CHAPTER THREE

The National Assembly:
Realising the Tenets of Legitimacy

In the post-Independence era, Kuwait’s ruling elite tried to nurture and mould the nascent sense of patriotism, which emerged with the country’s Independence, into a strong national identity. This was sought to be done through three sets of political institutions: first, the ruling institution of the Al-Sabah family; second, the consultative institution of the National Assembly; and third, the sustaining institution of the bureaucracy.¹ These three institutions, particularly, the National Assembly, played an immense role in consolidating the national identity — which was a national crisis that was addressed through the creation of the National Assembly immediately after Independence in 1961 — and in doing so, it ensured loyalty to Kuwait’s leaders. The Amir, using any of these institutions, was able to maintain internal stability in the face of any divisions and was able to respond to Opposition and to maintain power in the face of several internal and external crises.

To gauge the effectiveness of the National Assembly as an institution of democratic values and to analyse whether it contributed as an instrument to further or weaken the legitimacy of the Al-Sabahs, some issues are discussed below.

**Iraqi threat factor**

In accordance with its foreign policy behaviour, Kuwait has been termed as a "maverick actor in the Persian Gulf." This behaviour describes the foreign policy approach of Kuwait to seek alliances in the 19th century with all those who guaranteed its survival. In the 20th century, the same aim motivated it to oscillate between balance of power and neutrality, whichever proved beneficial at times of crisis. It also sought memberships in international and regional organisations to promote its integration with the countries in the region and the world in general.

This maverick character of its foreign policy finds its genesis from the fact that it is a "weak state." As a result, one of its most important preoccupations is to ensure its own survival.

Michael Handel has identified a few variables to characterise weak states, which could be applicable in the case of Kuwait as well. In brief, they are: survival related threats; small size of its population; its physical size; its military strength; and an obsession with potential security and military threats from within and

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As the subject is dealt with in the next few pages, these variables will prove to be self-explanatory.

When Iraq occupied Kuwait in 1990, Saddam Hussein made two claims, which have been widely seen as contradictory. First, that all of Kuwait was historically, and therefore rightfully, a part of Iraq. Second, that only part of Kuwait was historically, and therefore rightfully, a part of Iraq. While the former claim pertained to where there ought to be borders, the latter dispute was about where the border ought to be. Both these claims were unjustified because Kuwait was never ruled by Iraq — Ottoman Iraq or Iraq after Independence. Kuwait had been a self-administered political entity since its establishment in the 18th century when it was being ruled by the Al-Sabahs. The Ottomans had no control over Kuwait when it was established; in the 18th century, the area around Kuwait was ruled by the Bani Khalid tribe.

However, after Midhat Pasha’s accession in 1869 as Ottoman governor of the Iraqi province of Basra, Ottoman Iraq began to take more interest in Kuwait. In 1871, the Ottomans sent a military expedition into Arabia that Kuwait’s Sheikh Abdallah supported. From Iraq’s point of view, for some time, Sheikh Abdallah

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3 Ibid., p. 132.

4 Crystal, n. 1, pp. 138-139.
also accepted the title of Qaimmaqam (provincial governor), and this was cited as proof of Iraqi rule over Kuwait despite Kuwait’s claim against it.\(^5\)

The Ottoman factor in Kuwait was sought to be consigned to the realm of history after Sheikh Mubarak reversed his predecessor’s policy by signing the 1899 treaty with the British. The Ottomans, however, challenged the new treaty leading to the draft Anglo-Ottoman Convention of 1913, which was never ratified. Though the British recognised Ottoman influence over Kuwait, it declared Kuwait as an autonomous district of the Ottoman Empire. This was again a point of some legal standing for Iraq to lay claim on Kuwait’s territory though the convention was not ratified. The convention, however, set out a border for the first time between what was to become Kuwait and Iraq.

During the post-World War I period, Iraq became a British mandate. As a follow-up of the Conference of Uqair in 1922, which demarcated Saudi borders with Iraq and Kuwait, the border issue between Iraq and Kuwait was also settled in 1923 in accordance with the unratified 1913 Convention.\(^6\)

As soon as oil was discovered in Kuwait in 1938, the first claim of Iraq over Kuwait came into being.\(^7\) Second, Iraq was tempted to convert Kuwait as an

\(^{5}\) Ibid., p. 139.

\(^{6}\) Ibid.

\(^{7}\) Iraq’s claim was a border adjustment that would give them Bubiyan and Warbah, two islands off the entrance to Umm Qasr — Iraq’s alternative to the Shatt Al-Arab— which was on the Kuwait side. Iraq even tried to influence those Kuwaitis supporting the Majlis Movement to endorse their claim with a promise to give in to their demands if the deed was done.
alternative port to Basra, both for economical gains as well as for security reasons. The Iraqi Parliament declared Kuwait an inseparable part of Iraq and Iraq’s outlet to the sea. This claim was turned down by the British. With Kuwait becoming Independent in 1961, Iraq’s leader Abdul Karim Qasim contested the issue again, a move that was again scuttled by British interference. Despite relations between the two improving after Iraq formally recognised Kuwait’s independence and agreeing to the borders in 1963, the issue always continued to be a needling threat for Kuwait. In 1969, Iraq compelled Kuwait into allowing it to position troops in Kuwaiti territory, near Umm Qasr, which was in Iraq. In 1973, Iraq captured Kuwait’s Al-Samitah border post, killing two soldiers, after which Kuwait closed its borders. Better relations prevailed again between the two during the course of the Iran-Iraq War, with Kuwait allowing Iraqi military and commercial trade through its ports and across its borders. It was the greater fear of Iran that prompted Kuwait to support Iraq during the war. The most important form of support was direct aid — more than $13 billion loans between 1980 and 1988.8

The temporary lull after the war ended with the crisis of Iraqi invasion in July 1990. The immediate provocation, for Iraq, was the alleged overproduction and siphoning by Kuwait from Iraq’s side of the Rumailah oil field, which lies across the undemarcated Iraqi-Kuwait border. Further, it was also alleged that Kuwait’s

8 Crystal, n. 1, p. 142.
military was stationed inside Iraqi territory. Efforts to resolve the flaring tempers failed and Iraqi troops invaded and occupied Kuwait. A week after the occupation, Kuwait was unilaterally declared a part of Iraq. Like before, the border issue was also cited as one of the reasons for the invasion, but it was rather belated. It was done only after Iraq failed to install its government in Kuwait.

