

**MIGRANT LABOR REFORMS AS HUMAN RIGHTS
LEGACY OF THE 2022 FIFA WORLD CUP**

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ABSTRACT

Countries in the Gulf rely on migrant flows to serve their economies, particularly in the construction and infrastructure-development fields. The FIFA World Cup is a catalyst for human rights, particularly labor reforms. This Article argues that in the case of developing states with poor human rights records, such as Qatar, who go on to host the event, their success should be measured by reference to progress. Progress itself should be assessed by reference to the status quo from the time of bidding up until and after the hosting of the tournament. This progress is a form of incremental implementation and is an incubator for human rights reform at the legislative level as well as a matter of culture by the people of the host state. A combination of both ensures that an enhanced human rights culture will not only culminate in broad legislative reform, but also that regression will be eliminated. The Article examines labor reforms as a manifestation of both legislative and cultural reform and notes that while there is a lot more that Qatar can do, its “progress” is significant and is the benchmark for its own future as well as for the Arab and Muslim world.

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INTRODUCTION

The 2022 FIFA World Cup generated significant controversy. Human rights issues became part of narratives and counternarratives from a variety of actors, such that they became ingrained in popular discourse. In fact, the public perception of Qatar in the West is predicated on human rights violations and poor or nonexistent labor rights, which ultimately paint a negative picture of the country and its culture.¹ These perceptions detract from the World Cup as a mega-sporting event that is meant to unite peoples and cultures. The human rights discourse demonstrates that democratic societies, at the very least, cherish their constitutional freedoms and care deeply about the rights of others. We should welcome the fact that this type of discourse has the ability to overshadow these large sporting events. Moreover, no country should be free from human rights scrutiny, and, in fact, there is no good reason why mega-sporting events should be divorced from human rights considerations.² It is even more critical to scrutinize these events, given that many authoritarian regimes have used and continue to use sports as a way of diffusing attention from their poor human rights records, both domestically as well as internationally. Corruption is inevitable when countries begin to facilitate the process of hosting mega-sporting events, and it is equally no accident that undemocratic or authoritarian regimes impose relatively low-income taxes on athletes competing in domestic leagues.³ This has given rise to

¹ Vivien Nereim, *Qataris Bristle at What They See as Double Standards Over Their World Cup*, N.Y. TIMES (Nov. 25, 2022), <https://www.nytimes.com/2022/11/25/world/middleeast/qatar-world-cup-criticism.html#:~:text=Share%20free%20access-,Qataris%20Bristle%20at%20What%20They%20See%20as%20Double%20Standards%20Over,lated%20with%20discrimination%20and%20hypocrisy> [https://perma.cc/NVD8-ANR8].

² In this vein, FIFA has undertaken a significant human rights campaign within its own ranks. See, e.g., FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION, FIFA'S HUMAN RIGHTS POLICY 5 (2017), <https://digitalhub.fifa.com/m/1a876c66a3f0498d/original/kr05dqyhwrluhqy2lh6r-pdf.pdf> [https://perma.cc/TL9L-GPAZ]; FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION, FIFA SUSTAINABLE SOURCE CODE FOR THE 2022 FIFA WORLD CUP 2 (2020), <https://digitalhub.fifa.com/m/03dc1047f4cf6995/original/hp3yd5g3hlqzdlko6bev-pdf.pdf> [https://perma.cc/B3C3-X7EG]; *FIFA's Overall Human Rights Work*, INSIDE FIFA, <https://www.fifa.com/social-impact/human-rights/documents?filterId=CT2728f535-ea60-4c7a-9ff7-893dcc5a8e27> [https://perma.cc/Z8Z7-ZSEG] (showing human rights impact assessments completed by FIFA for tournaments in potential host cities).

³ For example, Russia retains a thirteen percent tax liability for all athletes, making it by far the most attractive tax destination for professional athletes. See Griscelda Perez-Bonilla, *Taxation of*

so-called “sports politics.”⁴ Investment in sports is meant to drive attention away from the plight of authoritarianism. As a result, the interconnectivity between the need to observe human rights and hosts’ poor human rights records becomes all the more relevant and justified. It is in this light that international sports federations decided to expel Russian clubs and individual Russian athletes from sporting events under their patronage.⁵ This is a welcome development because during the Cold War, sports were part of the battlefield politics between East and West; albeit, the politics of sport is not confined to any single continent or class of countries.⁶ This is very much different from the ancient Olympic ideal of an agreed truce between the Greek city-states during the term of the Olympic Games.⁷ The human rights politicization of mega-sporting events is generally welcomed in liberal democracies.

The 2022 FIFA World Cup is part and parcel of this international human rights discourse. It encompasses two main axes of contestation. The first, as already explained, concerns alleged domestic human rights violations, whereas the second suggests that Qatar’s bidding committee employed corrupt means to secure the opportunity to host the tournament.⁸ Although these corruption allegations have mostly been portrayed in the mass media,⁹ no official investigation demonstrated that any act of bribery

Athletes Participating in the 2018 FIFA World Cup, EISNERAMPER (July 9, 2018), <https://www.eisneramper.com/fifa-taxation-pw-blog-0718/> [<https://perma.cc/CS6Q-H2GF>].

⁴ See Andrew Strenk, *What Price Victory? The World of International Sports and Politics*, 445 ANNALS AAPSS 128, 129 (1979).

⁵ See CAS 2022/A/8708, *Football Union of Russ. v. FIFA et al.*, Arbitral Award, ¶¶ 174–75, https://www.tas-cas.org/fileadmin/user_upload/8708_FINAL_Award_FINAL_.pdf [<https://perma.cc/M4Y8-V62J>] (dismissing Russia’s claim for lifting the sanctions against its national teams and clubs from participating in FIFA and UEFA competitions).

⁶ See generally PAUL DARBY, *AFRICA, FOOTBALL AND FIFA: POLITICS, COLONIALISM AND RESISTANCE* (2002).

⁷ See *Olympic Truce*, INT’L OLYMPIC COMM., <https://olympics.com/ioc/olympic-truce> [<https://perma.cc/PK4N-DNA9>] (explaining that during the Olympic Games, ancient Greek city states agreed to a ceasefire of all conflicts).

⁸ Transparency International (TI) classified Qatar among its least corrupt countries (31st, slightly below the USA, which was ranked 27th) in its 2021 Corruption Perceptions Index. *Corruption Perceptions Index*, TRANSPARENCY INT’L, <https://www.transparency.org/en/cpi/2021/index/qat> [<https://perma.cc/TJE2-9DDV>]. In 2022, Netflix released a four-part documentary, where there was no evidence (save for a whistle blower in the Qatari bidding team but who never testified before any authorities) of corruption. See *Episode 3 - FIFA Uncovered*, NETFLIX (Nov. 9, 2022), <https://www.netflix.com/title/80221113> [<https://perma.cc/64X9-GFSP>]. If anything, the documentary demonstrated that although certain FIFA national associations were keen to solicit bribes, Qatar stayed well away. *Id.*

⁹ Mikhail Reider-Gordon, *Money Laundering, Corruption, and the World Cup: In the Wake of Brazil 2014*, 21 SW. J. INT’L L. 97, 104 (2014); see also ANDREW SPALDING, *A NEW MEGA-SPORT LEGACY: HOST COUNTRY HUMAN RIGHTS AND ANTI-CORRUPTION* 167–70 (2021) (arguing that

or other form of corruption ever took place. This corruption narrative (arguing that a small, oil-rich country with no serious football culture could have gone to a bid with clean hands), however, has been replicated in the press and mass media, despite the fact that no proof has ever been accumulated that would lead to a serious prosecution anywhere in the world. This Article will not discuss the corruption allegations of the 2022 FIFA World Cup, although it is beyond doubt that corruption has a deep impact on fundamental human rights and is in and of itself a phenomenon that directly violates such rights.¹⁰

This Article will focus on human rights legacy in the context of labor reforms Qatar has undertaken in its preparation for hosting the 2022 FIFA World Cup. The narrow focus on labor reforms is apt because most of the criticism against Qatar rightly targeted antiquated laws that provided little security for its foreign manual labor force. The author examines and assesses the progress made and suggests that such progress, to the degree that it becomes part of the host's legal and social culture, also constitutes part of its human rights legacy. This legacy is indispensable in the case of countries lacking a democratic and parliamentary political structure because it demonstrates that human rights progress is not monolithic and may be achieved through processes and mechanisms that are not always obvious to Western audiences. Moreover, the power of sports diplomacy should not be underestimated in this regard. As this Article will go on to show, it was exactly because of the bidding and hosting process for the FIFA World Cup that Qatari society embraced and welcomed unprecedented human rights changes, although this did not necessarily result in reforms for religiously sensitive issues such as LGBTQ rights.¹¹ Labor reform is just one change, albeit there were many others, including:

despite severe criticism, there was never any evidence of corruption and that Qatar did honestly strive to host the World Cup free of corruption).

¹⁰ *Corruption and Human Rights*, OHCHR, <https://www.ohchr.org/en/good-governance/corruption-and-human-rights> [<https://perma.cc/A8EH-8SWU>]; see also SUSAN R. ACKERMAN, CORRUPTION AND GOVERNMENT: CAUSES, CONSEQUENCES AND REFORM 1–5 (1999).

¹¹ The issue of LGBTQ+ persons/fans attending the World Cup took the spotlight on many occasions. Ellen Ioanes, *Qatar's Anti-LGBTQ Policies Explained*, VOX (Dec. 3, 2022), <https://www.vox.com/2022/12/3/23477966/qatar-anti-lgbtq-fifa-world-cup> [<https://perma.cc/47TZ-QC33>]; see also Rasha Younes, *A World Cup of Shame: FIFA Fails LGBT Rights Test in Qatar*, HUM. RTS. WATCH (July 7, 2022), <https://www.hrw.org/news/2022/07/07/world-cup-shame-fifa-fails-lgbt-rights-test-qatar> [<https://perma.cc/QLR8-6R3Y>]. To be fair, however, Qatar took gigantic human rights steps in the decade preceding the World Cup and the Emir did expressly state that everyone was welcome.

the advent of a sports culture as part of Qatari identity;¹² the funding of sporting programs for the underprivileged throughout the world, such as Street Child United, for example;¹³ the introduction of human rights programs in universities across the country; and nongovernmental organizations funded by the state of Qatar to deal with fundamental socioeconomic rights, particularly education, and implement the sustainable development goals (SDGs).¹⁴

This Article proceeds as follows: Part I examines migration patterns into Qatar and discusses how migration is shaped by host states' labor needs. Part II explores the concept of human rights legacies and how these differ from human rights implementation more generally. Part II.A takes this further and examines states' use of narratives and counternarratives in building up their human rights successes and failures. Part III extends this debate to the human rights legacy generated by the Qatari World Cup and how this had a deep social impact well beyond the mere confines of the tournament. Part III.A attempts to introduce to the reader Qatar's political and constitutional system with a view to better understanding why challenging tradition and creating a legacy was an especially difficult undertaking. Finally, Part III.B describes some of the key labor reforms beginning a decade prior to the FIFA World Cup and spanning all the way until the tournament began.

I. LABOR MIGRATION TO THE GULF AND QATAR

There are notable differences between the migration patterns in the Gulf and those of other industrialized states. Qatar's citizens occupy only about 10–15 percent of the country's total population.¹⁵ Some of the

¹² All listed companies in the Qatari stock exchange are obliged to offer 2.5 percent of their profits (a so-called "sports levy") to sporting and cultural activities. Law No. 13 of 2008, art. 1 (Qatar). A special fund has been established to distribute and manage these assets. *Id.* art. 2.

¹³ Street Child United is an organization funded by the Qatar Foundation that provides street-connected children with identification documents, education, and employment opportunities through sport. *About Us*, STREET CHILD UNITED, <https://streetchildunited.org/about/> [https://perma.cc/5YY3-QFGC].

¹⁴ See, e.g., *About EAA*, EDUC. ABOVE ALL <https://www.educationaboveall.org/#0> [https://perma.cc/LFV2-N4JD]; *About Us*, SILATECH, <https://silatech.org/about-us/> [https://perma.cc/XMW3-M3RX]; see THE SUSTAINABLE DEVELOPMENT GOALS 27–31 (Ilias Bantekas & Francesco Seatzu eds., 2023) (addressing the transformative effect of SDGs on local societies).

¹⁵ *Qatar Population*, WORLD POPULATION REV., <https://worldpopulationreview.com/countries/qatar-population> [https://perma.cc/F66D-5YL8]. This is a significant statistic from a policy perspective. It justifies a desire to decrease dependency

remainder—roughly 10 percent—is made up of white-collar professionals, while the bulk is composed of so-called “workers” or “laborers.”¹⁶ It is this latter category that is of interest in this Article. Under the laws of Gulf states, and Qatar in particular, these blue-collar workers are subject to a number of specific limitations. First and foremost, as will be explained in another section, no foreigner can simply arrive in Qatar and seek employment.¹⁷ All foreigners must have accepted an offer of employment, and only following the finalization of their paperwork can they arrive at their destination under the sponsorship of their employer, known as *kafala*.¹⁸ This system ensures that there are no unemployed persons in the country and that each worker is accounted for under a specific sponsor. By extension, there are no self-employed foreigners in Qatar or the Gulf more generally, except for those who have set up a local company.¹⁹

The other peculiarity of the employment system is that blue-collar laborers can only be derived from a limited number of countries, namely the Philippines, Kenya, Ethiopia, Nepal, India, Pakistan, and a few others.²⁰ This system prevents sponsors/employers from recruiting people from developed countries under the guise of low-paid employment with the aim of effectively engaging in freelancing (e.g., sports coaches, physical trainers, etc.).²¹ By implication, given that blue-collar workers are

on expatriate workers and so-called “Qatarization” of the public sector. Despite the fact that precise Qatarization quotas are not mentioned in the 2030 Qatar National Vision, many stakeholders assume that this amounts to sixty percent of the workforce. Jueun Choi, *Qatarisation: Qataris to Fill 60 Percent of Workforce in State-Owned Private Sector Companies*, MEDIUM (July 8, 2020), <https://medium.com/dohanews/qatarisation-qataris-to-fill-60-percent-of-workforce-in-state-owned-private-sector-companies-ca8e149bed81> [https://perma.cc/N7VF-RF78]. To some degree it also justifies Qatar’s security concerns. *Id.*

¹⁶ WORLD POPULATION REV., *supra* note 15.

