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**Corruption in Qatar?  
The Link between the Governance  
Regime and Anti-Corruption  
Indicators**

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## **Abstract**

Qatar is judged by international anti-corruption indexes to be among the highest performing countries in the Middle East and North Africa. The Qatari government has streamlined its regulations regarding business practices and engaged in reforms from above that have liberalized the Qatari economy and increased its strength and viability. However, Qatar is a neo-patrimonial absolute monarchy in which the state is not immune from private interests, and where the ruling family can bypass the rule of law. The complete control by the monarch of state institutions and policies leaves no space for bottom-up calls for reform, or for independent assessment of the performance of the state and the actions of the ruling family by civil society and the media. The permeation of informal networks (mainly in the form of tribal relations) within state institutions and civil society, the lack of interest in and avenues for political participation among Qatari citizens, and the clientelistic relationship between citizens and the state support the continuation of this status quo. This paper analyzes the structures and mechanisms of Qatar's governance regime that reveal the contradictions inherent within the categories covered by anti-corruption indexes. In doing so, it suggests a number of shortcomings in the methodologies and scope of those indexes as they specifically apply to Qatar, and poses a number of questions regarding the kind of information that is difficult to find but which is crucial to address in order to form a clearer picture of corruption and anti-corruption practices in Qatar. The paper concludes that the absence of this information in the first place casts a shadow of doubt over the performance of Qatar in anti-corruption indexes. And the indexes' focus on measuring the scope of state functions while overlooking measuring the strength of state institutions is a key reason behind the discrepancy between Qatar's anti-corruption ranking and the mechanisms and structure of its governance regime. Instead, the paper proposes specific indicators related to the governance regime that allow for a more comprehensive look at corruption and anti-corruption practices in Qatar.<sup>1</sup>

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# 1. Introduction

The richest country in the world in terms of GDP per capita, Qatar has been performing well in global anti-corruption indexes. Qatar's score rose from 77.07 in the 2002 World Governance Indicators (WGI) Control of Corruption indicator to 83.73 in WGI 2012.<sup>1</sup> Transparency International's Corruption Perceptions Index (CPI) 2012—which uses the same sources as WGI—also ranks Qatar as 27<sup>th</sup> in the world in terms of perceptions of anti-corruption, with a score of 68 (out of 100), making it the best performing country in the MENA region.<sup>2</sup> However, before Qatar can be considered as presenting a case of good anti-corruption practice, one should consider how the indexes define corruption. Current corruption indexes do not cover the full spectrum of social allocation when measuring corruption, nor do they address the nature of the governance regime and its relationship with corruption in the countries assessed. For the purposes of this paper, corruption is defined as “particular (non-universal) allocation of public goods due to abuse of influence”, and control of corruption is defined as “the capacity of a society to constrain abuse of influence resulting in a social allocation diverging from ethical universalism (everyone treated similarly)”.<sup>3</sup> Applying those definitions to the case of Qatar challenges its anti-corruption index rankings.

Qatar has indeed implemented anti-corruption policies. The country signed the United Nations Convention against Corruption (UNCAC) in 2005 and ratified it in 2007. International indexes show that Qatar performs better than the regional average in terms of perception of corruption, control of corruption, and diversion of public funds: In 2010, Qatar received a WGI Control of Corruption estimate of 1.52 (-2.5 weak to 2.5 strong governance performance), showing a stronger governance performance than the regional average estimate of -0.122.<sup>4</sup> In 2012, the country also received a high WGI Control of Corruption rank of 84 (0 lowest and 100 highest), showing a much higher control of corruption than the regional average rank of 44.<sup>5</sup> It additionally receives a high score of 6.26 (1 very common and 7 never occurs) in the Global Competitiveness Index 2013-14 on how common the diversion of public funds to companies, individuals, or groups due to corruption is.<sup>6</sup>

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<sup>1</sup> World Bank, Worldwide Governance Indicators, <http://info.worldbank.org/governance/wgi/index.aspx#reports>

<sup>2</sup> Transparency International, Corruption Perception Index 2012, <http://cpi.transparency.org/cpi2012/results/>

<sup>3</sup> Both definitions have been developed by the “Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption” (ANTICORRP) project. See <http://anticorrp.eu/>.

<sup>4</sup> The control of corruption estimate is based on 9 sources measuring bribery, effects of corruption on the business environment, grand corruption in the political arena, and elite capture (Worldwide Governance Indicators, WGI Control of Corruption estimate, <http://info.worldbank.org/governance/wgi/index.aspx#reports>).

<sup>5</sup> Worldwide Governance Indicators, WGI Control of Corruption rank, <http://info.worldbank.org/governance/wgi/index.aspx#reports>

<sup>6</sup> Global Competitiveness Report 2013-14, [http://www3.weforum.org/docs/WEF\\_GlobalCompetitivenessReport\\_2013-14.pdf](http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2013-14.pdf)

However, Qatar is a neo-patrimonial absolute monarchy with weak state institutions. Examining the governance regime structure and mechanisms in Qatar reveals a story that complicates the findings revealed by the corruption indexes above. This not only challenges the ranking of Qatar, but also suggests shortcomings in index methodology and scope. In what follows, this paper presents a detailed diagnosis of the governance regime in Qatar, highlighting key indicators that must be taken into consideration when assessing control of corruption in the country itself and more generally.

## **1.1. The Governance Regime in Qatar**

### **1.1.1. State of Governance**

Qatar is a neo-patrimonial absolute monarchy with extreme particularism—to use O'Donnell's term—<sup>7</sup> in which the Emir reigns, rules, and has historically owned state institutions. The Emir has the authority to select ministers, dictate foreign and domestic policies, and control the economy.<sup>8</sup> The country has been ruled by the Al Thani family for decades, with the current Sheikh Tamim taking over from his father Sheikh Hamad in 2013, following Hamad's bloodless coup against his own father Sheikh Khalifa in 1995. Khalifa himself had deposed his uncle in a coup in 1972. Coups have been common in the history of Qatar, and make it less likely for rulers to share power equitably, due to the lack of trust even in own family members that accompanies such acts of power takeover. They also foster a culture of rentierism and distribution of resources to buy loyalty. The Al Thani family has institutionalized tribal and filial relationships through allocating government roles and resources to local tribal leaders and princes in return for their political backing. The family has also drawn the boundaries of the districts of modern Qatar according to tribal districts.<sup>9</sup>

Sheikh Hamad's rule was characterized by economic liberalization and an expanded foreign policy agenda, changing the public image of Qatar from a small state in the shadow of Saudi Arabia to one of the major players in the international relations and economics of the Middle East. This expansion has been supported by Qatar's wealth, with the country possessing the world's third largest gas field.<sup>10</sup>

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<sup>7</sup> O'Donnell defines particularism as “nonuniversalistic relationships, ranging from hierarchical particularistic exchanges, patronage, nepotism, and favors to actions that, under the formal rules of the institutional package of polyarchy, would be considered corrupt” (O'Donnell, Guillermo, 1996. “Illusions about Consolidation”. *Journal of Democracy* 7(2): 34-51, p. 40).

<sup>8</sup> Yom, Sean L. and F. Gregory Gause III, 2012. “Resilient Royals: How Arab Monarchies Hang On”. *Journal of Democracy* 23(4): 74-88.

<sup>9</sup> Fromherz, Allen J., 2012. *Qatar: A Modern History*. Washington, DC: Georgetown University Press.

<sup>10</sup> The dominant industry in Qatar is mining and quarrying, including oil and gas refinement and extraction, representing 55% of the country's economic output (Berrebi, Claude, Francisco Martorell, and Jeffrey C. Tanner, 2009. “Qatar's Labor Markets at a Crucial Crossroad”. *The Middle East Journal* 63(3): 421-442, p. 423).

Qatar's wealth has enabled the ruling family to curb potential dissent both domestically and abroad. Externally, Qatar has used its wealth to pump foreign aid into numerous countries in Africa and the Middle East, as well as to fund a wide variety of political groups. Coopting and financing those groups serve to keep instability away from Qatar and maintain cordial relations with volatile actors like Islamist extremist groups.<sup>11</sup> Domestically, wealth is distributed both to citizens at large as well to tribes, in the form of cash hand outs and social and health service, and through the allocation of bureaucratic posts. Qataris enjoy free health services and education, a stipend of around \$7000 per month per citizen, and almost guaranteed employment in the public sector (the unemployment rate is 1%). Tribal leaders are appointed in well-paid public posts.<sup>12</sup> Wealth distribution has aided Qatar in avoiding the rise of popular discontent seen elsewhere in the Arab world.

