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Prospects for Political Reform in Kuwait: an Analysis of Recent Events

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The succession crisis which rocked Kuwait for ten days in January 2006, far from ushering in a new era, re-instated the ruling groups who have dominated Kuwait's political life in the past decades. Moreover, there will not be any meaningful reform while the ruling families continue to narrowly defend their interests in the face of widespread public support for an end to corruption and greater political openness. The Government's deliberate sidetracking of proposals to change electoral constituencies has further frustrated efforts for political reform. For reform to take place, Kuwait will need to change its traditional decision-making process, overcome political and financial corruption, reduce the role of fundamentalists - both Sunni and Shi'a - in politics, see the awakening of liberal and secular forces, and witness a return of the merchant class's traditional political influence.

The history of succession in Kuwait

The succession of rule is regarded as one of the most potentially destabilizing issues facing the Emirate of Kuwait, therefore the ruling families have sought to entrench a tradition on which they can all agree. Some wanted the eldest son to succeed while others preferred to leave it to the ruler to choose a successor amongst his relatives.

Historically, the Sabah dynasty saw succession between brothers (Mohammad, Mobarak, Salem, Sabah III) as well as the succession of

sons (Abdullah I, Sabah II, Jaber II). However, after Mobarak Ben Sabah II took power in 1896, succession was restricted to his lineage, a condition that was included in his agreement with the British in 1899. The British tried to break this condition when confronted with the policies of Salem I. The British political commissioner at that time suggested to the notables of Kuwait that the rule should pass to one of the Sabah family members who was not a successor to Mobarak. They proposed Jaber Ben Abdullah Ben Sabah II (father of Abdullah Al Jaber), the Governor of the island

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of Filka, a brother to Mobarak and an uncle to Salem. He was Britain's strongest candidate in 1918. The British wanted him to succeed Salem or even replace him.

In 1962, Kuwait decided to formalize the succession process by incorporating the guidelines into the Constitution of November 1962. Article 4 pertaining to succession states:

- the crown prince should be rational and wise; he should thus be conscious of things around him and be able to take decisions with his own will and without interference;
 - succession is restricted to the lineage of Mobarak Sabah II;
 - the crown prince must be a legitimate son of two Muslim parents;
- the ruling Emir designates three crown princes and submits them to the Umma Council which chooses one of them as a crown prince.

In practice, tradition rather than constitutional rules have determined the process. The Emir chooses one crown prince and the Umma Council approves his choice. What is important here is that the Council must in any case acknowledge him at a special session for him to acquire constitutional legitimacy. Therefore, the parties concerned with the royal succession are the Emir, the ruling family and the Umma Council. Apart from this condition, there is no system that controls the choice of the crown prince amongst the different lineage branches.

Three customary rules have traditionally guided the question of succession:

1. The succession is restricted to Mobarak Ben Sabah II's male lineage. This ensures that the rule remains in the hands of the Sabah family, since women's lineage can go beyond the Sabah family because the sons are named after their fathers.
2. Those who have the right to succession are older people who are involved in political life and who wish to be considered. Throughout the political history of Kuwait, at least since the rule of Mobarak Ben Sabah II, there has never been a successor from the younger

generation and the older generation has never been challenged. The dynasty has always assigned the task of leading the family's affairs to the older generation, a tradition which prevails above all political and formal considerations.

3. The ruling dynasty insisted on keeping the choice of the heir inside the family.

The form of rule since 1962

Since 1918, the emirate succession has been restricted to the Jaber and Salem branches of Mobarak Sabah's family. For the past 58 years, the Jaber dynasty has dominated the state (with Sheikh Ahmad Jaber, Sheikh Jaber Al Ahmad and Sheikh Sabah Al Ahmad) while the Salem wing ruled for the previous thirty-two years (Sheikh Salem Al Mobarak, Sheikh Abdullah Al Salem and Sheikh Sabah Al Salem).

