



QATAR

Capital:

Doha

Population:

817,052

GDP:

\$15.91 billion

GNI per capita:

\$20,701

Scores:

Civil Liberties: *3.69*

Rule of Law: *3.74*

Anticorruption and Transparency: *2.58*

Accountability and Public Voice: *3.27*

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

by Jill Crystal

EXECUTIVE SUMMARY

Qatar is a monarchy governed by a relatively benign autocrat, Sheikh Hamad al-Thani. While the emir exercises power with few formal or informal restraints, he is not notably reckless in its use. Unjustified imprisonment and torture are rare; systematic state terror does not exist. There are, however, continuing instances of questionable detentions, most notably of prisoners incarcerated in connection with a 1996 countercoup attempt. Public protest is rare, although when it does occur the government has not responded with excessive force. While the emir continues to exercise direct control over the police and military, these bodies normally refrain from interfering in the political process. Corruption, especially at the highest levels, remains a problem, as does the very high degree of government involvement in the economy, notably the energy sector. However, in recent years the emir has streamlined decision making, eliminating much of the overlapping authority among policy makers

at the highest level, especially in the energy sector, as part of a broader effort to encourage foreign investment.

Since the accession to power of the current ruler, who deposed his father in a bloodless coup in 1995, the country has seen significant political liberalization. Potentially the most important reform is Qatar's new constitution, which was adopted by referendum on April 29, 2003. Other reforms include the holding of municipal council elections in 1999 and 2003 and the granting of women's suffrage, the removal of many press restraints, the expansion of freedom of worship to Christians, and the promise to hold elections in 2004 for 30 of the 45 members of a new advisory council. These reforms, however, are new and untested, as yet too recent and tentative to warrant more than cautious optimism. Whether reforms are a temporary measure to secure popular and Western support during a difficult transition or steps toward a genuine expansion of political and civil rights is unclear. If the reforms are not to suffer the fate of their predecessors, they need to be consolidated through the holding of promised elections, enforcement of constitutional rights to free association and constitutional review, encouragement of governmental transparency and accountability, and a crackdown on corruption.

CIVIL LIBERTIES – 3.69

Article 36 of the constitution asserts that no one shall be arrested except under provisions of the law and that no one shall be subject "to torture or humiliating treatment. Torture is considered a crime and shall be punished by the law." In practice, unjustified imprisonment and torture are rare, and certainly systematic state terror does not exist. The U.S. Department of State *Human Rights Report* for 2002 reported no new incidents of unjustified imprisonment and torture and no politically motivated disappearances, although Amnesty International's 2003 Annual Report notes continuing allegations of ill-treatment and possible torture.

The state appears to refrain from killing political opponents and other peaceful activists, and long-term detention without trial does not normally occur. There are, however, continuing instances of questionable detentions. Some 33 prisoners sentenced in connection with a failed coup in 1996 remain in prison, placed there following trials that met no reasonable standard of due process. When citizens' rights are violated by state authorities, citizens have little recourse save what influence they can exert through their extended families and patronage networks. Citizens do have access to independent legal counsel; however, the judiciary is not entirely independent nor does it always act to ensure the rule of law. Citizens are rarely the target of abuse by private or non-state actors; noncitizens are, however, and lack effective state protection.

Public protest or political demonstrations, commonplace in the 1950s and 1960s, are rare today. The government generally bans demonstrations, but when it has permitted them in recent years (for example, in protest of the World Trade Organization or of Israel's policy toward the Palestinians), the government has not engaged in excessive force.

Article 50 of the constitution guarantees freedom of worship. However, Islam enjoys a distinct privileged status in spirit and in letter. Article 1 of the constitution names Islam as the state religion and states that Islamic (Sharia) law is the main source of its legislation (although in practice it is the primary source only for personal status law and for some elements of criminal law). Article 9 stipulates that the heir apparent be a Muslim with a (Qatari) Muslim mother. Islam is incorporated into the national educational curriculum, and Muslim holidays are public holidays. Conversion from Islam is considered apostasy and punishable by death (although the government has never actually executed anyone).

The ministry of Islamic affairs controls the administration of religious affairs, mosque construction, and Islamic education. It appoints religious leaders and monitors their sermons. Most Qataris are Sunni and specifically Wahhabi Muslims, and the state privileges this interpretation of Islam. Dissenting Muslim views are discouraged. In 1998, for example, a religious scholar was detained for three years after speaking out against government policies on alcohol and women's suffrage.