However, the privileges given to Qatari citizens do not extend to the majority of the resident population in Qatar: The country is home to only around 250,000 Qatari nationals, with 80% of the total population being composed of expats from a wide variety of countries. Those expats possess restricted personal and economic rights. For example, all expats can only work under a "kafala" (sponsorship) system that links their legal presence in Qatar to sponsored employment by a Qatari national. In the case of migrant workers performing low-income jobs, this system has allowed employers to deny workers basic rights like regular days off, access to health care, and equitable working environments. In this sense, the public allocation of resources only narrowly applies to Qatari citizens. Migrant workers have been effectively prevented from demanding further rights because of their dependency on Qatari sponsorship.

Qatari nationals, meanwhile, have developed a sense of dependency on the state, especially regarding employment. Although just over half of Qatari citizens (55%) who took part in the Qatar World Values Survey 2010<sup>13</sup> said that people's economic needs should be mostly (24%) or exclusively (31%) provided by individuals, as opposed to the government, practice reveals a different pattern.<sup>14</sup> Government services constitute 14% of Qatar's economic output, and the public sector is saturated.<sup>15</sup> As Berrebi, Martorell and Tanner explain,

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<sup>11</sup> Khatib, Lina, 2013. "Qatar's Foreign Policy: The Limits of Pragmatism". *International Affairs* 89(2): 417-431.

<sup>12</sup> Rathmell, Andrew and Kirsten Schulze, 2000. "Political Reform in the Gulf: The Case of Qatar". *Middle East Studies* 36(4): 47-62.

<sup>13</sup> The Qatar World Values Survey is a representative survey of Qatari citizens carried out in December 2010 by the Social and Economic Survey Research Institute of Qatar University and sampled 1,455 households, with 1,060 interviews and a final response rate of 73% and a  $\pm 3\%$  margin of error. [http://xn--mgbeh7c1c.xn--wqbl6a/sesri/documents/QWVS\\_English\\_press\\_release\\_Final.pdf](http://xn--mgbeh7c1c.xn--wqbl6a/sesri/documents/QWVS_English_press_release_Final.pdf)

<sup>14</sup> Qatar World Values Survey 2010.

<sup>15</sup> Berrebi, Martorell, and Tanner, 2009, "Qatar's Labor Markets at a Crucial Crossroad", p. 423.

... ministries lack the power to penalize their employees. For example, if a manager is frustrated by an employee's performance, he does not have the authority to punish the individual. Instead, many ministries will simply ask the employee to not show up for work, though the employee's salary continues to be paid. In other cases employees who are not wanted in the public sector will be transferred to MoCSA&H [Ministry of Civil Service Affairs and Housing] and assigned to the Central Service List where they will receive their full salary including all allowances for six months, after which they will receive 60 to 70% of their previous full salary until death or retirement, at which point the sanctioned employee begins receiving a state pension. This public sector job security contrasts sharply with the absence of mandatory unemployment insurance for private sector employees... Whereas the aforementioned employment conditions and benefits present low-skilled workers with a relatively lucrative option, the invariance in compensations and the parallel inability of managers to reward good performance appropriately deter high-skilled workers from joining the civil service. These conditions have resulted in an overstaffed civil service bureaucracy with limited efficiency.<sup>16</sup>

As the state almost guarantees employment in the public sector, citizens at large do not have the motivation to train for highly skilled jobs, making them uncompetitive candidates in the private sector.<sup>17</sup> As James M. Dorsey puts it, the employment system in Qatar has left the hard work—both physical and intellectual—to migrant workers.<sup>18</sup> Dependency can be linked to a cultivated sense of entitlement that can easily be confused with satisfaction. A Qatari national who regards public employment as a “right” and who is almost guaranteed to have this “right” is likely to report high satisfaction with the performance of the state. At the same time, a civil servant who is well paid to do very little is less likely to want to accept bribes. In this way, Qatar's wealth has helped eliminate bribes in the public sector, while working to keep Qatar's neo-patrimonial system by minimizing the economic motivation for seeking regime change or reform. At the same time, fear of deportation has prevented government officials who come from migrant communities from engaging in corruption.<sup>19</sup>

Although Sheikh Hamad bin Khalifa engaged in top-down reforms, those reforms have retained the absolute rule of the Emir. In 2000, Hamad established the Council of the Ruling

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<sup>16</sup> Berrebi, Martorell, and Tanner, 2009, “Qatar's Labor Markets at a Crucial Crossroad”, pp. 438-9.

<sup>17</sup> Berrebi, Martorell, and Tanner 2009, “Qatar's Labor Markets at a Crucial Crossroad”.

<sup>18</sup> Dorsey, James M., 2013. “Wahhabism vs Wahhabism: Qatar Challenges Saudi Arabia”. *New Age Islam*. <http://newageislam.com/the-war-within-islam/james-m-dorsey/wahhabism-vs-wahhabism--qatar-challenges-saudi-arabia/d/13452>

<sup>19</sup> Freedom House, Freedom in the World 2003, <http://www.freedomhouse.org/report/freedom-world/freedom-world-2003>

Family, consisting of thirteen family members, but he has often bypassed this Council. In 2005, he implemented a new constitution, passed by popular referendum in 2003 with 96% approval, which calls for the establishment of a partially-elected Advisory Council to pass legislation to replace the current Advisory Council whose members are appointed by the Emir. The current Council has existed since the rule of Sheikh Khalifa, but it has been mostly filled with members of Al Thani and close allies of the Emir, and its role is largely ceremonial, to be informed of policies by the Emir, rather than formulating policies. The new Council is supposed to “have the power to approve the budget, to interpellate ministers, and to vote them out of office through a vote of confidence”.<sup>20</sup> However, the 2005 Constitution gives the Emir the power of veto over the Council, and the choice of appointing one third of its 45 members. Although the Emir’s veto can be overruled if rejected by two-thirds of the Council, the Constitution gives the Emir the power to suspend legislation. Article 67 of the Constitution effectively gives the Emir absolute power.<sup>21</sup>

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<sup>20</sup> Herb, Michael, 2002. “Emirs and Parliaments in the Gulf”. *Journal of Democracy* 13(4): 41-47, p. 47.

<sup>21</sup> Fromherz, 2012, Qatar: A Modern History.

### **Powers granted to the Emir in Article 67 of the Qatari Constitution**

1. Formulating the general policy of the State with the assistance of the Cabinet.
2. Endorsing and issuing laws. No law shall be issued unless endorsed by the Emir.
3. Convening meetings of the Council of Ministers, whenever public interest so requires. He shall chair all sessions he attends.
4. Appointing civil and military personnel and terminating their services according to the law.
5. Accepting the credentials of diplomatic and consular missions.
6. Pardoning convicts or reducing punishments in accordance with the law.
7. Bestowing civil and military honors in accordance with the law.
8. Establishing and organizing ministries and other government agencies and defining their authorities.
9. Establishing and organizing agencies to give him opinions and consultation to guide the policies of the State, to supervise these agencies and to define their authority.
10. Any other powers in accordance with the Constitution and the law.

Source: Fromherz, Allen J., 2012. *Qatar: A Modern History*. Washington, DC: Georgetown University Press.

To date, there has not been an Advisory Council election in Qatar, despite repeated promises by Sheikh Hamad, the latest being saying that such elections would take place in 2013.

## **1.2. Governance Regime Mechanisms**

The persistence of a neo-patrimonial governance regime in Qatar is due to two factors: abundant public resources and a traditional tribal society that has been appropriated by a monarch with control over public resources. The modern state of Qatar has only existed for a generation, and thus has not had enough time to see a reduction in primordial economic and



social ties and a growth of modernist forms of governance.<sup>22</sup> The Emir of Qatar uses resources from the export of oil and gas to secure the loyalty of supporters both from within the Al Thani family and from other tribes, thereby reducing tribal pressure on the regime to change its modus operandi.<sup>23</sup> The same mechanism applies to citizens at large, who are granted land and subsidized goods and services in return for their loyalty.