¹⁷ Law No. 4 of 2009, art. 18 (Qatar).

¹⁸ See Ray Jureidini & Said F. Hassan, *The Islamic Principle of Kafala as Applied to Migrant Workers: Traditional Continuity and Reform*, in 2 MIGRATION & ISLAMIC ETHICS 93 (Ray Jureidini & Said F. Hassan eds., 2020); see also Ryzard Cholewinski, *Understanding the Kafala Migrant Labor System in Qatar and the Middle East at Large*, GEO. J. INT’L AFFS. (Feb. 1, 2023), <https://gjia.georgetown.edu/2023/02/01/the-kafala-system-a-conversation-with-ryszard-cholewinski/> [https://perma.cc/YPT3-KFUL].

¹⁹ Self-employment is not similarly regulated because only sponsored employment is permitted for expatriate workers. Law No. 4 of 2009, art. 18 (Qatar).

²⁰ Law No. 4 of 2009 Regarding Regulation of the Expatriates Entry, Departure, Residence, and Sponsorship, which became official on April 29, 2009, specifies the conditions for the residence, and sponsorship and aims to guide employers highly dependent on the country’s mostly foreign labour force.

²¹ This is a general problem under the kafala system. The literature does not generally distinguish between the general labor force and sports professionals, let alone coaches. See Dantam Le, *Leveraging the ILO for Human Rights and Workers’ Rights in International Sporting Events*, 42 HASTINGS COMM. & ENT. L.J. 171, 173–75 (2020).

recruited from less developed countries, their salaries are at the minimum-wage level or slightly above that. Even so, a minimum salary of 1000 QAR per month (approximately 250 USD) is ten to fifteen times greater than what the person would have earned in his or her home state.²² A significant benefit for migrant workers in the Gulf is the associated benefits. Employers are bound to offer adequate housing to all their employees as well as free access to healthcare without deduction from their salary.²³ However, Gulf countries have refused to set up a pension system for foreigners and instead offer a monthly salary for every year of work as end-of-service compensation.²⁴

A notable aspect of the labor system is that, in most cases, manpower companies directly recruit blue-collar workers in the workers' home state.²⁵ This is particularly true for construction and security, where demand is high, and Qatari employers are happy to outsource this task to specialized manpower/recruitment agents.²⁶ This system was subjected to severe abuse, and agents collected fees from prospective workers so that

²² As part of its commitment to FIFA and worker demands, the government introduced in March of 2021 a non-discriminatory minimum monthly wage of 1.000 QAR, which amounts to around 275 USD, which also includes an obligation by the employer to provide free accommodation and food (or a minimum of 500 QAR for accommodation and 300 QAR for food). Marco Minocri, *Qatar's New Minimum Wage Enters into Force*, INT'L LAB. ORG. [ILO] (Mar. 19, 2021), https://www.ilo.org/beirut/countries/qatar/WCMS_775981/lang-en/index.htm [https://perma.cc/8873-ZRD4]. These regulations are reinforced with the appointment of a Minimum Wage Commission which is tasked with period assessment of wages based on inflation and living standards. *Id.* Moreover, Law No. 17 of 2018 (Qatar), set up the Workers' Support and Insurance Fund with the aim of raising sufficient funds in the event that a contractor was unable to pay wages, or where the business became insolvent. This adds another layer of protection to wage safety that was not available in the past.

²³ VIDYA MOHAMED-ALI ET AL., PROMOTING HEALTH AND WELL-BEING AMONG THE MIGRANT WORKFORCE: A GLOBAL CALL TO ACTION 15 (2022), https://www.researchgate.net/publication/367253089_Promoting_health_and_wellbeing_among_the_migrant_workforce_special_report_for_the_World_Innovation_Summit_for_health_WISH-Qatar_Promoting_health_and_wellbeing_among_the_migrant_workforce_a_global_ca [https://perma.cc/HB2Y-KF2K]; Law No. 15 of 2017, art. 7 (Qatar).

²⁴ In 2022, Qatar issued a new Social Insurance Law, Law No. 1 of 2022, which came into effect on January 3, 2023. Emma Higham et al., *Qatar Announces New Retirement Pension Plan and Issues Social Insurance Law*, CLYDE & CO. (Jan. 26, 2023), <https://www.clydeco.com/en/insights/2022/09/qatar-announces-new-retirement-pension-plan#:~:text=In%202022%20Qatar%20issued%20a,non%2DState%20%E2%80%9Cjurisdiction s%E2%80%9D> [https://perma.cc/MX4R-MST2]. The Law extends pension rights to Qatari and GCC nationals. *Id.*

²⁵ See generally RAY JUREIDINI, QATAR FOUND. MIGRANT WORKER WELFARE INITIATIVE, MIGRANT LABOR RECRUITMENT TO QATAR 51–62 (2014).

²⁶ *Id.* at 14, 35.

they could be offered employment contracts to work in Qatar.²⁷ When this became viral, the emir of Qatar swiftly instructed his cabinet to adopt a law whereby all agent fees paid in the past were to be reimbursed and that no further fees were to be collected in the future.²⁸ As will be shown below, it is unclear whether Qatari law and policy discriminates between men and women in the type of employment workers can undertake. By way of illustration, while the law relating to domestic workers does not expressly discriminate between sexes, males are only recruited in a household for stereotypically masculine jobs, such as drivers.²⁹ Males generally work in the construction and heavy labor industries, but it is not clear if the segregation based on the nature of the work is prescribed in law or unwritten policy. This is mainly the result of cultural underpinnings, given that men and women in construction would have to live in adjacent quarters and mix during and after work, which is inconsistent with Gulf culture.³⁰ As a result of blue-collar workers' relatively low wages (as compared to the high cost of living in Qatar), laborers cannot afford to be accompanied by their families, since they would have to pay for their own accommodations as well as any school fees for their children.³¹ It is thus preferable and financially sensible for blue-collar workers to send a big part of their earnings to their families so that they can maintain a high standard of living in their home countries.³² It is the personal observation of the author that many blue-collar workers end up staying in the Gulf for one or two decades under such arrangements. These remittances are most

²⁷ See *Ministry of Labour Closes and Revokes Licenses of 23 Labour Recruitment Offices*, PENINSULA (Mar. 2023), <https://thepeninsulaqatar.com/article/01/03/2023/ministry-of-labour-closes-and-revokes-licenses-of-23-labour-recruitment-offices> [https://perma.cc/NEA5-YTWU].

²⁸ In 2017, the Supreme Committee introduced the Universal Reimbursement Scheme, requiring a contractor either to prove that workers did not pay any fees or to reimburse the worker. *Qatar/FIFA Reimburse Migrant Workers' Recruitment Fees*, HUM. RTS. WATCH (Oct. 2022), <https://www.hrw.org/news/2022/10/20/qatar/fifa-reimburse-migrant-workers-recruitment-fees> [https://perma.cc/2P95-ZNZB].

²⁹ See generally Law No. 15 of 2017 (Qatar) (discussing domestic workers).

³⁰ Rania Salem & Kathryn M. Yount, *Structural Accommodations of Patriarchy: Women and Workplace Gender Segregation in Qatar*, 26 GENDER WORK & ORGAN. 501, 505–06 (2019).

³¹ Currently, the minimum salary (official requirement) for a Family Residence Visa in Qatar is QAR 10,000 per month for private-sector employees. *Submit and Follow up on Family Visa Applications*, HUKOOMI, <https://hukoomi.gov.qa/en/service/family-applications-service> [https://perma.cc/HAX9-A3DJ]. This is far above the average laborer monthly wage.

³² *Lowest Paid Workers in Qatar Remit 81 Percent of Their Wages Home: ILO Report*, QATAR TRIB. (Nov. 1, 2022), <https://www.qatar-tribune.com/article/28571/latest-news/lowest-paid-workers-in-qatar-remit-81-percent-of-their-wages-home-ilo-report#:~:text=The%20lowest%2Dwage%20workers%20in,to%20a%20new%20ILO%20report> [https://perma.cc/UDA3-66KT].

likely used to open small or midsize businesses and contribute to the rise of the poorer classes.³³ One consequence is that the children of migrant workers are raised by grandparents without the presence of one or two parents.³⁴ Equally, there are no studies (at least none that this author is aware of) concerning the modalities of return and assimilation of laborers who have worked abroad in the Gulf for over a decade.³⁵

It is notable that due to the autocratic nature of Gulf states, police surveillance and deterrence regarding irregular migration is particularly strong and effective.³⁶ It is generally unlikely for irregular migrants to cross the frontiers of Gulf states, albeit Qatar is well known for providing asylum to political exiles from throughout the Arab world and beyond.³⁷ As a result of such surveillance and strict adherence to the kafala system,³⁸ the country ranks highly not only for its standard of living but also for its safety levels.³⁹

Qatar's modern-nation building was accompanied by a simultaneous megaconstruction effort for all types of infrastructure and its rising housing needs.⁴⁰ It is no exaggeration that the country was a large construction site from the early 1990s up until the 2022 World Cup.

³³ Robertas Zubrickas, *Remittances from Qatar: Less-Informed Families Receive Less*, WORLD BANK: BLOGS (Sept. 8, 2014), <https://blogs.worldbank.org/jobs/remittances-qatar-less-informed-families-receive-less> [https://perma.cc/XAH5-WXSH].

³⁴ See Bussarawan Teerawichitchainan & Timothy Qing Ying Low, *The Situation and Well-Being of Custodial Grandparents in Myanmar: Impacts of Adult Children's Cross-Border and Internal Migration*, 277 SOC. SCI. & MED. 1, 2–4 (2021) (explaining that in migrant societies such as that of Myanmar, grandparents typically raise their grandchildren, while their own offspring work as laborers in the expectation that they are the sole breadwinners of the extended family, including in many cases, sending remittances in lieu of the grandparents' pension).

³⁵ This phenomenon was studied in PIYASIRI WICKRAMASEKARA, ILO, EFFECTIVE RETURN AND REINTEGRATION OF MIGRANT WORKERS WITH SPECIAL FOCUS ON ASEAN MEMBER STATES, at iii (2019).

³⁶ See Onn Winckler, *The Immigration Policy of the Gulf Cooperation Council (GCC) States*, 33 MIDDLE E. STUD. 480, 483–86 (1997).

³⁷ See BERND KAUSLER, ARAB CTR. FOR RSCH. & POL'Y STUD., TRACING QATAR'S FOREIGN POLICY TRAJECTORY AND ITS IMPACT ON REGIONAL SECURITY 15 (2015) (stating that Qatar's "activist foreign policy" is ambivalent about political returns).

³⁸ See *Qatar: Significant Labor and Kafala Reforms*, HUM. RTS. WATCH (Sept. 24, 2020), <https://www.hrw.org/news/2020/09/24/qatar-significant-labor-and-kafala-reforms> [https://perma.cc/9D4K-U9ZH].

³⁹ Ayeni Olusegun, *Qatar Ranked Safest Country in the World*, PENINSULA (Jan. 15, 2023), <https://thepeninsulaqatar.com/article/15/01/2023/qatar-ranked-safest-country-in-the-world#:~:text=Qatar%20continues%20its%20reign%20as,was%20number%20one%20in%202017> [https://perma.cc/7FVT-96LJ].

⁴⁰ Joel Johnson, *Construction Sector to Grow Over 4% CAGR by 2029*, PENINSULA (Sept. 9, 2023), <https://thepeninsulaqatar.com/article/09/09/2023/construction-sector-to-grow-over-4-percent-cagr-by-2029> [https://perma.cc/D7AC-DVBN].

