

THE 2022 FIFA WORLD CUP MAY BE THE CATALYST TO DISMANTLE (OR AT LEAST REFORM) THE KAFALA LABOR SYSTEM

LA COPA MUNDIAL DE LA FIFA 2022 PUEDE SER EL CATALIZADOR PARA DESMANTELAR (O AL MENOS REFORMAR) EL SISTEMA LABORAL KAFALA

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Resumen: El 2 de diciembre de 2010, el mundo del fútbol quedó atónito cuando el pequeño país de Oriente Medio conocido como el Estado de Qatar (Qatar) obtuvo los derechos para albergar la Copa Mundial de Fútbol Masculino de 2022 de la Federación Internacional de Fútbol Asociación (FIFA), a pesar de que su selección nacional nunca se había clasificado para una sola competición de la misma. Lo que hizo que la candidatura de Qatar fuera tan atractiva para la FIFA fue que incluía la construcción de un nuevo aeropuerto, el compromiso de actualizar la infraestructura de transporte público del país, la construcción de nuevas carreteras y autopistas por valor de 20.000 millones de dólares, incluido un puente con el país vecino de Bahrein (el más largo del mundo), la creación de 54 campos de entrenamiento y la apertura de varios hoteles para alojar a espectadores, equipos además de prensa y radiodifusión de los diversos países que los visitarían durante los 29 días de competición. Lo más importante, sin embargo, es que Qatar también aseguró a la FIFA que construiría nada menos que nueve estadios específicos para fútbol, todos ellos de última generación y equipados con sistemas de refrigeración que ayudarían a aliviar el agobiante calor qatarí, ya que la temperatura media en la península del Golfo ronda los 29 grados centígrados (85 grados Fahrenheit), pero puede alcanzar hasta 45 grados centígrados (113 grados Fahrenheit) durante los meses de verano.

Abstract: On December 2, 2010, the football/soccer world was stunned when the small Middle Eastern country known as the State of Qatar (Qatar) won the rights to host the 2022 Fédération Internationale de Football Associate (FIFA) Men's Football World Cup even though its national team had never qualified for a single FIFA World Cup competition. What made Qatar's bid so attractive to FIFA was that it included the building of a new airport, a commitment to updating the country's public transportation infrastructure, the construction of \$20 billion worth of new roads and highways which included a bridge to the neighboring country of Bahrain (the longest in the world), the creation of 54 training camps and the opening of a number of hotels to accommodate the spectators, teams, and broadcasting/press corps from the various countries that would be visiting the country over the 29-day contest period. Most importantly, however, Qatar also assured FIFA that it would construct no less than nine football/soccer specific stadiums, each state-of-the-art and equipped with cooling systems that would help alleviate the oppressive Qatari heat since the average temperature on the Gulf peninsula averages around 29 degrees Celsius (85 degrees Fahrenheit) but can reach as high as 45 degrees Celsius (113 degrees Fahrenheit) during the summer months.

1. Introduction

Immediately following FIFA's announcement of Qatar's winning bid, the international governing body received widespread criticism by those both outside and within the football/soccer world for several reasons, but most notably for Qatar's historic and well-documented lack of human rights protections afforded to women, LBGTQ+ people, journalists, and, for the purposes of this paper, migrant workers. In addition, even though FIFA acknowledged that Qatar would need 'significant human resources' in order to build the considerable number of infrastructure projects mentioned above, it did not require the Qatari government, as a condition precedent for hosting the world's largest soccer event, to commit to ensuring the human rights, specifically labor rights, for the migrant workers that would make up these 'human resources'.

Since then, a number of human rights groups have detailed how the Qatari gov-

ernment has exploited thousands of migrant workers by requiring them to pay a non-negotiable, exorbitant, and illegal 'recruitment fee' to secure employment within the country, while also allowing the companies it authorized to manage the numerous construction projects to engage in assorted wage abuses such as allowing the non-payment of overtime, subjecting workers to arbitrary deductions, and by permitting the withholding or nonpayment of wages altogether. But what is probably most astonishing involves a 2021 *Guardian* investigation which found that between 2010 and 2020, there were an estimated 6,751 deaths involving migrant workers associated with helping construct the infrastructure needed by Qatar to successfully host the world tournament. To put this into perspective, the fatalities associated with the 2018 World Cup in Russia totaled 21, the 2014 World Cup in Brazil totaled 9, the 2010 World Cup in South Africa totaled 2, the 2006 World Cup in

Germany totaled 0 and the 2022 World Cup in Japan/South Korea totaled 4.

