will be done in the following four areas: Marginality and political communities (Schmitt); the softening/hardening of citizenship rights (Joppke); marginality and high-modernism (Scott); and finally the limits of any tangible reforms drawing on recent work by Ayelet Shashar. In doing so, this paper will draw on material from Kuwait, Bahrain, the United Arab Emirates, and Saudi Arabia.

My first point concerns the question of how political communities have been shaped by migration in the Gulf. Citizenship as membership means having rights and obligations especially in extreme situations – the Schmittian Ernstfall. This has meant in practice that the granting of citizenship and nationality as naturalization continues to be seen as a privilege of sovereign states, not a right that can be claimed and contested. In spite of Article 15 of the UNDHR, this is probably nowhere near of being changed in international law anytime soon. In turn, it can be withdrawn according to the laws of many countries, although often with one condition: that of not becoming stateless.
In the Gulf, the right to have citizenship and rights is strongly contested for many reasons. First (1), this is certainly due to extensive welfare provisions that exist for those included. It can be remembered that the existence of welfare rights also raises questions about “the right to have rights” in advanced liberal democracies. Second (2), there exist a significant number of groups that are formally excluded as stateless, without being migrants. Third (3) gender, sectarianism, tribal identity also serve to distinguish between different political communities that are only loosely connected as a political community, diminishing the universal understanding of “citizenship” as the rights to have rights. In short citizenship hierarchies enjoy a significant amount of social acceptance across the Gulf.

In this situation, migration has often become a factor in which political communities have been founded – as it included a distinction between rights of national populations vs. those of migrant populations. The sociological code as explained by Longva has been based on empowerment/disempowerment (yet not that of friend/enemy) of what she called a “besieged” society by migrants, especially due to the extensive use of domestic labour inside families. Given the tilted population growths of more than 85 percent expatriate labour in Qatar, Kuwait, and the UAE, this is an important factor underlying the citizenship debate here. In addition, demands for participation from Gulf intellectuals are often phrased with reference to the negative aspects of migration for local authenticity and long-term survival as a community. In short, migration has introduced understanding of citizenship as a political community in the Gulf. If privileges and rights are usually defined liberally as protection from the state, and Schmittian as protection from other people and states, then both aspects have been reversed in the Gulf to meet protection from migrant populations as guaranteed by the state (Partrick 2010).

Third, citizenship has a distinctive economic dimension due to rentierism or extreme rentierism in the case of the UAE, Kuwait, and Qatar. The primary role of the state is that of provider, distributor of rents, or in the facilitating activities by providing access to rents. In this context, migration has become a core rent-distributing activity. The state provides for economic incentives, first class infrastructure, and foreign, especially Arab and Indian investors set up business with a local partner as a 51 percent equity share. Due to the increasing amount of wealth created through low-skilled service and construction sectors,
transfers have skyrocketed further constituting important circuits of rents that directly relate to the meaning of economic citizenship prevalent in rentier states.

**Softening/hardening of citizenship rights**

From the last point follows that marginalization in the form of unequal distribution of citizenship rights is a core aspect of the rentier model of citizenship. This applies in particular to more diversified economies such as Dubai, and those that are moving into similar directions such as Doha and Abu Dhabi. From the sponsorship of foreign business, labour, to renewable visa policies, and some of the control mechanisms such as non-objection letters for job seekers, administrative controls are strongly embedded into rentierism. Migrants are also often involved in the higher echelons of the distribution of citizenship rights, making for example Iranian and Indian entrepreneurs a core constituency of Dubai. Together with tough policing and low crime rates, liberal economic policies as well as fast administrative decision making due to extensive use of electronic administrative procedures are particularly attractive for those who emphasize efficiency and liberal-economic policies, together with moralizing state rhetoric. This interior hardening of citizenship rights has been compounded by a strong set of segregation – the most visible aspect is the construction of “bachelor cities” for the large pool of male, low skilled laborers from the Indian subcontinent that constitute about 2/3 of all migrants.