Qatar's public works company, *Ashghal*, has awarded public works contracts to foreign, Qatari, and joint ventures.⁴¹ There is no collective data, but public communication about the awards of particular projects is a good indication of trends. Given that laborer salaries were tax free and much higher than those in other countries, the Qatari leadership relied on these private contractors to abide by the country's labor legislation. Qatar's atrocious labor record until 2014 may be attributed to numerous factors, all of which are attributable to the state's poor due diligence. Firstly, while ensuring that contractors executed their projects as timely as possible, Qatar's public works authority, *Ashghal*, ultimately failed to assess whether such pressure was at the expense of labor standards.⁴² Secondly, the size, scale, and number of construction projects were so large that thorough labor inspections were effectively rendered impossible, and no serious mechanisms were put in place to force sound voluntary compliance.⁴³

Poor business practices were further compounded by the absence of collective bargaining rights. Because laborers lacked legal advice, and because they feared reprisals and ultimate dismissals by private employers, laborers could neither access Qatari justice nor seriously complain about their predicaments.⁴⁴ It is now evident that until at least 2015, construction companies were taking full advantage of lax labor inspections, which directly contributed to labor accidents and on-site deaths as well as horrendous living conditions for their employees.⁴⁵ The number of labor deaths and accidents reported in the international press during the 2010s is unknown because, in order to avoid liability and compensation, construction firms likely manipulated the places and causes of death of their employees (it is unclear whether a death was labor-related

⁴¹ *Qatari Firms Scoop 82% of \$1.6bn Ashghal Projects*, CONSTR. WK. (May 11, 2015), <https://www.constructionweekonline.com/projects-tenders/article-33627-qatari-firms-scoop-82-of-16bn-ashghal-projects> [<https://perma.cc/7TGM-GHMJ>].

⁴² Dantam Le, *supra* note 21, at 174.

⁴³ See Int'l Trade Union Confederation [ITUC], *The Case Against Qatar: Host of the 2022 World Cup*, at 6 (2014).

⁴⁴ Peter Kovessy, *Small Team, Language Barriers Hamper Qatar's Labor Inspection Process*, DOHA NEWS (Nov. 18, 2023), <https://dohanews.co/small-team-language-barriers-hamper-qatars-labor-inspection-process/> [<https://perma.cc/FF8C-CVT5>]. Labourers cannot complain about their situation despite Qatari Law stipulating penalties for employers that unfairly dismiss their employees. Law No. 14 of 2004, art. 64 (Qatar).

⁴⁵ Pete Pattison, *Revealed: Qatar's World Cup 'Slaves'*, GUARDIAN (Sept. 25, 2013), <https://www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves> [<https://perma.cc/DGY6-RG3T>].

or not).⁴⁶ It is also common knowledge that construction firms, or their workforce agents, received hefty commissions from laborers themselves in countries of recruitment.⁴⁷ We know this because Qatar adopted legislation in 2018⁴⁸ when it found out that the practice was endemic, and it subsequently not only abolished the practice but also obliged those in receipt of the commissions to return them.⁴⁹ As a further step, several Qatari ministries went on in 2018 to establish twenty Qatar Visa Centers (QVC) with the aim of unifying the visa system and expediting the process of recruitment, making it more transparent and eliminating human rights abuses.⁵⁰

The plight of labor rights in Qatar received international attention chiefly through two private initiatives. The first was a 2013 investigative report by the *Guardian* newspaper that signaled and condemned the large number of labor-related deaths in construction projects.⁵¹ The second was a 2014 report by US-based nongovernmental organization (NGO), Amnesty International,⁵² which equally focused on appalling living conditions and the then-growing death toll. The latter report noted that Qatar's labor system facilitated practices akin to trafficking and forced labor, that laborers 'were forced to pay exorbitant recruitment fees, and

⁴⁶ See Gary Dagorn & Iris Deroeux, *World Cup 2022: The Difficulty with Estimating the Number of Deaths on Qatar Construction Sites*, LE MONDE (Nov. 15, 2022), https://www.lemonde.fr/en/les-decodeurs/article/2022/11/15/world-cup-2022-the-difficulty-with-estimating-the-number-of-deaths-on-qatar-construction-sites_6004375_8.html#:~:text=World%20Cup%202022-,World%20Cup%202022%3A%20The%20difficulty%20with%20estimating%20the%20number,deaths%20on%20Qatar%20construction%20sites&text=In%20DepthThe%20estimate%20that,figure%20is%20difficult%20to%20ascertain [https://perma.cc/5EWQ-TDCP] (estimating 6,500 migrant worker deaths but offering serious doubts about the credibility of this number); Pete Pattison, *Qatar World Cup: Report Reveals 34 Stadium Work Deaths in 6 Years*, GUARDIAN (Mar. 16, 2020), <https://www.theguardian.com/global-development/2020/mar/16/qatar-world-cup-report-reveals-34-stadium-worker-deaths-in-six-years> [https://perma.cc/RPZ4-SYU8] (stating that the amount of migrant workers deaths was in the tens).

⁴⁷ JUREIDINI, *supra* note 25, at 29–42.

⁴⁸ In 2017, Qatar's Supreme Committee on Delivery and Legacy introduced the Universal Reimbursement Scheme, requiring a contractor either to prove that workers did not pay any fees or to reimburse the worker. WORKERS' WELFARE DEP'T, SEVENTH ANNUAL WORKERS' WELFARE PROGRESS REPORT 18–19 (2021). It was also reported that as of December 2021, a total of 226 contracts had committed to the Scheme, impacting over 31,000 workers employed in World Cup-related construction. *Id.* at 23. Eleven contracts not involved in the World Cup had introduced the Scheme to their own workforce. *Id.*

⁴⁹ HUM. RTS. WATCH, *supra* note 28.

⁵⁰ QATAR VISA CENTER, <https://www.qatarvisacenter.com> [https://perma.cc/MU8A-Z6PC].

⁵¹ Pattison, *supra* note 45.

⁵² See generally Amnesty Int'l, "My Sleep is My Break": Exploitation of Migrant Domestic Workers in Qatar, AI Index MDE 22/004/2014 (2014).

that employers often confiscated laborers' passports.⁵³ It also stressed that Qatar's sponsorship system (the kafala) unnecessarily tied workers to a single employer, thus requiring them to get exit visas from their sponsors to leave the country or work elsewhere. This, it was rightly held, breeds a culture of exploitation.⁵⁴

While Qatar's migrant labor force constitutes an inextricable component of its growth, demand for unskilled labor has decreased in the aftermath of the 2022 World Cup.⁵⁵ With all major infrastructure projects having been completed, the country is now seeking to attract skilled professionals in emerging technologies, education, and the financial services sector.⁵⁶ Yet, the high standard of living enjoyed by Qataris and white-collar expatriate workers necessitates a significant migrant labor force in the domestic servant field.

II. THE CONCEPT OF HUMAN RIGHTS LEGACIES

"Legacy" is an odd word by which to assess or even discuss human rights. This is because human rights discourse is predicated on the implementation of rights at international and domestic levels on the basis of applicable treaties and customs and their ultimate transposition into domestic law.⁵⁷ In the Western legal tradition, human rights form an integral part of states' constitutional legal orders, while at the same time, they are inextricably linked to concrete international mechanisms, such as international human rights courts and tribunals, ombudsmen, and others.⁵⁸ Within this web, it is also important to note the pervasive role of nonstate organizations—chiefly, NGOs, the legal profession, human rights

⁵³ Hum. Rts. Watch, *World Report 2014*, at 596–60 (2014).

⁵⁴ *Id.* at 596–99.

⁵⁵ Andy Sambridge, *Qatar's Private Sector Activity Slows After World Cup Boost*, ARABIAN GULF BUS. INSIGHT (Feb. 6, 2023), <https://www.agbi.com/articles/qatar-world-cup-fuels-spike-in-private-sector-optimism-2/> [<https://perma.cc/BJC5-Q74U>].

⁵⁶ *Exploring Qatar's Job Market: Key Industries and Hiring Trends*, GULF CAREERS (June 29, 2023), <https://gulfcareers.com/wpblog/exploring-qatars-job-market-key-industries-and-hiring-trends/> [<https://perma.cc/Y8VZ-MZ42>]; GEN. SECRETARIAT FOR DEV. PLANNING, QATAR NATIONAL VISION 2030, at 3, 7 (2008), <https://www.gco.gov.qa/wp-content/uploads/2016/09/GCO-QNV-English.pdf> [<https://perma.cc/FG75-83MP>].

⁵⁷ Janet E. Lord & Michael A. Stein, *The Domestic Incorporation of Human Rights Law and the United Nations Convention on the Rights of Persons with Disabilities*, 83 WASH. L. REV. 449, 452–56 (2008) (explaining that conventions are meaningless without domestic implementation and concrete measures that only states can adopt).

⁵⁸ See ILIAS BANTEKAS & LUTZ OETTE, *INTERNATIONAL HUMAN RIGHTS LAW AND PRACTICE* 73–80 (3d ed. 2020).

defenders, and associations (e.g., consumers and victims). Even though most liberal democracies achieved this degree of constitutional entrenchment at the end of World War II—to be broken by intermittent bouts of dictatorships in Europe and South America until the late 1970s—there were nonetheless several centuries of struggle between the masses and elites. Even countries with strong constitutional traditions, like the United States and the United Kingdom, entertained institutions that were abhorrent even at the time, such as slavery and serfdom. Moreover, apart from the affluent, socioeconomic rights were nonexistent, and Dickensian poverty deprived people of most civil and political rights.⁵⁹ Furthermore, until the early 1960s, European democracies clung to their colonies' wealth, mostly through the imposition of brutal force and with complete disregard to fundamental notions of rights.⁶⁰

The current state of human rights in liberal democracies, as expressed in domestic constitutionalism and the abandonment of the noninterference doctrine (in countries plagued by gross human rights violations), is the direct result of a combined legacy. This legacy is derived from popular struggles against colonialism, inequality, poor labor laws, and authoritarianism.⁶¹ These struggles constitute the human rights legacy of Western liberal democracies, which ultimately (but certainly not straight away) transitioned and blossomed into a fully entrenched human rights culture that permeated both public and private domains.⁶² It is clear, however, that without the aforementioned legacy, the ensuing human rights transition would not have been possible. In this sense, human rights legacies are not isolated events or incidents but rather brewing and gradual processes orchestrated by key figures, and which are embraced warmly by a significant part of a population, although not necessarily a majority. These processes are centered around particular ideals (e.g., the abhorrence of slavery) that develop into narratives and are supported by popular movements, such as the creation of political parties, civic activism,

⁵⁹ *Id.* at 10–12.

⁶⁰ *Id.* at 21–24.

⁶¹ *Id.*

⁶² There are many fields where this legacy is prevalent in modern human rights and constitutionalism, including colonization and slavery. *See, e.g.,* JENNY S. MARTINEZ, *THE SLAVE TRADE AND THE ORIGINS OF INTERNATIONAL HUMAN RIGHTS LAW* 8–15, 46–65 (2012) (highlighting the innovative use of anti-slavery courts to resist the slave trade); ANTHONY ANGHIE, *IMPERIALISM, SOVEREIGNTY, AND THE MAKING OF INTERNATIONAL LAW* 196, 214–15 (2004) (critiquing colonialism and how it suppressed self-determination and fundamental freedoms).

political violence, lobbying, and revolution.⁶³ Although the persons involved in this embryonic process ultimately desire legislative reform, they are equally motivated by the aim to win the majority's hearts and minds. When this is achieved, legislative, including constitutional, reform follows naturally.⁶⁴ In the case of the French and US revolutions, the respective legacies were brewing for centuries, and further legacies/struggles continued even after the adoption of the two constitutions.⁶⁵ Human rights legacies have been central to the rights-based identities of postcolonial societies, all of which have been marked with struggles (armed or political) against local elites and clans.

What is clear from the discussion so far is that human rights legacies vary from country to country, from one historical period to another, among cultures and religions, and each legacy possesses unique features as well as common ones. Legacies should be distinguished from mere insurrections and isolated events, even if long lasting. A human rights process is transformed into a legacy only where it culminates in a common cultural understanding among a significant number of people.⁶⁶ A violent insurrection lacking common ideological underpinnings, and

⁶³ See, e.g., BALAKRISHNAN RAJAGOPAL, *INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE* 50–72 (2003) (describing the struggle for self-determination as a process from exploitative colonialism to cooperative colonialism); see also MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS* 173–91 (2002) (examining the renewed hope for rights following the adoption of the Universal Declaration of Human Rights).

⁶⁴ In rare cases, where a human rights or ideological/religious struggle is viewed with deep animosity by the majority but is otherwise embraced by the leadership of the state, it creates the benchmark for a limited legacy leading to broad legislative reform. This was certainly the case with the adoption of Christianity by Emperor Constantine, which led to the 325 AD Edict at the Nicaea Conference during which Christianity was officially rendered the religion of the Roman Empire. See John E. A. Crake, *Early Christians and Roman Law*, 19 PHOENIX 61, 62 (1965) (noting that early Christian persecution must not be viewed from the perspective of discriminatory legislation but rather as discriminatory administration of justice); see also Adrian N. Sherwin-White, *The Early Persecutions and Roman Law Again*, 3 J. THEOLOGICAL STUD. 199, 199 (1952).

⁶⁵ See Paolo G. Carozza, *From Conquest to Constitutions: Retrieving a Latin American Tradition of the Idea of Human Rights*, 25 HUM. RTS. Q. 281, 297–98 (2003); 'NONSENSE UPON STILTS' BENTHAM, BURKE AND MARX ON THE RIGHTS OF MAN 7–28 (Jeremy Waldron ed. 1987) (arguing that the first constitutional struggles in the USA and France were not rights-driven in the modern sense but rather predicated on natural law and to some degree on liberal theories of rights).