According to Jassim Karam, the question of political boundary between Kuwait and Iraq is one of the oldest and most critical boundary conflicts in the Arabian Gulf area. Although Kuwait’s boundaries have been authenticated and delimited since three centuries ago, and inspite of Iraq’s recognition of Kuwait’s boundaries through the exchanged letters between the governments of the two countries in 1932 and 1963, the Iraqi avidity for Kuwait’s wealth and its expansionist designs at the expense of Kuwait precluded any ultimate boundary demarcation between the two countries.  

According to Maimonah Al-Sabah, Iraq exerted “four sinned endeavours to swallow” Kuwait. First, in 1933, King Ghazi of Iraq exploited the Assembly crisis in Kuwait and called upon annexing Kuwait to Iraq on a national basis for the sake of introducing administrative reforms in Kuwait. Second, Nouri Al-Said

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called upon Kuwait to be part of the Baghdad Pact and demanded construction of an Iraqi port on Kuwaiti terrain. Third, Abdul Karim Qassim, like Nouri Al-Said, alleged that Kuwait was a part of Iraq; and fourthly, Saddam Hussein’s invasion and occupation of Kuwait in 1990.

Here, it is interesting to note the text of announcement by the Revolutionary Command Council in 1990, which states Iraq’s claim that it responded to call for help by the “provisional government” in Kuwait:

...O people who believe in justice and fair play. God has shaken the Earth under the Qarun (very rich man at the time of Moses) of Kuwait and his partisans after they deviated from the values and principles which God called for to overwhelm the world, after they betrayed and deceived pan-Arab values and the honour and meanings of their relations with those under their rule and also with the Arabs as well.

God helped the free men from among the honest ranks to undermine the traitor regime in Kuwait, which is involved in Zionist and foreign schemes. After their regime was deposed by a group of people who believed in their God, and consequently, God gave them more wisdom, the free men from the sons of dear Kuwait appealed to the Iraqi leadership to provide support and backing to prevent any scope for those who may think of foreign interference in Kuwait’s affairs and the fate of its revolution. They have urged us to help restore security in order to spare the sons of Kuwait any harm.

The Revolution Command Council has decided to respond to the request made by Kuwait’s free provincial government and to cooperate with it on that basis, leaving the citizens of Kuwait to decide their own affairs by themselves. We will withdraw when the situation becomes stable and when Kuwait’s free provisional government asks us to do so. This may not exceed a few days or weeks...  

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11 Summary of World Broadcast, Middle East/0833, A/1, 3 August, 1990.
An insight into the foreign policy of Kuwait in the post-Independence era will help us to understand the country's vulnerability to external threat better. Kuwait's foreign policy had been modified to help the country adapt itself to the post Iran-Iraq War situation in the region. The forging of ties between Kuwait and the United States of America had led to strain in the relationship between Kuwait and its neighbours. Further, the foreign policy matters were always exclusively dealt with by the Amir by virtue of him being the final arbiter. Since Sheikh Al-Sabah Ahmad had been the foreign minister from 1964 and continued till 1991, he was almost single-handedly dealing with the foreign office. The National Assembly had played a very limited role in this regard all through. Thus, if errors were identified by the people, it was solely blamed on the Amir, the foreign minister and a few officials. Opposition leaders, in particular, pointed to the lack of democratic practices and transparency in public affairs as being the cause for the events that occurred in 1990-1991. Kuwait had no option but to seek US interference in restoring its sovereignty through Operation Desert Storm in January 1991.

12 During the Iran-Iraq War, Kuwait, fearing a spillover of the conflict onto its territory, entered into a strategic understanding with the US putting its policy of non-alignment to the backstage. Moreover, this also meant that Kuwait trusted the US more than the GCC for security.

13 The only official-level actions that were taken after the withdrawal of Iraqi troops were the dismissal of foreign minister Sabah Ahmad in a Cabinet reshuffle in 1991 and the demotion of defence minister Nawaf Ahmad to minister of social affairs and labour. But these were hardly satisfactory to satisfy the agitated mood of the citizens and the prodemocracy lobby among the Opposition.
After the defeat of the Iraqi Army and dislodging it from Kuwait, Iraq signed a ceasefire agreement. The United Nations Security Council issued its Resolution no. 687 on 3 April, 1991 which asserted that all members of the organisation should abide by the Independence of Kuwait according to the agreement signed between the two states on 4 October, 1963. The United Nations Secretary-General established the UN Demarcation Commission to settle the issue on 2 May, 1991. The commission had five members — one representing Kuwait, another from Iraq and three neutral members — and its findings reiterated the reports, messages and agreements signed between the two countries from 1932 to 1963. The report, submitted during April 1992, also mentioned that the commission's decisions would be taken by a majority and that it had the authority to take final and binding resolutions for all parties concerned.¹⁴

But, the danger that could spring from Iraq was again brought to the forefront with Iraq's threats to attack Kuwait in 1994 and 1997, which of course, blew over without a storm. The key inference, however, is Iraq's never ending threat to Kuwait.