While the majority of Qataris are Muslims, who generally worship freely, the expatriate population includes a significant number of Christians. Until recently, Christian worship was banned. However, the current emir has allowed Christian worship and in 1999 granted permission for construction of Qatar's first church. Still, religious freedom has not been extended beyond the Christian community. There are few Jews in Qatar, but the Anti-Defamation League has protested the existence of anti-Semitic stereotypes in Qatar's newspapers. Hindus, Buddhists, and others are not allowed to practice openly. Non-Islamic religious literature is banned, although bibles for personal use are tolerated.

While the rights to assemble and to form societies are established in Articles 44 and 45 of the constitution, in practice these rights are limited. All nongovernmental organizations require permission from the state to operate. Political parties, opposition groups, women's groups, and human rights groups have been refused licenses, although in 1992 the ruler established a national committee for human rights. Trade unions have not been allowed to organize, but the government is considering amending legislation on this. While present law allows for joint worker-employer consultative committees, all members must have prior governmental approval, and a

government delegate may observe meetings. Collective bargaining is not allowed. Civil servants, who make up the vast majority of the workforce, and domestic workers may not strike; private sector employees may strike, but only after a conciliation board has ruled on a dispute. In practice, most of the private workforce consists of foreign workers, who are reluctant to exercise what legal rights they have for fear of job loss and deportation. The state does not compel citizens to belong to associations.

Qatar's constitution guarantees women equal rights: Article 35 stipulates that "There shall be no discrimination on account of sex, origin, language or religion." In 1999 the emir granted women the right to vote. Many women hold government positions, and in 2003 the emir appointed Qatar's first female minister, Sheikha bint Ahmed Al Mahmoud, as minister of education.

In practice, however, discrimination against women exists. For example, Qatari women must have permission from their male guardians to obtain driver's licenses, and men may prevent female relatives from leaving the country. Female workforce participation rates remain low and women remain concentrated in traditional sectors, notably education and medicine. However, the barriers to employment are more informal than formal; Qatari women who choose to are found working in a range of professional positions.

Qatar's judicial system comprises two sets of courts, which were unified in 1997 under the umbrella of a Higher Judicial Council: Islamic (Sharia) courts, which implement Islamic law, and non-Islamic courts. While today Islamic courts in Qatar (as in most Muslim states) have jurisdiction over only a narrow range of issues—primarily personal status law (roughly, family law and probate, such as custody and inheritance)—Sharia law gives preference to men in these matters. Honor killings are rare in Qatar, although in 1999 a former minister was accused of killing his two half-sisters in a prominent case that resulted in a short jail time and financial compensation. Sharia judges enjoy a higher status than non-Sharia judges and exert somewhat more judicial independence.

Trafficking in women and children is illegal but does occur. Domestic workers, particularly from Asia, often labor under conditions approaching involuntary servitude, and some are sexually exploited. They have little effective recourse. Young children, typically from Asia, are bought to be used as camel jockeys. While the government in recent years has moved to eliminate the worst abuses of children as camel jockeys, it has not taken strong measures to prevent trafficking in women.¹

Although Qatari citizens are heterogeneous (most are Arab, with the rest of distant Pakistani, Iranian, or African origin), there are no significant eth-

nic, cultural, or linguistic minorities. While some social discrimination does occur among Qataris, the state largely ensures that persons belonging to minorities exercise fully and effectively all the human rights and freedoms granted to Qataris without discrimination and with full equality before the law. These differences among citizens are not substantial and pale in significance beside the distinction drawn between Qataris and non-Qataris. On paper and in practice, most rights apply only to Qatari citizens. While this is not in itself unusual, the vast majority (some 75 percent) of Qatar's residents are noncitizens. The result is that the majority of the population has few political or civil rights.

Recommendations

The encouraging statements in the new constitution about the principles underlying Qatari society (for example, Article 18 calls for society based on "justice, kindness, freedom, equality and morals"), as well as specific guarantees of particular rights, need to be backed up by institutional protections to ensure effective recourse when they are violated. An independent judiciary (or other body) with the power of constitutional review would address some of these issues. The government should also expand freedom of association by granting licenses to organizations and allowing opposition groups, political parties, religious groups, trade unions, and other groups to organize freely.