Traditionally, tribal societies in the Middle East partly rule on the basis of consultation (shura) both among tribes and within tribes. Hamad has coopted the tribal system by institutionalizing hereditary rule within the Al Thani family, by putting in place a new constitution in 2003 that stipulates that.<sup>24</sup> The Constitution's Article 9 states that the Emir only needs to "consult"—not seek approval from—the family council when choosing his heir, thereby allowing the Emir to bypass the traditional system of leadership succession.<sup>25</sup>

Studies of patrimonial states show that personal and social connections, not bribes, are the main type of privileged allocation in such states.<sup>26</sup> Qatar is no exception. Informal networks and "wasta" (social connections), mainly based on tribal lineage, dominate the functioning of Qatar's formal institutions.<sup>27</sup> Because informal networks are an integral part of Qatari society, they are not perceived negatively, but are taken as a given. The Qatar World Values Survey 2010 reveals that 29% of Qataris attribute success to luck and "wasta" only, with a further 15% attributing it to mostly luck and "wasta". At the same time, 91% of respondents reported that they have complete trust in their families, followed by 43% in the case of people they know personally, and 35% in the case of neighbors, compared with only 8% in the case of people from other nationalities and 5% in the case of those from other religions.<sup>28</sup> In this sense, one can safely conclude that privileged allocation on the basis of social connections is not seen as corruption—corruption is generally viewed as being about bribes, which is not a problem that Qatar suffers from in general.

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<sup>22</sup> Rathmell and Schulze, 2000, Political Reform in the Gulf.

<sup>23</sup> Tribes, nonetheless, exert some pressure on the Emir. Kamrava, Mehran, 2009. "Royal Factionalism and Political Liberalization in Qatar". *Middle East Journal* 63(3): 401-420.

<sup>24</sup> Crystal, Jill, 2011. "Eastern Arabian States: Kuwait, Bahrain, Qatar, United Arab Emirates and Oman". In Long, David E. et al (Eds.), *The Government and Politics of the Middle East and North Africa*, pp. 161-204.

<sup>25</sup> Fromherz, 2012, Qatar: A Modern History.

<sup>26</sup> Mungio-Pippidi, Alina, 2011. *Contextual Choices in Fighting Corruption: Lessons Learned*. Norad Report number 4. Oslo: Norwegian Agency for Development Cooperation.

<sup>27</sup> Fromherz, 2012, Qatar: A Modern History.

<sup>28</sup> Qatar World Values Survey 2010.

### 1.3. Governance Regime Trends

Qatar's existence as a modern state dates back to 1972 when Sheikh Khalifa Al Thani came to power through a coup.<sup>29</sup> His own son Hamad bin Khalifa deposed him in 1995, and sustained the same neo-patrimonial system implemented by his father. The current Emir Tamim is following in the footsteps of his predecessors. As such, the type of governance regime in Qatar has been consistent over time. However, the tipping point came with the takeover by Hamad bin Khalifa. Hamad's father had handed his son the task of modernizing the economy in Qatar, while Khalifa himself was extracting money from the Qatari state and not firmly pushing for economic progress. Hamad's bloodless coup was partly motivated by his frustration with the trajectory of economic development that Qatar had been following, and his recognition of untapped potential for the country's economic and political future.<sup>30</sup> Hamad worked on liberalizing the state and installing some top-down reforms, such as granting women suffrage and holding regular municipal elections, which first took place in 1999 and saw the participation of female candidates.<sup>31</sup> Hamad also abolished the Ministry of Information and gave the press more freedom. The establishment of Al-Jazeera in 1996 was a landmark for the Arab world, as it was the first pan-Arab channel engaged in open criticism of Arab governments and leaders—albeit never in the case of Qatari affairs.

The political openings installed by Sheikh Hamad are more to do with establishing legitimacy for the regime—and thus, continuity—than with the desire for genuine political reform. They are also driven by the Emir's political ambitions to put Qatar on the map in international relations and economic affairs: In order to be taken seriously by the international community, Qatar needs to cultivate an image of “playing by the rules”. This approach paid off, resulting in the formation of alliances between the state of Qatar and key actors in the international community from across the political spectrum. Hamad, and his Prime Minister Hamad bin Jassim, established cordial relations with other states and non-state actors and used this to situate Qatar as a mediator in a number of conflicts in the Middle East, as well as an interlocutor with certain Islamist groups and regimes, like Hamas, the Muslim Brotherhood, and the Taliban. They also nurtured strong security alliances between Qatar and the United States, with Doha's hosting of US Central Command.<sup>32</sup> On the domestic front, Hamad's

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<sup>29</sup> Henderson, Simon, 2013. “Regime Change in Qatar”. *Foreign Policy*, June 14, [http://www.foreignpolicy.com/articles/2013/06/14/regime\\_change\\_qatar?page=full](http://www.foreignpolicy.com/articles/2013/06/14/regime_change_qatar?page=full)

<sup>30</sup> Kamrava, 2009, Royal Factionalism and Political Liberalization in Qatar.

<sup>31</sup> Barany, Zoltan, 2013. “Unrest and State Response in Arab Monarchies”. *Mediterranean Quarterly* 24(20): 5-38. The Municipal Council is composed of 29 members whose candidacy is open to any Qatari citizen over the age of 25. The Council's role is “to oversee the application of laws and resolutions... concerning the ministry of municipal affairs and agriculture” (Rathmell and Schulze, 2000, Political Reform in the Gulf, p.55).

<sup>32</sup> Khatib, Lina, 2013, “Qatar's Foreign Policy”.

reforms served to placate the limited demands for elections and freedom for the press that had been presented to his father in 1991 in a petition signed by a group of 54 prominent Qataris.<sup>33</sup> Yet with the new Constitution cementing the rule of Al Thani, “what the ruling elite is doing is increasing its legitimacy without jeopardizing its traditional position”.<sup>34</sup>

On the economic front, Sheikh Hamad directed a process of privatization that has sharply increased Qatar’s international standing. In July 1995, the Doha Stock Market was established. Transparency and accountability measures to control business practices were introduced in both the public and private sectors.<sup>35</sup> Those measures played a major role in controlling corruption: In 1970, 33% of total government expenditure used to be spent on the royal family, and throughout the 1980s, princes regularly extracted money from the Treasury for deposit in their personal Swiss bank accounts.<sup>36</sup> This practice was put under control by Sheikh Hamad, who recalibrated the informal state distribution mechanism by creating formal channels for monetary handouts in the shape of welfare (including property rights), subsidies, and employment. In this sense, Hamad’s reforms can be seen as following the institutional evolutionary model described by North and Weingast, in which the state replaces feudal owners and distributes wealth to elites, thereby increasing the number of the privileged, and paving the way for later wider distribution.<sup>37</sup>

Hamad also implemented reforms that ease doing business, including simplifying government administrative procedures to increase compliance with those procedures (including financial auditing and reporting);<sup>38</sup> reducing the time needed for businesses to prepare for paying taxes;<sup>39</sup> providing clear access to information about government regulations about the business sector;<sup>40</sup> and making customs procedures for the import and

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<sup>33</sup> The petition called for “a true legislative body” (Fromherz, 2012, *Qatar: A Modern History*, p. 81).

<sup>34</sup> Ehteshami, Anoushiravan and Steven Wright, 2007. “Political change in the Arab oil monarchies: from liberalization to enfranchisement”. *International Affairs* 83(5): 913-932, p. 922.

<sup>35</sup> Crystal, 2011, *Eastern Arabian States*.

<sup>36</sup> Fromherz, 2012, *Qatar: A Modern History*.

<sup>37</sup> North, Douglass C. and Barry R. Weingast, 1989. “Constitutions and Commitment: The Evolution of Institutions Governing Public Choice in Seventeenth-Century England”. *The Journal of Economic History* 49(4): 803-832.

<sup>38</sup> Qatar receives a GCI score of 5.2 (1 being extremely burdensome and 7 not burdensome at all), on how burdensome it is for businesses in the country to comply with governmental administrative requirements (e.g., permits, regulations, reporting) in the *Global Competitiveness Report 2013-14*.