⁶⁶ Shared or common understandings between a group of people (culture) exist in all members of the group, thus rendering them collective phenomena. See SIMON ROBERTS, *ORDER AND DISPUTE: AN INTRODUCTION TO LEGAL ANTHROPOLOGY* 141–58 (2d ed. 2013). The anthropologist is interested in the way that his or her subjects view family, lineage, religion, work, socialisation and everything else that makes them who they are and how they behave. See generally *id.*; FERNANDA PIRIE, *ANTHROPOLOGY OF LAW* (2013); JAMES M. DONOVAN, *LEGAL ANTHROPOLOGY* 197–208 (2008); LAWRENCE ROSEN, *LAW AS CULTURE: AN INVITATION* (2d ed. 2008); SALLY FALK MOORE, *LAW AND ANTHROPOLOGY* (2004).

which simply seeks a break from the existing political status quo, is in most cases devoid of a human rights legacy. A human rights legacy is so well entrenched in popular culture, as is the case with *laïcité* in the French constitutional tradition,⁶⁷ that even in the face of opposition or external pressure, the common understanding is unmoved and hostile to any change.⁶⁸

In the modern era, human rights legacies involve a long-brewing popular sentiment ultimately triggered by a tumultuous event or set of events that are either instantaneous or in close proximity to each other. The Arab Spring uprising against authoritarian rule was certainly the trigger to a brooding underlying resentment of dictatorship, poverty, and wanton human rights violations chiefly against the authority of elites.⁶⁹ In similar fashion, the 2022 Iranian mass protests and uprising triggered by the death of Mahsa Amini in police custody (for an alleged contravention of Iran's headscarf laws) would have been impossible absent widespread sentiment against the country's authoritarian laws, institutions, and widespread human rights violations.⁷⁰ As this Article will show, the seeds of a human rights legacy may be hastened and accelerated if planted in constitutional and liberal democracies with tolerant populations eager to achieve a

⁶⁷ In *S.A.S. v. France*, the European Court of Human Rights accepted idea of the secular state as a particular manifestation of French constitutional tradition. App. No. 43835/11, ¶ 153 (July 1, 2014), <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-9952%22%5D%7D>. Law No. 9 of December 1905 on the separation of church and state is generally associated with *laïcité* in France, even though it is not expressly mentioned. Stéphanie Henneville-Vauchez, *Is French Laïcité Still Liberal? The Republican Project Under Pressure (2004–15)*, 17 HUM. RTS. L. REV. 285, 297 (2017).

⁶⁸ There have been numerous approaches to collective phenomena by non-anthropologists which possess a very solid anthropological dimension, even if not wholly intended. A prominent example is the theory of interpretative communities, coined by Stanley Fish, which posits that actors within a given community (be it social, intergovernmental, industry-related) share common understandings about the culture and environment of their community and as a result, interpret relevant underlying assumptions in a uniform manner. See STANLEY FISH, *IS THERE A TEXT IN THE CLASS?* 14 (1980). The transnational arbitration, banking and construction industries no doubt verify Fish's theory.

⁶⁹ By way of illustration, Bahraini security forces persecuted its Shia minority, Egyptian elites overthrew the democratically elected Muslim Brotherhood and the Saudi and UAE governments maintain a zero tolerance attitude against any kind of protest or freedom of expression in the aftermath of the Arab Spring. See KRISTIAN COATES ULRICHSEN, *QATAR AND THE ARAB SPRING* 34 (2014) (noting that elites inter-changed their positions during the Arab Spring, albeit Qatar was not affected because its citizens did not wish to alter their status quo).

⁷⁰ See Niels de Hoog & Elena Morresi, *Mapping Iran's Unrest: How Mahsa Amini's Death Led to Nationwide Protests*, GUARDIAN (Oct. 31, 2022), <https://www.theguardian.com/world/ng-interactive/2022/oct/31/mapping-irans-unrest-how-mahsa-aminis-death-led-to-nationwide-protests> [https://perma.cc/66U6-PQPP].

desired socioeconomic outcome.⁷¹ This legacy acceleration and transplant is possible,⁷² as the 2022 FIFA World Cup demonstrates, even in the absence of parliamentary democratic rule. More importantly, in such contexts, the trigger is not composed of or constituted by a violent event or an uprising but a peaceful transition.

A. LEGACIES BREED NARRATIVES AND COUNTERNARRATIVES

The title of this section is hardly self-evident. When a mass movement, even if not a majority, possesses a commonly held understanding and seeks human rights change, it is directly or inadvertently creating a narrative. The trigger reinforces the narrative, but it does not constitute it and may be independent of it. The narrative itself solidifies the cohesion of the group's common understanding, even if its members otherwise hold diverse ideologies or beliefs. No doubt, states and substate entities may (and many times do) manipulate or write self-reinforcing narratives that they carefully disseminate through propaganda mechanisms, as was the case with Nazi Germany and the Hutu ideology underpinning the Tutsi genocide in Rwanda in 1994.⁷³ This Article distinguishes mass, nonstate narratives from those originating from states and terms the latter "counternarratives." Counternarratives will be explored further in subsequent paragraphs in this section.

Human rights narratives are generally not complex and convey a simple message that usually possesses an inadvertent legal connotation. The process of understanding cultural perceptions requires a structure and methodology through which to communicate to group members.⁷⁴ The

⁷¹ The idea of constitutional transplants is not new, but for the most part it has been restricted to demonstrating the influence of principles through the medium of comparative constitutional law. See Vlad Perju, *Constitutional Transplants, Borrowings and Migrations*, in HANDBOOK OF COMPARATIVE CONSTITUTIONAL LAW 1304 (Michel Rosenfeld & Andras Sajo eds., 2012); Berry Friedman & Cheryl Saunders, *Editors' Introduction*, 1 INT'L J. CONST. L. 177, 180 (2003).

⁷² See Ilias Bantekas, *Wholesale Instant Transplants Through Transnational Legislative Dialogue?*, 31 EUR. REV. PRIV. L. 497, 497 (2023) (highlighting the case of the Abu Dhabi Global Markets, a special economic zone, which undertook a wholesale transplant of English statutory and common law).

⁷³ See Ilias Bantekas, *Explaining Mass Atrocity Through Culture: The Missing Link for International Criminal Justice?*, 40 BERKELEY J. INT'L L. 179, 193–94 (2022) (explaining that the dominant Hutu group amplified a colonial stereotype against its Tutsi counterpart which rendered its members an inferior race and demonized them to such a degree that they were referred to as "cockroaches").

⁷⁴ See CLIFFORD GEERTZ, *THE INTERPRETATION OF CULTURES: SELECTED ESSAYS* 126–41 (1973) (arguing that persons who share a culture also share a common world view that is expressed

mediator must first understand the cultural underpinnings of the particular cultural perception.⁷⁵ Once this has been achieved, the mediator must promote the use of cognitive tools (or heuristics) with a goal of understanding the internal meanings of that other culture.⁷⁶ The participants of the movement will typically not distinguish between the political and the legal. By way of illustration, the Arab uprisings were a popular call for democratic rule. As such, this represents a political statement. Democratic rule, however, entails the full gamut of civil and political rights, as well as the entrenchment of constitutional norms and processes, which gives rise to a set of legal claims. The same is true of the Iranian uprising of 2022, where the protesters did not simply desire a change of some laws but the removal of the theocratic government as the embodiment of brutal authoritarianism.⁷⁷

Human rights narratives are not only the foundations of constitutional reform and constitutionalism but more importantly the *ordre public* by which courts and governments interpret the constitution and local laws.⁷⁸ When the courts, or parliamentary assemblies in liberal

through common symbols and language and that this may be more obvious to outsiders than members of the group itself).

⁷⁵ See Didier Fassin, *Beyond Good and Evil? Questioning the Anthropological Discomfort with Morals*, 8 ANTHROPOLOGICAL THEORY 333, 337–39 (2008) (stating that moral values are not universal, and that the West should not be frightened to accept alien moral values that do not violate human rights).

⁷⁶ One can view communities broader than simply on the basis of religion, ethnicity, tribe, or religion. Consumer culture(s) provide a firm ground for this. Some successful corporations have gone as far as shut down (or threaten to do so) in order to remain loyal to their shareholders' religious convictions. Hobby Lobby Corporation, a U.S. based chain of crafts stores, decided not to offer (certain forms of) contraceptive cover to its employees because of particular Evangelical Christian beliefs of their sole owners (the Green family), despite this being in conflict with relevant health legislation, namely the Affordable Care Act. The Tenth Court of Appeals ruled in favor of the corporation. See generally *Hobby Lobby Stores Inc. v. Sebelius*, 723 F.3d 1114 (10th Cir. 2013). Values are, therefore, important to corporations in many different ways.

⁷⁷ See *Iran: One Year After Uprising International Community Must Combat Impunity for Brutal Crackdown*, AMNESTY INT'L (Sept. 13, 2023), <https://www.amnesty.org/en/latest/news/2023/09/iran-one-year-after-uprising-international-community-must-combat-impunity-for-brutal-crackdown/> [<https://perma.cc/RQ65-RTHV>] (calling the uprising the "Woman Life Freedom," which culminated in loss of freedoms, arbitrary detention, torture and other violations).

⁷⁸ Michelle Bachelet, *Reframing Narratives on Migration*, OHCHR, <https://www.ohchr.org/en/migration/reframing-narratives-migration> [<https://perma.cc/U9FW-RDZM>]; *Step 4 Define the Human Rights-Based Narrative*, COUNCIL OF EUR. UNION, <https://pjp-eu.coe.int/en/web/human-rights-speech/step-4-human-rights-based-narrative-and-messaging-proofing> [<https://perma.cc/M9CY-93AW>]; For an academic discussion of the changing narrative of human rights see Eteete Michael Adam, *Changing Narratives of Human Rights*, in THE PALGRAVE HANDBOOK OF AFRICAN AND THE CHANGING LEGAL ORDER 689–702 (Samuel Ojo Oloruntoba & Toyin Falola eds., 2022).

democracies do not view commonly held human rights narratives as peremptory (*jus cogens*), then such narratives are not legacy creators.⁷⁹ For example, the push by some religious minorities toward recognizing a right to refuse blood transfusions for themselves and their children, even if death is certain,⁸⁰ is no doubt a commonly entrenched belief among members of the group, but because it is hostile to all other segments of society, it does not give rise to a legacy. Dominant political groups have the power (especially through their control of the media) to spin their preferred narrative in a manner that becomes believable to their adherents. Once this is achieved, the narrative may well serve as the basis/justification for legislative and constitutional reform. By way of illustration, Russia's narrative of a "special military operation" in Ukraine, as opposed to a brutal invasion to save Russian speakers from genocide, was ultimately justification enough for its constitutional annex of Crimea and occupied territories.⁸¹ In the opinion of this author, this is a natural progression of most, if not all, narratives—although not all are negative. It is true, of course, that several narratives chiefly aim at the recognition of a past injustice and the rewriting of history and not necessarily a desire to reflect the injustice in domestic laws and institutions.⁸²

⁷⁹ The events of post October 8, 2023, in Gaza provide a good indication of this. Even though it has always been customarily accepted that civilian targets may not be attacked during armed conflict, the Israeli military narrative, as supported by the U.S., suggests with some gravity that hospitals and schools are legitimate targets if there is even the slightest evidence that terrorists are hiding in their basements. See Lauren Leatherby, *Gaza Civilians, Under Israeli Barrage, Are Being Killed at Historic Pace*, N.Y. TIMES (Nov. 25, 2023), <https://www.nytimes.com/2023/11/25/world/middleeast/israel-gaza-death-toll.html> [https://perma.cc/U7G9-Z8E3]; Mohsen Al Attar, *Public Statement: Scholars Warn of Potential Genocide in Gaza*, OPINIO JURIS (Oct. 18, 2023), <https://opiniojuris.org/2023/10/18/public-statement-scholars-warn-of-potential-genocide-in-gaza/> [https://perma.cc/68DD-M2KZ]. These are shocking arguments that defy the core of human rights and humanitarian law but have an undeniable anthropological dimension.

⁸⁰ See generally *Hay v. B And Others* 2003 (3) SA 492 (W) (S. Afr.) (involving Jehovah's Witnesses' who objected to their infant receiving a lifesaving blood transfusion). Such cases are now dealt with on the basis of the child's best interests (and hence not the parents' wishes). David McQuoid-Mason, *Parental Refusal of Blood Transfusions for Minor Children Solely on Religious Grounds – The Doctor's Dilemma*, 95 SAMJ 29, 29 (2005). However, *Hay v. B And Others* exemplifies the adamant stance Jehovah's Witnesses take against blood on transfusions.

⁸¹ See JOHANNES SOCHER, *RUSSIA AND THE RIGHT TO SELF-DETERMINATION IN THE POST-SOVIET SPACE* 146–51 (2021) (discussing the so-called March 18, 2014, Treaty on the Accession of the Republic of Crimea to the Russian Federation that was signed between Russia and the Republic of Crimea).

⁸² This field of study is rife with examples from the depths of colonialism and settler occupation. See generally JEREMY SARKIN, *COLONIAL GENOCIDE AND REPARATIONS CLAIMS IN THE 21ST CENTURY* (2009).

Even so, discerning and identifying human rights narratives stemming from a commonly held belief is hardly straightforward. In societies where there is no culture of speaking out or speaking in public, or where there exists some degree of inequality, the narrative will not be obvious. In the Arabian Gulf, for example, people are unaccustomed to political rallies and public gatherings. Instead, they have developed the institution of *majlis*, which consists of gatherings of like-minded people under a host's roof (a sitting room).⁸³ The extensive and uninhibited use of *majlis* has generated scattered, yet interlinked, common understandings⁸⁴ further reinforced by social media. The next section explores the conversion into narratives of such commonly held understandings in Qatar during the bidding space for the 2022 World Cup until its conclusion.