This remained so until January 2006 when the newly appointed Emir Sheikh Sabah Al Ahmad (from the Jaber branch) chose his brother Sheikh Nawaf Al Ahmad as a crown prince, a choice that implied the end of the succession rule that had been followed since 1962 based on article 4. Some also interpreted the choice as restricting succession to the Al Ahmad branch exclusively (although this is probably temporary because of the strong political presence of Sheikh Mohammad Al Sabah the Minister of Foreign Affairs, who is considered as a legitimate representative of the Salem branch in the ruling group). On the other hand, Sheikh Sabah Al Ahmad's choice of Sheikh Nawaf Al Ahmad as a crown prince was welcomed by both the family and the people for two reasons: first, because of Sheikh Nawaf's honesty and political and financial integrity, and second, because most of the ruling dynasty members (including the main political rival to Sheikh Sabah, Sheikh Salem Al Ali) agreed that Sheikh Nawaf represented the best choice because of his close and balanced relationships with all parties competing for power.

The fight for power: a chronology of events

The Council of Ministers announced the death of the Emir of the State Sheikh Jaber Al Ahmad on 15 January 2006. At first, the Council of Ministers, headed by Sheikh Sabah Al Ahmad, declared the necessity to apply Article 4 of the Constitution that prescribes that the crown prince becomes automatically the prince of the State if the emirate seat falls vacant. Thus, Sheikh Saad Al Abdullah Al Salem Al Sabah (henceforth Sheikh Saad Al Abdullah) would succeed. The Council also stated that proclaiming the crown prince as Emir of the nation is only a formal procedure; he in fact automatically becomes the head of state, as this is a matter that the Constitution has clearly defined and constitutional texts allow for the proclamation to be made by the Council of Ministers. While Article 20 of the Constitution stipulates that the Emir must take the official oath at a special session of the Umma Council in order to get the constitutional support for him to exercise his functions, it also states that if he undertakes any of his functions between the proclaiming and the oath session at the Parliament, this will be considered valid as he is considered already the prince of the nation.

But things soon changed. Some members of the ruling family, especially in the Jaber branch, feared the influence that Sheikh Salem Al Ali, the senior member of the Al Sabah family and of the Al Salem branch, had on the newly designated ruler Sheikh Saad Al Abdullah and his entourage. These concerns were sustained by rumours that Sheikh Salem Al Ali had arranged, with some other sheikhs hostile to the Prime Minister Sheikh Sabah, for issuing some supreme decrees which would dismiss Sheikh Sabah Al Ahmad and others from the Jaber branch from rule and from the Council of Ministers.

Based on this rumour, the Council of Ministers used Sheikh Saad Al Abdullah's poor health as a pretext for dismissing him. They resorted to the constitutional paragraph of the law on

succession that stipulates the following: "taking the official oath in front of the Umma Council is a prerequisite for the Emir to practice his functions(...)" explaining that "if the new Emir fails to take the official oath required for the practice of his functions, the Council of Ministers can suggest his dismissal. The dismissal requires however a majority of two-thirds at the Umma Council vote."

The following day, some deputies of the Umma Council met under the chairmanship of the Speaker Mr Jasem Al Khurafi to discuss the procedures for the transfer of power. Although the meeting was publicly announced as consultative, the Speaker and some members of parliament referred to Article 60 of the Constitution and made the following clarifications: (1) The oath must be taken with a loud voice because there is no "concealed oath"; (2) the oath must be taken directly by the person concerned and this person cannot whisper the oath to another person to pronounce it on his behalf; (3) the oath is taken solemnly to be known by all the public, and a ruler shall not manage the affairs of his country secretly.

This constitutional paragraph was used because Sheikh Saad Al Abdullah's health prevented him from taking the oath. However, a small but influential group of members of parliament, headed by Ahmad Assaadun, took the view that Sheikh Saad Al Abdullah should take power. Assaadun was in favor of reduced procedures for Sheikh Saad Al Abdullah's oath-taking, arguing that there was no crisis, and stressing that the texts were clear and formal and that precedents existed. As for the oath, Assaadun said that "it is stipulated in the Constitution, there is no doubt about it. But we also have to go back to some precedents and the way this oath has been taken instead of sticking to what some constitution experts are trying to explain according to what some parties wish to see."