<sup>39</sup> World Bank Database 2010, Time to prepare and pay taxes (hours), <http://data.worldbank.org/indicator/IC.TAX.DURS>

<sup>40</sup> Qatar receives a GCI score of 5.8 (1 being impossible and 7 extremely easy) on how easy it is for businesses in the country to obtain information about changes in government policies and regulations affecting their activities in the *Global Competitiveness Report 2013-14*.

export of goods more efficient<sup>41</sup>—all resulting in high scores for Qatar on those fronts in international anti-corruption indexes like the Global Competitiveness Index (GCI). The government also put in place a clearer framework for employment.<sup>42</sup> In 2008, the government launched a National Strategy for Integrity and Transparency (2008-2012), which focused on “preventing corruption, raising awareness and establishing effective processes for investigating corruption”.<sup>43</sup> Businesses found to engage in insider trading and price fixing for example are prosecuted, and migrant workers proven to engage in this kind of corruption have been deported. Laws and regulations have also been put in place to protect property rights.<sup>44</sup> Since 1998, the Chamber of Commerce and Industry has been electing its board members, as opposed to having them appointed by the Emir, which was the case previously.<sup>45</sup> The economic reforms paid off. Between 2006/7 and 2010/11, Qatar’s rank in the Global Competitiveness Index rose from 38 to 17. Foreign Direct Investment (FDI) has also risen, from 251 million dollars in 2000 to 8,722 million in 2009, indicating an opening up of the economy that has made it more attractive to foreign investors.<sup>46</sup> Foreign investment is seeing most growth in the sectors of oil, infrastructure (including construction), and financial services. Qatar has supported this by offering several incentives to foreign businesses, from facilitating getting loans from the Qatar Development Bank to imposing zero taxes on exports to having no restrictions on overseas profit transfer.<sup>47</sup> One consequence of the reforms is that the shadow economy only forms 18% of the size of GDP, which is significantly lower

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<sup>41</sup> Qatar receives a GCI score of 5.4 (1 being extremely inefficient and 7 being extremely efficient) on the burden of customs procedures and a score of 5.2 and is ranked 2<sup>nd</sup> in the world for ease of burden of government regulations in the Global Competitiveness Report 2013-14.

<sup>42</sup> Crystal, 2011, Eastern Arabian States, p. 183.

<sup>43</sup> Business Anti-corruption Portal, 2012. Qatar Country Profile. <http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/qatar/snapshot.aspx>

<sup>44</sup> Qatar has a high GCI score of 6 for property rights and is ranked 8<sup>th</sup> in the world in this regard in the Global Competitiveness Report 2013-14. The International Property Rights Index 2013 also gives Qatar a high score of 7.3, though it ranks it at 30 worldwide (out of 130 countries), (<http://www.internationalpropertyrightsindex.org/ranking>). The Business Anti-corruption Portal concurs, stating that “Property rights are generally protected in Qatar and in 2006, the government further reformed the law governing property ownership to allow citizens from non-Gulf Cooperation Council (GCC) countries to own property on a 99-year lease combined with permanent residence permits. Intellectual property rights are also protected by a number of different laws. According to the US Department of State 2011, Qatar accepts binding international arbitration between foreign investors and the government if ever investment disputes should occur. The Bertelsmann Foundation 2010 notes that the country has not been involved in any trade disputes under the WTO dispute settlement scheme, whether as a complainant, a respondent or as a third party. Qatar has ratified its membership to the International Centre for the Settlement of Investment Disputes (ICSID) and became a signatory of the New York Convention of 1958 in 2003” (Business Anti-corruption Portal, 2013. Qatar Country Profile: General Comments, <http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/qatar/show-all.aspx>).

<sup>45</sup> Rathmell and Schulze, 2000, Political Reform in the Gulf.

<sup>46</sup> Hvidt, Martin, 2011. Economic and Institutional Reforms in the Arab Gulf States. *The Middle East Journal* 65(1): 85-102.

<sup>47</sup> See the website of the Qatari Ministry of Business and Trade for a full list of business incentives: <http://www.mbt.gov.qa/English/ForeignInvestor/Pages/BusinessFacilitations.aspx>

than the regional average of 27.08% of GDP.<sup>48</sup> Yet as Peterson argues, although economic reforms and initiatives in Gulf countries technically create private enterprises, “their conception, planning, construction, and shepherding into operation remain supervised by the state”.<sup>49</sup>

Political and economic reforms have served to assure the continuity and stability of Qatar’s economic standing and of its governance regime. Although Sheikh Hamad was the target of a political coup in 1996, he has succeeded in passing leadership to his son who appears to want to retain the direction taken by his father and to continue expanding Qatar’s international economic footprint. Over the past five years, Qatar has been pursuing an expansive foreign investment process, buying major businesses, sports clubs, and buildings around the world and especially in Europe. It has succeeded in its bid to host the World Cup in 2022 despite several rumors about corruption plaguing the process. And it has an ambitious plan to extend a gas pipeline through Egypt and into the Levant.

On the one hand, Qatar’s regime is likely to stay stable because of a number of factors revolving around the lack of internal political dissent and the constant flow of wealth to citizens and tribal leaders. The previous Emir Hamad and his wife Sheikha Moza cultivated cult statuses for themselves as icons of modernity. The Qatar Foundation headed by Sheikha Moza has funded numerous education and social initiatives both within Qatar and in the Arab world, such as Doha’s Education City, which has attracted major Western universities—mainly American—to open branches in the country. Education City is popular with the young Qatari generation, which regards this international presence with a sense of national pride. The small number and general homogeneity of Qatari citizens have also helped the Emir in running the country and directing its policies. The Arab revolutions that started in 2011 have not resulted in demands for reform in Qatar, despite Qatar’s own support of the uprisings in places like Syria and Libya. As the countries in transition began to face serious political, economic, and security challenges and regressions, Gulf citizens at large (with the exception of oppositions in Bahrain, Yemen, and Saudi Arabia) have rallied around their governments, preferring stability over political change. This represents a continuation of public opinion before the Arab Spring: The Qatar World Values Survey 2010 revealed that 62% of Qataris said that maintaining order and stability is their individual priority, while only 11% said their priority is “giving people more say in important government decisions” and 6% chose “protecting freedom of speech” as a top priority. Moreover, 75%

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<sup>48</sup> Schneider, Friedrich, Andreas Buehn and Claudio E. Montenegro (2010). *Shadow Economies all over the World: New Estimates for 162 Countries from 1999 to 2007*. The World Bank, Policy Research Working Paper Series no. 5356, <http://ideas.repec.org/p/wbk/wbrwps/5356.html>

<sup>49</sup> Peterson, John E., 2009. “Life after Oil: Economic Alternatives for the Arab Gulf States”. *Mediterranean Quarterly* 20(3): 1-18, p. 17.

and 74% of survey respondents selected the police and armed forces respectively as the state institutions they have most confidence in, followed by the judiciary (67%), “parliament” (the unelected Advisory Council) (57%), and government institutions (52%).<sup>50</sup> Gulf governments have in turn actively averted the potential for public action by increasing monetary handouts. In Qatar, the government increased public sector salaries by 60% in September 2011 in a preemptive measure against dissent.<sup>51</sup> Sheikh Hamad was also careful not to alienate the tribes through the process of economic liberalization. By making tribes beneficiaries of economic reforms (such as by granting them high-profile positions—most companies in Qatar have a Qatari figurehead at the top of the senior management), this engagement has served to push the tribes into accepting Western institutions and standards, while also remaining loyal to the regime.<sup>52</sup> In addition, the international community’s political and security interests have diverted attention away from Qatar’s political and economic shortcomings as Qatar is seen as a key strategic ally for the West.

On the other hand, international attention to human rights infringements in Qatar is putting some pressure on the regime to reform, as seen in the cases of Mohamad al-Ajami, the Qatari poet imprisoned in 2012 for composing a poem seen as critical of the Emir, and the World Cup construction workers facing death and injuries caused by their working conditions.<sup>53</sup> Politically, Qatar’s support for Islamist groups across the Middle East and North Africa has meant engaging with volatile political and paramilitary actors whose loyalty cannot be guaranteed in the long run, forming a potential source of instability for Qatar. Economic ambitions have also had an inadvertently negative impact on foreign policy, as illustrated by the case of the Muslim Brotherhood, with which Qatar has had a close relationship for decades: Qatar’s plan to extend a gas pipeline to the Levant through Egypt was one reason behind support for its Muslim Brotherhood allies in Egypt and Syria, only for the Brotherhood leadership to be overthrown in Egypt and to be replaced in the National Coalition for Syrian Revolutionary and Opposition Forces. However, Qatar pursues a pragmatic foreign policy and has begun engaging with the new leaders in both countries to ensure its stability and economic interests. Its international alliances with Western countries also continue to support

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<sup>50</sup> Qatar World Values Survey 2010.

<sup>51</sup> Toumi, Habib, 2011. “Public sector in Qatar to get 60 per cent pay rise”. *Gulf News*, September 7.

<http://gulfnews.com/news/gulf/qatar/public-sector-in-qatar-to-get-60-per-cent-pay-rise-1.862595>

<sup>52</sup> Fromherz, Allen J., 2012. *Qatar: A Modern History*.

