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Report

Early Parliamentary Elections in Kuwait, The Conflict of “Will” between Authority and Opposition



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With its celebration of the Golden Jubilee of the constitution half a century ago, the state of Kuwait is witnessing a fragile moment and milestone in its contemporary political history, which is the occurrence of holding early elections for the fourteenth National Assembly beginning in December/Kanun Al-Awwal 2012.

Because the legislative elections are conducted according to the electoral system, they are a subject of controversy and differences of opinion, amid clear opposition to the mechanism of one vote in exchange for four votes on the basis of the five electoral government agencies.

The names of the candidates for the next National Assembly and the frequent coming and going between those already in progress for nomination, may reflect the depth of political disagreement and the sensitivity of the current stage that Kuwait is living in, as a state and a society.

The current political crisis Kuwait is witnessing differs from previous crises between the government and the National Assembly during the last years, the majority of which did not end with the dissolution of the Assembly or the resignation of the government. Rather, the country faces difficult options, because it seems the issue today is a conflict of "will" between authority and opposition.

In light of these hot and subsequent developments and that the country has witnessed since the issuance of a decision of the constitutional court to null a decree dissolving the thirteenth National Assembly that was elected in 2009, several questions arise regarding the essence of the causes that brought Kuwait to this unprecedented situation of escalation and excitement, to the extent that it has reached the peak in the emergence of numbers ready to protest in mass rallies – for the first time in Kuwaiti political history – and the clashes between security forces that inflict scores of injured on both sides in a dramatic scene, represent a precedent that Kuwaiti democratic political practices are not at all familiar with as long as they have remained the pride of the Arab states without exception over the last half century.

Foundations of the Political Crisis

The roots of the entrenched political crisis in Kuwait now go back to last year, specifically with the outburst of the lawsuit that became famous in the media, the lawsuit of "The Parliament of Millions of Payments" in which 13 MPs of the 2009 Assembly were accused of taking bribes for approval of government plans, and following that the lawsuit of "Millions of Transfers" that led to the former foreign minister Sheikh Muhammad Al-Sabah submitting his resignation. The issue was concluded by the dissolution of the Assembly and the departure of the government in December/Kanun Al-Awwal 2011, of

which Sheikh Nassir Al-Muhammad was head, and at that time this resulted in mass rallies where the opposition came rising banners for the first time: "The people want the fall of the president (prime minister)" and "Leave, Nassir".

Over the years, the political crisis did not end at all; at that time seven governments were formed and the Parliament dissolved four times, while the Parliament had only been dissolved twice over the course of more than twenty years since the National Assembly held the first elections in 1963 and until 1986, when it was dissolved in 1976 and 1986.

The Kuwaiti democratic crisis has reached its size throughout 2011, and took a dangerous turn at the end of the year, when the conflict raged between the opposition MPs in the Assembly and the government.

As a situation of polarization and political conflict has prevailed since that time, the country witnessed unprecedented congestion, and some of the political forces emerged in the street, demanding, for the first time, the sacking of the prime minister, amid congestion and confrontations with the governments of the former prime minister Sheikh Nassir Al-Muhammad Al-Ahmad Al-Sabah, and after confrontations and large contentions with political power in the National Assembly, against the backdrop of what has become known in the media as the scandal of "Millions and Payments and Transfers". All of this came accompanying an unprecedented decline in political rhetoric, and disagreement evolved from speaking to action and resorting to mobilizing the masses.

Some observers have described the democratic and Kuwaiti political scene as "in Kuwait there is democracy without democrats" (¹), and this political congestion reached its peak with the storming of the parliament, in a precedent that had not occurred in the history of Kuwait, and ended in the sacking of the government and the dissolution of the National Assembly.

The impact of this is that political life in Kuwait witnessed unprecedented mobility during the past year which resulted in the dissolution of the thirteenth National Assembly in December/Kanun Al-Awwal 2011; the new elections took place at the beginning of February/Shubat 2012 producing a National Assembly with an unprecedented majority for the opposition in an alliance between Islamists and tribes controlling 35 of the 50 seats in the National Assembly, amid a decline in the weight and presence of the liberal movements and those representing the Shi'i sect; the opposition benefited from the lawsuit of "Millions of Payments and Transfers" and succeeded in achieving this overwhelming majority.