Yet, the outer shell of migration remains remarkably soft. Whereas it has become virtually impossible to legally arrive in most advanced liberal democracies in Western Europe for most passport holders of the world, finding a job and obtaining residency in the Gulf states remains very open as much as these states continue to actively recruit a significant amount of foreign labour. As Europe, and especially Western Germany in the 1950s and 1960s under the label guest worker, these states attempt to implement a policy of contractual labour, and circular migration. In contrast to Western Europe where this concept became increasingly obsolete since the late 1970s, in the Gulf this remains possible: the fluidity of citizenship rights as mentioned above is compounded by a lack of effective judicial control mechanisms that mark state society relations in the Gulf.
Marginality and High Modernism

This relates to the problem of authoritarian rule and the absence of constitutional checks. In his seminal work *Seeing Like A State*, with the thought-provoking subtitle *How Certain Schemes to Improve the Human Condition Have Failed*, James Scott lists a set of conditions that lead to disastrous consequences, focusing primarily on large development schemes in urbanism, agriculture and water management. While his concept of high-modernism relates to the fact that state planners neglect local knowledge when implementing large scale development plans, he explains that the consequences are particularly disastrous if unchecked by an independent judiciary and liberal-democratic principles.

Gulf migration policies largely reflect the high-modernist dilemma that leads to increasing marginalization of migrants. The very problematic labour rights situation in outdoors construction industry and especially what Gardner calls the “coordinated deception” of migrant workers notwithstanding, the demands for guaranteed residency, fair juridical treatment, integrated and respectful neighbourhoods, health care, education, are all far removed from the public’s concern. Given the extreme population dynamic, this is hardly surprising. At the core of this lies the *kafala* system of visas – a traditional way of guaranteeing and vouching for guests that have become part of a power dynamic in which the *kafeel* becomes the owner of added-value that he obtains from the workforce. Limitations that governments try to implement in terms of the number of workers sponsored by one kafeel or percentage of foreign workers in private companies are easily undermined: unregistered labourers, officially employing GCC nationals (yet unofficially only paying a fee for the registration cards), are current practices that governments have been unable to solve. Given the rentier pact and the privileged position that families obtained in hierarchical wealth-creation system, enforcement is symbolic. When enforcement happens, then it social and human consequences are disastrous, as the mass expulsion of undocumented 250,000 workers by Saudi authorities in the last two months of 2013 illustrate, dubbed operation “clean up” by the Ministry of Labour. These were not just accompanied by beatings and inhumane detention camps, but also violent attacks by angry Saudi men charging at workers camps in Manfouha neighbourhood south of Riyadh that left scores of mostly Ethiopians dead. (Merip, March 18, 2014). In addition the ministry of interior announced support for the “clean up” campaign on April 14, 2014, by creating special panels in passport departments that investigates into overstayers of visas, and impose penalties including one month
imprisonment. Clearly, none of this involved the Kingdom’s judicial system and appeals will not be handled by the courts.¹

These may be unfortunate incidents that states in the region have difficulties in controlling. Yet, it is important to realize that the reliance on mass migration to pursue development plans remains the most technocratic approach to mobility and population movement in advanced capitalist society. While such ideas have existed elsewhere – guest labour in Western Europe – the checks on the inhumane consequences of this policy led to landmark reversals including the reformed German naturalization code that lifted the restrictions based on bloodline. In addition, parliamentary oversight on immigration policy also meant restrictions – given some of the xenophobic trends across Europe. Yet, mass migration in the Gulf with its 80 to 90 percent peaks in Kuwait, Qatar, and the UAE is posing its own unique restrictions on any meaningful integration schemes, obviating any prospects for a human approach to migration in the Gulf. Fears of losing authenticity, fears of being numerically outnumbered and marginalized continue to demand control over migrant labour and their marginalization. The state’s interest in diversification and increasing its rent-generating construction and service boom is turning a blind eye to these questions, as are reform proposals that have emanated from the state and Gulf intellectuals. The ruler of Dubai responded to critiques of Dubai’s economic boom, i.e. the rising number of migrants: “As for those who focus on the side effects [of Dubai’s economic boom], who consider them negative and try to inspire fear, they are shortsighted or just speaking their minds or suffering from inferiority complexes, which are hard to cure.” (Herb, 2009: 390). Reforms that are suggested and implemented focus on technological questions – for example a state-supervised, centralized wage pay system, or a state-supervised, centralized sponsorship system, or maybe even a state-supervised naturalization process based on a limited number of wealthy expats. Yet, neither in substance, nor in numbers, do such reforms change the “hardening” of the inner meaning of citizenship rights for migrants.