<sup>53</sup> Franks, Tim, 2013. “Sporting events shine spotlight on Qatar’s human rights”. BBC News, 25 Jan., <http://www.bbc.co.uk/news/world-middle-east-21202067>. A detailed report was published on 18 November 2013 by Amnesty International, titled “Qatar: The dark side of migration: Spotlight on Qatar’s construction sector ahead of the World Cup”, <http://www.amnesty.org/en/library/info/MDE22/010/2013/en>

its regime stability.<sup>54</sup> Domestically, the new generation of educated Qataris may, in the long run, not remain satisfied with its system of governance. Increased engagement with the international economy is also driving further economic reforms. But demand for and prospects of change in Qatar are not likely to emerge in the near future.

## **1.4. Corruption Indicators and the Governance Regime**

The discussion above suggests a number of key indicators that underline the complexity of the governance regime in Qatar. Examining those indicators in detail reveals a different story regarding Qatar's status in terms of control of corruption from what current corruption indexes present.

### **1.4.1. Power distribution**

Power in Qatar is distributed in a top-down manner—by the Emir. Key government, civil service, and even private company positions are allocated by him to members of his family and to tribal figures. Under Sheikh Hamad bin Khalifa, the Prime Minister—Hamad bin Jassim—was a cousin from the Al Thani family. Seven of the 19 key ministers were from the Al Thani family as well,<sup>55</sup> as is the governor of the Central Bank and the current director of Al-Jazeera. Members of the family of Sheikha Moza, Al Missned, occupy key security positions, as do members of the family of the mother of Sheikh Hamad, Al Attiyah.<sup>56</sup> Sheikha Moza herself chairs the Qatar Foundation. The main families holding top positions in Qatar are Al Thani, Al Attiyah, Al Kuwari, Al Suwaidi, Al Ghanim, and Al Dori, with only the immediate relatives of the Emir having real influence.<sup>57</sup> A key motivation behind this allocation of positions is that parts of the Al Thani family were against the 1972 coup by Sheikh Khalifa, and this is one way of alleviating their disapproval, while institutionalizing hereditary succession is also a way of securing a linear transition of leadership down future generations.<sup>58</sup>

Qatar has a centralized local governance structure. As Jill Crystal explains, “Qatar is divided administratively into ten municipalities (*baladiyat*). However since the majority of the

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<sup>54</sup> Qatar hosts Camp as-Sayliyah, “the U.S. military’s largest pre-positioning base outside of the continental United States” (Roberts, David, 2011. “Behind Qatar’s intervention in Libya”. *Foreign Affairs*, 28 Sept., <http://www.foreignaffairs.com/articles/68302/david-roberts/behind-qatars-intervention-in-libya?page=show>).

<sup>55</sup> Such as the Minister of Municipality and Urban Planning and the Minister of Economy and Trade.

<sup>56</sup> *The Economist*, 2010. Qatar and its emir: He’ll do it his way, May 27, <http://www.economist.com/node/16219226>

<sup>57</sup> Fromherz, 2012, Qatar: A Modern History.

<sup>58</sup> Henderson, 2013, “Regime Change in Qatar”.

population lives in the capital, local government is of little practical importance”.<sup>59</sup> Centralization and top-down control, coupled with the disempowerment of sources of discontent, and the lack of government elections, serve to keep the distribution of power in Qatar consistent.

#### **1.4.2. State autonomy from private interest**

In Qatar, there is no real separation between the state and the private interests of the ruling family. There are no lobbies, no government watchdogs, no independent civil society, and the freedom of the press is restricted when it comes to addressing internal affairs. Instead, citizens air their grievances through a traditional “majlis” with tribal leaders,<sup>60</sup> where people can submit petitions. Fromherz quotes Jill Crystal’s statement about Qatar under Sheikh Khalifa as being still relevant today: “power remains uninstitutionalized. There is no meaningful distinction, either political or legal, between the person of the Emir and the institutions of the state. Sovereignty is unlimited.”<sup>61</sup>

Advancement of the country is intimately linked with that of the interests of the Emir’s family. This is clearly seen in the economic arena, where increasing involvement of the Al Thani family in business affairs is erasing the line between the ruling family and the business community.<sup>62</sup>

There is also no transparency in public procurement. There is an official procurement process in place as well as regulations regarding conflicts of interest; however, foreign companies have reported vagueness in the actual implementation of the process. The Global Integrity 2009 report additionally states that “Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of these officials”.<sup>63</sup> Another concern is that Articles 6 and 7 of Law 26 of 2005 regulating Tenders and Auctions “permit tenders to bypass the public and competitive procurement process under specific circumstances; e.g., should there be an ‘urgency in the need for the tender’ or if there is a direct agreement established between the Central Tenders Committee and the company in light of the latter’s rare products, works or services”.<sup>64</sup> The Business Anti-corruption Portal adds that “Unsuccessful bidders cannot challenge procurement decisions in court and companies found guilty of major procurement violations are not formally

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<sup>59</sup> Crystal, 2011, Eastern Arabian States, p. 183.

<sup>60</sup> *The Economist*, 2010, Qatar and its emir.

<sup>61</sup> Fromherz, 2012, Qatar: A Modern History.

<sup>62</sup> Crystal, 2011, “Eastern Arabian States”.

<sup>63</sup> Global Integrity Report 2009. Qatar Score Card: Procurement, <http://report.globalintegrity.org/Qatar/2009/scorecard/62>

<sup>64</sup> Ibid.



blacklisted. Several sources report that it often requires Qatar intermediaries or agents with good political connections to bid on large government contracts... Suppliers that use goods with Qatari content in their bids for government procurement enjoy preferential treatment as the government offers them a 10% discount on these goods".<sup>65</sup> In this sense, informal networks overrule regulations.

### **1.4.3. Public allocation**

Public allocation in Qatar follows a rentier system. State wealth is subject to distribution, with the existence of a welfare state that increases dependence on foreign expatriates to be the real work force, while Qatari nationals take state distributions for granted.<sup>66</sup> While non-citizens pay for health care, electricity, water, and education, those services, in addition to housing, are provided to citizens for free.<sup>67</sup> Fuel is subsidized for businesses as well as citizens, and Qatari businesses and agriculture also receive capital, electricity, and water subsidies.<sup>68</sup>

Key economic positions are headed by the ruling family.<sup>69</sup> For example, the chairman of Qatar Petroleum is also the Minister of Energy from Al Attiyah.<sup>70</sup> The current Emir, Sheikh Tamim, is the head of the board of directors of the Qatar Investment Authority (QIA) responsible for domestic and foreign investments. The previous Prime Minister and Minister of Foreign Affairs, Hamad bin Jassim Al Thani, was also vice-chairman and CEO of the Qatar Investment Authority while he was in office, and has now been replaced with the Emir's half-brother Sheikh Abdullah bin Hamad Al Thani.<sup>71</sup> The QIA does not publish its holdings, making it unclear whether it handles royal investments or not. In this way, the state is not autonomous from private interests. It is difficult to establish the extent of this due to the lack of public information.

### **1.4.4. Separation of private and public**

During the rule of Sheikh Khalifa, the Emir had complete control over the state budget, even requiring government checks over \$50,000 to be personally signed by him. When he was

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<sup>65</sup> Business Anti-corruption Portal, 2013. Qatar Country Profile: Public Procurement and Contracting, <http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/qatar/corruption-levels/public-procurement-and-contracting.aspx>

<sup>66</sup> Peterson, 2009, Life after Oil.

<sup>67</sup> US Department of State, 2011. 2010 Human Rights Report: Qatar, <http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154471.htm>

<sup>68</sup> Losman, Donald L., 2010. The Rentier State and National Oil Companies: An Economic and Political Perspective. *The Middle East Journal* 64(3): 427-445.

<sup>69</sup> Gause, F. Gregory, 1994. *Oil Monarchies: Domestic and Security Challenges in the Arab Gulf States* New York: Council of Foreign Relations Press.

<sup>70</sup> US Department of State, 2011, 2010 Human Rights Report: Qatar.

<sup>71</sup> Middle East Online, 2013. No surprise as Qatar dismisses Hamad Bin Jassim from Investment Authority, July 2, <http://www.middle-east-online.com/english/?id=59847>

deposed from power by his son Hamad, Khalifa took with him billions of dollars from the state budget.<sup>72</sup> While Sheikh Hamad's reforms have served to curb the use of state funds by princes, it remains unclear how much of this practice is retained in the absence of public information and of public scrutiny and disclosure. As Jill Crystal summarizes:

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.[...] 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.<sup>73</sup>

#### **1.4.5. Relation between formal and informal institutions**

Qatar's formal institutions intermingle with informal ones, mainly tribes. A major challenge for formal institutions in Qatar is that they are not always taken seriously because they are subverted by informal institutions. As *The Economist* reports, in the municipal elections in 1999, "turnout for registration was so low that the government had to extend the deadline by a week to rustle up voters.... Most of Qatar's leading families did not take the poll seriously enough to field any candidates of their own".<sup>74</sup> Among those who voted, almost all respondents in a survey conducted shortly after the elections revealed that they did so mainly according to tribal affiliations.<sup>75</sup> The current appointed Advisory Council is dominated by Al Thani members and tribal representatives, used by the Emir to ensure their consensus.<sup>76</sup>

There are two ways in which Qatar's future may be influenced by the tribal system:

Seen from a purely institutional and economic framework, the Emir does indeed appear to monopolize power in Qatar. Seen from within the traditional networks of obligation, authority, negotiation and independence [...] the Emir is not so much an absolute monarch as an elected first among equals, a mediator between different power bases and interests, rather

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<sup>72</sup> Rathmell and Schulze, 2000, Political Reform in the Gulf.