The beginning of this part mentioned that governing elites seek to offer counternarratives to eliminate the legitimacy and accuracy of human rights narratives generated by social processes. Such a "spin" is hardly uncommon in liberal democracies, as was the case of the 2004 invasion of Iraq, which was based on the fabrication that Iraq possessed weapons of mass destruction.⁸⁵ And, of course, counternarratives of this nature are prevalent in the context of unaccountable regimes even if the counternarrative flies in the face of hard evidence. By way of illustration, it is commonplace in modern warfare for parties to a conflict, even if in gross violation of fundamental rules of international humanitarian law (IHL), to invoke IHL to justify their actions.⁸⁶ For instance, despite the

⁸³ Fatma Salem, *Majlis is a Key Feature of Civilization in the UAE*, GULF TIMES (May 22, 2009), <https://gulftimes.com/entertainment/arts-culture/majlis-is-a-key-feature-of-civilisation-in-uae-1.69497> [<https://perma.cc/2BK6-LJZJ>].

⁸⁴ Rym Ghazal, *How a Majlis Can Open Minds and Shape Our Perspectives*, NAT'L NEWS, <https://www.thenationalnews.com/opinion/how-a-majlis-can-open-minds-and-shape-our-perspectives-1.13204> [<https://perma.cc/5CHL-R8BA>].

⁸⁵ *See Iraq War Violated the Rule of Law*, BBC NEWS (Nov. 18, 2008), http://news.bbc.co.uk/1/hi/uk_politics/7734712.stm [<https://perma.cc/MD63-4TCW>] (questioning the truth of the claim that Iraq possessed weapons of mass destruction). In the debates before the UN Security Council, the US delegate, Ambassador Negroponte, was adamant about Iraq's possession of weapons of mass destruction and this was subsequently the legitimating ground for invoking the relevant resolutions. Permanent Rep. of the U.S. to the U.N., Comments at the 4644th Meeting of the U.N. Sec. Council, U.N. Doc. S/PV.4644 (Nov. 8, 2002).

⁸⁶ This is not to say that even democratic governments do not lie to their people. Consider, for example, the Spanish government's announcement on the day of the Madrid train bombing of March 11, 2004, that ETA was behind the carnage. Keith B. Richburg, *Spain Campaigned to Pin Blame on ETA: Despite Evidence to Contrary Basque Group was Focus in Blasts*, WASH. POST (Mar. 17, 2004), <https://www.washingtonpost.com/archive/politics/2004/03/17/spain-campaigned-to-pin-blame-on-eta/5872ae4d-440a-4552-b931-c6d9844294f1/>

abundance of evidence that Russia targets Ukrainian civilians (at least following its February 2022 invasion) or that there are clear signs of a policy to kill and torture civilians in occupied towns, the Putin regime maintains that its army is in full conformity with IHL.⁸⁷ Moreover, occupying states typically use language suggesting the absence of an occupation. Russia referred to its 2022 invasion and occupation of Ukrainian territory as a “special military operation,”⁸⁸ and Israel maintains that it is not an occupant of the Gaza Strip, even though the Strip is effectively blockaded.⁸⁹ Counternarratives are addressed to the communicator’s own population, whose access to information is severely restricted and whose only source of access to the news is state media.⁹⁰

III. THE HUMAN RIGHTS LEGACY OF THE 2022 FIFA WORLD CUP

The following section will highlight some of the key labor-related criticisms against the FIFA 2022 host state, Qatar, while at the same time shedding some light on its legal system. This will be followed by a subsequent section demonstrating the manner in which these criticisms were addressed prior to 2022. The argument here is that the extensive labor reforms Qatar undertook constitute a part of its human rights legacy from

[<https://perma.cc/S7EJ-ETDQ/>]. The reason for blaming ETA was because general elections were due in three days and the incumbent Zapatero government was well aware that the Spanish public had been opposed to Spain’s leading role in the Iraq war fearing retaliatory terrorist attacks on Spanish territory. *Id.*

⁸⁷ Siobhán O’Grady et al., *Russia Says Attacks Aren’t Hitting Civilians: Scenes in Cities Tell a Different Story*, WASH. POST (Feb. 25, 2022), <https://www.washingtonpost.com/world/2022/02/25/russia-putin-invasion-casualties/> [<https://perma.cc/U8WA-TFF4>].

⁸⁸ In fact, President Putin gave a full speech to the Russian people where he coined the term “special military operation.” *Full Text: Putin’s Declaration of War On Ukraine*, SPECTATOR (Feb. 24, 2022), <https://www.spectator.co.uk/article/full-text-putin-s-declaration-of-war-on-ukraine/> [<https://perma.cc/U8WA-TFF4>].

⁸⁹ Israel announced in April 2004 that it was evacuating its army from Gazan settlements and that no Israeli military or civilian settlers would subsequently remain in Gaza. *Gaza Disengagement Plan: Text of the Sharon Plan*, JEWISH VIRTUAL LIBR., <https://www.jewishvirtuallibrary.org/text-of-the-gaza-disengagement-plan> [<https://perma.cc/UZ39-FFFM>]; see Safaa S. Jaber & Ilias Bantekas, *The Status of Gaza as Occupied Territory Under International Law*, 73 I.C.L.Q. 1069, 1069 (arguing that boots on the ground is not a sine qua non criterion for belligerent occupation, particularly where the occupier’s technological prowess is such that the occupied territory can do nothing without the intervention of the “occupier”).

⁹⁰ See Michal Luft, *Living in a Legal Vacuum: The Case of Israel’s Legal Position and Policy Towards Gaza Residents*, 51 ISR. L. REV. 193, 194 (2018) (a notable Israeli scholar stating that Israel has consistently refused to take a pragmatic stance at Gaza and the plight of its people since 2005, treating the situation as though it does not exist).

which legislative or other retrogression is unlikely because of its entrenchment in local culture.

A. QATAR'S POLITICAL AND CONSTITUTIONAL FRAMEWORK AND THE ROLE OF NATIONAL VISIONS

To comprehensively assess the human rights legacy of the 2022 FIFA World Cup, two preliminary issues must be clarified. The first concerns the territorial extent of the legacy. Given that Qatar is a small nation, but one which brings together and acts as a voice for Arabs and Muslims across the globe (at least for the purposes of the 2022 tournament), it is important to assess whether the legacy of the World Cup is broader than simply that of the host nation. The second preliminary issue concerns indicators. A commonly held belief that is transformed into a human rights narrative cannot be a retrogression from existing domestic standards, although it need not necessarily be consistent with the highest international standards. Rather, progress (from the existing status) is key. If the assessment of a country or a region's human rights legacy is predicated on the highest Western standards, then it will be laden with Eurocentric bias and will fail to take account of progress. The notion of progress has been central to the development of international human rights in the post-1945 era through such mechanisms as progressive development,⁹¹ standard setting, and others.⁹² Human rights progress may well entail that while processes differ from state to state, the intended outcome is otherwise desired and achieved.

It should not come as a surprise that a small country like Qatar would have ambitions of organizing a mega-sporting event such as the FIFA World Cup. Countries in the Gulf, and Qatar in particular, are in a process of nation building and are keen to build identities demonstrating progress, charity, and strong institutions.⁹³ Qatar regularly contributes to

⁹¹ Progressive realization was first articulated in the International Covenant on Economic, Social and Cultural Rights art. 2 ¶ 1, Dec. 16, 1966, 993 U.N.T.S. 3.

⁹² Macau Mutua, *Standard Setting in Human Rights: Critique and Prognosis*, 29 HUM. RTS. Q. 547, 552 (2007) (arguing that standard setting is a unique tool in the creation of human rights norms, albeit warning that their development must be inclusive and participatory for all).

⁹³ See *World Cup an Opportunity to Introduce National Identity, Values of Arab Culture*, GULF TIMES (Nov. 11, 2022), <https://www.gulf-times.com/story/728617/world-cup-an-opportunity-to-introduce-national-identity-values-of-arab-culture>. [<https://perma.cc/27Y9-ZL4J>]; Paul M Brannagan et al., *Mass Social Change and Identity Hybridization: The Case of Qatar and the 2022 FIFA World Cup*, 30 IDENTITIES 900, 900 (2023) (positing that the FIFA World Cup transformed Qatari national and cultural identity).

UN projects far above its regular earmarked contributions⁹⁴ and is known for its extensive role as a mediator.⁹⁵ It is no accident—and with the blessing of major actors such as the United States—it hosted embassy-like representations from the Afghan Taliban (before their ascent to power in 2021) and Hamas.⁹⁶ As a result, Qatar was able to play a significant role as a mediator in Hamas’s release of Israeli hostages,⁹⁷ and it helped allow the exit of Afghans hostile to the Taliban following the fall of the Karzai government in 2021.⁹⁸ Despite its small size, Qatar effectively thwarted the blockade against it, which was instituted by the likes of Saudi Arabia, the United Arab Emirates, and Egypt, demonstrating major diplomatic skills.⁹⁹ Qatar has made excellent use of its natural gas resources,¹⁰⁰ having sought to develop its human capital by investing heavily in education, healthcare, media,¹⁰¹ aviation, sports, and financial services among others.

The history of Qatari legal tradition should be distinguished from the perspective of at least two historical periods, namely before and after independence in 1971. The first historical period roughly begins with the prevalence of Ottoman law following the Ottoman Empire’s occupation

⁹⁴ The numbers vary each year, but the Qatar Fund for Development is Qatar’s main vehicle for international aid. See *Infographics*, QATAR FUND FOR DEV., <https://qatarfund.org.qa/media-center/infographics/> [<https://perma.cc/LW82-FQW3>] (showing contribution distribution for 2023).

⁹⁵ Kamrava coined the term “subtle power” to describe Qatar’s foreign diplomacy, consisting of a combination of influence, achieving political goals through the setting up of favourable circumstances and the mobilization of bias to shape perceptions. MEHRAN KAMRAVA, *QATAR: SMALL STATE, BIG POLITICS* 103 (2015).

⁹⁶ Qatar and other Gulf states play an active global mediator role and were recently involved in the negotiations with the Taliban after their takeover in 2021 and mediation efforts between Hamas and Israel. Anchal Vohra, *How Qatar Became the Middle East’s Indispensable Mediator*, FOREIGN POL’Y (Oct. 28, 2023), <https://foreignpolicy.com/2023/10/28/qatar-middle-east-israel-hostages-hamas-gaza-mediator/> [<https://perma.cc/4PC8-79HX>]; Steve Hendrix et al., *Taliban Takeover Propels Tiny Qatar into Outsize Role in Afghanistan*, WASH. POST (Aug. 31, 2021), https://www.washingtonpost.com/world/taliban-qatar-mediator-afghanistan/2021/08/31/6a787b2c-0992-11ec-a7c8-61bb7b3bf628_story.html [<https://perma.cc/J3DU-NNMK>].

⁹⁷ Vohra, *supra* note 96.

⁹⁸ Hendrix et al., *supra* note 96.

⁹⁹ Ilias Bantekas, *Engaging the UN Security Council in Zero Intensity Conflicts: The Embargo against Qatar*, 23 MAX PLANCK Y.B. U.N. L. 145, 147–49 (2019).

¹⁰⁰ Rania Al-Gamal, *Qatar Petroleum Signs Deal for Mega-LNG Expansion*, REUTERS (Feb. 8, 2021), <https://www.reuters.com/article/idUSKBN2A81SS/> [<https://perma.cc/X7DY-U6GP>].

¹⁰¹ Prior to the creation of Al-Jazeera, media in the Arab World was “local” and its independence contentious. See, e.g., Louay Y. Bahry, *The New Arab Media Phenomenon: Qatar’s Al-Jazeera*, MIDDLE E. POL’Y COUNCIL, <https://mepc.org/journal/new-arab-media-phenomenon-qatars-al-jazeera> [<https://perma.cc/H92F-9TVP>]. As a result, Al-Jazeera, with its highly regarded foreign journalists and correspondents reporting on global issues, represented a paradigmatic shift for the Arab World. *Id.*

of Qatar in the early nineteenth century until the empire's demise in the Gulf by the late 1880s.¹⁰² Just like elsewhere in the empire, the Ottomans imposed the *Hanafi* tradition of Islamic law, but their rule was short lived.¹⁰³ Very little is known about the administration of private law by the Ottomans in Qatar, but one must assume that this was no different from other Muslim territories under Ottoman rule.¹⁰⁴ Following the Ottoman demise in the Gulf region in the latter part of the nineteenth century, the Al-Thani family assumed political and military power. Under the influence of Saudi Arabia, *Hanafi* teachings were soon replaced by the *Hanbali* tradition, which is still prevalent in the Qatari legal system.