The fall-out of the invasion led to interesting developments. It united all citizens irrespective of age, sex or political divergences. All political and social forces were determined and united in ensuring Kuwait's liberation. Thus, just as Saddam Hussein precipitated a crisis by invading Kuwait to distract attention and tide over domestic discontentment in Iraq, that very crisis helped the Al-Sabahs by uniting

¹⁴ Karam, n. 9, p. 13.
the entire country and imposing their trust in the ruling family. The development of consequence here is that the invasion occurred at a time when the democratic reputation of the ruling elite was being questioned in the light of the dissolution of the National Assembly and also because of the perceived responsibility of the Amir and his family for the failure of the Jeddah talks just before the Iraqi invasion.

At the Jeddah talks, held on 31 July, 1990, Iraq was represented by the vice-chairman of the Revolutionary Command Council, Izzat Ibrahim and Saddoun Hammadi. The Kuwaiti delegation was headed by its Prime Minister and Crown Prince Sheikh Saad al Abdullah Al-Sabah. The Kuwaitis asserted that Iraq's representatives began negotiating with a list of demands regarding territory, oil pumping rights and $10 billion as settlement amount. These demands were asked to be met overnight, which the Kuwaitis refused to after being informed by the Amir to "stand firm and make no concessions." As a result Iraq walked out of the talks. It was revealed that the Kuwaitis were willing to make concessions, especially with regard to cancelling of repayment of Iraq's debts and to lease one Kuwaiti island. However, since these were major issues, the Kuwaiti delegation needed time for consideration.15

The Kuwaiti Opposition felt that the Amir miscalculated the strength of the foreign support in case of an immediate invasion and blamed the Amir for misjudging Iraq's intentions. On three occasions before 2 August, 1990, the US state

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department officials had met Sheikh Saud Nasir Al-Sabah, Kuwaiti ambassador to
the US, to inform him of the dangerous Iraqi troop concentration. The ambassador,
after consultations with his government, told the US that the Iraqis were only
trying to bully his country into yielding to their demands. 16

Led by Ahmed Al Khatib and Jasim Al Qatami, the Opposition leaders
demanded early elections to the National Assembly when they met the Al-Sabahs at
the Taif Conference on 15 October, 1990.17 Some groups also demanded an
explanation from the rulers about their mishandling of the entire situation with
Saddam Hussein, which resulted in the sudden invasion, and occupation of Kuwait.
They felt that the Al-Sabahs had, in the past, paid exorbitant amounts in order to
ensure safe borders, instead of working towards peace through forging friendly
relations with its neighbouring countries. They felt that if Saddam Hussein's
immediate demand was waiving of previous loans and a few billion dollars as
compensation for, what he claimed as, overproduction of oil by Kuwait, it should
have been conceded by the ruling family in the interest of saving a conflict of the
magnitude that it turned out to be for seven months. Surprisingly, despite such
sentiments prevailing, all groups were believed to be of the view that along with the
restoration of Kuwaiti sovereignty, the return of Al-Sabahs should also be ensured.
The people were of the opinion that it was the Al-Sabahs who created the state and

16 Ibid., p. 44.

17 The Al-Sabahs had shifted base to Taif in Saudi Arabia soon after the invasion.
had been governing it all through. This meant that the ruling family had become a national symbol and the opinion was a barometer to indicate the level of their popularity, thereby speaking of their political legitimacy in the country. But the Opposition raised some pertinent queries: the practice of reserving the post of Prime Minister to the Crown Prince; abolition of the practice to give all the key portfolios to senior members of the Al-Sabah family; the need for accountability from those ministers whose efforts may have been found wanting in the run-up to the invasion, particularly the ministers handling the defence and interior portfolios; all state contracts for reconstruction signed before and after the liberation be reviewed by a panel consisting of trusted Kuwaitis.

The only significant consequence of invasion was the decision to reinstate the suspended National Assembly and the commitment of the Al-Sabahs to

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19 It is cited in Pasha, n. 15, p. 342, that Dr Ahmed Al Khatib, in an angry response to a comment that Saddam Hussein had done the Kuwaiti Opposition a favour by deposing the "despotic and corrupt Sheikhs," said: "This is Kuwaiti business. It is up to the Kuwaitis to see that they have a democratically elected government, not the job of anybody else."

20 Pasha, n. 18, p. 187.
fundamental reforms. But for the invasion and its aftermath, the National Assembly would have remained suspended till, at least, 1994.21

The return to democracy was not an easy affair either. The Opposition accused the government of not keeping its promise about returning to democracy after liberation made at the Taif Conference. After much procrastination and bid to divide the Opposition and woo the Kuwaiti people into accepting the government’s continuation of rule by decree, elections were held on 5 October, 1992. An electorate comprising of 67,724 Kuwaiti men — 83.2 per cent of the eligible voters — cast their ballot.22

Several relief measures that were undertaken to bail out Kuwaiti people have been categorised as an attempt to bribe the people. All employees of the government were paid salaries for the period of Iraqi occupation; billions of dollars worth mortgage, car and consumer loans were written off; increased government grants and loans to all Kuwaiti males who marry Kuwaiti females from $10,500 to $14,000, with only half the amount repayable and that too without interest; increase in the monthly child allowance for Kuwaiti parents from $100 to $175 per child and doubled the government assistance to all Kuwaiti widows, orphans and poor by 50

21 The National Council, which was two-third elected and one-third appointed, that was constituted soon after the dissolution of the National Assembly in 1986 was supposed to govern till June 1994.