Quite significantly, lack of parliamentary oversight is involved in this “seeing like a state.” According to Herb, in the late 1970s a constitutional reform project that would limit the policymaking freedom of the ruling families by federalizing oil income and economic

policies was rejected by Dubai, which preferred to keep its autonomy in developing economic policies. Construction, real estate transactions, and the promotion of an unprecedented influx of foreign labour that strengthened the rentier pact between state and society, could thereby continue notwithstanding the criticisms that started to become frequently expressed (Herb 389-90). The state’s thereby acquired unprecedented autonomy from society, that markedly contrasts it from Kuwait, in which similar oil revenues and similar ruling bargains exist, yet where construction, real estate, business, and tourism sectors are remarkably less diversified and less powerful.

Reforms: Jus NEXI in Gulf societies

In a powerful critique of national citizenship laws called The Birthright Lottery, the Canadian author Ayelet Shashar discusses the necessity to include connection to the two established citizenship criteria: jus sanguinis and jus soli. Clearly, her idea of genuine connection is framed by her experience of living in a liberal-democratic state in which social and political inclusion is possible through a variety of means: public education, taxation, language acquisition including accents and, potentially, class consciousness. In her view, citizenship “must account for more than the mere automatic transmission of entitlement.” (164-5), describing jus nexi.

In the Gulf, rights to acquisition of citizenship beyond jus sanguinis and jus soli have been proposed, even if a first reform was first of all based on reforming the tribal and patriarchal male lineage, to also include female lineage. Yet, in terms of full citizenship rights jus nexi has been used to exclude a substantial part of citizens, by requiring for many governmental services not just citizenship but also a family book. Naturalized citizens and those who are not from male nationals of Gulf countries do not possess this. In Bahrain, a particular ethnic and financial component has been included for “nexus” that is in line with the rentier and developmentalist nature of the state: wealth. Effectively, long term residents (more than 15 for Arab and 25 years for others) could claim Bahraini citizenship if they own real estate property, yet even then they did not enjoy rights to political participation through voting and running for office. A sectarian dimension is included as invariably, the large majority of Arab migrants are in fact Sunni.
In Saudi Arabia, the criteria for “nexus” are particularly revealing: Saudi Arabia reformed its naturalization laws in October 2004. In addition to religious and ethnic considerations that appear to bar Palestinians in line with the Arab league’s commitment to a permanent solution in Palestine, the most important points are distributed according to professional and educational qualifications. The more sought after these qualifications are in Saudi Arabia, the easier it is to obtain citizenship. Particular family stipulations include that the grandfather of a Saudi mother who wants to pass down her citizenship to her offspring needs to be a Saudi national, yet even then it depends on the number of points that a child obtained.

“The child of a Saudi woman who is married to a foreigner will get one point upon reaching puberty. Educational qualifications of not less than secondary level will add another point. If both the mother’s father and grandfather are Saudi, the applicant will gain six points. If only the father is Saudi, the child gets only two points. If the mother has Saudi brothers and sisters, two more points will be given. When the applicant obtains a minimum of seven points, the citizenship committee will recommend considering the application for citizenship. If not, the application will be withheld.”

What appears from all these criteria is a systematic exclusion of all that have not intermarried with Saudis due to religious and ethnic segregation as well as socio-economic hierarchies. While the system manages to introduce some flexibility for Saudi offspring from mixed marriages, it continues to discourage any of these mixed marriages with the very same point system that officializes discrimination against “unpure” Saudis. In fact, it even introduces Saudi national “purity” as a concept where it had not existed in the past.

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Conclusion

With this overview of migration and marginalization of citizenship in the Gulf, I attempted to frame the debate by discussing four distinctive points.

First, the Schmittian friend/enemy paradigm is transferred into the domestic arena, in that migration becomes a defining characteristic that constitutes Gulf political communities.

Second, inner shell of citizenship remains hardened so that core constituencies (not only national populations) support the state’s development plans and rentier economies.

Third, the marginalization of migration is part of a high-modernist social engineering policy by the state. Uncontrolled by a judiciary or an elected parliament, the population policies have not just favoured large-scale developments, but have transformed these into a core criteria of their statehood. Any reforms that aim at changing the marginality of migration remain resisted by local economic stake holders. On occasion, the perceived loss of authenticity by national populations results in large-scale attacks on migrants, both by the state and by angered populations.

Forth and last, creating naturalization laws follows ideas of ‘nexus’ that have become quite popular in advanced liberal democracies. Yet, the implementation creates criteria of purity and religion that marginalizes new social groups, such as offspring from mixed marriages.