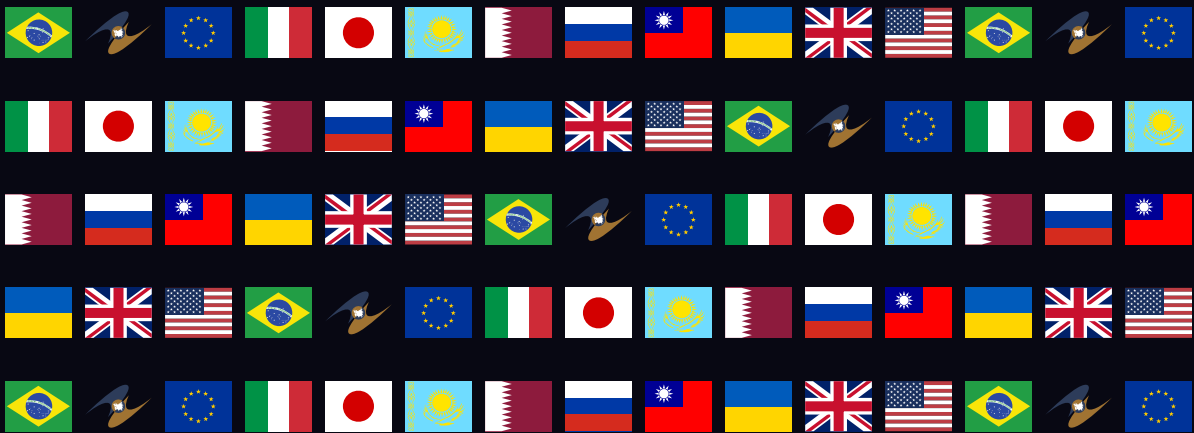


GOVERNMENT RELATIONS

Qatar



Government Relations

Consulting editors

Marcos Joaquim Gonçalves Alves, Fernanda Burle, Ana Carolina Georges e Castro

MJ Alves Burle e Viana Advogados

Quick reference guide enabling side-by-side comparison of local insights, including into applicable forms of government and opportunities to influence legislation; regulation of lobbying regulation; political finance; ethics and anti-corruption; recent cases; sanctions; and other recent trends.

Generated 25 July 2023

The information contained in this report is indicative only. Law Business Research is not responsible for any actions (or lack thereof) taken as a result of relying on or in any way using information contained in this report and in no event shall be liable for any damages resulting from reliance on or use of this information. © Copyright 2006 - 2023 Law Business Research

Table of contents

FORM OF GOVERNMENT

Constitution

Legislative system

National subdivisions

Consultation process

Judiciary

REGULATION OF LOBBYING

General

Definition

Registration and other disclosure

Activities subject to disclosure or registration

Entities and persons subject to lobbying rules

Lobbyist details

Content of reports

Financing of the registration regime

Public access to lobbying registers and reports

Code of conduct

Media

POLITICAL FINANCE

General

Registration of interests

Contributions to political parties and officials

Sources of funding for political campaigns

Lobbyist participation in fundraising and electioneering

Independent expenditure and coordination

ETHICS AND ANTI-CORRUPTION

Gifts, travel and hospitality

Anti-bribery laws

Revolving door

Prohibitions on lobbying

RECENT CASES AND SANCTIONS

Recent cases

Remedies and sanctions

UPDATE AND TRENDS

Key developments of the past year

Contributors

Qatar



Roberta Abdanur
roberta@sheinstitute.org
SHE Institute



FORM OF GOVERNMENT

Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

Qatar is an independent and sovereign state, technically a constitutional monarchy, but in reality, the ruler (the Emir) has the executive power to approve or reject legislation. The Emir appoints his own prime minister (who is usually a family member) and members of legislative bodies. Ultimately, he has the final word on any laws.

Qatar's governmental structure includes ministries, supreme councils and other government agencies. Qatar's public administration institutions are rapidly evolving and striving to meet the needs of citizens and institutional service clients. Around 90,000 employees, including Qataris and expatriates, work in government and other public sector institutions.

The government system in Qatar is based on the separation and collaboration of powers. Executive authority is vested in the Emir and Heir Apparent, who are assisted by the Council of Ministers as specified by the constitution, while legislative authority is vested in the Advisory Council.