RULE OF LAW – 3.74

The constitution provides for an independent judiciary, and in practice the judiciary does exhibit a degree of independence, although justice can sometimes be slow. However, there are no real protections to ensure that state funding for the judiciary is not used as an instrument of control and political pressure. Most of Qatar's judges (including Sharia judges) are foreign nationals (as yet too few Qataris have adequate legal training) who, serving at the pleasure of the emir, are ill-inclined to challenge him. According to political scientist Nathan Brown, those who issue unpopular rulings may have their visas revoked or find their contracts are not renewed.² Locally, Sharia judges are trained primarily at the University of Qatar's Faculty of Sharia Law and Islamic Studies. Those interested in pursuing a degree in Western law attend universities in other countries. The absence of local training for non-Sharia courts has increased the country's dependence on foreign judges.

There are, moreover, no established procedures for judicial review, and the courts do not function in an atmosphere of judicial activism. While Article 140 of the constitution does state that "the law shall define the judicial

agency that is authorized to settle disputes related to constitutional validity of laws and regulations,” such a judicial agency has not been established, nor has one ever existed in the past. Qatar has no constitutional court and no mechanism for constitutional review, making it one of only a handful of such states in the region. As Brown has noted, “in fact, not a single Qatari judge or lawyer could name one case in the history of the courts that had a constitutional dimension.”³ Qatar’s courts have never served as a check on the ruler: The legal system does not protect individuals from the state in any systematic way.

In ordinary civil and criminal matters, the rule of law generally prevails. Citizens who have been arrested by and large receive a fair and (usually) public hearing by a competent, independent, and impartial tribunal. There is a constitutional right to a presumption of innocence, which is historically granted in Islamic law. Those charged with a criminal offense have the right to legal representation throughout the legal process. However, there are no provisions for making legal counsel available at state expense to people who are indigent.

Prosecutors are normally independent of political direction; however, some politicized cases (most notably the 1996 countercoup trial) have clearly not been free from political direction. State security courts do exist in law to try political cases, but in reality they have not been used, even in the 1996 trials.

The emir exercises direct and indirect control over Qatar’s police, military, and internal security services. In June 2003 the emir created an independent State Security Agency, answerable directly to him, which consolidated the older General Intelligence Agency and the State Intelligence Security Unit. The most important police, military, and internal security services are headed by powerful members of the ruling family, who in turn answer to the emir. While the constitution does not stipulate that the key ministers be members of the ruling family, direct family control of these so-called sovereign ministries has always been the rule in Qatar, as in the other Arab Gulf states. The judicial branch exercises no effective supervision.

The police, military, and internal security services generally refrain from interfering in the political process. However, there have been instances of such intervention, notably the 1996 coup attempt, in which many military and police officials, including the former head of the police (a member of the ruling family), were involved.

Article 35 of the constitution states that “all people are equal before the law,” but in practice members of the ruling family, especially those closest to the emir, often stand above the law. They are not prosecuted for abuse of power or for anything else. The courts have issued judgments against ruling

family members in civil matters but not against powerful ones. Where they have issued judgments against ruling family members in criminal matters, it has typically been with the clear support of the emir, again notably in the trials related to the 1996 attempted counter coup (for example, the trial of former finance minister Shaikh Hamad bin Jasim bin Hamad al Thani).

Constitutional guarantees regarding the protection of private property are respected and enforced.

Recommendations

A set of institutionalized procedures must be put in place that provide a review of the constitutionality of laws, that enforce consistency between particular laws and basic principles, and that hold the government to the notion of the rule of law and not of men. In the spirit of the new constitution, the emir should create a court capable of constitutional review, whether on the civil law or common law model, and allow no one to stand above the law.

ANTICORRUPTION AND TRANSPARENCY – 2.58

The record on corruption and transparency in Qatar is mixed. Petty corruption is not widespread. State employees are well paid; moreover, many state employees are expatriates reluctant to risk job loss and deportation for improper financial gains. The government is generally free from excessive bureaucratic regulation, registration requirements, and other controls that would increase opportunities for corruption. However, the government is equally free from bureaucratic regulations and requirements that might prevent corruption. Recent reforms streamlining bureaucracy and reducing overlapping authority have improved the situation. According to Transparency International's 2003 Corruption Perceptions Index, Qatar scored 5.6 out of a perfect score of 10, placing it at number 32 out of 133 countries.