22 Pasha, n. 18, p. 244.
per cent; the government also approved the National Council sponsored bill of a 25 per cent across the board increase on the base salary for all Kuwaitis in the public sector; and all electricity and water bills were waived. The only sop that the government rejected, after much consideration, was the bill that would have given every Kuwaiti family $18,000 as compensation for suffering during the Iraqi Invasion in accordance with Article 25 of the Constitution. 23

The cost of rebuilding and repairing the facilities of Kuwait is interesting because it directly reflects the damage caused by Iraq’s occupation. It is estimated that Kuwait’s share in its liberation, including the expenses of Kuwaitis in exile and under occupation, was more than $22 billion. Final estimates for rebuilding exceed $40 billion. Another $7 billion was spent towards unpaid salaries for the period August 1990-May 1991 to Kuwaiti civil servants which the government decided to provide as a form of compensation. 24


The elections may have been deliberately delayed by the ruling family because of the invisible pressure from Saudi Arabia. Their common refrain was that the scars of the war needed healing before any democratic ventures could be undertaken. If all the demands of the Opposition were incorporated, Kuwait would have transformed so much politically that it was bound to trigger off a chain reaction in Saudi Arabia and other Gulf Cooperation Council countries as well, which would not have augured well for the royal families there.25 But, the united stand of the Opposition in rallying behind the ruling family during the crisis made it a conscious decision on the part of the Al-Sabahs to call for elections, after initial hesitation.26

After much resentment against the post-war Cabinet that was named in April 1991, the election for Kuwait's Seventh National Assembly was conducted in 1992. This election has been considered by many as the turning point and the magic wand that would assist in the shaping of Kuwait's political future. It is largely believed that this election was the most important, the most lively and the most contested elections in the history of modern Kuwait. During the campaigns, the focus was on the Iraqi threat and charges of government incompetence leading up to the invasion. Opposition candidates talked about "opening files" pertaining to the period prior to the invasion to expose who was responsible for the government's

25 Pasha, n. 18, p. 229.

26 Saddam Hussein had made the removal of the Al-Sabahs a precondition for him to leave Kuwait. The Opposition, if needed, could have colluded with him to realise their goals.
inept handling of the security of the country and the military's failure. A number of candidates called for structural reform of the political system. Many favoured introduction of an additional system of checks and balances. These included the creation of an independent judiciary and the separation of the post of Prime Minister from the Crown Prince. Demands were also made to reform the bureaucracy and to rationalise the policies. The outcome was the strongest and the most representative National Assembly till then.

It is also true that the ruling elite in Kuwait have used the National Assembly as a pragmatic political defensive strategy to lessen Kuwait's inherent vulnerability and to check the consequences of political instability and external threats. This defensive strategy has also been employed to contribute to the sustenance of the political system and the ruling family's legitimacy. Just as Sheikh Abdullah Al-Sabah, the founding father of modern Kuwait had resorted to the democratic mechanism in 1961 to counter Iraq and General Qassim's threat, this time too, the National Assembly was used to safeguard Kuwait's integrity and sovereignty and the legitimacy of the ruling family. Thus, achieving a balance

27 Prime Minister Sheikh Sa'ad al-Abdullah al Salim Al-Sabah said the government was ready to open the dossier of the Iraqi aggression against Kuwait so that citizens could see the justifications and the reasons that encouraged the Iraqi regime in its treacherous aggression. He said that his government would not stand in the way of opening the 2 August, 1992 {the day Iraq invaded Kuwait) dossier as demanded in some election centres. Summary of World Broadcast, Middle East/1503, A/7, 5 October, 1992.

28 Inferences drawn from the preliminary version of some chapters authored by Mary Ann Tetreault, which will appear in a forthcoming book to be published by Columbia University Press.
between changing internal expectations and external threats is complicated. But, the threat to national sovereignty has forged a closer relationship or intimation of a partnership between the Al-Sabahs and other elements of the Kuwaiti population.  

Many Kuwaitis still live in the eternal optimistic thought that the National Assembly and the institutionalisation of participatory politics is the safety net for Kuwait to safeguard its precarious status. Moreover, it is widely believed that political reforms will change the ground realities of democracy in the country and will become the lifeline of the people’s aspirations in the country’s political realm.

As regards Kuwait’s recent views on Iraq, Saddam Hussein and related issues, it would be appropriate to state the opinion of Shafeeq Ghabra, noted Kuwaiti academic and head of the Kuwait Information Office in Washington. According to him, Saddam Hussein’s most basic weakness was his incapability to reach a compromise and his inability to work within a system or abide by conventional rules. “He is like a man playing chess who, when he reaches an impasse, overturns the table rather than continuing the game.” According to Dr Ghabra, a classic example of this behaviour took place in 1990, when Saddam Hussein’s forces invaded Kuwait because he was frustrated with the pace of negotiations and unsatisfied with compromises inherent in the system. The action drove a wedge into the ties between Iraq and other Gulf states. In his opinion, Iraq could be enveloped in an all-out civil war if Saddam’s regime is attacked.

without ample preparation by the Opposition and the surrounding states. Tension will persist in the region if Saddam does not fall from power soon because of his past actions and current threats, the academic noted.\(^{30}\)

With regard to international sanctions that were imposed on Iraq in the post-invasion period, he noted that the states in the region feared the Iraqi regime will go back to its old ways if sanctions were lifted with no change in Iraqi regime or policy. At the same time, he felt that if the bite of the sanctions on the Iraqi people is not somehow eased, the region might pay a heavy price in terms of the growing gap between the Iraqis and the neighbouring people. Further, according to him, the Iraqi regime had liquidated all potential candidates and had based its continued rule on an internal balance of terror between Shias and Sunnis, Arabs and Kurds, agency officers and ministry officials, between one family and another, and between Takrit and the rest of the country. This terror, according to the academic-cum-diplomat, had kept Saddam above all others in the position of final arbiter. Iraqis were growing tired of sanctions and the rest of the Gulf is weary of sequences of crisis, creating a mixture of disappointment and frustration on all sides, Dr Ghabra stated.\(^{31}\)

\(^{30}\) *Kuwait Times* (Kuwait), 20 February, 1999. Dr Shafeeq Ghabra stated these views as part of his lectures, while touring American universities, explaining Kuwaiti position with regard to Iraq.