Qatar gained its independence from the United Kingdom on 2 September 1971. The country's constitution was ratified by a public referendum on 29 April 2003; on 8 June 2004, the Emir of Qatar issued the Permanent Constitution of the State of Qatar. According to article 1 'Qatar is an independent Arab country. Islam is its religion and the Sharia is the main source of its legislation.'

The Head of State of Qatar is the Emir and his position is hereditary. It is responsible for the ratification and promulgation of laws. Hence, the new constitution highlighted the main lines of the Constitution that would serve as a framework for the construction and definition of the system of rule and determination of state authorities and their specialisation, and their relationships with each other and with citizens.

In addition, by article 144 of the Permanent Constitution, the Emir or one-third of the members of the council of Al-Shoura each shall have the prerogative to request the amendment of one or more of the articles of the Constitution. If a majority of council members accept the amendment in principle, the Council may discuss it article by article. The amendment shall be approved by a two-thirds majority of the Council members.

The Sharia (Islamic law) is the basic source of legislation. The first article of the permanent constitution of the state of Qatar states that 'Qatar is an independent sovereign Arab State and the people of Qatar are a part of the Arab nation. Its religion is Islam and the Shari'a is the main source of its legislation.' However, Qatar's legal system consists of Sharia, Ottoman and European civil law, and (to a lesser extent) common law. The latter was introduced by borrowing codes from other European-influenced Arab states.

Law stated - 01 February 2023

Legislative system

Describe the legislative system as it relates to lobbying.

In the Legislative Branch, the Consultative Council can make and pass laws, but the final word rests with the Amir. The Council has 45 members, 30 of whom are elected by direct general secret ballot and 15 of whom are appointed by the Emir.

Law stated - 01 February 2023

National subdivisions

Describe the extent to which a legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Qatar has made soft power the pillar of its foreign policy and has taken on the role of international mediator and invested in media development in Washington. This policy was reflected in lobbying activities, as prior to the blockade, Qatar had mainly focused its disclosure policy on State Department-related agencies, think tanks and media, according to the Middle East Monitor. Prior to the 2017 blockade, Qatar lacked a powerful lobby.

Law stated - 01 February 2023

Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

The Shura Council has legislative powers, is responsible for determining the general budget, and also oversees the executive powers. The Council is responsible for deliberating and making suggestions on a range of issues, including:

- proposed laws and decrees forwarded by the Council of Ministers State policy concerning economic, administrative and political matters submitted by the Council of Ministers;
- all matters of state related to issues social and cultural issues, through its own initiative or by indication of the Council of Ministers;
- the general budget for public projects;
- the budget of the Council and its final accounts;
- follow up and monitor the evolution of matters previously discussed and forwarded by the Council of Ministers and clarify queries;
- direct questions to ministers to obtain clarification on matters related to their experience; and
- propose and make recommendations on matters of the Council.

Law stated - 01 February 2023

Judiciary

Is the judiciary deemed independent and co-equal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The Criminal Courts rule over all crimes under its jurisdictions. The Sharia courts have exclusive jurisdiction in connection with all family law matters. The government of Qatar has been keen to support and organise its legal system along contemporary lines, therefore its legal system is rooted in the Napoleonic Code which was adopted for the Middle East by Egypt.

The courts of justice are divided into the following main categories:

- The Criminal Court which comprises the Lower Criminal Court and the Higher Criminal Court.
- The Civil Court, which comprises the Lower Civil Court and the Higher Civil Court and also contains the Civil Department and Administrative Department.
- The Court of Appeal, which contains three divisions: criminal, civil and administrative.

- The Court of Cassation, which contains four divisions: criminal, civil, administrative and constitutional.
- The Lower Criminal Court hears and decides on cases of minor offences and misdemeanours. It is presided over by a single judge referred to as the lower criminal court judge.
- The Higher Criminal Court hears and decides on all cases of major crimes as well as appeals filed on sentences issued by the lower criminal court on minor offences. The authorities of this court are vested in a tribunal comprising a judge known as the President of the Higher Criminal Court and two judges as members.
- The lower Civil Court is composed of a single judge called the lower Civil Court Judge who hears and decides on all civil and commercial cases in which the disputed amounts of money do not exceed the sum of 100,000 riyals.