¹ Sami Abdul Latif Al-Nasf: "Reflections on the Elections", *Al-Aniba' Al-Kuwaiti* newspaper, 2/5/2012.

The Course and Causes of the Current Political Crisis

Although a new prime minister was assigned to form the government, it was Sheikh Jaber Al-Mubarak Al-Hamad Al-Sabah, the successor of Sheik Nassir Al-Muhammad Al-Ahmad Al-Sabah who was the subject of criticism of the opposition and its interrogations. However, the strained relationship between the National Assembly and the government remained tense and unchanged, as embodied in the successive interrogations that were drawn out first by the new prime minister who preferred to advance the platform of the interrogations inside the hall of the Parliament refuting the terms of interrogation, which strengthened his popular and political presence. However, the political scene soon flared anew ⁽²⁾, after the ruling of the constitutional court in a surprise ruling, June/Haziran 2012, annulling the dissolution of the 2009 Assembly and annulling a decree calling for elections of the 2012 Assembly, and secondly annulling it and dissolving it as the first representative council in the history of Kuwait dissolved by a judicial ruling, in order for the former Assembly to return without it being able to hold a single assembly for lack of completing the quorum.

Following that, the Council of Ministers formulated a decree of necessity for the emir of the country, Sheikh Sabah Al-Ahmad Al-Jabr Al-Sabah, to amend the law of elections to decrease the options of the voter from four candidates to one candidate; this led to raising the ceiling of demands of the opposition, and former MPs belonging to the representative majority were arrested for their exceeding the place and status of the emir of the country, which is fortified in the constitution which reads that "the emir is the president of the state, and he himself is well-protected and unaffected" ⁽³⁾.

On the seventh of October /Tashrin Al-Awwal 2012, after long anticipation and waiting, the emir issued a decree dissolving the 2009 Assembly for the second time, determining the first of December/Kanun Al-Awwal 2012 as the date for early elections, followed by issuing a decree of necessity according to article 71 of the constitution ⁽⁴⁾, which leaves untouched the system of the five electoral government agencies as the constitutional court had established ⁽⁵⁾, and a partial amendment was incorporated in the voting mechanism for it to become one vote in exchange for four votes.

² It is noted that since 2006, the state of congestion in the relationship between the National Assembly and the government caused the formation and resignation of nine governments, and the election and dissolution of five National Assemblies, and the sixth was prepared to elect it on the first of the next December/Kanun Al-Awwal.

³ Article (54) from the constitution of the state of Kuwait.

⁴ This article states that: "if it occurs among the roles held by the National Assembly or in the period of its dissolution, it is required to take measures that cannot be delayed; the emir is allowed to issue with respect to decrees to be the power of the law".

⁵ The court had refused the appeal that the government had presented to it for the unconstitutionality of the system of electoral government agencies accepted in 2006, and based on dividing the country into five government agencies, and granting each voter the right to choose four candidates in each electoral agency.

The parliamentary majority of the 2012 Assembly has refused this decree and opposed it, arguing that it leaped over the constitution, and opposed the lack of a situation of necessity regarding amending the law of elections by the government alone in isolation from the popular will represented in the National Assembly, and thus Kuwait entered a heated political crisis that brought with it renewed marches, of which there were two: the first March of Dignity and Nation on October/Tashrin Al-Awwal 21, 2012, witnessed clashes between demonstrators and police forces resulting in scores of injuries on both sides, then there was the second March of Dignity and Nation on November/Tashrin Al-Thani 4, 2012.

Between the two marches the ceiling of the political demands of the opposition were raised, and in less than one year demands developed to change the individual who was the prime minister indicated with the slogan "Leave Nassir"; to speak of the need for the prime minister to be popular, anyone from outside the sons of the ruling family in order to subject him to questioning and accountability, led to explicit calls for a "constitutional emirate" (⁶).

Preceding the first March of Dignity and Nation was an important joint occurrence represented by a sit-in in Irada square facing the building of the National Assembly sitting under the title "Enough of Futility" and which witnessed an unprecedented address from an icon of the opposition, the former MP Musallam Al-Barrak, who during the sit-in raised the ceiling of political discourse abruptly by criticizing the pillars of authority.