At the center of this migrant worker exploitation is a system known as *Kafala* or sponsorship. *Kafala* is a British colonial era legacy entrenched within the Gulf states that connects a migrant worker's visa to his or her employer. This connection allows an employer to have unchecked power and the ability to take advantage of the vulnerable migrant workers. Arguably, the following five elements associated with the *Kafala* system allow for the continued abuse of migrant workers: 1) The need to have an employer sponsorship for the worker to enter the country; 2) The power an employer has in securing and renewing migrant workers' residency and work permits, in addition to the power to cancel these permits at any time; 3) The requirement for migrant workers to obtain an employers' consent to leave or change jobs; 4) The crime of 'absconding' wherein an employer can report a migrant worker missing, meaning the worker automatically becomes undocumented which can lead to being arrested, detained, and deported; 5) The requirement that migrant workers secure an exit permit and employer consent before leaving a country. This article will discuss in detail the history and legality of these five identified elements and how they are used to promulgate the abusive conditions that migrant workers must adhere to in order to continue securing employment. In addition, the author will argue that this system is not sustainable and does not align with the United Nations General Assembly's goals of ensuring cohesion, the economic prosperity or the protection of the health and well-being of migrant workers worldwide.

The first known example of a game involving some sort of ball was played by the ancient Aztec civilizations over 3,000 years ago. Around that same time, a ballgame involving kicking called *cuju* was making its way around what is today known as China. Other varieties of a 'kicking game' were acknowledged to have been played in ancient Greece, and during the reign of the Roman Empire a sport called *harpastu* was popular with the soldiers that made up its numerable military legions. It was these same Romans who brought football north to the British Isles where it was shaped, developed and sculpted over the centuries into the game of football/soccer as it is played today. And no single sporting event captures the essence of that growth and worldwide popularity than that of the FIFA World Cup.

2. The FIFA World Cup at Its Beginnings

One, if not the most popular and entertaining global sport contests is unquestionably the FIFA World Cup. This worldwide, quadrennial event is a football/soccer competition held among the national teams of the various members of Fédération Internationale de Football Association (FIFA). Over what is typically a four-week period, millions of football/soccer fans turn their attention to this international sporting event, no matter where the contest is being played, to watch the most talented players proudly represent their individual countries.

The initial FIFA World Cup was held in the city of Montevideo, Uruguay in 1930, with the international competition being

continued every four years in different countries since then except during times of global war. Uruguay was selected to host the first World Cup for two reasons: the Uruguay National Men's Football Team successfully won gold medals at the two preceding Summer Olympic Games (1924 in Paris and 1928 in Amsterdam), and because the South American country was celebrating the centenary of its first constitution.[1]

Divided into four groups, thirteen national teams, four from Europe (Belgium, France, Romania, and Yugoslavia), seven from South America (Uruguay, Argentina, Brazil, Bolivia, Chile, Peru, and Paraguay)

and two from North America (United States and Mexico), competed in the Uruguayan tournament, with each group's winner advancing to the next semi-final stage (The countries of Egypt, Japan, and Siam initially committed to sending their national team but ended up withdrawing from the competition).

In the end, however, and to no educated football/soccer fan's surprise, the host nation's National Team defeated a talented group from Argentina by the score of 4-2 before a crowd of 68,346 at Estadio Centenario, becoming the first winner of the FIFA World Cup.[2]

Table 1. World Cup Winners 1930-2022.[3]

Year	Winner	Defeated	Final Score
1930	Uruguay	Argentina	4-2
1934	Italy	Czechoslovakia	2-1
1938	Hungary	Italy	4-2
1950	Uruguay	Brazil	2-1
1954	West Germany	Hungary	3-2
1958	Brazil	Sweden	5-2
1962	Brazil	Czechoslovakia	3-1
1966	England	West Germany	4-2
1970	Brazil	Italy	4-1
1974	Netherlands	West Germany	2-1
1978	Netherlands	Argentina	3-1
1982	Italy	West Germany	3-1
1986	Argentina	West Germany	3-2
1990	West Germany	Argentina	1-0
1994	Brazil	Italy	3-2
1998	Brazil	France	3-0
2002	Germany	Brazil	2-0
2006	Italy	France	5-3
2010	Spain	Netherlands	1-0
2014	Germany	Argentina	1-0