Judges are independent and their decisions are taken and implemented in accordance with the law. The court proceedings are open to the public unless the court decides of its own accord or at the request of an interested party to hold them in closed session. Arabic is the official language in the courts of law in Qatar, but the courts will also hear evidence given by non-Arabic speakers and witnesses through an interpreter, who is required to take an oath and obliged to observe all honesty, integrity and sincerity.

Law stated - 01 February 2023

REGULATION OF LOBBYING

General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers? Who may issue guidance on lobbying? What powers of investigation does the regulator have? What are the regulators' or other officials' powers to penalise violators?

The unexpected resources in natural gas and oil enabled its successive emirs to build a state that gave them the possibility of achieving their ambitions at the levels of national, regional and international politics.

Hence, Qatar invests in industrialised countries, contributes to the development of emerging countries in the fields of education, health and promotion of women's rights. African countries occupy a prominent place in the investments, also it has provided humanitarian aid in the event of natural disasters such as the earthquake that struck Nepal in 2015 and Cyclone Idai in Mozambique in 2019. In this international environment, Qatar occupies a place of prime importance at the geopolitical, military and strategic levels.

Lobbies usually liaise with officials and members of congress to lobby for laws and legislation involving a foreign policy issue. Qatar introduced this method after the imposition of the blockade in early July 2017 by Saudi Arabia, the UAE, Bahrain and Egypt. However, the country lobby differs from the rest in terms of building a network of 'Congressional Caucuse', a group of members of Congress who share common legislative goals regarding specific issues or countries.

Qatar is a member of the Gulf Cooperation Council, which has significant countries – Saudi Arabia's accession to the G20 was a clear example. Together they produce 25 per cent of gross oil and control 40 per cent of the proven global reserves. In addition, its assets comprise 45 per cent of global sovereign wealth funds, their combined value of US\$2.3 trillion. However, despite these realities, GCC states still need to formalise international politics and economics through a strategic approach to the lobby.

Qatar maintains close relations with several international powers, particularly the United States and the European Union. Their interventions in Iraq and Afghanistan also receive the support of the Qatari government. The latter is viewed with suspicion, particularly by other Gulf countries, for its moderate approach to Iran and other Islamic countries. Also, persistent tensions exist with Saudi Arabia, Bahrain, the United Arab Emirates and Egypt.

At the start of the 21st century, Doha stood out by participating in several peace initiatives and by hosting major international events such as the 2022 FIFA World Cup. Strong lobbying was carried out by all the regional players with Gianni Infantino, the FIFA president, in order to win their case. This anticipation of the reform was finally rejected in May 2019. Following a feasibility study by FIFA, it was shown that a change of format possible from 2022 could only be conceived on two conditions. Qatar had to share the tournament with at least one of its neighbours but this required its agreement and the lifting of this blockade.

Law stated - 01 February 2023

Definition

Is there a definition or other guidance as to what constitutes lobbying?

Not applicable.

Law stated - 01 February 2023

Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Not applicable.

Law stated - 01 February 2023

Activities subject to disclosure or registration

What communications must be disclosed or registered?

Not applicable.

Law stated - 01 February 2023

Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Not applicable.

Law stated - 01 February 2023

Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for? Who has responsibility for registering the information?

Not applicable.

Law stated - 01 February 2023

Content of reports

When must reports on lobbying activities be submitted, and what must they include?

Not applicable.

Law stated - 01 February 2023

Financing of the registration regime

How is the registration system funded?

Not applicable.

Law stated - 01 February 2023

Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

Not applicable.

Law stated - 01 February 2023

Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Not applicable.

Law stated - 01 February 2023

Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Al Jazeera Media Network funded in part by the government of Qatar is one of the world's largest channels by providing wide news coverage through 80 agencies in a variety of media platforms in Arabic and English. In 2006, it was changed to a public utility, a private corporation by a public memorandum and association articles, in accordance with the provisions of Qatar Law No. 21 of 2006.