\(^{31}\) Ibid.
Ali Khalifa and the Kuwait Petroleum Corporation Scandal

Oil has been referred to as a “wasp’s nest” in Kuwait because of the high incidence of corruption in all its related departments and also because it had assumed the dimension of serving as a key channel to reward the loyalists of the ruling family. The oil ministry’s rejection of accountability and its resistance to external controls had become an issue of debate and conflict during the long stint of Sheikh Ali Khalifa Al-Sabah as head of the oil ministry.

With Ali Khalifa out of the Cabinet in 1992, Ali Al-Baghli was named as his successor, a task that was considered to be full of formidable obstacles. The natural allies of the new oil minister were the technocrats who were serving at the Kuwaiti Petroleum Corporation. These technocrats were just as hostile to corruption in the ministry as was Ali Khalifa. Together they were in a hurry to put an end to the policy drift that had characterised the hydrocarbon sector after Kuwait had been liberated from the Iraqi invasion.32

However, Ali Al-Baghli was seen to be associated with that segment of the Opposition which was most hostile to KPC as an institution. The KPC technocrats were equally hostile to the Opposition due to the regime’s manipulations during the occupation of Kuwait by Iraq and the early liberation days. The ride was bound to be bumpy for Ali Al-Baghli, particularly because he was a first time parliamentarian and, therefore, a new minister without experience. He also suffered from the lack of image as a public figure. Cherished for his integrity by his patrons and supporters in

32 Tetreault, n. 28.
his business community, the minister's initial lack of political skills interfered with his ability to fulfill what he and everybody expected of him as the oil minister. For example, he did not begin his tenure by visiting affiliate managers or inviting them to his office, which was considered a disregard of their expertise, authority and interests. This approach led to the reinforcement of the negative impressions of the opposition they had acquired during the reign of Ali Khalifa, particularly the tense days of 1990 and 1991. This mutual ill-will and distrust prevented the formation of a coalition that could have been useful to both sides. The issue that brought the tension into focus was a lawsuit against five men accused of embezzling an estimated $200 million from the Kuwait Oil Transport Company, an affiliate of the Kuwait Petroleum Corporation. Those accused included KOTC's former managing director Abdul Fattah Al-Bader, who fled the country to avoid prosecution and two defendants who remained within the jurisdiction of the court. One of them, KOTC's former deputy managing director for financial affairs Hassan Qabazard, apparently paid the government between $6-8 million as bribe to keep him from going to jail. However, he was arrested until the trial began in January 1994. Hassan Qabazard pleaded innocence and asked for bail. His attorneys requested that the money their client had given the government be returned, with interest, because it was a part of their client's family wealth and not a part of the embezzled funds. The other defendant, former oil minister Sheikh Ali Khalifa Al-Sabah, denied all charges and remained free throughout.

Ibid.
The parliamentary issue in this case turned on the legality of trying the minister in the regular criminal court. In 1990, when the National Assembly remained suspended, the government had passed a law outlining special proceedings for trying Cabinet ministers who had been accused of committing crimes. This was one of the 500 Amiri decrees which had been passed during the period of suspension and required endorsement by the National Assembly if it was to remain in effect, as stipulated under Article 71 of the Constitution.34 A week before the KOTC trial began on 11 January, 1994, the Assembly struck down the Ministers Trial Law by a vote of 39 against it and 13 members abstaining, all Cabinet ministers.

The minister of justice, Mishairy Al-Anjari, confirmed that the Assembly vote had nullified the 1986 Amiri decree. However, this nullification was rejected by the attorneys defending Ali Khalifa and built their strategy around the illegality of the trial court. They argued that the trial court was not a competent body enough to decide such a complex issue and that the charges against their client were politically motivated and not adequately supported by facts. They also insisted that another law was necessary in order to get the old decree repealed. When this demand was met in the form of another Ministers Trial Law in September 1995, Ali Khalifa's lawyers shifted their position and challenged it on the grounds that it was unconstitutional. They were of the opinion that the old law was still effective because the new law had not been suitably worded to state that it had been abrogated.

34 Ibid.
A public trial of Ali Khalifa promised to embarrass the Al-Sabahs because he had threatened to reveal names — perhaps names of the other members belonging to the ruling family who may have been involved in the scandal — as the trial progressed beyond the preliminary rounds. The possibility of a threat of direct implication of key members of the ruling family looming large, the Amir decided to intervene and, thus, a conflict with the National Assembly became imminent. The approach adopted by the Amir was not through a direct confrontation by addressing the issue concerned. Instead of dealing with the KOTC scandal, the Amir framed his attack by appealing the rejection of another decree — a 1986 grant of authority to the government to suspend the publication of newspapers. 35 This decree, a revival of the one passed during the 1976-81 suspension and later nullified by the 1981 National Assembly, was part of the press censorship apparatus imposed following the 1986 suspension of constitutional civil liberties guarantees.