Year	Winner	Defeated	Final Score
2018	France	Croatia	4-2
2022	Argentina	France	4-2

It is important to note that there were no qualifying rounds in the leadup to the Uruguayan World Cup of 1930. Thereafter, however, FIFA decided to organize a series of preliminary events to guarantee that only the best and most skilled national teams would play in its championship tournament. These qualifiers were to be organized and played within six different 'continental zones', Africa, Asia, North and Central America/Caribbean, South America, Oceania, and Europe, with FIFA announcing the number of teams from each that would receive a World Cup invitation based upon the overall strength of each zone.[4] At the same time, FIFA also decided that whatever country was named the host, its national team would receive an automatic bid to the tournament.[5]

This qualifying process, which was in effect from 1934 to 1978, occurred over a two-year period, leading to sixteen national teams receiving bids to compete in the World Cup. In 1982, that number was expanded to twenty-four, changing again in 1998 to thirty-two national teams receiving invitations. In January 2017, FIFA once again decided to modify its qualifying process, this time expanding to a forty-eight-team competition beginning as of the 2026 FIFA World Cup edition. [6] It is estimated that this expanded format will generate approximately \$1 billion in additional revenue for FIFA because of the increased television rights, ticketing, sponsorship deals, and other forms of income generators associated with the tournament.[7]

3. Hosting the FIFA World Cup

After 1930, it was determined that a vote would be held by FIFA member nations to elect a country to host the subsequent World Cup Finals. At its onset, this was problematic for the South American countries, a center of strength within the soccer world, together with North American countries, because they would have to travel for up to three weeks in order to reach FIFA's headquarters in Zürich, Switzerland to cast their votes. As a result, the 'elected' host nations for the 1934 and 1938 World Cups were two European countries – Italy and France. Uruguay and Argentina boycotted the 1938 Paris tournament because they, as well as other North and South American countries, believed, based upon assurances from FIFA, that the tournament's host nation would rotate between the Americas and Europe. [8] However, this alternating bi-continent scenario did not 'officially' take place until the 1958 World Cup, continuing up until 2002 when FIFA then agreed that two Asian countries, Japan and South Korea, would host the event jointly.[9]

Table 2. World Cup Host Nations.[9]

Year	Country	Continent
1930	Argentina	South America
1934	Italy	Europe
1938	France	Europe
1950	Brazil	South America
1954	Switzerland	Europe
1958	Sweden	Europe
1962	Chile	South America
1966	England	Europe
1970	Mexico	North America
1974	W. Germany	Europe
1978	Argentina	South America
1982	Spain	Europe
1986	Mexico	North America
1990	Italy	Europe
1994	United States	North America
1998	France	Europe
2002	Japan/ S. Korea	Asia
2006	Germany	Europe
2010	South Africa	Africa
2014	Brazil	South America
2018	Russia	Europe
2022	Qatar	Asia

Today, countries participate in a comprehensive bidding process to secure the rights to host the quadrennial event. It begins by FIFA informing its member nations, up to ten years in advance, that it is seeking bids for an upcoming tournament and that any interested country (or in some instances countries), upon request, will receive the appropriate series of registration documents and application forms that need to be submitted for consideration. These documents when presented to the FIFA Council represent a country's official confirmation of candidacy and

are reviewed and evaluated by FIFA's Bid Evaluation Task Force (BETF), the committee tasked with preparing a series of assessment reports:[10]

1. *Compliance Assessment*: Examines the bid's compliance with FIFA bid requirements, hosting templates, and requirements for the competition.
2. *Risk Assessment*: Evaluates the bid's projected cost and revenue, as well as any possible human rights concerns that could arise from host-

ing the tournament in the candidate country.