<sup>73</sup> Crystal, Jill, 2004. *Countries at the Crossroads 2004 – Qatar*. <http://www.refworld.org/docid/473868f264.html>

<sup>74</sup> *The Economist*, 1999. Voting Fun, May 11. <http://www.economist.com/node/319329>

<sup>75</sup> Ibid.

<sup>76</sup> Fromherz, 2012, Qatar: A Modern History.

than a king. Ironically, it is the very institutionalization of informal authority and networks, a process supported by the West as “democratization”, that may ultimately lead to fuller replacement of tribal identity by state nationalism of Emir authority: social capital is not inexhaustible even if petrol capital appears to be. It is also possible, however, that the traditional networks of power, the flexible pools of ‘asabiyya “tribal solidarity”, that make Qatari society function are much more durable and capable of surviving the onslaught of modernization and institutionalization that at first appears.<sup>77</sup>

#### **1.4.6. Accountability and rule of law**

Part of Sheikh Hamad's reforms covered the judiciary. In 1999, a court of final appeal was added to the Qatari legal system,<sup>78</sup> following the establishment of the High Judicial Council “tasked with offering advice on judicial appointments and to propose legislation concerning the judicial system. In October 2004, long-promised court reform unified Qatar's dual court system (of Shari'a and civil courts). In 2007 an Administrative Court and a Constitutional Court were established”.<sup>79</sup> In 2008, a Supreme Court was added, although all its justices are appointed by the Emir. Although the judiciary system has been perceived as efficient in its operations,<sup>80</sup> it suffers from the same infrastructural problems as other state institutions. All judges are appointed by the Emir, implying that Qatari judges are selected on the basis of social connections,<sup>81</sup> while non-Qatari judges are vulnerable to deportation.<sup>82</sup> Court cases involving foreign nationals frequently discriminate in favor of Qataris.<sup>83</sup> The Global Integrity Report 2009 quotes an expatriate judge as saying that “the lack of court cases against [Qatari] nationals is not because they are the minority, but because they are often granted preferential treatment. [...] cases with strong evidence that implicate nationals, particularly from influential families, are almost always settled outside court”.<sup>84</sup> Law enforcement

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<sup>77</sup> Fromherz, 2012, *Qatar: A Modern History*, p. 128.

<sup>78</sup> Rathmell and Schulze, 2000, *Political Reform in the Gulf*.

<sup>79</sup> Crystal, 2011, *Eastern Arabian States*, p. 185.

<sup>80</sup> The US Department of State 2010 Human Rights Report on Qatar says, “According to resident embassies of countries with foreign workers present and some individual migrant workers, the Ministry of Labor's Department of Labor Affairs was widely perceived to be objective within its narrow mandate when dealing with the nonpayment of wages. The department claimed that it resolved 80 percent of the 4,046 complaints filed by workers. The ministry referred 282 cases to the labor courts for judgment. A limited number of labor complaints were referred to the criminal courts, but statistics were not publicly available”.

<sup>81</sup> Heritage Foundation, 2013. Index of Economic Freedom – Qatar. <http://www.heritage.org/index/country/qatar>

<sup>82</sup> Fromherz, 2012, *Qatar: A Modern History*.

<sup>83</sup> Heritage Foundation, 2013, Index of Economic Freedom – Qatar.

<sup>84</sup> Global Integrity Report 2009, Qatar, <http://report.globalintegrity.org/Qatar/2009/notebook>

authorities are also more likely to grant bail to citizens while noncitizens are more likely to be remanded to custody.<sup>85</sup>

Courts in Qatar do not engage in checks on the ruler. Court orders against royals and tribal allies are rare and have tended to revolve around failed coups, such as the case of the cousin of Sheikh Hamad who attempted a coup in 1996 and was arrested in 1999,<sup>86</sup> and the case of Al Murrah tribe connected with the same coup, who were stripped of their Qatari nationality until it was restored in 2006.<sup>87</sup> An exceptional case is that of Sheikh Ali bin Jassim Al Thani, who was sentenced to six years in prison for involuntary manslaughter in 2013 following a fire that erupted at the Villaggio shopping center the year before. However, Ali and the other three defendants are currently out of jail awaiting appeal.<sup>88</sup> Normally, corrupt practices by princes are settled out of court as princes are granted immunity. Two examples are Sheikh Khalifa's departure with billions from Treasury money in 1995, and Hamad bin Jassim's alleged involvement in an arms deal in 1998, in which BAE paid bin Jassim 7 million pounds in "commission" for arranging the deal. Investigation of the deal was halted due to pressure on Britain by Qatar and BAE and the case was settled out of court.<sup>89</sup>

Qatari state institutions may engage in good practices but they do not have transparent infrastructures: State Audit Bureau reports are not made public and the head of the Bureau is appointed by the Emir.<sup>90</sup> The National Human Rights Committee has limited ability and refrains from reporting on corruption cases. The National Committee for Accountability and Transparency, established in 2007, does not have public information or contact details. "Evaluations regarding the performance of the Committee are mixed with the US Department of State 2010 noting that it carries out its mandate well and is regarded as effective, while its performance is considered as 'weak' by Global Integrity 2009, mainly due to high political interference in its affairs."<sup>91</sup> A new organization was established in 2011, called the Administrative Control and Transparency Authority. Its mandate includes "probing the misuse of public funds and investigating complaints against government officials". However, the

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<sup>85</sup> US Department of State, 2011, 2010 Human Rights Report: Qatar; US Department of State, 2013. Qatar 2012 Human Rights Report, <http://www.state.gov/documents/organization/204590.pdf>

<sup>86</sup> *The Economist*, 1999. Royal jigsaw in Qatar, July 29. <http://www.economist.com/node/228095>

<sup>87</sup> Crystal, 2011, Eastern Arabian States.

<sup>88</sup> *Doha News*, 2013. [Five charged in Villaggio fire deaths sentenced to jail for involuntary manslaughter](http://dohanews.co/five-villaggio-trial-defendants-jailed-for-involuntary/), June 20. <http://dohanews.co/five-villaggio-trial-defendants-jailed-for-involuntary/>

<sup>89</sup> *The Guardian*, 2007. The BAE Files, June 7, <http://www.theguardian.com/world/2007/jun/07/bae2>

<sup>90</sup> See [www.abq.gov.qa](http://www.abq.gov.qa). There are no reports published on the Audit Bureau website. Emails to the Bureau by Lisa Buckmaster, while collecting information for this paper, requesting reports were not answered and two phone calls by her to the Bureau were not put through beyond the receptionist.

<sup>91</sup> Heritage Foundation, 2013, Index of Economic Freedom – Qatar.

Authority also does not publish public information. Qatari law additionally does not provide public access to government information, “such as the budget, expenditures, or draft laws”.<sup>92</sup>

#### **1.4.7. Personal autonomy and collective action capacity**

Qatar’s wealth has contributed to sustaining a sense of political apathy by negating the drive for economic-based calls for political change.<sup>93</sup> From the distractions offered by investments in sports and clubs to public sector employment, public services, and distributions based on social connections, the country’s economy has served to stifle interest in political participation. The Qatar World Values Survey 2010 shows that 64% of Qataris named economic growth as their highest priority for Qatar, with only 16% saying their top national priority is more participation in decision making in work and community matters, despite 69% of all respondents saying that they either “very interested” (15%) or “somewhat interested” (54%) in politics.<sup>94</sup>

Interest in politics does not necessarily mean interest in engaging in political activities, and this is not helped by the state of political parties and civil society: The former are banned, and the latter is not independent and is reliant on state revenue.<sup>95</sup> All nongovernmental associations—private, professional, and cultural—must be registered with and are monitored by the state,<sup>96</sup> “and most groups... have had license requests refused”.<sup>97</sup> Justin Gengler and Mark Tessler’s analysis of Qatar World Values Survey 2010 results regarding civic life also reveals that “Qataris who channel their social, economic, and political ambitions through participation in civic associations are disproportionately likely to be less tolerant of others, less oriented towards democracy, and less confident in formal governmental institutions”.<sup>98</sup> As the authors explain, Qataris “seem to engage in association life primarily in order to seek their private advantage and interact with like-minded individuals, ends that serve exactly to reinforce rather than challenge the established social and political system”.<sup>99</sup>

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<sup>92</sup> US Department of State, 2013, Qatar 2012 Human Rights Report.