The second historical period begins in 1916, whereupon Britain and the rulers of Qatar, namely Sheikh Abdullah bin Jassim Al Thani, entered into an agreement through which Qatar became a British protectorate.¹⁰⁵ This agreement with Britain included eleven clauses. However, in order to safeguard the sovereignty of the state, Sheikh Abdullah rejected three clauses put forward by the British, namely: (1) the seventh clause that allowed British nationals to compete with the local population in the pearl trade, (2) the eighth clause that provided for the appointment of a British resident Commissioner in Qatar, and, finally, (3) the ninth clause that allowed Britain to establish a post and telegraph office in the country. Sheikh Abdullah considered these clauses to threaten the sovereignty of the country, and so only eight of the original eleven clauses

¹⁰² In 1892, the sheikhdoms of the UAE, which were known at the time as "the Trucial States," joined together to sign a treaty with Great Britain. Miriam Joyce, *On the Road Towards Unity: The Trucial States from a British Perspective*, 35 MIDDLE E. STUD. 45, 45 (1999). Under this treaty, they agreed to protect the coastline against any maritime-based aggression and help counteract any land-based attack. *Id.* Furthermore, an article written in 1969, two years before UAE gained independence, labels the country as "the seven Trucial Omani States"—referring to Dubai, Sharjah, Abu Dhabi, Fujairah, Umm Al Quwain, Ajman, and Ras Al Khaimah, which make up the UAE today. Fred Halliday, *Class Struggle in the Arab Gulf*, 58 NEW LEFT REV. 31, 36 (1969).

¹⁰³ See FREDERICK ANSCOMBE, *THE OTTOMAN GULF: THE CREATION OF KUWAIT, SAUDI ARABIA AND QATAR 1870–1914*, at 261–76 (1997) (describing the role and rule of the Ottomans in the Gulf and its short-lived influence).

¹⁰⁴ See generally DISPENSING JUSTICE IN ISLAM: QADIS AND THEIR JUDGMENTS (Muhammad Khalid Masud et al. eds., 2006) (providing information on the Ottoman Empire's administration of law in Muslim territories); Christian Müller, *Judging with God's Law on Earth: Judicial Powers of the Qāḍī Al-Jamā'a at Cordoba in the Fifth/Eleventh Century*, 7 ISLAMIC L. & SOC'Y 159 (2000).

¹⁰⁵ See Stephen J. Ramos, *An Historical Examination of Territory & Infrastructure in the Trucial States*, in GATEWAYS TO THE WORLD: PORT CITIES IN THE PERSIAN GULF 93 (Mehran Kamrava ed., 2016); Robert Landen, *The Arab Gulf in the Arab World 1800–1918*, 1 ARAB AFFS. 59, 59 (1986); *Text of Treaty, Dated November 3, 1916, and ratified on March 23, 1918, Between His Majesty's Government and Sheikh Abdullah-Bin-Jasim-Bin-Thani of Al-Katar*, QATAR DIGITAL LIBR., https://www.qdl.qa/en/archive/81055/vdc_100023626988.0x000002 [<https://perma.cc/AH69-6BAN>].

remained. This agreement remained steadfast for nearly twenty years, until 1935, when it was renewed with several new clauses.¹⁰⁶

Consequently, the British authorities established two parallel systems of justice. Colonial or civil courts administered English and colonial laws, whereas local courts were entrusted with the administration of Islamic law.¹⁰⁷ Qatar's political system is probably best described as a constitutional hereditary monarchy.¹⁰⁸ The Constitution is an important part of Qatar's legal system, despite the absence of a constitutional court. It is telling that article 1 of the Qatari Constitution proclaims "democracy" as the country's political system. Recently, its parliamentary assembly, the *Shura* Council, was opened to a popular vote and, for the first time, Qataris could elect and be elected to public office.¹⁰⁹ This may be the result of similar political developments in Kuwait, which, while a monarchy itself,¹¹⁰ is viewed as the most progressive of all Gulf states. In the opinion of this author, Qatar downplays its democratic qualities and credentials, as it does with its global charitable role.

One generally perceives Gulf monarchies as hostile to human rights and the International Bill of Rights.¹¹¹ This is in fact a fallacy. Qatar has demonstrated a great willingness to ratify most human rights treaties while at the same time assumed an active role in UN human rights processes and was one of the engines behind the drafting of the Convention on the Rights of Persons with Disabilities (CRPD).¹¹² Like most other states, while transposing many of the rights in international

¹⁰⁶ See *Sheikh Abdullah bin Jassim Al Thani*, AMIRI DIWAN, https://www.dewan.gov.qa/about-qatar/qatars-rulers/sheikh-abdullah-bin-jassim-al-thani?sc_lang=en [https://perma.cc/9EPR-VG6B].

¹⁰⁷ This persisted for a few years following independence but is no longer the case. Nizar Hamzeh, *Qatar: The Duality of the Legal System*, 30 MIDDLE E. STUD. 79, 82 (1994).

¹⁰⁸ PERMANENT CONSTITUTION OF THE STATE OF QATAR June 8, 2004, art. 8.

¹⁰⁹ Ali Bakeer, *Reflections on the First Shura Council Elections in Qatar*, FRIEDRICH NAUMANN FOUND. FOR FREEDOM (Dec. 22, 2021), <https://www.freiheit.org/middle-east-and-north-africa/reflections-first-shura-council-elections-qatar> [https://perma.cc/SJ8T-3LDC].

¹¹⁰ See CONST. KUWAIT art. 80 (providing for elections in respect of the country's National Assembly); Eleni Polymenopoulou, *Sharia and Human Rights in the Constitutional Framework of Gulf States*, 46 HUM. RTS. Q. 1, 23 (2024) (noting that the Kuwaiti constitutional court has issued a series of judgments in sensitive areas that clash with established Islamic values).

¹¹¹ See MARINA OTTAWAY & DAVID OTTAWAY, *A TALE OF FOUR WORLDS: THE ARAB REGION AFTER THE UPRISINGS* 103–32 (2019) (showing how modern threats to internal and external power has transformed even Saudi Arabia to a point that it is engaging in more freedoms than was ever thought possible).

¹¹² In fact, unlike many states, Qatar was one of the few that did not enter into any reservations. See Ilias Bantekas, *Reservations to the Disabilities Convention: Peer Engagement and the Value of a Clear Object and Purpose*, 33 N.Y. INT'L L. REV. 61, 61 n. 3 (2020).

human rights treaties into its legal system, legal tradition and culture has prevented incorporation of certain rights. For the purposes of this Article, collective bargaining is absent, despite the fact that all migrant workers are provided with many other benefits (e.g., housing, healthcare, etc.).¹¹³ The same is true in respect to the right to free and fair elections, save for the elections to the *Shura* Council.¹¹⁴ In the opinion of this author, the operation of the current kafala system, coupled with better access to justice and thorough labor audits, is a better alternative for migrant workers than collective bargaining.

It should be pointed out that much like its other neighbors in the Gulf, Qatar is caught between a modernist and liberal trend instituted by the father emir, Hamad bin Khalifa Al-Thani, juxtaposed against more traditional voices.¹¹⁵ The father emir put forward a significant number of reforms, but more importantly, through his stance and that of his wife, Sheikha Moza, he made it clear that Qatar needs to become a modern country while not losing touch with its traditional values.¹¹⁶ The country has a highly educated, cultured, bilingual population that shares those values, even if they are not transposed into laws. Unlike the Western legal tradition where civil liberties are entrenched in constitutional instruments, which in turn provide legal capacity to citizens, in the Gulf Cooperation Council (GCC), the liberal outlook of states is very much reflected in policy declarations, particularly the so-called “visions.”¹¹⁷

These visions are policy statements spanning one or two decades with the aim of setting out an agenda of key reforms and action plans.¹¹⁸

¹¹³ Qatar has not ratified the ILO's Freedom of Association and Protection of the Right to Organize Convention of 1948, nor the ILO's Right to Organize and Collective Bargaining Convention of 1949. *Qatar Must Move Forward on Labour Rights*, ITUC (Mar. 17, 2023), <https://www.ituc-csi.org/qatar-statement-march-2023> [<https://perma.cc/7WMX-KKQM>].

¹¹⁴ GCC countries offset restrictions to civil and political rights with an abundance of socio-economic rights. See Başak Çalı et al., *Big Promises, Small Gains: Domestic Effects of Human Rights Treaty Ratification in the Member States of the Gulf Cooperation Council*, 38 HUM. RTS. Q. 21, 46 (2016). For example, Qatar provides free primary education. *Id.*

¹¹⁵ See Mehran Kamrava, *Royal Factionalism and Political Liberalization in Qatar*, 63 MIDDLE E. J. 401, 401–04 (2009) (asserting that Sheikh Hamad bin Khalifa, the Father Emir, instituted a whirlwind of reforms and set up new and modern institutions, despite the fact that the state remained autocratic in the internal political domain).

¹¹⁶ Danna Harman, *Backstory: Qatar Reformed by a Modern Marriage*, CHRISTIAN SCI. MONITOR (Mar. 6, 2007), <https://www.csmonitor.com/2007/0306/p20s01-wome.html> [<https://perma.cc/JZ6F-PUZZ>].

¹¹⁷ See generally GEN. SECRETARIAT FOR DEV. PLANNING, *supra* note 56.

¹¹⁸ ANDREW SPALDING, A NEW MEGASPORT LEGACY: HOST-COUNTRY HUMAN RIGHTS AND ANTI-CORRUPTION REFORMS 179 (2022). It is fair to include alongside Qatar's National Vision of 2030,

Importantly, Qatar's successive visions have placed the hosting of mega-sporting events and the general investment of sports among its three key priorities.¹¹⁹ Although the vision seems to have no direct relation to human rights, its indirect effects are significant and in line with GCC's soft-touch approaches to civil liberties as described above.¹²⁰ It is impossible to bid for and organize any mega-sporting event with the aim of attracting international audiences unless the host state is willing to reform its human rights laws and practices.¹²¹ The 2022 FIFA World Cup has clearly shown that nondemocracies like Qatar are more susceptible to intense criticism about their human rights record than would be the case with liberal democracies.¹²² In turn, intense criticism against a society or a political structure that is not amenable to reform creates internal dissent.¹²³ The desire to host mega-sporting events by GCC states such as Qatar demonstrates a deep-rooted desire to support liberal institutions and modernize society. As the following sections clearly suggest, Qatar's religious adherence to its vision has induced it to undertake large-scale reforms, many of which have had a deep impact on people's enjoyment of fundamental rights. These reforms will be explained in the next section in more detail, although we have alluded to some of these in earlier parts of this Article.

also its Bid Book, the Qatar National Development Strategy, the Qatar 2022 Strategic Plan, and the Legacy Framework of the Supreme Committee for the Delivery of Legacy.

¹¹⁹ Paul Michael Brannagan & Richard Giulianotti, *Soft Power and Soft Disempowerment: Qatar, Global Sport and Football's 2022 World Cup Finals*, 34 LEISURE STUD. 703, 708–13 (2014).

¹²⁰ See Eleni Polymenopoulou, *Human Rights in the Six Arab States of the Gulf Cooperation Council (GCC): From Vision to Reality*, 3 CARDOZO INT'L & COMP. L. REV. 929, 964–81 (2020).

¹²¹ See *FIFA Should Ensure Human Rights Protections for 2030 and 2034 World Cups as Bidding Deadline Passes*, AMNESTY INT'L (Oct. 31, 2023), <https://www.amnesty.org/en/latest/news/2023/10/global-fifa-should-secure-human-rights-protections-for-2030-and-2034-world-cups-as-bidding-deadline-passes> [https://perma.cc/ZU9S-R2ZA].

¹²² See, e.g., Abdulrahman Al-Marri & Hind Al-Ansari, *World Cup in Qatar: Human Rights and Normalization*, CARNEGIE ENDOWMENT FOR INT'L PEACE (Jan. 26, 2023), <https://carnegieendowment.org/sada/88890> [https://perma.cc/E459-Q4J3]; Emad Mekay, *Football's World Cup and Human Rights*, INT'L BAR ASS'N (Sept. 16, 2022), <https://www.ibanet.org/Football-World-Cup-and-human-rights> [https://perma.cc/EY2P-J3B5] (providing a harsh critique about Qatar's human rights policies).

¹²³ By way of illustration, between 2000 and 2008 the Serbian population was sympathetic to political and civilian leaders implicated by the International Criminal Tribunal for the former Yugoslavia (ICTY). See Izabela Kisić & Slavija Stanojlović, *The Post-2000 Media Situation in Serbia*, in CIVIC AND UNCIVIC VALUES: SERBIA IN THE POST-MILOŠEVIĆ ERA 163–64 (Ola Listhaug et al. eds., 2011) (showing how narrative manipulation through the media isolated Serbian people from the international community even though they shared common values). Such a popular unmoved sentiment may also exist in democracies where media freedom is guaranteed, as is the case with the deep desire of the French public to retain the country's secular outlook.

B. QATAR'S LABOR REFORM LEGACY

Despite conflicting reports about the number and causes of death,¹²⁴ and the much-reported squalid living conditions, the Qatari leadership did not challenge the allegations or their magnitude.¹²⁵ Given Qatar had already been granted the privilege of hosting the FIFA World Cup, a mega-sporting event, it seemed unlikely that the country's government would respond to accusations of labor abuses against its migrant workforce by willingly undertaking serious labor and social reforms.¹²⁶ Qatar certainly surprised everyone, chiefly because there was a general understanding that being under the global spotlight was a prerequisite for hosting other major events in the future, but also because public opinion was strongly in favor of labor law reforms to benefit migrant workers.¹²⁷ FIFA, on its own initiative, but also on behalf of Qatar as the host state, engaged in dialogue with Amnesty International on reforms it would like to have seen.¹²⁸ This is a far cry from the type of responses one is typically accustomed to receiving from autocratic regimes. The response exemplifies that some autocracies are willing to seriously engage with human rights as well as converse with their accusers. Qatar realized that it had more to lose by being under the global spotlight than it had by tackling the very issues that brought it under scrutiny.¹²⁹ This reaction should not be taken lightly, as most states, even industrialized states in the Global North, would dismiss similar

¹²⁴ See Dagorn & Deroeux, *supra* note 46 (discussing migrant labor deaths).