3. *Technical Evaluation Report*: Details of infrastructure and logistics, such as available stadiums, housing, and transportation, as well as additional financial concerns not covered in the Risk Assessment.[11]

In accordance with the BETF’s Technical Evaluation Report, a bidding nation must meet strict infrastructure requirements which include a minimum number of stadiums, team training facilities, hotels and housing accommodations, airports and transportation hubs, roads and highways, and communication systems. It is estimated that around 70% of the bidding process is a potential host country demonstrating that it has the needed in-

frastructure currently in place, or in the alternative, proving that a plan has been laid-out to ensure that all the required conditions and benchmarks could be met in a timely manner.[12]

3.1. Stadium Requirements

As specified within FIFA’s Guide for Bidding Process, a host nation must have available for the World Cup several stadiums that, depending upon the specific match or round in the tournament, range in capacity to seat between 40,000 to 80,000 spectators. [13] In addition, each national team competing in the World Cup must be provided with its own base camp training site, together with a training site at each of the stadium locations.

Table 3. Seating Capacity.[14]

Stadium Seating Capacity Requirements	
Opening Match	80,000
Group Stage Matches	40,000
Round of 32	40,000
Round of 16	40,000
Quarter Finals	60,000
3rd Place Play-off	40,000
FINALS	80,000

For the 2022 World Cup in Qatar, FIFA only required the host nation to provide eight stadiums and thirty-two training facilities. However, when FIFA increased the number of national teams invited to the 2026 World Cup from thirty-two to forty-eight, it also simultaneously increased the number of required stadiums from eight to fourteen, and the number of training facilities from thirty-two to fifty that the host

nation would need to have available for competition.[15]

As a result of FIFA’s conditions, the planning, designing, and constructing of the numerous stadiums and training facilities is predictably the largest cost for a nation to host the World Cup. This is compounded by the fact that although most countries have existing stadiums in place,

they are typically housed within a major city. FIFA, however, requires that its World Cup stadiums be located throughout the host country or countries, resulting in facilities being built in smaller, less populated areas, some of which do not even have a home football/soccer club or team. [12] These 'outlying' stadiums are expensive to build and manage, often take up scarce and high-value real estate (since they must be located near the city center), and are difficult and costly to maintain after the World Cup has ended.[12]

3.2. Transportation

In addition to the cost associated with building and maintaining the stadiums and training compounds, FIFA requires that in order to accommodate the temporary demand surge during the time of the Cup, that an airport be located near every stadium, each having a minimum capacity of 1,450 passengers per hour.[12] All of these airports must have a specified number of runways, terminals, passport and immigration control checkpoints, together with a minimal number of roads and access highways leading directly from the airport to the stadiums.[14]

FIFA also obligates a host nation to provide multiple transportation options such as trains, shuttles, buses and taxis, so that fans and tourists can adequately and efficiently travel from the airports and hotels to the stadiums.

3.3. Hotels and Accommodations

A host nation is also required to provide hotels located near each of the stadiums that have a room capacity ranging from

1,760 and 8,080, together with additional hotels located near the individual training facilities for the athletes and referees.[15] This translates into 72 base camp hotels for teams and referees, as well as 4 hotels per stadium location.

Therefore, if a host country can prove to FIFA that it has the needed infrastructure in place, or that it has a plan ensuring that all the required conditions and benchmarks could be met, then the Technical Evaluation Report, together with both the Compliance and Risk Assessment Reports, are forwarded to the FIFA Council who narrows all the received bids into a shortlist of potential candidates. From there, this shortlist is voted upon by the entire FIFA Congress, which includes representatives from all 211 FIFA member associations. [12]

4. Qatar's Controversial Bid to Host the 2022 World Cup:

Qatar is the smallest nation, and the only one ever to receive a bid to host the World Cup that never had its national team qualify for a single FIFA World Cup competition. At approximately 4,470 square miles, this middle eastern country has less square footage than the state of Connecticut, USA, with much of the landscape being that of a barren sandy plain. [16] What made Qatar's bid so attractive to FIFA, however, was that it included the building of new airports, a commitment to updating the country's public transportation infrastructure, the construction of \$20 billion worth of new roads and highways, the creation of 54 training camps and the opening of a number of hotels to accommodate the spectators, teams, and

broadcasting/press corps from the various countries that will be visiting the country over the 29-day contest period. [13] And by the year 2022, Qatar, as promised, built an entire city from the ground up that included twenty-two new hotels, turning a vacant desert into a luxury 450,000-person, 38-square-mile metropolis.[12]

Qatar also assured FIFA that it would construct no less than eight soccer specific stadiums, each state-of-the-art and equipped with cooling systems that would help alleviate the oppressive Qatari heat since the average temperature on the Gulf

peninsula averages around 29 degrees Celsius (85 degrees Fahrenheit) but can reach as high as 45 degrees Celsius (113 Fahrenheit) during the summer months. [17] After spending approximately \$6.5 billion, Qatar delivered – building seven, and renovating another, of the most technologically advanced stadiums across five different Qatari cities.[46] (Below is an approximation of what a previous host nation expended on either refurbishing or constructing new soccer facilities over the last four World Cup competitions).