<sup>93</sup> Ulrichsen, Kristian Coates, 2011. Qatar and the Arab Spring. *Open Democracy*, April 12, <http://www.opendemocracy.net/kristian-coates-ulrichsen/qatar-and-arab-spring>

<sup>94</sup> Qatar World Values Survey 2010.

<sup>95</sup> Fromherz, Allen J., 2012, *Qatar: A Modern History*.

<sup>96</sup> Blanchard, Christopher M., 2008. Qatar: Background and US Relations. Congressional Research Service, <http://wstorage.net/file/crs/RL31718.pdf>

<sup>97</sup> Crystal, 2011, *Eastern Arabian States*, p. 183.

<sup>98</sup> Gengler, Justin and Mark Tessler, 2011. Civic Life and Democratic Citizenship in Qatar: Findings from the First Qatar World Values Survey, p. 3.

<sup>99</sup> Gengler and Tessler, 2011, *Civic Life and Democratic Citizenship in Qatar*, p. 13.

“In 2004 the government did issue a new labor law, giving Qataris the right to form trade unions and engage in collective bargaining (including the right to strike)”.<sup>100</sup> But The General Union of Workers of Qatar has a limited scope of action and is forbidden from affiliating with groups outside the country. Labor laws also offer little protection to non-citizens, as there is no minimum wage and employment for foreigners in Qatar is dependent on getting sponsorship from a Qatari national. This system has opened up the doors for human rights abuses, as illustrated in the case of Nepalese workers constructing World Cup sites, and whose abysmal working conditions have been linked with a high rate of deaths in their ranks. The sponsorship system is also open to abuse by mediators who recruit foreign nationals on commission, or who manipulate the law to take advantage of vulnerable foreign workers.<sup>101</sup> Global Integrity has reported that there have been cover ups of incidents of worker abuse in order to maintain a good image of Qatar abroad and of influential families.<sup>102</sup> The US State Department also reports that expats are ineligible to form worker committees and can only be members of joint labor-management committees. Government employees cannot join the union. There are strict conditions on workers’ strikes, making such collective action unlikely. A strike must be approved by  $\frac{3}{4}$  of the company’s workers committee, and the Labor Department must rule on all industrial disputes before a strike may be called. On 23 September 2010, 90 expat laborers began a strike protesting a 35% pay cut in violation of their contracts. All strike participants were arrested and deported. Those employees who had worked less than two years for the company in question, al-Badar Construction, were required to pay for their return tickets home.<sup>103</sup>

At the same time, “The right to peaceful public assembly is restricted. Public demonstrations... are banned. Permission is still required for public gatherings and demonstrations, and the government grants these reluctantly”.<sup>104</sup> Among the migrant communities, demands for reform or participation in protests are therefore rare as foreign workers are concerned about retaining their residency and jobs.<sup>105</sup>

Although Al Jazeera has gained a reputation as a daring news outlet, Qatari law restricts press freedom. For example, the 2002 media law states that journalists can be punished for

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<sup>100</sup> Crystal, 2011, Eastern Arabian States, p. 183.

<sup>101</sup> A case verified by the author concerns a foreign worker who was held captive by his sponsor and sexually abused and who, when he escaped, discovered that his sponsor had reported him as having fled employment without permission, leading to the arrest of the foreign worker. The case was settled out of court through diplomatic intervention by the worker’s country of origin.

<sup>102</sup> Global Integrity Report 2009, Qatar.

<sup>103</sup> US Department of State, 2011, 2010 Human Rights Report: Qatar.

<sup>104</sup> Crystal, 2011, Eastern Arabian States, p. 183.

<sup>105</sup> Barany, 2013, Unrest and State Response in Arab Monarchies.

“criticizing friendly governments”.<sup>106</sup> Despite the lifting of formal censorship in 1995, self-censorship in the media is regular practice. Al-Jazeera refrains from criticizing Qatari affairs, and has since 2011 been put under the directorship of a member of Al Thani.<sup>107</sup> While the seven daily newspapers in Qatar are not state owned, they are owned by members of the royal family or have close ties to the government. Foreign newspapers and magazines brought into Qatar are subject to censorship, as is internet usage for political and religious content.<sup>108</sup>

There are also indirect restrictions on reporting on corruption due to social conditions and the absence of a legal framework that can enable this reporting:

According to [Global Integrity 2009](#), the civil service has experienced an increasing independence since the government introduced a law in 2007 providing civil sector employees with the possibility to bring their grievances to court. The new law regulates the Administrative Court to resolve disputes between government bodies and citizens. Nevertheless, the report notes that very few would file complaints as undefined barriers built by societal stigmas impose self-censorship on public sector employees; these include reporting on corruption or inefficiencies.<sup>109</sup>

There are no laws to protect whistle blowers, no anti-corruption watchdog, and no non-governmental anti-corruption initiatives, since Law 12 of 2004 makes it illegal for civil society organizations to focus on fighting corruption.<sup>110</sup>

## 2. Summary and Conclusions

The governance regime in Qatar is a solid neo-patrimonial, particularist one that places citizens as clients in a rentier state. As such, Qatar’s system can be described as falling under the “official moguls” label in Michael Johnston’s typology of corruption. Johnson writes that in countries labelled as such, “institutions are very weak, politics remains undemocratic

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<sup>106</sup> Barany, 2013, Unrest and State Response in Arab Monarchies, p. 28.

<sup>107</sup> Crystal, 2011, Eastern Arabian States.

<sup>108</sup> US Department of State, 2011, 2010 Human Rights Report: Qatar.

<sup>109</sup> Business Anti-corruption Portal, 2013, Qatar Country Profile: Licences, Infrastructure, and Public Utilities. <http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/qatar/corruption-levels/licences-infrastructure-and-public-utilities.aspx>

<sup>110</sup> [Law 12 \(2004\)](#), See: Business Anti-corruption Portal, 2013. Qatar Country Profile: Private Anti-corruption Initiatives, <http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/qatar/initiatives/private-anti-corruption-initiatives.aspx>. Also see: “Anti-corruption/good governance CSOs are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.” (Global Integrity Report 2009, Qatar, <http://report.globalintegrity.org/Qatar/2009/scorecard/2>).

or is opening up only slowly, but the economy is being liberalized at least to a degree. Civil society is weak or non-existent. Opportunities for enrichment, and new risks for the already wealthy abound—but political power is personal, and is often used with impunity”.<sup>111</sup> Indeed, power distribution in Qatar is top down, with the Emir controlling domestic and foreign policies, security, and the economy, and institutionalizing his absolute control in the Constitution. State funds are publicly allocated based on a clientelist system within a welfare state that has institutionalized citizen dependency on it. Private interests of the royal family control the function of the state, including having members of the ruling family head key state institutions. As such, centralization of power and top-down control, coupled with the disempowerment of sources of discontent, and the lack of government elections, serve to keep the distribution of power in Qatar consistent. However, unlike the case of most neo-patrimonial states, Qatari citizens report a high degree of satisfaction and quality of life, driven by the state’s support of most of their economic needs. Citizens appear to have comfort, but little personal or collective agency. Another particularity is that despite the cooptation of the tribal system, tribes do constitute a form of checking on the Emir’s authority, whose desire for political stability drives him to keep the tribes satisfied.

Informal networks, mainly based on tribal relations, permeate state institutions and associational life. Public procurement is not transparent and is reliant on social connections. But there are no mechanisms to prevent this as accountability and the rule of law are mostly dependent on who is the point of focus: The ruling family is above the law, as there are no accountability procedures, neither political (no elections) nor economic, that apply to it. Public information about state institutions, including anti-corruption organizations, is largely absent, and the media refrain from reporting on corruption due to self-censorship as well as to their close ties to the government. Meanwhile, civil society organizations are prevented from engaging in anti-corruption activities, while they are themselves not independent from the state. Citizens are disempowered and lack interest in political participation, and state handouts ensure they refrain from voicing demands for reform. As Gengler and Tessler put it, in Qatar, “civil society is no well-spring of democratic citizens but of citizens-cum-clients, and clients with understandably little appetite for altering the socio-political status-quo”.<sup>112</sup> Migrants, on the other hand, are too scared to speak up about corruption or human rights abuses due to their complete dependence on Qatari job sponsorship. The Qatari judiciary may operate efficiently, but judges discriminate against foreigners and judges are not fully independent, as they are appointed by the Emir. Western countries have been largely silent

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<sup>111</sup> Johnston, Michael, 2005. *Syndromes of Corruption: Wealth, Power, and Democracy*. Cambridge: Cambridge University Press, p. 46.