This appeal prepared the ground for a constitutional crisis because, rather than requesting a ruling specifically on the nullification of press censorship, the Amir asked the Constitutional Court for an interpretation of Article 71. 36 The appeal violated an earlier deal between the Amir and the National Assembly, according to which the latter had agreed to abide by the ruling of the Constitutional

35 The debate on this issue assured the members of the Assembly that the KOTC trial was the reason behind the Amir's decision to reopen the issue pertaining to Article 71.

36 Article 71 pertained to the right of the National Assembly to repeal any such decree.
Court on any government appeal of a specific law which might invalidate. In February 1995, the Constitutional Court ruled that the approval of the Assembly was not necessary to keep any of the original decrees in force. Though the National Assembly appealed this ruling and was awaiting a response from the court, the Amir forced a showdown on Article 71 by asserting his authority under the nullified 1986 press law to suspend a local newspaper.

The struggle, however, seemed unabating until the issue of Ali Khalifa's trial could be resolved. The passage of the new Ministers Trial Law in September 1995 increased the pressure on the ruling family to come up with a solution before the none-too-strong defence of the Ali Khalifa's defence was completely exposed. An effort was made to settle the case out of court in October 1995 by offering $55 million to the KOTC board in return for dropping the charges. Newspaper reports not only deliberately avoided naming the defendants on whose behalf the offer was made, but also noted that separate offers were made on behalf of the Jordanian and the British defendant. This approach led, without doubt, the readers to believe that the offer had been made on behalf of one or more of the Kuwaitis.

On 17 October, 1995, another session of the trial was held, but despite attorney Salman Al-Duaij's appeals, the court remained firm in its claim that it had proper jurisdiction to try the case. The court, however, changed its ruling soon after. In November, a publication of the Al-Shall Economic Group reported that

37 Tetreault, n. 28.

38 Ibid.
the court had agreed to the separation of Ali Khalifa's case from the other four and sent it to the new Ministers Court provided for under the September 1995 law. In exchange, 12 of the 13 charges pending against Ali Khalifa were dropped. "The former minister has been referred to the special court to face one charge and that is allowing the other four defendants (to carry out) transactions which are believed to have enabled them to make $200 million in illegal profits." 39

The resolution of the crisis over Article 71 was a significant victory for the Constitution and the National Assembly, even though it came at the expense of a public hearing on charges that members of the ruling family had looted the public exchequer. But even this tactical loss could be strategically interpreted as adding to the pressures that already exist to create an independent judiciary.

More recently, in a session intended to discuss government plans to allow foreign participation in the oil sector's upstream operations, the members, instead, voted to discuss the KOTC graft case, which was reopened in Kuwait's Criminal Court in March 1998.

Further, in a related development, justice minister Ahmed Al-Kulaib disclosed, in a written reply to a member's question, that a third KOTC case was currently being investigated involving illegal profits worth $22 million made between 1985 and 1989. The violations, which occurred in freight operations, involved three people, including two of the defendants in the main case — former

39 Ibid.
KOTC chairman Abdul Fattah Al-Bader and his deputy Hassan Qabazard. The third was an Indian National identified as Chandra Karnikar.\(^{40}\)

On 13 February, 1999, accusations were thrown at the government by the members from all political groupings for failing to speed-up judicial proceedings into the main case and for laxity in holding those responsible accountable, especially since a London court had tried and convicted three of the defendants.\(^{41}\)

In December 1998, the government had moved the case against the fifth defendant — former oil minister Sheikh Ali Al-Khalifa — after pressure from the members of the National Assembly who threatened to grill oil minister Sheikh Saud Naseer Al-Sabah. A senior three-man judicial committee was subsequently formed to decide if the evidence is sufficient enough to refer the case and all five defendants to the Ministers Trial Court.

In January 1999, the Criminal Court, which had already begun deliberations against four of the defendants, suspended its hearings and sent the case to the Ministers Trial Court. The case is now in the hands of the Senior Judicial Committee which has no deadline to arrive at a decision. The justice minister also revealed that, after referring Sheikh Ali Al-Khalifa and forming the Senior Judicial Committee, the public prosecution has, through the ministry of foreign affairs, sought judicial assistance from Switzerland and Britain to identify Swiss and British

\(^{40}\) *Arab Times* (Kuwait), 14 February, 1999.

\(^{41}\) Ibid.
bank accounts of all accused and to freeze them. Al-Kulaib also reported that the public prosecution had begun procedures against the third defendant, a Jordanian. ⁴²

**Prodemocracy Movement**

To gauge the strides made towards further political development as a result of the tradition set by the National Assembly, it is imperative that the events of the Prodemocracy Movement be discussed. This will also give us ample scope to understand the adverse sentiments of the Kuwaiti people in the absence of the National Assembly, which at the start of the movement stood suspended. But its real implication lay in the outcome of the movement, which forced the Al-Sabahs to promise restoration of the Assembly, particularly in the aftermath of the Iraqi invasion of Kuwait. The faith that the people showed in the ruling family during and after the Iraq invasion crisis was, in more ways than one, a vindication of the belief that the Al-Sabahs were the legitimate rulers of Kuwait. ⁴³

The genesis of the Prodemocracy Movement lay in several factors: First, having got used to the National Assembly as a forum of stating grievances and seeking solutions, the absence of a formal political institution — after the National Assembly was dissolved in 1986 — was a difficult proposition for the Kuwaitis to live with. For a start, some prominent academics and former members of the

⁴² Ibid.