With increasing growth and frequency of the escalation and obstruction of the political horizon, a state of congestion and preparedness dominated the political discourse for some spectra of the opposition for different and numerous reasons; there are many mechanisms which include social networking sites, in particular Twitter; which contributed to raising the tone of the verbal and civil escalation, sometimes to the extent that some of these behaviors have come to represent a risk to national unity, civil peace, and the security and stability of the country.

There are also those who have resorted to mobilizing the political street, in particular a slice of the youth, where the opposition exceeded its traditional means, to clash with the security services, and question the integrity of the judiciary, by focusing on political means it is the subject of individual judgment and disagreement.

⁶ It is noted that the opposition had agreed to establish a rally with the name "Will of the Nation" in memorial of the fifth anniversary of the constitution of the country, with some of the representatives of the majority opposition in the 2012 Assembly saying the repeal will be "the biggest gathering in the history of Kuwait", estimating that around four million people would participate in it!

What is accompanying this political movement is unprecedented, which is a number of MPs from the majority bloc being arrested: Khalid Al-Tahous, Falah Al-Suwag, Badr Al-Dahom, and Musallam Al-Barrak, which brings results that are the opposite of what the government is aiming for; when the popularity of these MPs increases, it intensifies their political charisma.

On the other hand, the emir of Kuwait, Sabah Al-Ahmed Al-Jaber, dispatches decisive communications, ending the stage of study and counseling to the stage of firmness, where he gave three speeches within one week in the period from November/Tashrin Al-thani fifth until the eleventh 2012, the first of which was when he was receiving delegates from the citizens the day after the second March of Dignity and Nation on November/Tashrin Al-thani fifth, and the second was during his meeting with senior leaders of the army, police, and national guard on November/Tashriin Al-thani seventh, then the third speech on November/Tashriin Al-thani eleventh, the anniversary celebrating the passage of fifty years since the issuance of the constitution.

In his third political address, the emir of Kuwait, Sheikh Sabah Al-Ahmad, stressed the principles of democracy and constitutionality of rule, and emphasized adhering to the rule of the constitution and the law, and that security and stability will not be an alternative for freedom and democracy, and that he does not compromise with those who exceed the law or threaten the stability of the country, and he intends to include the Gulf with Kuwait, calling for balance in dealing with matters with wisdom, discretion, and distance from recklessness" (7).

Conflicting Visions

Two groups emerged regarding the consideration of the amending the decree of necessity for a mechanism of electoral voting; as each of the supporters and opponents had their own particular visions.

The opposition representing the absolute majority believed that the decree of "the one vote" rather came to weaken opportunities for the opposition MPs to succeed, as it opened the door to repetition whenever the enforcing authority wanted.

However, the government and its supporters backing the decree – some of them described it as "a decree of dignity" (8) – believed that it is the right of the emir of the country to take what he saw as appropriate including his constitutional powers, and they considered that what the opposition had done was a kind of political stubbornness by

⁷ See the text of the emir of the state of Kuwait Sheikh Sabah Al-Ahmed Al-Jabar Al-Sabah's address, [The Kuwaiti News Agency "KUNA"](#) on the dates: November/Tashrin Al-thani 7 and 4, 2012, and [All the Daily Local Descriptions](#) on the dates of the next day's not previously mentioned.

⁸ Abdul Amir Al-Turki: "The decree of dignity will not be withdrawn", the Kuwaiti newspaper *Al-Shahid*, 11/6/2012.

refusing to submit to the ruler and they did not find a justification for continuing “the excitement and incitement in the street”⁽⁹⁾.

The supporters of this group reiterated that the one electoral vote system is the dominant one in ancient democracies and in force on a global level overall, pointing out that “those who refuse this system rather seek to monopolize political action and hijack chairs”⁽¹⁰⁾.

Despite this contrast in visions and raising the ceiling of demands, the opposition and its supporters agreed on the current political system with the leadership of the Al-Sabah family, which is a position of appreciation and respect that receives historical, constitutional, and political legitimacy, but the disagreement is in the altitude of the ceiling of the demands, and the mechanisms of expressing them; which means that – as the great majority of observers believe regarding the Kuwaiti matter – that what Kuwait witnessed is not merely its being incorporated into the framework of an internal political crisis, perhaps being a peculiar quality and unprecedented when measured with its previous representations, but in enough cases Kuwait is not in the midst of “the Arab Spring”, rather what is happening is something that to an extent described by some in summary is “reflecting the labor pains of the internal conflict inside Kuwait amid the Arab Spring”⁽¹¹⁾.