Table 4. Stadium Costs [15].

2010 World Cup	South Africa	\$1.3 billion
2014 World Cup	Brazil	\$3.5 billion
2018 World Cup	Russia	\$3.8 billion
2022 World Cup	Qatar	\$6.5 billion

Lusail Iconic Stadium was built with the highest seating capacity (80,000) and was also the busiest stadium, hosting a total of ten matches, together with the final and closing ceremonies. With that, the

Al Bayt Stadium showcased nine matches and was the home for the opening ceremony and FIFA World Cup 2022 opener between Qatar and Ecuador.

Table 6. 2022 World Cup Stadiums in Qatar.[19]

Qatar Stadiums	City	Capacity
Lusail Stadium	Lusail City	88,966
Al Bayt Stadium	Al Khor	68,895
Khalifa International Stadium	Doha	45,857
Ahmad Bin Ali Stadium	Al-Rayyan	45,032
Education City Stadium	Doha	44,667
Al Thumama Stadium	Doha	44,400
Al Janoub Stadium	Al-Wakrah	44,325
Stadium 974	Doha	44,089

When all was completed, what the Qatari government expended on the building its new airport, the country's public transportation infrastructure, the construction of over \$20 billion of new roads and highways which included a bridge to the neighboring country of Bahrain (the longest in

the world), and the opening of a number of hotels to accommodate the spectators, teams, and broadcasting/press corps from the various countries that will be visiting for the 2022 World Cup, was approximately \$220 billion.

Table 5. Total Expenditures on World Cup Preparations [15]

2010 World Cup	South Africa	\$4 billion
2014 World Cup	Brazil	\$15 billion
2018 World Cup	Russia	\$14 billion
2022 World Cup	Qatar	\$220 billion

Although FIFA's 2010 decision to have Qatar host the World Cup was applauded by many, being that it was the first time an Arab nation would be doing so, numerous others criticized and, in some cases, condemned it for several reasons. This widespread criticism came from both outside and within the football/soccer world due to the allegations of bribery and corruption among FIFA officials who voted in favor of having Qatar host the event. [19] This was followed by concerns of having the matches of the World Cup taking place during the summer months, where, as stated above, temperatures could rise to that of unhealthy levels for both the athletes playing the games and the spectators watching.[20]

However, the most notable criticisms were because Qatar lacked many of the stadiums, practice facilities, hotels, transportation systems and roadways necessary for the event to succeed. In order to construct this required infrastructure in time for the event, the country would need 'significant human resources' and would have to turn to a labor force made up almost entirely

of migrant workers. This alone typically would not be of great concern; however, Qatar has a historic and well documented lack of human rights protections not only for women, LGBTQ+, and journalists, but for its migrant worker population as well. [21]

And interestingly, and somewhat curiously, even though FIFA acknowledged that Qatar would need 'significant human resources' to build the considerable number of infrastructure projects for the event, it did not require the Qatari government, as a condition precedent for hosting the World Cup, to commit to guaranteeing the protection of human rights, specifically labor rights, for the migrant workers that would make up these 'human resources'. [22] With no pressure from FIFA, Qatar, one of the world's wealthiest countries, which in 2010 employed approximately two million migrant workers (95 % of its total labor force)[23], was free to continue granting employers unrestricted powers over its migrant worker population, allowing them to evade accountability for a

number of labor and human rights abuses.