⁴³ For a detailed study of the pro-democracy movement, see Crystal, n. 1, pp. 117-121.
National Assembly sought the approval of the government to conduct peaceful prodemocracy protests. In response, the Amir gave only ambiguous indications of restoring the National Assembly in some form. This, obviously, did not satisfy the Opposition.

Second, the role that the *diwaniyah* played in acting as an alternate and informal forum to vent problems during the period when the National Assembly was dissolved and when a ban on public gatherings of a political nature was imposed. The government had consciously nourished these traditional meetings as an outlet for democratic impulses in the post-1986 dissolution phase, only that it grew to be too big a frankenstein for the government to handle.

Third, the economic crisis of the 1980s — caused due to the crash in oil prices and compounded by the Souk Al-Manakh stock market crisis — had prompted the government to attempt at introducing limitations and changes in social services and even a new tax policy. These economic issues were politicised by the Opposition. Though the economy recovered, the slow growth rate created political concern and that took shape via the Prodemocracy Movement.

Fourth, external factors, reflected in the local press, contributed to the process. The expansion of political participation in the erstwhile Soviet Union and East Europe, particularly Romania, triggered the political aspirations of the pro-democratic lobby in Kuwait. Apart from carrying daily news on the political developments in these countries, editorials like these also appeared:
On the international level, we see East approaching the West and the West approaching the East, and everyone is seeking more popular participation in decision-making and shaping the future. Today's world is not a world of conflict and polarisation, but one of participation and cooperation.  

Fifth, the Kuwaitis also benefited from the political defiance of the Intifadah. According to Ahmad Al-Khatib: “We are like the Intifadah. First, we have broken the barrier of fear, then we will go on from there. The people of Kuwait deserve something better than the rule by decree. We have a democratic tradition, thousands of educated men and women and a right to rule ourselves.”

Sixth, the end of the Iran-Iraq War also led to an outpouring of dissent along with prodemocracy efforts in Algeria, Jordan and the Yemens.

The prodemocracy movement began in Kuwait in late 1989 and focused on the restoration of the National Assembly and the Constitution, which stood suspended since 1986. Right through 1989, prodemocracy movement activists kept up the pressure for the restoration of democracy by signing petitions. Though the Amir did not see any reason to respond to these petition tactics to start with, he soon met members of the Opposition, but still refused to accept their signed pleas. In November, rebels began organising meetings, bypassing the official ban against public gatherings imposed by the government, using the local and traditional forum of *diwaniyyahs*. The forums presided over by former

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44 Ibid., p. 121.

members of the National Assembly were among the most popular. Fearing that these gatherings will gain momentum, the government ordered use of force to disrupt meetings. The police action acted as the required impetus for intensifying the gatherings into a mass movement. It then spread to Kuwait University with students also petitioning the government favouring early restoration of the National Assembly and lifting of curbs on the media.

The movement began to gain momentum in December, expanding through a series of Monday-night meetings organised primarily by a group of former Assembly members and other prominent Kuwaiti citizens. The government expressed its displeasure with the meetings by restricting them. The interior minister even banned the *diwaniyyah* discussions pertaining to certain political issues and declaring the meetings a violation of the 1979 law on assembly and warned the organisers to put an end to their protest. The government response only escalated the protest. In January 1990, five people were injured at a *diwaniyyah* at Jahrah after the police used teargas to disperse the crowd. This incident led the government to adopt new tactics in place of the unsuccessful high-handed approach.

Reconsideration of tactics did not mean a natural return to the earlier system. It only meant, at least initially, that the rulers were not too stubborn. It was notified that the National Assembly would not be restored in the same manner as it was prior to the suspension because it had failed as a system, but if

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46 In 1982, the US state department human rights report explicitly noted that the interior ministry ban applied only to public meetings and not for *diwaniyyahs*. 
the Opposition had any new ideas for reintroducing public participation in the
decision-making process, the government would definitely consider. Sheikh Sa'ad,
the information minister, was at pains to explain that the government was, as
before, committed in principle to some form of popular participation but had not
found the right formula for preventing the crises that had plagued the legislative-
executive relations in the previous years. He cited the rigidities of official officers
and contacts of a parliamentary system versus the current system, which was
found very flexible. He reaffirmed that the 1986 closure was in some sense
temporary and qualified that the Assembly only remained suspended and not
abolished. He also promised reconsidering of press censorship.

On 20 January, 1990, the Amir announced on television that he supported
parliamentary system and called for an end to confrontation and delegated the
responsibility of initiating dialogue to Sheikh Sa'ad. The Opposition response to
this new call was mixed.

Instead of restoring the National Assembly, on 22 April, 1990, the Amir
issued a decree establishing a National Council (Al Majlis al-Watani) as a
transitional consultation body with 50 elected and 25 appointed members. It was
empowered only to propose draft laws and refer them to the Council of
Ministers, to call upon ministers “to clarify matters which fall within their
competence,” and to discuss the draft Budget. Its goal was to propose rules and
regulations that would ensure maintenance of stability and national unity in line
with the spirit of Islamic law and the principle of one Kuwaiti family. The council
was neither to be fully elected nor wholly nominated. Prodemocracy advocates denounced it as “a camouflaged attempt to amend the parliamentary system at the expense of the provisions of the Constitution,” and boycotted the elections of June 1990. But 62 per cent of the eligible voters participated, and a new council was elected and inaugurated on 9 July, 1990. Thirteen of the 50 elected delegates were former members of the National Assembly, the rest political unknowns.

The government again adopted a high-handed attitude and cracked down on the residences of rebels and even arrested them for a while. Barely had the council met when the Iraqi invasion put an end to the parliamentary life once again. Yet, the prodemocracy movement continued, but in a far subdued fashion.