¹²⁵ See PAUL MICHAEL BRANNAGAN & DANYEL REICHE, QATAR AND THE 2022 FIFA WORLD CUP: POLITICS, CONTROVERSY, CHANGE 85–113 (2022) (pointing out that Qatar's joy of hosting the event was overshadowed by the intense international scrutiny over its human rights and labor record).

¹²⁶ For early NGO reports, see Hum. Rts. Watch, *supra* note 53, at 596–99.

¹²⁷ See ILO, LABOR REFORMS IN THE STATE OF QATAR: COMING TOGETHER AROUND A SHARED VISION, at 2–3 (2022) [hereinafter LABOR REFORMS IN THE STATE OF QATAR], https://www.ilo.org/wcmsp5/groups/public/-arabstates/-ro-beirut/-ilo-qatar/documents/publication/wcms_859843.pdf [<https://perma.cc/PYD4-CASL>] (noting that labor reforms found fertile ground in the collective conscience of the Qatari public).

¹²⁸ FIFA to Discuss Workers Situation in Qatar with Amnesty International, INSIDE FIFA (Mar. 13, 2022), <https://www.fifa.com/social-impact/human-rights/media-releases/fifa-to-discuss-workers-situation-in-qatar-with-amnesty-international> [<https://perma.cc/LJM6-UNUU>].

¹²⁹ In its bid for a seat on the UN Human Rights Council, Qatar provided a standing invitation to all UN human rights mandates. Sarah Leah Whitson, *Letter to H.R.H. Shaikh Tamim bin Hamad Al Thani on Candidacy for the Human Rights Council*, HUM. RTS. WATCH (Oct. 15, 2014), <https://www.hrw.org/news/2014/10/15/letter-hrh-shaikh-tamim-bin-hamad-al-thani-candidacy-human-rights-council> [<https://perma.cc/HMG3-SSL5>]. Even so, human rights NGOs continue with a hard stance. *Id.*

accusations or spin them in a far less judgmental manner. Qatar accepted its failures and sought help, and to that end, by inviting the International Labor Organization (ILO) to establish itself in the country, it subsequently did.¹³⁰

By 2013, it was clear that concrete measures were required to respond to foreign criticism of the treatment of Qatar's labor force. The Supreme Committee for Delivery and Legacy set out a Workers' Welfare Charter in 2013, which it enhanced in 2014 with the much more comprehensive Worker's Welfare Standards (WWS).¹³¹ The Ministry of Labor toiled with this instrument and made a serious effort to adapt to the exigencies on the ground and, as a result, amended it in 2016.¹³² Both instruments are encompassed under Qatar's specialized labor laws.¹³³ All companies operating in Qatar are required to comply with the WWS and its strict set of requirements regarding recruitment, employment, and living conditions for migrant workers engaged in World Cup-related projects. It is the author's understanding that these instruments are now applied to all blue-collar workers in the aftermath of the World Cup.¹³⁴

The second edition of WWS was further supplemented with Bulletin 1, which introduced mandatory medical health (including mental health) screenings and further established the institution of Workers' Welfare Officers (WVO) and Project Workers' Welfare Officers (PWWO).¹³⁵ Bulletin 1 went on to impose an assessment to ascertain whether the accommodation offered was appropriate, the recruitment

¹³⁰ The ILO was originally one of harsh critics of Qatar but was invited to set up an HQ in Doha in order to monitor labor rights in the run-up to the World Cup. For other critics, this has actually made the ILO complicit. Its current presence in Qatar is a springboard for strengthening labor rights in the GCC and the Arab world more broadly. See *The ILO in Qatar*, ILO., <https://www.ilo.org/beirut/countries/qatar/lang-en/index.htm> [<https://perma.cc/NJ9T-HG5S>].

¹³¹ SUPREME COMM. FOR DELIVERY & LEGACY, FIFA WORLD CUP QATAR 2022: AMAZING DELIVERED 159 (2023), www.sc.qa/workerswelfare [<https://perma.cc/S58B-ADKM>].

¹³² SUPREME COMM. FOR DELIVERY & LEGACY, WORKERS' WELFARE STANDARDS 1 (2d ed. 2016), https://migrationpolicy.unescwa.org/sites/default/files/policies/2016_Qatar_Workers_Welfare_Standards.pdf [<https://perma.cc/YP9M-KEJR>].

¹³³ This is especially true for Law No. 14 of 2004 (Qatar), a labor law which has been amended significantly by legislation leading up to the World Cup. *Id.* pmb1.

¹³⁴ See WORKERS' WELFARE, <https://www.workerswelfare.qa/en/workers-welfare.html> [<https://perma.cc/493R-MALN>]; David Salt & Yousef Fakhoury, *Migrant Welfare Charters*, 11 ASIAN-MENA COUNS., no. 10, 2014 at 51, 51, https://www.inhousecommunity.com/wp-content/uploads/2016/07/v11i10_jur_QATAR.pdf [<https://perma.cc/KBU7-FAJD>].

¹³⁵ SUPREME COMM. FOR DELIVERY & LEGACY, WORKERS' WELFARE STANDARDS BULLETIN ONE TO EDITION TWO 6, 10 (2018) [hereinafter WORKERS' WELFARE STANDARDS BULLETIN], <https://www.workerswelfare.qa/sites/default/files/documents/Workers-Welfare-Standards-Edition-2-EN.pdf> [<https://perma.cc/43ZA-NUFC>].

standards were ethical, and the companies under scrutiny had put in place a universal reimbursement scheme.¹³⁶ While host states should be responsible for all that is happening in their territory, home states must shoulder some of the burden for the actions or omissions of their national investors. Given that Qatar depends almost exclusively on foreign investors for its infrastructure and that it has a relatively small public sector to monitor these foreign companies, a great degree of self-compliance is necessary. This author has previously suggested that home and host states should employ the full range of their labor laws and human rights to all activities, and host states in particular must strive toward full compliance and maximum due diligence.¹³⁷ It was then crucially important that Qatar intervene not only in the promulgation of new and adequate labor regulations but also in the operation of local and foreign corporate entities.

The WWS took stock of the obvious discrepancies in Qatar's labor system, particularly the impunity under which private companies operated, and imposed strict compliance audits across all construction sites under the supreme committee's authority.¹³⁸ As a result, a four-tier audit and inspection system was duly instituted, comprising quarterly self-audits, quarterly audits by the supreme committee's audit team, external independent audits (announced or unannounced), and ad hoc audits and inspections carried out by the Ministry of Labor.¹³⁹ In 2021, the audit team recorded an average compliance score of 78.3 percent across Qatar.¹⁴⁰ At the end of the same year, almost 86 percent of the workforce employed by the supreme committee had moved to far improved accommodations with better amenities and medical facilities.¹⁴¹

Foreign journalists have frequently highlighted Qatar's desert climate and the difficulties of working outdoors, especially during the

¹³⁶ *Id.* at 6.

¹³⁷ See Ilias Bantekas, *The Linkages Between Business & Human Rights & Their Underlying Causes*, 43 HUM. RTS. Q. 118, 131–32 (2021).

¹³⁸ WORKERS' WELFARE STANDARDS BULLETIN, *supra* note 135, at 8.

¹³⁹ *Id.* § 19.2ff.

¹⁴⁰ SUPREME COMM. FOR DELIVERY & LEGACY, SEVENTH ANNUAL WORKER'S WELFARE PROGRESS REPORT 18 (2021), https://www.workerswelfare.qa/sites/default/files/documents/WW_Progress_Report_2021_EN.pdf [https://perma.cc/4C5M-Y6X2].

¹⁴¹ *Id.* at 19.

summer months.¹⁴² In fact, most deaths in the construction sector were associated with heat stroke–related ailments.¹⁴³ The matter became a point of concern for the government, and, consequently, the Ministry of Labor adopted a decree that extended the summer working regulations from June 1 to September 15 and prohibited outdoor work between 10:00 a.m. and 3:30 p.m.¹⁴⁴ The decree emphasized that outdoor work should not be carried out where the temperature index of the Wet Bulb Global Gauge (WBGT) exceeds 32.1 degrees Celsius.¹⁴⁵ The government set up monitor teams to assess compliance prior to the World Cup, and eight violations were reported.¹⁴⁶ From 2014 onwards, Qatar pioneered the research and production of so-called “StayQool” suits, a technology designed to keep those exposed to the intense summer heat relatively cool.¹⁴⁷ Although such suits have not been distributed to all workers, over 15,900 suits were distributed in 2020, and the feedback was extremely positive.¹⁴⁸

As previously mentioned, there is currently no collective rights system (including collective bargaining) in Qatar or throughout the GCC. No doubt, it is difficult to reconcile collective bargaining with the kafala system, given the inherent conflicts between them, in the sense that a collective bargaining agreement may turn out to be wholly antithetical to the terms of the individual kafala contract. Migrant workers with little or no education derived from abusive labor backgrounds may become the subject of abuse from their new employers in Qatar and the Gulf. Abusive employers can take advantage of such a system, knowing full well that the indigence of their employees and the absence of a collective migrant

¹⁴² See, e.g., *New Legislation in Qatar Provides Greater Protection to Workers from Heat Stress*, ILO (May 27, 2021), https://www.ilo.org/beirut/countries/qatar/WCMS_794475/lang=en/index.htm [<https://perma.cc/Z98C-DFXD>].

¹⁴³ See Annie Kelly et al., *Revealed: Hundreds of Migrant Workers Dying of Heat Stress in Qatar Each Year*, GUARDIAN (Oct. 2, 2019), <https://www.theguardian.com/global-development/2019/oct/02/revealed-hundreds-of-migrant-workers-dying-of-heat-stress-in-qatar-each-year> [<https://perma.cc/9VDQ-TNB2>].

¹⁴⁴ Decision No. (17) of 2021 by the Minister of Administrative Development, Labour, and Social Affairs Specifying Measures to Protect Workers from Heat Stress, art. 2, (Qatar), https://www.ilo.org/wcmsp5/groups/public/-arabstates/-ro-beirut/documents/legaldocument/wcms_794551.pdf [<https://perma.cc/P2SD-5AVH>].

¹⁴⁵ *Id.* art. 4.

¹⁴⁶ SUPREME COMM. FOR DELIVERY & LEGACY, *supra* note 140, at 36.

¹⁴⁷ Aryn Baker, *How Qatar's New Cool-Tech Gear Helps Workers in Extreme Heat*, TIME (Sept. 8, 2022), <https://pulitzercenter.org/stories/how-qatars-new-cool-tech-gear-helps-workers-extreme-heat> [<https://perma.cc/U5DP-TQWX>].

¹⁴⁸ SUPREME COMM. FOR DELIVERY & LEGACY, *supra* note 140, at 15.

laborers' entity will ultimately deprive migrant workers of access to effective remedies.

The Qatari government exerted great effort in trying to come up with a system of protection short of collective labor rights. In this vein, the supreme committee established a grievance system whereby grievance claims could be lodged and heard without the fear of reprisals.¹⁴⁹ Although this is a far cry from employment tribunals or labor arbitration, it is a significant step towards effective collective labor rights. To this end, the WWS introduced a three-tier grievance mechanism that includes worker interviews, Workers' Welfare Forums (WWF), and a twenty-four-hour grievance hotline.¹⁵⁰ The WWF allows migrant workers to raise complaints through elected workers' representatives (WRs).¹⁵¹ Even though WRs are provided training to execute their mandate, this is no substitute for court access. With the introduction of Law No. 236 of 2018, Qatar set up dispute settlement committees, which are meant to facilitate workers' access to effective dispute resolution mechanisms. Disputes are to be resolved within three weeks from submission of the complaint,¹⁵² but it is not clear if migrant workers view this mechanism as successful.

Nonetheless, it is instructive that non-World Cup construction companies have volunteered to offer the WWF scheme to their own employees, and, in many cases, the attendance of the ILO has facilitated this.¹⁵³ Although not entirely adequate without such advancements, if one considers the previous state of affairs, the fact that Qatar has introduced a culture of elected workers' representatives¹⁵⁴ is nothing short of radical. Moreover, a similar system was introduced to the non-World Cup workforce through the passing of the Ministry of Labor's Decision No. 21 of 2019, which sets out the conditions for the election of worker representatives in so-called "joint committees."¹⁵⁵ Companies with thirty

¹⁴⁹ *Workers' Voice*, WORKERS' WELFARE, <https://www.workerswelfare.qa/en/our-legacy/workers-voice.html> [https://perma.cc/VAJ2-EM9M].

¹⁵⁰ *Id.*

¹⁵¹ SUPREME COMM. FOR DELIVERY & LEGACY, *supra* note 140, at 22.

¹⁵² Law No. 236 of 2018, art. 2 (Qatar).

¹⁵³ SUPREME COMM. FOR DELIVERY & LEGACY, *supra* note 140, at 22.

¹⁵⁴ *See Decree Paves Way for Election of Worker Representatives in Enterprises*, ILO (May 1, 2019), https://www.ilo.org/beirut/countries/qatar/WCMS_696935/lang-en/index.htm [https://perma.cc/X6CQ-5MV4].