<sup>112</sup> Gengler and Tessler, 2010, *Civic Life and Democratic Citizenship in Qatar*, p. 16.



about the shortcomings of the governance regime in Qatar because of their political, economic, and security interests that are invested in the regime and its stability.

Despite those factors, Qatar has engaged in more reforms to fight corruption than other countries in the Middle East and North Africa, and its success can be attributed to making economic bureaucracies efficient, eliminating the temptation to engage in petty corruption. Its liberalization of the economy has also forced it to adhere to international standards in order to attract foreign investors and traders. There has been a move to better governance in Qatar as demonstrated by the Emir's control of access to Treasury money by the royal family, the facilitations offered to businesses, and the increased exposure to global markets with strict anti-corruption requirements, which has forced Qatar to adhere to certain international standards. However, the reforms remain strictly top-down measures directed by the government, and exclude the ruling family and people in the business community with close ties to the government. As such, no matter the position of Qatar in anti-corruption indicators, "good governance" in Qatar remains partial, not universal. In addition, good governance is about more than anti-corruption measures alone, and the principles of good governance (transparency, accountability, equality, etc.) are largely missing in Qatar. Although Qatar has the potential to evolve into having an open economic system, this transformation is constrained by its political and social milieu. Only when meaningful political reform and social change occur in Qatar can the country be seen as able to formulate comprehensive anti-corruption policies that are implemented transparently.

## **2.1. Results beyond the empirical assessment: Methodological implications for anti-corruption measurement**

There are four main lessons that can be drawn from this study. First, an examination of the structures and mechanisms of the governance regime in Qatar is needed to reveal the complexities and contradictions that seem to be missed by international anti-corruption indexes. Such indexes focus on what is known and on actors within the law, but it is difficult to objectively measure performances and practices of entities that place themselves above the law. The high level of legal cases settled out of court for example hides the real degree of engagement in corruption by members of the royal family, and that is not to mention the incidents of corruption that never make it to court due to personal and social connections and institutionalized favoritism.

Second, the analysis in this case study suggests that the methodology used in corruption indexes is likely to have a biased impact on scores. Transparency International's Corruption

Perception Index (CPI),<sup>113</sup> World Governance Indicators (WGI),<sup>114</sup> and the Global Competitiveness Index (GCI)<sup>115</sup>—which have rated Qatar highly in terms of anti-corruption measures—all partially rely on surveys or interviews with respondents from the resident business community who are asked about their *perceptions* rather than about in-country *practices*. The WGI also includes subjective assessments from non-governmental organizations and public sector bodies. However, as this case study has shown, in the case of Qatar, the former are not independent from government influence and the latter are controlled by the ruling family. Qataris are bound by social ties and concerns about security and stability and foreign residents live in fear of deportation for speaking up, in the absence of laws that guarantee their human rights. The three indexes' focus on respondents from the economic sector, which has been bureaucratized effectively, has also meant overlooking corruption within the political system.

As such, the context in which information for those three indexes is gathered casts a shadow of doubt over the validity of the scores. A case in point is revealed by looking at measures of independence of the judiciary as revealed by those indicators, compared with results from the Human Rights Dataset, which relies on Amnesty International reports and the State Department's Country Reports on Human Practices—i.e., indicators of practice rather than perception—as sources.

In 2010, in the GCI, Qatar scores highly in terms of the extent to which the judiciary is independent from influence of members of government, citizens, and firms. With a score of 6.31 (1 being heavily influenced and 7 entirely independent), Qatar's judiciary is considered more independent than the region's average score of 4.44.<sup>116</sup> However, in the Human Rights Dataset 2010, Qatar's judiciary is only seen as *partially* independent of control from other sources, such as another branch of the government or the military (note that the regional average leans closer to a not independent judiciary),<sup>117</sup> whereas the Freedom House 2010 Rule of Law indicator gives Qatar a score of 4 (0 being the worse and 16 the best), which is slightly worse than the regional average score of 4.9.<sup>118</sup> This indicator measures the extent to which rule of law prevails in civil and criminal matters; the existence of direct civil control

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<sup>113</sup> See: Transparency International's CPI 2011, A short methodological note: <http://www.transparency.de/Methodologische-Hinweise.2018.0.html>

<sup>114</sup> See: Kaufmann, Daniel, Aart Kraay and Massimo Mastruzzi, 2010. The Worldwide Governance Indicators: Methodology and Analytical Issues. Brookings Institution.

<sup>115</sup> See: Browne, Ciara and Thierry Geiger, 2010. The Executive Opinion Survey: An Indispensable Tool in the Assessment of National Competitiveness. In The Global Competitiveness Report 2010-11, pp. 75-83.

<sup>116</sup> Global Competitiveness Report 2010-11.

<sup>117</sup> Human Rights Dataset 2010.

<sup>118</sup> Freedom House, Freedom in the World 2010.

over the police; the protection from political terror, unjustified imprisonment, exile and torture; absence of war and insurgencies; and the extent to which laws, policies and practices guarantee equal treatment of various segments of the population.

Third, the analysis reveals that the specific indicators conventionally used to measure anti-corruption are incomplete, due to nuances not covered by those indicators. In their approach to what constitutes corruption, anti-corruption indexes focus on bribery but miss measuring social allocation. Therefore, particular questions need to be asked to get a fuller picture of corruption and anti-corruption in Qatar, although answers to those questions are difficult to obtain because of Qatar's opaque governance system. Those questions include:

1. Is there public information about public expenditure? How transparent is public procurement? Unfortunately, there is little public information about this issue beyond anecdotal evidence.
2. Where do sources of information on corruption come from? Is there a freedom of information act? In the case of Qatar, information mostly comes from the government and the media are not free to report on corruption.
3. Where do anti-corruption initiatives come from? Are there any non-governmental anti-corruption initiatives? In the case of Qatar, all initiatives come from the government, which suggests lack of validity.
4. Is there a monitoring and accountability framework so that people know what is going on in their government? As Francis Fukuyama has argued, if one cannot measure, one cannot hold the government accountable, but it is often hard to measure the performance of government services.<sup>119</sup> In Qatar, there is no watchdog to measure government performance and hold it accountable.
5. How independent is civil society? In Qatar, civil society is not independent.
6. How is corruption defined? In Qatar, corruption seems to be narrowly defined as being about bribes, while social connections linked with privileged allocation are widely accepted.

Finally, current governance indicators focus on measures related to the scope of state functions, but they miss measuring the strength of state institutions and state capacity. Fukuyama defines the scope of state activity as the different functions of the state, and state institution strength as the "ability of states to plan and execute policies, and to enforce laws cleanly and transparently".<sup>120</sup> He argues that in order to implement measures like business

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<sup>119</sup> Fukuyama, Francis, 2004. The Imperative of State-Building. *Journal of Democracy* 15(2): 17-31.

<sup>120</sup> Fukuyama, 2004, The Imperative of State-Building, p. 22.

regulation, functioning court systems, and service delivery, states need to have capacity, such as the availability of money, people, education, and an efficient organizational culture. Within the latter, he points out that policymakers should be separate from policy implementers. As this analysis has revealed, while the Qatari state has the wealth and the bureaucracy, it lacks the human capacity and instead relies on foreign workers who work under great constraints, in addition to not investing in an indigenous highly skilled work force, and to having an organizational culture dominated by the ruling family and permeated by informal networks at all levels. Qatar's state institutions may appear strong (and have indeed often been characterized as such<sup>121</sup>) because of certain bureaucracies in place, but they lack important components of state capacity. The indicators therefore miss the weakness of Qatar's state institutions, and therefore the "missing link" between Qatar's high ranking regarding anti-corruption and the context of its governance regime.

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<sup>121</sup> Pippa Norris characterizes Qatar as a "bureaucratic autocracy" in her book *Making Democratic Governance Work: The Impact of Regimes on Prosperity, Welfare, and Peace* (Cambridge: Cambridge University Press, 2012).

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