Since the Arab spring, Aljazeera stands out in its role of advocacy, especially through a different way of reporting used in its communication and internationally, has become one of the most influential networks.

Law stated - 01 February 2023

POLITICAL FINANCE

General

How are political parties and politicians funded in your jurisdiction?

Political parties are not allowed, and the only elections are for a consultative municipal council.

Electoral laws currently in force cover the elections of the Municipal Council and the central advisory council.

Law stated - 01 February 2023

Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

Any decision by a state is often explained by its history, even recent, by its geographical location such as here a Qatar ' in the middle' of the Arabian-Persian Gulf and states with conflicting interests, by its strategic interests in the economic and foreign policy fields, above all by its domestic policy and the society that composes it.

Law stated - 01 February 2023

Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

There are no express provisions in Qatar's bribery laws restricting charitable contributions. There are, however, restrictions under fundraising and charity laws that may apply to charitable contributions. Fundraising and setting up charities in Qatar are highly regulated, in part, to mitigate the risk of terrorist financing and money laundering.

Law stated - 01 February 2023

Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Not applicable.

Law stated - 01 February 2023

Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Not applicable.

Law stated - 01 February 2023

Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Not applicable.

Law stated - 01 February 2023

ETHICS AND ANTI-CORRUPTION

Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Qatar Cabinet Decision No. 18/2020 enacts a charter relating to the code of conduct and integrity of state officials and establishes, among other things, that state officials must: not have personal interests that may conflict with the interests of the state or with your obligations and responsibilities as a public official; inform your employer about cases that may lead to a conflict of interest; not solicit or accept a gift, donation, benefit or other interest for yourself or another, except under certain limited circumstances; and preserve the interests and rights of the state, including public funds. The Penal Code does not contain express provisions with regard to corporate hospitality and any financial or other advantage granted in that context will be assessed by reference to the provisions described in this note. Whether hospitality amounts to a bribe would likely be assessed on the basis that it constitutes a benefit under the Penal Code, which was granted, at least in part, with the aim of inducing the improper performance of the duties assigned to a public official or private sector employee.

The country has acceded and ratified the United Nations Convention against Corruption and signed the Arab Convention against Corruption but has not implemented legislation based on these international commitments. There is no stand-alone bribery law in Qatar. Bribery and corruption are prohibited by a variety of laws aimed primarily at Qatari public officials, of which Qatar Law No. 11/2004 On the Issuance of the Penal Code contains the main laws governing and criminalising bribery. In addition, Qatar Military Service Law No. 31/2006 prohibits a military service officer from accepting gifts, gratuitous payments directly or through an intermediary. In addition, Qatar has an onshore business and financial centre with a commercial and regulatory environment separate and independent from the state's existing systems known as the Qatar Financial Center (QFC). Free zone areas were developed to accelerate the diversification of the economy and these areas are administered by the Qatar Free Zones Authority (QFZA). The provisions of the Penal Code are applicable within the QFC and the QFZA. Qatar Procurement Law No. 24/2015 provides that if a government contract is awarded in accordance with the bidding process, it will be terminated in the following cases: if the contracting party is proven to have committed fraud or otherwise improper activities in the performance or procurement of a contract; or if it is proven that the contracting party, personally or through a third party, directly or indirectly, bribed a state official or conspired with a state official to inflict damage on the state entity party to the contract.

Law stated - 01 February 2023

Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

The Penal Code contains provisions relating to bribery of public officials, foreign public officials, public officials,

international corporations and private sector employees.

Article 140 of the Penal Code contains provisions relating to bribery of public officials, foreign public officials, officials of international public enterprises and private sector officials. To request, receive or accept a bribe as a public official, foreigner or employee of an international public company.

Qatar's anti-bribery provisions have extraterritorial effect. Under the Penal Code, provisions on bribery have been extended to anyone who commits or participates in bribery outside the state.

There are no express provisions in Qatar's bribery laws restricting charitable contributions. There are, however, restrictions under fundraising and charity laws that may apply to charitable contributions. Fundraising and setting up charities in Qatar are highly regulated, in part, to mitigate the risk of terrorist financing and money laundering.

Law stated - 01 February 2023

Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Not applicable.