5. Various Labor Abuses Suffered by Migrant Workers

5.1. Recruitment Fees

Although the charging of recruitment fees is allegedly illegal in Qatar, the practice remained widespread in the years leading up to the country's hosting of the 2022 FIFA World Cup. In fact, the Qatari government openly commented that the issue of migrant workers' paying their own recruitment fees during this timeframe was not a Qatari problem but was one for the workers' countries of origin to address. [24] What the Qatari government failed to recognize or acknowledge, however, is that a Qatari company or employer contributes to these fees by imposing added costs, in addition to the initial recruitment fee already paid by the migrant worker, onto the recruiters that they know will again be passed down to the workers. [23] Therefore, these companies increased their profit-margins by adding these additional costs on top of the recruitment fees which they know will be passed along to their contractors and sub-contractors, who eventually pass the buck to workers who end up paying their own recruitment fees.[23]

The result, therefore, is that a migrant worker who has already paid on average between \$693 to \$2,613 in recruitment fees to secure a job within Qatar, is then compelled to work for months without pay because they are 'responsible' for repaying the additional or add-on recruitment fees.[23] This indebtedness increases the 'power' that companies and employers

have over their employees, making them even more likely to get away with abusing employees without accountability.[23]

5.2. Wage Abuse

Wage abuse was one of the most common problems facing migrant workers hired to build the infrastructure in the lead up to the Qatar World Cup. [26] Aside from working long hours in extreme heat, living in cramped and overcrowded conditions, paying off debts, and being indebted to their 'sponsors', many workers earned only the basic Qatari minimum wage of QR750 or \$260 per month and struggled with delayed or even unpaid wages, all while having to deal with punitive or otherwise illegal wage deductions.[25]

In fact, according to Human Rights Watch's Reporters' Guide for the 2022 FIFA World Cup, companies frequently withheld contractually guaranteed overtime payments and end-of-service benefits, and regularly violated contracts with migrant workers with impunity. [26] In the worst cases though, according to the Reporters' Guide, employers simply stopped paying their employees' wages altogether. [26]

Table 6. Wage Abuses and Explanations. [28]

Types of Wage Abuse	Explanation
Delayed or Unpaid Wages	Employers consistently delaying monthly wages, sometimes to the point of non-payment of wages. These are often company wide.
Lack of Overtime Payments	If workers are performing more than 8 hours of work a day, they should be compensated at a higher rate for the extra hours. In most recorded instances, employees are not paid at all for the extra hours.
Contract Substitutions	Workers sign employment contracts in countries of origin that promise a certain salary but upon arrival in Qatar find that they are met with a new contract with a lower salary.
Lack of Departure Payments	Migrant workers in Qatar are promised end-of-service benefits, salary in lieu of unused vacation days, and a ticket home at the of end their contract. Often these are not paid.
Underpayments	Employers consistently paying lower than contractually stipulated amounts, arbitrary deductions, or employers not having enough assignments for workers.
Payments of Recruitment Fees	It is employers who should be paying recruitment fees for migrant workers, along with their airfare to Qatar, instead in too many cases, workers are taking personal loans to make these payments.

Because these abuses were unchecked by the Qatari government, many of the migrant workers returned home to their country of origin worse off financially than they were when they left for Qatar to build its World Cup infrastructure.

5.3. Deaths of Migrant Workers Associated with the Qatar's 2022 FIFA World Cup

While Qatar's official death count of migrant workers assisting in the building of the infrastructure for the 2022 World Cup was determined to be between thirty-four and forty, estimates by NGOs and human rights organizations put the total death toll

at over six thousand. [27] This high death toll calculation was based, in part, on a 2021 *Guardian* investigation which estimated that between the years 2010 and 2020, there were 6,751 deaths in Qatar of migrant workers that were neither categorized by occupation nor place of work. [28]

The difference between the Qatar's numbers and what the *Guardian* uncovered is because the government largely only included renovation or construction workers on the sites of the eight competition stadiums, which represent just 2% of the workers employed in the construction industry, as part of its official death toll. [42] The government's number did not include many of the deaths of the workers

involved in building the hotels, highways and public transportation systems (such as the Doha subway) that would not have been built if Qatar was not hosting the World Cup.

This substantial discrepancy is also based in part because of these additional factors: first, even with Qatar's highly advanced and modernized healthcare system, it failed to publish comprehensive data with regards to migrant workers' cause of death. [29] Second, as per the U.N.'s International Labor Organization, which carried out its own analysis in 2021, determining the number of deaths is complicated because various foreign ministries use different methods of data collection, the complexity of when to attribute a death directly to work, and deciding what constitutes a World Cup project. [30] Third, Amnesty International found that Qatar routinely issued death certificates for workers without conducting adequate investigations, instead attributing their deaths to "natural causes" or vaguely defined "cardiac failures". [31]

Categorizing in a vague and undefined manner obscures the underlying cause or causes of a migrant worker's death, which in turn makes it impossible to determine whether or not they are related to his or her employment or working conditions. [32] As a result, with many of the deaths being categorized as non-work related, it is impossible for their families to claim death benefits compensation, even though under Qatari Labor Law, workers who die because of work related causes are entitled to compensation from their employers.