The opposition has moved from demanding in 2011 strict accountability and oversight of the government, particularly regarding public money and the necessity of fighting corruption in all its forms, to calling throughout 2012 for the prime minister to be popularly elected, contrary to the prevailing political custom of the president of the government being one of the sons of the ruling family.

Built-In Disagreement

It seems that the difference in this context, is that the Gulf States have not seen this unprecedented political escalation accompanied by distinctive parliamentary demonstrations since the sixties of the last century, and while Kuwait enjoys a ceiling of freedoms in expression that is the highest among all the Arab states, there is a dangerous indicator in the approach of the opposition that planned the constitutional channels for dialogue and criticism, and sought to mobilize the street to impose their interpretation of the constitution, and it was the opposition itself that had stormed the hall of the National Assembly before.

⁹ Hasan Al-Mahimzi: “The conspiracy...the biggest!!”, the Kuwaiti newspaper *Al-Sabah*, 10/22/2012.

¹⁰ Abdul Rahman Al-'Awad: “Retailers and delusions!”, the Kuwaiti newspaper *Al-Sabah*, 10/31/2012.

¹¹ Abdullah Khalifa Al-shaikhi: “The Kuwaiti situation...not in the Arab Spring!”, the Emirati newspaper *Al-Itihad*, 9/29/2012.

The main disagreement represented in the current political crisis is the fact that Kuwait is facing a problem without a solution that threatens to repeatedly obstruct the political horizon in the future.

On the one hand, there is not another option to undo the decree of necessity, as the emir of the country has emphasized that he issued this decree because he considered it necessary, urgent, and deserving constitutionality that could not afford to be delayed. On the other hand, the current indicators show that the opposition will not change their convictions in refusing this decree; the government realizes that amending the electoral system again will be interpreted as a weakness on its part, as it is also aware that moving forward with its decision threatens continuing protests against the National Assembly leading to a ceiling whose borders they do not know.

In contrast, the opposition is betting that boycotting the elections will decrease the rate of participation to less than 50%, taking advantage of boycotting the main political forces and movements, and that its decision to boycott will affect the rate of the participation of their electoral base and their votes, as well as the lack of participation from some of the tribes that represent an electoral balance approximating half of the number of registered voters.

The Next Elections: Between Boycott and Participation

On the impact of the raging crisis, the current electoral battle shifted from being a free competition between developing reformist programs for the candidates, to being a conflict of participation or boycott⁽¹²⁾; the government is concerned with ensuring the rate of participation, realizing that lowering this rate will shake its image and the credibility of the new parliament, which will be challenged in front of Kuwaiti and international public opinion, and this is what would grant the opponents an impetus and larger justification to continue their escalating approach, an issue that will create compounded pressure on the government for the sake of correcting the situation again, with its inability to anticipate any ceiling, and it will come into contact with escalation in the next period especially, because the ceiling had been raised high abruptly and shockingly.

With the closing of the door of nomination on November/Tashrin Al-thani 9, 2012 the number of candidates reached 286, among them 15 women.

The list might have missed the nomination of MPs from majority Islamic political movements; the Islamist constitutional movement Hadas boycotted the elections and

¹² Expressing this meaning of the split of the Kuwaiti political street between a supporter of the boycott or a supporter of participation in the elections, the Kuwaiti newspaper *Al-Jarida* titled its main headline on October/Tashrin Al-Awwal 31: "Elections divide Kuwait".

threatened to cut off immediately any of its members that participated in the elections (¹³), and the participation of the Salafi movement is limited to nominating only one candidate in the third electoral government agency, which is Dr. 'Ali Al-'Amir, while the prominent Salafi MPs like Khalid Al-Sultan and Abdul Al-Latif Al-'Amiri were missing, as well as the absence of the majority MPs in the 2012 Assembly totaling 35 MPs.