This political push-and-pull, that was only partly constitutional, continued for the five following days, creating an unprecedented

political crisis. Some saw the need to dismiss Sheikh Saad for health reasons, whereas others considered that he was a national symbol and symbols “cannot be dismissed”. Meanwhile, Sheikh Saad Al Abdullah addressed a letter to the Speaker of the Umma Council to fix a special session for his oath on the evening of 22 January.

The Council of Ministers responded to this request at an emergency session on 21 January by referring to Article 3 of the law on succession pertaining to the conditions and ability to head the Emirate. They prepared medical reports and wrote a letter to request the holding of a special session during which the necessary measures could be taken to activate Article 3. However, on the ninth day of the crisis, an official announcement was made stating that the Emir Sheikh Saad Al Abdullah had retreated and abdicated the throne to the Prime Minister Sheikh Sabah Al Ahmad who would be proclaimed Emir of the nation”. This was announced after a meeting between Sheikh Salem Al Ali and Sheikh Sabah Al Ahmad. Sheikh Salem Al Ali accepted Sheikh Saad Al Abdullah’s abdication because of massive parliamentary support for it (44 out of 50 votes) and for the appointment of Sheikh Sabah al Ahmad. This was more than the two-thirds required by the Constitution to dismiss the Emir.

However, on 23 January, the tenth and last day of the crisis, the abdication letter did not reach the Umma Council as agreed, because the family of Sheikh Saad Al Abdullah would not accept the abdication unless they received guarantees such as political entitlements and financial rights. The parliamentary session remained suspended for several hours awaiting the abdication letter. In the end, the members of the two councils (Umma and Ministers) had to vote for the dismissal of Sheikh Saad Al Abdullah and the appointment of Sheikh Sabah Al Ahmad as Emir. The result was the unanimous approval by the fifty members of the Umma Council and sixteen ministers in the Council of Ministers for the activation of Article 3 of the law on succession. The Umma

Council thus announced a vacancy in the emirate position and the constitutional transfer of emirate prerogatives to the Prime Minister Sheikh Sabah Al Ahmad Al Jaber Al Sabah. Right after the voting, the letter of abdication arrived, signed and stamped, but it was too late because the issue had already been settled according to the Constitution.

Signs of a new era?

The succession issue was thus solved in an unexpected and unprecedented way. But it would not be accurate to describe it as the advent of a new era. The expression “new era” implies reform and progress, the emergence of new political actors with new ideas and strategies. This is not what happened in Kuwait. The so-called new era -- signified by the appointment of Sheikh Sabah Al Ahmad Al Sabah as Emir -- includes all those who have controlled and influenced political life in Kuwait for many years. It is, in fact, a continuation of the “old era”.

The issue of succession and the events that almost undermined the stability and unity of Kuwait are very important nevertheless. Kuwaitis experienced ten disturbing days with political effects that are still evident and with no possible end in the near future.

The events of those ten days not only highlight the discord amongst the members of the ruling family, but also reflect the overlapping interests of political alliances within and outside the family; alliances that tried to achieve their ambitions and political and economic strategies regardless of the interests of the people and the nation and without any consideration of the constitutional and legal dimensions.

In reality, the Constitution was the main victim of the conflict. While all parties used the Constitution to assert their viewpoint, they all breached this same Constitution many times in promoting their narrow interests. For example, some members of the ruling family oppose the Constitution because they consider it reduces their prerogatives, yet they called for the

application of the Constitution to resolve the discord between the two factions of Sheikh Sabah Al Ahmad and Sheikh Salem Al Ali.

In effect, the formal approval by the Umma Council was not the decisive factor in Sheikh Sabah's designation as the Emir of the nation. Using the Constitution to dismiss Sheikh Saad Al Abdullah would not have been possible if the Council of Ministers and the former Prime Minister Sheikh Sabah Al Ahmad had not guaranteed the majority of the votes of the Umma Council members thus ensuring the success of the dismissal operation. This majority would not have been possible without the historical political-economic alliance between the former Prime Minister Sheikh Sabah Al Ahmad Al Sabah and the current Speaker of the Umma Council Jasem Al Khurafi. Faced with a fragile opposition, this alliance was a decisive factor in dismissing Sheikh Saad Al Abdullah and appointing Sheikh Sabah Al Ahmad Al Sabah as the Emir.