With all this being said, however, the number of worker's deaths, either via the Qatari government's count or the *Guard-*

ian's report, is sizable when compared to the number of deaths associated with the construction of stadiums and sporting facilities involved with other international sporting events. For the London 2012 Olympic Games, the number of workers who died building the six new facilities was reported as zero. [43]. Regarding the 2018 World Cup, Human Rights Watch reported upwards of seventeen deaths (final estimates totaled 21), together with widespread exploitation and labor abuses of construction workers working at stadium sites for the 2018 FIFA World Cup in Russia, [44] and Reuters recounted that eight people died during either the building or refurbishing of the twelve venues scheduled to host the 2014 World Cup in Brazil – [45] and these are two countries with questionable histories in the area of human rights.

Additionally, and to put this issue of deaths when building infrastructure for global sporting events into perspective, the fatalities associated with the 2010 World Cup in South Africa totaled 2, the 2006 World Cup in Germany totaled 0 and the 2022 World Cup in Japan/South Korea totaled 4. While during roughly the same timeframe the total fatalities for the Summer Olympic Games are as follows: 1996 Olympic Games in Barcelona totaled 1, the 2000 Olympic Games in Sydney totaled 1, the 2004 Olympic Games in Athens totaled 14, the 2008 Olympic Games in Beijing totaled 10, and the 2012 Olympic Games in London totaled 0.

Table 8. FIFA World Cup Fatalities (1990-2018) [43]

1990 World Cup	Italy	24 fatalities
1994 World Cup	USA	3 fatalities
1998 World Cup	France	n/a
2002 World Cup	Japan/S. Korea	4 fatalities
2006 World Cup	Germany	0 fatalities
2010 World Cup	South Africa	2 fatalities
2014 World Cup	Brazil	9 fatalities
2018 World Cup	Russia	21 fatalities

But why are these mistreatments and exploitations – recruitment fees, wage abuses, and uncategorized deaths, in addition to a number of others, allowed to happen to migrant workers who came to Qatar, one of the wealthiest countries in the world, the build to much-needed infrastructure for the FIFA World Cup? The answer: the migrant worker population, which makes up approximately 95% of the work force, [33] is subject to the *kafala* labor system.

6. The *Kafala* System

The term *kafala* refers to a legally structured employer-employee relationship based upon the concept of ‘sponsorship’ that applies to migrant workers in countries such as Jordan, Lebanon, and various Arab Gulf states.[34] An Islamic jurisprudential tradition that was adopted by the British during the colonial era and expanded during the 1950s due to the demand for cheap labor during a period of booming economic growth, the *kafala* system allows for a government to offer local individuals or companies ‘sponsorship permits’ so that they can hire and employ

foreign laborers. These ‘local employers’ are then afforded considerable and extensive control over their employee’s immigration status, together with their living and working conditions.

Under the *kafala* system, the state gives local individuals or companies sponsorship permits to employ foreign laborers. The sponsor in return covers travel expenses and provides housing. Rather than hiring an individual directly, sponsors sometimes use private recruitment agencies in the countries of origin to find workers and facilitate their entry to the host country.

In addition, within the *kafala* system, a migrant worker’s immigration and legal residency status is tied to an individual sponsor (*kafeel*) throughout his or her contract period in such a way that the migrant worker cannot typically enter the country, resign from a job, transfer employment, nor leave the country without first obtaining explicit permission from his or her employer.[40] This is distinct from most other forms of sponsorships where only the migrant worker’s employment status is determined by the employer at the time of entering the country, and where there is more flexibility in being able to switch

employers without losing immigration status.[40]

Legally *kafala* falls under the jurisdiction of interior ministries and not the labor ministries, therefore workers often have little protection under the host country's labor laws.[35] Furthermore, because workers' employment and residency visas are linked to their employers, only they have the power to renew or terminate them, leaving a system that endows private citizens, rather than the government, with control over workers' legal statuses, creating a power imbalance that sponsors have the power to exploit. [34]