Law stated - 01 February 2023

Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

Law stated - 01 February 2023

RECENT CASES AND SANCTIONS

Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

In 2017, Saudi Arabia, the United Arab Emirates, Bahrain and Egypt, all members of the Gulf Cooperation Council (GCC), have broken diplomatic relations with Qatar. Concerned that the country is taking a very independent role in its foreign relations and supporting extremist Islamic groups and Iran.

Accordingly, the 2011 Arab spring covered by Al-Jazeera media alarmed many governments in the region, who saw pro-democracy movements as a threat to their own leaders. When Saudi Arabia, Bahrain, United Arab Emirates and Egypt, broke relations with Qatar, access to their airspace was denied. Economic sanctions and restrictions on the movement of its citizens were imposed. However, Alena Douhan, United Nations Special Rapporteur on the negative impact of sanctions on human rights, declared that the measures imposed on Qatar violate the rights to free movement, non-discrimination and freedom of expression, and called for their suspension.

In exchange for the blockade, the following conditions were imposed:

- to restrict diplomatic relations with Iran and end their diplomatic missions in the country, as well as limit trade with Iran in compliance with American and international sanctions;
- to cut the ties with 'Extremist Organizations';

- to close Al Jazeera and its affiliated stations;
- to end immediately the joint military cooperation with Turkey; and
- align with the other Gulf countries in the military, political, social and economic spheres.

In addition to consent to audits over a decade to ensure compliance with these conditions. Qatar rejected the requirements.

Law stated - 01 February 2023

Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

In 2021, Saudi Arabia announced the end of the blockade, restoring a certain normality in the relations between the two members of the GCC. Consequently, Egypt, Bahrain and the United Arab Emirates had also resumed relations with Doha during the 41st GCC summit.

Strong lobbying was carried out by all the regional players with Gianni Infantino, the FIFA President, in order to win their case. This anticipation of the reform was finally rejected in May 2019. Following a feasibility study by FIFA, it was shown that a change of format possible from 2022 could only be conceived on two conditions. Qatar had to share the tournament with at least one of its neighbours but this required its agreement and the lifting of this blockade.

In December 2022, the European Parliament prevented the representatives of Qatar from entering the premises and suspended the country-related legislation that included visa release and planned visits. The movements followed allegations of corruption involving attempts to influence the authorities in the European Parliament.

European Union countries returned to Qatar in an attempt to diversify energy supply and compensate for deficiencies in the midst of the invasion of Ukraine by Russia, with Germany in December by signing a 15-year contract for liquefied natural gas imports (LNG). Doha provided a quarter of the EU's LNG imports last year.

Belgian authorities accused four people of bonds with Parliament on the allegations that they accepted payments in exchange for complying with Qatar's bidding in Parliament, which was criticised by Qatar due to the investigation still in progress.

Law stated - 01 February 2023

UPDATE AND TRENDS

Key developments of the past year

Are there any emerging trends or hot topics in government relations, lobbying or related law and regulation? Have changes occurred recently or are changes expected in the near future (through either legislation or court decisions) that will have an impact on the practice of government relations or lobbying disclosure?

Qatar National Vision QNV 2030, launched in 2008, is a strategy designed to build a diverse and competitive knowledge-based economy through the adoption of integrated economic policies where social justice prevails.

It sets four pillars for achieving sustainable development: human development, social development, economic development and environmental development.

* The author would like to thank Abeda Kohistani, Benafsha Ayoobi, Fazila Rasooly, Freshta Amerianey, Gulandam Totakhail, Hamdama Ahadi and Khatera Naab at SHE Institute for their assistance in the writing of this chapter.

Law stated - 01 February 2023

Jurisdictions

	Brazil	MJ Alves Burle e Viana Advogados
	Eurasian Economic Union	Kesarev
	European Union	Loyens & Loeff
	Italy	Gianni & Origoni
	Japan	Miura & Partners
	Kazakhstan	Aretera Public Affairs
	Qatar	SHE Institute
	Russia	Kesarev
	Taiwan	Formosa Transnational Attorneys at Law
	Ukraine	Aretera Public Affairs
	United Kingdom	Bates Wells
	USA	Squire Patton Boggs