This is an image of what really happened, although many think that Sheikh Sabah Al Ahmad was the right successor because of the poor health situation of Sheikh Saad Al Abdullah and because Sheikh Sabah Al Ahmad was really capable of managing the State affairs in such hard conditions.

The constitutional crisis

In May 2006, shortly after Sheikh Ahmad el Sabah took power, a ministerial committee established to study the situation of the electoral districts, proposed the reduction of electoral constituencies from 25 to five. This was an attempt to promote political reform and mitigate corruption. This proposal was welcomed by most Kuwaitis and was supported by 29 members of the Umma Council with 19 against. At the Council of Ministers, nine ministers approved it (including the Prime Minister), four rejected it while two abstained, thus almost guaranteeing that the proposal would pass a Parliament vote.

However, on 13 May, only two days before the reform proposal was due to be submitted, the Government presented a new proposal for an electoral system based on ten constituencies. Although the parliamentary majority was annoyed at being presented with a new proposal before the earlier one had been discussed, they still agreed to debate it on the grounds that it was better than the old 25 constituency system. But, to everyone's surprise, the Government sided with the 19 members of parliament who were against the reform proposal and voted for an amendment referring the project to the constitutional court on the grounds that it contained legal and constitutional faults. Many asked why the Government had presented a proposal with legal and constitutional faults. ? The answer was that the Government had deliberately "poisoned" the project in order to postpone it indefinitely by referring it to the Constitutional court where it would sit for up to three years. The Government's attitude seemed to make a mockery of the parliamentary representatives and underestimated the tremendous desire of the Kuwaiti people for genuine reforms. In the ensuing political crisis, the Government deployed security forces and police to prevent people from joining the parliamentary session when the proposal was being debated, and to stop any demonstrations against the Government's actions. This experience shows that political reform in Kuwait will be difficult to achieve so long as the old ruling class shapes politics according to their own interests and seeks to transform the Kuwaitis from free thinking citizens into a dependent and obedient society

The events of 2006 leave us with the question: are there any serious indications of political reform? In the near future, the answer appears to be no, for several reasons, among those: 1/ the conservative mentality of the State and Government decision-making; 2/ the spread of financial and political corruption amongst members of parliament; 3/ the merchant class's restricted involvement in business and its unwillingness to play a corrective political role as it did in the past; 4/ the domination of

fundamentalist, Sunni and Shia religious trends in the Kuwaiti political arena during the last thirty years; and 5/ the reduction of the political role of secular, liberal and other reformist trends in the last decade.

The conclusion that it will be difficult to achieve any kind of political reform under the “new era” and the “new Government” is neither unfounded nor merely a subjective interpretation of the current political situation. Rather, it is based on an objective analysis of the aspirations and desires of an influential faction in the ruling family, supported by the merchant class and powerful individuals who want to maintain a status quo that serves their interests and enables them to achieve their political and economic goals. The latest example of this is the new Government’s willingness to abandon the constituency reform project under pressure from three influential figures (Sheikh Ahmad Al Fahed, Minister Mohammad Ben Sharar and the Speaker of the Umma Council Jasem Al Khurafi), all of whom believed this

amendment would undermine their political influence, thus allowing their narrow interests to place the country, once again, in a state of political tension and turmoil.

In the long term, it is legitimate to speculate on whether the form of rule will remain restricted to the Jaber and Salem families. New alliances could emerge that might determine the choice of the ruler and the elite class. In more precise terms, there could be alliances inside the ruling dynasty supported by individuals belonging to different branches of the family, based on allegiances, benefits, political, economic and social interests. The continuation of the family’s rule will depend on its ability to exercise full control on the political, social and economic spheres. It is clear that the change in the nature of constituency distribution and the reduction of their number from 25 to 5, would drastically reduce the influence of the ruling dynasty on the political situation.

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