While petty corruption is uncommon in Qatar, corruption at the very top appears rampant. When the former emir was deposed in 1995, he refused to return some \$3–\$8 billion in state funds invested abroad, arguing that these were his personal assets. The dispute was settled out of court with most of the money eventually returned. The new constitution does not clarify matters in this regard: Article 17 stipulates that “the financial remuneration of the Emir, as well as the gifts and assistance[,] shall be defined as per a decision to be taken by the Emir annually.” Access to the Qatari market, or at least to the greatest contacts, typically depends on developing the right connections and contacts with powerful middleman, who are generally influential members of the ruling family. These individuals then collect hefty commission for making the necessary introductions.

At the top there are virtually no financial disclosure procedures or other protections that could prevent conflicts of interest, and the state does not enforce the separation of public office from the personal interests of public officeholders, at least among officeholders who are also powerful members of the ruling family. Article 128 of the constitution stipulates that ministers “shall not use or exploit their official posts in any way for their own interests or for the interests of those with whom they have special relations.” Nonetheless, similar language in the past did not prevent corruption. Criminal investigations, for example, were opened in England against Qatar’s foreign minister, Shaikh Hamad bin Jassim, on suspicion that he took extraordinarily large kickbacks in violation of Britain’s money-laundering laws. The case was later settled out of court.

There is no effective process to promote integrity and to prevent, detect, and punish the corruption of public officials. Asset declarations of public officials are not open to public and media scrutiny or verification. Since the government does not rely on taxes for revenue, but rather on the direct sale of oil and gas, there are no effective internal audit systems to ensure the accountability of revenue collection. No independent auditing body exists outside the executive.

The emir is apparently unwilling and/or unable to rein in the powerful shaikhs. Many ministries are in effect fiefdoms of the shaikhs who run them, their ministers constrained neither by law nor by the emir.⁴ Allegations of corruption do not receive extensive airing in the news media, and there are no effective and independent auditing bodies to investigate such matters. The state has no adequate mechanisms in place for victims of corruption to pursue their rights.

On the other hand, the state protects higher education from pervasive corruption and graft. Bribes are not necessary to gain admission or good grades. However, many faculty members are expatriates and, fearing job loss and deportation, are in practice often reluctant to give poor grades to Qatari nationals, especially those from powerful families.

The state has a high level of involvement in the economy. Energy, the dominant sector, is government owned, as are the largest industries, although the retail and construction industries are private. Article 29 asserts that “natural wealth and resources [that is, oil and gas] are the property of the State.” While Article 17 of the constitution calls for the protection of private ownership of property, Article 28 calls for the state to ensure the freedom of economic activity “on the basis of social justice and balanced cooperation between the public and private sectors to achieve social and economic development.”

Since taking power in 1995, the emir has made some moves in the direction of economic liberalization in an effort to encourage foreign investment.

Some privatization has occurred, such as the partial sell-off of various telecommunications, power, and water utilities. In addition, whereas foreign investors were once required to have local partners, they are now allowed 100 percent ownership in some projects. However, the economy remains overwhelmingly dependent on oil and natural gas, and these resources are owned by the state.

Until the late 1990s there was little governmental transparency in Qatar. Since taking power, the emir has streamlined and opened up the decision-making process some, eliminating much of the overlapping authority among policy makers at the highest level, especially in the energy sector. The level of transparency in government operations has become significantly greater since these reforms.

The government publishes an annual budget, but one that does not reflect significant areas of actual state expenditure. Among the items not included in the budget are military expenditures and some expenditures related to the amiri diwan—the government agency responsible for handling ruling family matters (such as the civil list), certain matters of protocol, constituency complaints (thus making it an extension of a much older institution for petitioning the ruler), and whatever miscellaneous matters the emir designates. Because more than 90 percent of state revenues come from oil and gas sales, budgets must be based on an estimate of future gas prices. Consequently, budgets and reality frequently diverge. The budget-making process is neither comprehensive nor transparent. The state does not ensure transparency, open bidding, or effective competition in the awarding of government contracts. Citizens have no real legal right to obtain information about the conduct of government agencies.

Recommendations

The government should make its budget process transparent and budget information public. The press and elected bodies should be encouraged to scrutinize the budget. The government should also more visibly decree and enforce anticorruption measures and encourage openness and accountability in the handling of government contracts, beginning with the foreign ministry.

ACCOUNTABILITY AND PUBLIC VOICE – 3.27

In Qatar, the authority of the government does not derive from the will of the people but rather from membership in the ruling family and selection by the emir in consultation with senior members of the ruling family. Article 9 of the constitution stipulates that the emir shall appoint the heir apparent after consulting the ruling family and other notables. In practice,

the last two successions have occurred through bloodless coups (in 1995 the current emir deposed his father, who in 1972 had come to power by deposing his cousin).