¹⁵⁵ Decision No. (21) of 2019 by the Minister of Administrative Development, Labour, and Social Affairs Regulating the Conditions and Procedures of the Election of Workers' Representatives to Joint Committees, § 2 (Qatar), https://migrationpolicy.unescwa.org/sites/default/files/policies/2019_Qatar_Decision_No_21.pdf [https://perma.cc/PWD9-8KSJ].

or more employees must allow their workers to elect representatives whose role is to engage with management over work-related issues.¹⁵⁶

In response to criticism over the country's lack of compensation for accidents and deaths at work, Qatar implemented the Workmen's Compensation Policy (WCP), which covers accidents, disability, and death while at work. In addition, the Qatari government has reached out to contractors to offer additional life insurance for off-site accidents and deaths.¹⁵⁷ By the end of 2021, approximately twenty-three contractors had chosen to offer such an additional insurance.¹⁵⁸ As part of its commitment to FIFA and worker demands, in March 2012, the government introduced a nondiscriminatory minimum monthly wage of 1,000 QAR (around 250 USD).¹⁵⁹ This monthly wage also requires the employer to provide free accommodations and food.¹⁶⁰ These regulations are reinforced with the appointment of a Minimum Wage Committee, which is tasked with periodic assessments of wages based on inflation and living standards.¹⁶¹ Moreover, Law No. 17 of 2018¹⁶² created the Workers' Support and Insurance Fund with the aim of raising sufficient funds in the event that a contractor is unable to pay wages, or the business becomes insolvent.¹⁶³ This adds another layer of protection to wage safety that was not available in the past.

While the Qatari government did not (rightly) abolish the highly criticized kafala (sponsorship) system, it did eliminate the elements that gave rise to abuses by employers. Most notably, on January 16, 2020, the interior minister adopted Decision No. 25 of 2019,¹⁶⁴ which allows virtually all migrant workers in Qatar to leave the country without an exit

¹⁵⁶ *Id.*

¹⁵⁷ SUPREME COMM. FOR DELIVERY & LEGACY, *supra* note 140, at 24.

¹⁵⁸ *Id.*

¹⁵⁹ Minocri, *supra* note 22; Law No. 17 of 2020 (Qatar).

¹⁶⁰ Minocri, *supra* note 22. Alternatively, the employer may provide a minimum of 500 QAR for accommodations and 300 QAR for food rather than the employer itself providing free accommodations and food. *Id.*

¹⁶¹ *Id.*

¹⁶² *See id.* (providing an analysis of Law No. 17 of 2018).

¹⁶³ To the best of the Author's knowledge, Law No. 17 of 2018 (Qatar), is only available in Arabic. <https://gulfmigration.grc.net/wp-content/uploads/2022/12/17-2018.pdf> [<https://perma.cc/U69Y-APZB>].

¹⁶⁴ Decision No. (25) of 2019 by the Interior Minister Issuing the Executive regulations for Law No. (2) of 2015 in Relation to Organizing the Entry and Exit of Expatriates and Their Residence (Qatar), https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=110365&cs=1MC5fXAIAWKCbLmQY0zQFO9cEEKrZsJXozFxtelTCE3DVogszvQBMVUcQ8eXdJsbqlvWQM-IIC0wS_Kimaza4JA [<https://perma.cc/84SJ-YH8L>].

visa, subject to a notification to the employer seventy-two hours prior to departure. This comes after the adoption of Law No. 21 of 2015, which allowed workers (within strict limits) to change jobs without the approval of their previous employer and introduced new measures to prevent the practice of passport confiscations.

Similar legislation was also extended to the crucial class of domestic workers. The World Cup hastened a whirlwind of changes which saw an overhaul to the legal regime. Law No. 15 of 2015 effectively brought into Qatari law ILO Convention No. 189, titled “On the Working Conditions of Domestic Workers.”¹⁶⁵ This regime was further enhanced with the promulgation of Ministerial Decision 95 of 2019, which allows domestic workers to leave the country without an exit visa, subject to notifying their employer.¹⁶⁶

Demands to abolish the sponsorship system altogether are unrealistic and would produce a negative impact on labor control and security in the country. It should not be forgotten that the kafala system is incompatible with collective bargaining and that Qatar, just like all GCC countries, has set out minimum standards of welfare for migrant workers. In the post-2008 financial era, Western liberal democracies have attempted to retrogress on labor rights, against which collective bargaining has been a tool, but not a particularly good one. Western governments have favored those labor unions and their leaders to win the blue-collar vote, conveniently ignoring the attack on labor rights.¹⁶⁷

¹⁶⁵ See Hum. Rts. Watch, *Domestic Workers' Rights in Qatar*, at 2 (June 2018), https://www.hrw.org/sites/default/files/supporting_resources/qatar0218_memo_pdf.pdf [https://perma.cc/JJ9N-Y7UD] (recognizing that Law No. 15 of 2017 set out some equivalent rights to those defined in ILO Convention No. 189); see also Law No. 15 of 2017 (Qatar), [https://www.mol.gov.qa/admin/LawsDocuments/Law%20No.%20\(15\)%20of%202017%20on%20Domestic%20Workers.pdf](https://www.mol.gov.qa/admin/LawsDocuments/Law%20No.%20(15)%20of%202017%20on%20Domestic%20Workers.pdf) [https://perma.cc/PL58-DL82].

¹⁶⁶ Decision No. (95) of 2019 by the Interior Minister Regarding Controls and Procedures for the Exit of Some Categories of Expatriates Who Are Not Subject to the Labour Law (Qatar), https://natlex.ilo.org/dyn/natlex/r/natlex/fe/details?p3_isn=110366&cs=1pgzkBs1aV1VqxS0zz65ItGhEWyO07YWng-btWtU0kCTUceaFUxYMsdn-rpQbDLSMrvGKkTGNMdp81sEBxTSDw [https://perma.cc/CC68-6EFP].

¹⁶⁷ ITUC, 2023 *ITUC Global Rights Index*, at 11–17 (2023), https://files.mutualcdn.com/ituc/files/2023_ituc_global_rights_index_en.pdf [https://perma.cc/78A6-9CEV].

IV. CONCLUSION

The FIFA World Cup is watched by billions around the globe,¹⁶⁸ and while the host state can lay claim to its set of legacies, it is beyond doubt that such legacies impact other nations. The fact that a small country like Qatar hosted a World Cup encourages and emboldens all countries to share the hope of one day entertaining a major event, whether alone or in conjunction with others. Qatar's run up to the 2022 event and the severe criticism it attracted serves as a reminder to all that bidding for, let alone hosting, a major mega-sports event is not just about construction and infrastructure. It requires, above all, an acceptance of fundamental human rights standards (chiefly as these are elaborated in key human rights treaties) and a collective desire to embrace them as a matter of culture.¹⁶⁹ It is true, of course, that host countries in the industrialized North will not be asked the same questions about human rights, but this should not be viewed by developing countries as a form of unjust discrimination.

In assessing Qatar's 2022 human rights legacy, the focus should be on the degree of change to the human rights status between the bidding period and the conclusion of the World Cup and how much of that change is now ingrained into Qatar's culture. Moreover, given that Qatar represents both the Arab and Muslim world, its hosting of the World Cup reflects on the culture and values of other like-minded nations. If neighbors viewed Qatar as accepting standards somehow antithetical to Muslim and Arab values, then surely the people would automatically reject them and refuse to ingrain them into their psyche.¹⁷⁰ Qatar's World Cup bid spurred a wave of change that no one in the country could have imagined, spanning all areas of government, law reform, education, human rights, and even the Qatari Constitution. International civil society

¹⁶⁸ See *FIFA World Cup QATAR 2022 in Numbers*, FIFA, <https://publications.fifa.com/en/annual-report-2022/tournaments-and-events/fifa-world-cup-qatar-2022/fifa-world-cup-qatar-2022-in-numbers> [https://perma.cc/9JUW-CHP8].

¹⁶⁹ In fact, Saudi Arabia was chosen to host the FIFA World Cup of 2034 and it is no accident that the Kingdom recently underwent significant reforms in all areas of its internal and external policies. *Saudi Arabia Set to Host 2034 FIFA World Cup as Australia Drops Out*, AL JAZEERA (Oct. 31, 2023), <https://www.aljazeera.com/sports/2023/10/31/saudi-arabia-to-host-fifa-world-cup-2034-australia-drops-out> [https://perma.cc/P5WH-QWKB].

¹⁷⁰ This is true with respect to alcohol. Qatar decided to ban the sale of alcohol in stadiums as well as public drinking, even though alcohol is still sold in the country in specially designated places. This did not go down well with alcohol producers. Tariq Panja, *Ban on Beer is Latest Flash Point in World Cup Culture Clash*, N.Y. TIMES (Nov. 18, 2022), <https://www.nytimes.com/2022/11/18/sports/soccer/world-cup-beer-qatar.html> [https://perma.cc/V42S-LYLU].

and the desire of the host to use the event to be in the international spotlight enabled these changes. If a country wants to shine at the international stage, whether because of its media, business, trade, or something else, it cannot afford to sail alone with standards that are incongruous to those set by liberal states. Qatar modernized the entire gamut of its private law¹⁷¹ and set up an ambitious special economic zone,¹⁷² the Qatar Financial Centre, equipped with top judges, including the former president of the UK Supreme Court and that of the London Commercial Court.¹⁷³ It was only a matter of time before a nudge like the World Cup took down antiquated human rights laws and replaced them with modern ones that reflect Qatar's ambitions on the world stage.

The World Cup is a catalyst for human rights, but this will not always materialize, as we are now seeing with Russia. If the World Cup is indeed a catalyst, then it is incorrect to consider submissions by developing states, or those with poor human rights records, as the wrong types of contenders. On the contrary, it would seem that the international community must look to mega-sports events as a means of fostering common values and pressing them as hard as possible against organizers. Hosts that fail to live up to human rights expectations can and should be subject to revocation by FIFA. Equally, however, the international community should launch a meaningful campaign to educate people about how countries such as Qatar have made sincere efforts to improve their human rights conditions (and have also served as global donors) in the space of a decade, while developed nations have had centuries to grapple with the same issues and have still failed. In the case at hand, popular bias against the host was significant, and many European fans boycotted (in one way or another) the event.¹⁷⁴ Progress toward human rights initiatives and the attendant effort—despite the means to achieve it—must be viewed

¹⁷¹ Qatar's private and commercial laws are in harmony with international standards and are in fact predicated on Western civil codes or model laws. See Ilias Bantekas, *Termination of Contracts and Force Majeure Under Qatari Law and Its Islamic Law Influences: Emergence of a Transnational Gulf Private Law*, 20 UCLA J. ISLAMIC & NEAR E. L. 73, 77–79 (2022); see also Ilias Bantekas, *Transplanting the UNIDROIT Contract Principles in the Qatar Financial Center: A Fresh Paradigm for Wholesale Legal Transplants?*, 26 UNIF. L. REV. 248, 248 (2021).

¹⁷² See generally John Truby & Amaud Cywie, *Free Zones, Foreign Ownership and Tax Incentives for Foreign Direct Investment in Qatar*, 11 GLOB. TRADE & CUSTOMS J. 284 (2016).

¹⁷³ QATAR INT'L CT. & DISP. RESOL. CTR., <https://www.qicdrc.gov.qa/courts/court> [https://perma.cc/62L9-J7CW].

¹⁷⁴ See Pascal Jochem, *The World Cup in Qatar Has Deepened Divisions*, DEUTSCHE WELLE (Dec. 16, 2022), <https://www.dw.com/en/opinion-the-world-cup-in-qatar-has-deepened-divisions/a-64126557> [https://perma.cc/5X29-PEZH].

with the same degree of respect and enthusiasm as actual realization.¹⁷⁵ Moreover, human rights achievements should not be associated only to sporting events as such (e.g., labor forms), but also to a country's human rights record in more general terms.¹⁷⁶ Of course, human rights activists and NGOs should not be complacent, and, despite progress made, international organizations must continue to highlight failures.¹⁷⁷ Let us not lose sight of the fact that, in Europe alone, the European Court of Human Rights receives hundreds of thousands of suits, despite the fact that Europe is hailed as a haven of human rights. In equal measure, the slow human rights progress of Gulf states such as Qatar should be viewed through the relatively little time it has had to evolve. Mega-sporting events such as the World Cup provide an accelerator of this process. Countries with weak human rights records should thus be encouraged to host such events, subject to guarantees and qualifications, as was the case with Qatar.

¹⁷⁵ The ILO, an otherwise harsh critic, has praised Qatar for deep reforms and significant progress it has made in its labor reforms. *See* LABOR REFORMS IN THE STATE OF QATAR, *supra* note 127.

¹⁷⁶ By way of illustration, it is generally unknown that Qatar has become home for thousands of persecuted and exiled political dissidents from the Arab and Muslim world, or that it was the main driver for human rights reforms in Afghanistan following the Taliban takeover of the country in 2021. This includes the financing for the relocation of the American University of Afghanistan to Doha in order to support the education of Afghan female students that fled the country following the Taliban takeover. *American University of Afghanistan Students to Continue Education in Qatar Through Strategic Agreement with QF and QFFD*, QATAR FOUND. (Dec. 22, 2021), <https://www.qf.org.qa/stories/american-university-of-afghanistan-students-to-continue-education-in-qatar> [<https://perma.cc/U7HL-3X8K>].

¹⁷⁷ *See, e.g., Qatar Events of 2022*, HUM. RTS. WATCH, <https://www.hrw.org/world-report/2023/country-chapters/qatar> [<https://perma.cc/NER8-6AW6>].