As the list of candidates was devoid of names of the major opposition like MPs of the popular labor bloc Ahmed Al-Sa'dun, Musallam Al-Barrak, and the MPs belonging to the liberal movement, the most prominent of which being Muhammad Jassim Al-Saqr, Marzuq Al-Ganim, Abdullah Al-Rumi, and Abdullah Al-Nibari, a platform and democratic alliance were announced by the national labor bloc regarding its official boycott of the elections.

At the same time, a number of MPs from the former assemblies have been nominated, some of whom are loyal to the government, some of whom are Shi'i MPs like: Dr. Ma'suma Al-Mubarak, Faisal Al-Duwaisan, Dr. Yusef Al-Zalzala, Sa'adun Hamad, Khalif Damithir, and others.

Perhaps the return of a number of candidates can be interpreted – in part – with the raising of the nomination fee ten times the amount from 50 dinars to 500 dinars.

The basic goal for the Kuwaiti government throughout this stage had been focusing on strengthening popular participation in the elections, nominating and electing, and that would null endeavors of the opposition's campaign to boycott the elections; and the government had confirmed that on the basis of freedom of expression in accordance with the law, then the desire of the boycotters is considered a right, as it is also required that the opinion of those who want to participate is respected, stressing that it would maintain the rights of all and this is its duty (¹⁴).

Positions and opinions had varied among the circles of the political elites and among sectors of the Kuwaiti political street regarding the feasibility of boycotting the elections; whereas some considered it a logical means to manifest partial political reform, particularly by notifying many of the political forces and youth movements about its boycott of the elections, nominating and electing, and secondly, that democratic protest is just one of many political means, and perhaps it could be considered a type of popular referendum which means losing the Assembly that the people boycotted for legitimacy, which would affect what was issued in legislation.

¹³ Indeed, the movement's political office decided to cut off the former representative and member of the movement Khadir Al-'Anzi because of his nomination for the next elections and his non-compliance in the decision to boycott.

¹⁴ Statements of the Minister of the Kuwaiti Media Sheikh Muhammad Al-'Abdullah Al-Mubarak Al-Sabah, Kuwaiti News Agency "KUNA", 11/1/2012

While one group see it that way, the other group sees the boycott as a backlash; where the opposition would be the biggest loser carrying out a boycott of the elections, because it would leave the political square completely empty for those who are considered loyal to the government, and secondly it would not be allowed to implement the desired reform that is required, according to the view of this group, working through an elected assembly, and they see those who resort to change during the incitement of the street and mobilizing public opinion as an absolute risk, the results of which would be extremely bad for everyone.

Future Prospects

It is expected that the rate of participation in voting in these elections will decrease compared to the rate that was circling around 65% in most of the previous parliamentary elections, that with the rate varying in this regard between the five electoral government agencies that will take place according to these elections; it is expected that the rate of participation will be lower in the fourth and fifth agencies compared to the other three agencies.

The opposition is counting on the rate of the vote to be low to the extent that it will be the lowest given the past four legislative sessions, where the rate of participation in the 2006 elections reached around 66%, in the 2008 elections reached 60%, the rate of popular participation reached 58% in the 2009 elections, and around 59.5% in the February/Shubat 2012 elections.

As for the level of outcomes of these elections, it is expected to reach a considerable number of young candidates who will receive independent attention unaffiliated with any movements or political blocs; the current mechanism of one vote will not permit for any tribal, categorical, or political alliances, but rather what was the case under the previous system of four votes.

From a more inclusive perspective, a part of the cultured elites believes in demanding "a serious review of limping democratic public demonstration" ⁽¹⁵⁾.

It is expected that the absence of parliamentarians and politicians with experience will intensify the tension between the boycotting political movements and the government; which political bickering threatens to continuously keep far from achievement and development.

¹⁵ Shamlan Yusef Al-'Aisi: "What will happen in Kuwait?", the Emirati newspaper *Al-Itihad*, 10/28/2012.

Overall, the seriousness of the current situation seems that unless they are studied and radical outputs and solutions are found that are successful, then a continuously uneasy political situation will be inherited that may reflect negatively on the future of political life and the Kuwaiti democratic process as a whole.

The low rate of political participation will put the next National Assembly in a weak position politically, and will make its MPs the focus of a heated exchange with MPs of the majority of the null assembly and the political and social forces that made a decision to boycott the elections, which means that the state of political congestion will be likely to continue and perhaps be exacerbated to a point that is difficult to predict.

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