In March 1999 and again in April 2003, Qatar held elections for a 29-member central municipal council. These elections were generally free and open, free from domination by specific interests or powerful groups. There is universal adult suffrage for Qatari citizens. Political parties, however, are not permitted. The council's voice is advisory only and its purview remains restricted to matters related to the provision of municipal services. While the constitution (Article 77) calls for elections for 30 of the 45 members of a proposed advisory council, these elections have not yet occurred. The emir has promised to hold such elections in 2004; however, a previous elected municipal council and provisional constitution were never followed by promised elections of a legislative body.⁵ While the provisional constitution granted the emir absolute legislative and executive powers, including the ability to suspend the constitution at will, the new constitution is more circumspect in this regard; the result of this change in practice is not yet clear.

Qataris receive preference over foreigners in civil service jobs. Competition and merit play a role in the selection of the civil service, but so do personal connections. At the highest levels, merit is secondary; the sovereign ministries have typically been held by members of the ruling family, who operate their ministries largely independently. Moreover, some of the most influential ruling family members do not hold any formal political post.⁶

The state is open to the interests of women and minorities. Women hold some important government positions. Maternity and other policies primarily affecting women are generous.

Government decrees and regulations are regularly published. There is little public debate about them, however. Members of the public have limited access to policy makers and powerful members of the ruling family through the amiri diwan and the weekly public diwans or open houses that most prominent Qatari men hold. From time to time opposition leaders have also presented written petitions to the government. But the rights of the civil sector are severely restricted. Civic groups are not able to testify, comment on, or influence pending government policy or legislation unless specifically asked to do so.

The state protects the freedom of expression of independent media to a degree. Articles 47 and 48 of the constitution guarantee freedom of expression. The state refrains from direct censorship: formal press censorship was lifted in 1995 and the information ministry, responsible for censorship, was abolished in 1997. Since then, the local press has been more activist—for

example, criticizing the quality of health care and monthly allowances paid to members of the ruling family. Nonetheless, there are criminal penalties for libel and the government has continued to close newspapers from time to time for publishing critical articles; consequently both print and broadcast media practice substantial self-censorship.⁷ The state does not determine media content; however, it shapes it. The five leading daily newspapers are privately owned, but their boards and owners include members of the ruling family and those with close ties to them. Foreign print media are monitored and censored for sexual content.

Most broadcast media are government owned and present the government's position, although some call-in radio shows have aired citizen complaints. Al-Jazeera satellite television is privately owned but heavily reliant on government subsidies. While al-Jazeera has been vocal and critical in its coverage of other Arab states, notably Kuwait and Algeria, and especially of the United States, it practices self-censorship when covering Qatari news. Topics such as economic policy, education, or corruption in the ruling family do not receive coverage. Domestic politics and policy are either avoided or presented in a positive light.

Recommendations

The potentially important reforms introduced by the current emir need to be consolidated and expanded if they are not to suffer the fate of their predecessors. The emir should proceed with the promised legislative elections that meet international standards, and the new body should be given some real legislative authority. The government should make it clear to the media, including broadcast media, that it welcomes scrutiny of domestic policy.

Jill Crystal is an associate professor in the Department of Political Science at Auburn University. She is the author of two books (Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar, Cambridge: Cambridge University Press, 1995; and Kuwait: The Transformation of an Oil State, Boulder: Westview, 1992) and several articles and book chapters.

Notes

¹ Qatar, Country Reports on Human Rights Conditions – 2002 (Washington, D.C.: U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor, 31 March 2003).

² Nathan Brown, "The Qatar Legal System," in Herbert Kritzer, ed., *Legal Systems of the World: A Political, Social, and Cultural Encyclopedia* (Santa Barbara: ABC-CLIO, 2002), 1355.

³ Nathan Brown, *The Rule of Law in the Arab World: Courts in Egypt and the Gulf* (Cam-

bridge: Cambridge University Press, 1997), 183, n. 66.

⁴ Jill Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (Cambridge: Cambridge University Press, 1995).

⁵ Michael Herb, *All in the Family: Absolutism, Revolution, and Democracy in Middle Eastern Monarchies* (Albany: SUNY Press, 1999), 178.

⁶ Herb, *All in the Family*, 33.

⁷ Country Reports (U.S. Dept. of State).