Specifically, under the system employers have the power to:

1. The need to have an employer sponsorship for the worker to enter the country.
2. The power an employer has in securing and renewing migrant workers' residency and work permits, in addition to the power to cancel these permits at any time.
3. The requirement for migrant workers to obtain an employer's consent to leave or change jobs.
4. The crime of 'absconding' wherein an employer can report a migrant worker missing, meaning the worker automatically becomes undocumented which can lead to being arrested, detained, and deported.
5. The requirement that migrant workers secure an exit permit and employer consent before leaving a country. [36]

As a result, even though the literal translation of the word *kafala* in Arabic means "to take care of", this system is inherently

exploitative and allows for poor working conditions, abuse, and low wages. [37] In fact, a number of NGOs and human rights organizations, who refer to it as a 'facilitator of modern-day slavery', openly demand that it either be reformed to guarantee livable working conditions or eliminated altogether. [38] However, despite global criticism, Qatar, after being awarded the 2022 FIFA World Cup in 2010, did not change or eliminate any of its imbedded *kafala* policies.

7. FIFA's 'Spotlight' Causes a Demand for Change of the *Kafala* System

Although human rights organizations have for years advocated for the *kafala system* to be abolished, or at least restructured for the benefit of the migrant workers, what the 2022 FIFA World Cup did was to unknowingly 'throw a spotlight' on the ancient labor system and the abuses it promulgates. In Qatar, where migrants were forced to work in temperatures exceeding 100°F (38°C) to build the stadiums, practice facilities, highways and hotels in the leadup to the international tournament (conditions that reportedly contributed to the deaths of thousands), condemnation by various labor rights advocates throughout the world led to the several protections to be instilled on behalf of the migrant works such as the implementing various forms of heat protection that included mandatory hydration breaks.[34]

The United Nations, together with the European Union, has recently come forward and publicly criticized the *kafala* system, calling for it to be abolished and replaced

with a regulated, open labor market. At the same time, countries that utilize the system have begun to initiate reforms, such as standardizing contracts, letting workers transfer jobs after a certain period, and easing restrictions on leaving the country.[34] In fact, in March 2021, Saudi Arabia began allowing migrant workers to leave the country without their sponsor's permission, though they still need the government's approval, and the UAE implemented 'flexi-visas' for workers who have become undocumented.[34]

Even FIFA has modified its bidding process to include a commitment to respect human rights and has stated that it is fully committed to conducting its activities in connection with hosting the FIFA World Cup based on sustainable event management principles and to respecting international human rights and labor standards in accordance with the United Nations' Guiding Principles on Business and Human Rights.[41] FIFA is now also requiring the implementation of human rights and labor standards by the bidding member associations, the government and other entities involved in the organization of the tournament, such as those responsible for the construction and renovation of stadiums, training sites, hotels and airports. [41]

8. Final Thoughts

What is interesting, and somewhat curious, is that even though FIFA acknowledged that Qatar would need a significant amount of human resources to build the infrastructure for its event, it did not require the Qatari government, as a condition for hosting the 2022 World Cup, to commit to eliminating or even modifying

its country's *kafala* policies to ensure human rights, specifically labor rights, for the migrant workers that would make up these 'human resources'. [22]

Therefore, without FIFA demanding an end, or even a temporary modification, to the *kafala* labor system, Qatar was free to grant companies and employers contracted by the government to build the World Cup infrastructure unrestricted powers over its migrant workers and to continue allowing them to evade accountability for labor and human rights abuses. But when you have an unprecedented opportunity to secure over \$7.5 billion from various revenue generators tied to the 2022 World Cup, it is easy for FIFA to allow a host nation to abuse and exploit the human rights of those who made it all possible. [39]

But, as stated previously, with the 2022 FIFA World Cup being held in the country of Qatar, it unintentionally and unknowingly 'threw a spotlight' on the ancient and abusive labor system known as *kafala* that resulted in outcries and calls for change from labor advocates, human rights organizations, governments and other assorted governing bodies. With this, there is new hope that this antiquated sponsorship system will (finally) be reformed and/or reshaped to improve labor market mobility, wages, and the quality of the working conditions for thousands of migrant workers it currently exploits. The last thing the world wants is to have another 6,500 people die in order to watch and enjoy the 'kicking game' of football/soccer.

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