After the invasion and occupation of Kuwait, Saddam Hussein made the removal of the Al-Sabahs one of the conditions for leaving Kuwait. This demand found sympathy from some Arab states, the Palestine Liberation Organisation, and, at one stage, Saudi Arabia as well. Saddam was of the view that the Opposition would join him in his effort to oust the ruling family. He initially tried to set up a “quisling” government based on Opposition members. But the

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47 Crystal, n. 1, p. 119.


49 Crystal, n. 1, p. 119.

50 Pasha, n. 18, p. 177.

51 Crystal, n. 1, p. 145.
support was not comprehensive and he failed to install an alternate government, which, according to him, would have held free elections by attacking the inequities of the Al-Sabah family. Even the disgruntled leaders involved in the prodemocracy movement did not support the Iraqi move. Instead, they declared that they backed the Amir as head of the state. Similar was the reaction of the Kuwaiti citizens who were wooed by Saddam Hussein, but refused to collaborate with him. All of them favoured the Al-Sabah family rule to Iraqi occupation.52

According to Shafeeq Ghabra, impetus to democracy came during the post-liberation period in Kuwait. People began insisting on democracy because they deemed the right to know things, to have access to information and be more free in their pursuits after working hard to ensure freedom from Iraqi occupation. Debates and discussions in Kuwait questioned the “benevolent dictator” as a means of achieving justice and collective rights. To many citizens, absolute rule by individuals breeds adventurism and expansion. This newfound spirit set the stage for new ways of thinking that went beyond the supremacy of the collective into the realm of the individual and his or her rights. In this context, a new law, enacted during 1991, granted Kuwaitis the right to appeal decisions by the state

52 According to Mr Ali Jaber Al-Sabah, member of the ruling family and a highly rated columnist in Kuwait, one of the main reasons for the people supporting the return of the Al-Sabahs after the invasion was the fear of Saddam-styled rule in Kuwait if Iraq’s terms to install a rebel government was accepted. Having got used to an independent lifestyle, under the Al-Sabah rule, the people could not imagine being ruled by with an iron hand. Thus, even though the attribution is indirect, the support for the return of the Al-Sabahs is an indication of the enhancement of legitimacy for the Al-Sabahs. These views were gathered during the course of an interview with Mr Ali Jaber Al-Sabah in Kuwait, on 10 February, 1999.
security court. This was widely seen as a step enhancing individual rights. Previously a decision by the state court was final.\textsuperscript{53}

Thus, the prodemocracy movement, clearly is a pointer to the formative role that the political institutions played in Kuwait. In particular, the role of the \textit{diwaniyyah} is worthy of being mentioned. The term “\textit{diwaniyyah}” is used for a room in the house where family and friends meet regularly to play cards, sing, eat and talk about business and politics — among other activities.\textsuperscript{54} The gathering

\textsuperscript{53} Ghabra, n. 24, p. 171.

\textsuperscript{54} I attended \textit{diwaniyyah} sessions at the residence of Mr Loughani, a prominent businessman, on the evenings of 12th and 13th February, 1999. The structure housing the main portion of the \textit{diwaniyyah} was made of a colourful canvas. It was brightly lit, carpeted, furnished with well-cushioned chairs, and equipped with a television and music system. A stream of visitors — all males, including boys — were part of the gathering. Though very little politics was discussed, references to various government policies were often overheard. While the youngsters watched football on television and mulled over soft drinks, many elders were seen playing cards, smoking and consuming several cups of black tea and coffee. A group indulged in poetry recitation. Once the group playing cards became too large to feel comfortable in the “canvas \textit{diwaniyyah},” it made its way into the main \textit{diwaniyyah} hall of the house. It is becoming increasingly common to have room for \textit{diwaniyyahs} in most of the new constructions that are being undertaken by prominent families in Kuwait, thus making it symptomatic of one’s societal stature. Desert camps, which are a feature of winters, also served as \textit{diwaniyyahs} on occasions, the difference being in size, ambience — bonfire, outdoor games — and its location — many kilometres away from home.
itself is also called a diwaniyyah. In practice, it is also a quasi-public event that outsiders attend regularly.\textsuperscript{55}

After the ratification of the Constitution in 1962, it seemed only natural for diwaniyyahs to become places where candidates contesting elections went to meet potential constituents and to campaign for office. This practice reflected politicians' desires to go where the voters were. The interdependence of practice and meaning is evident in the vernacular use of diwaniyyah to describe the tents that candidates established as temporary headquarters during the 1992 parliamentary campaign, as well as in the fact that formal campaign meetings often followed a "diwaniyyah format."\textsuperscript{56}

The existence of alternate forums of expression like the diwaniyyahs has led democracy to be a "way of life" in Kuwait. This, according to Dr Youssef Abdul Moati and Dr Yacoub Y. Al-Hijji, has filled the void caused due to the absence of a formal democratic institution like the National Assembly, whenever it has been suspended. For them, diwaniyyah is a school which educates democratic norms to the people and creates an atmosphere wherein the National Assembly is treated as a "bigger version of a diwaniyyah."\textsuperscript{57}


\textsuperscript{56} Ibid.

\textsuperscript{57} Dr Youssef Abdul Moati and Dr Yacoub Y. Al-Hijji are Consultant, and Advisor and Researcher, respectively at the Centre for Research and Studies on Kuwait. These views were expressed during the course of an interview in Kuwait on 13 February, 1999.
The *diwaniyyah* is a product of the merger between two traditional patterns of Kuwaiti social life. First, it is the old practice of seafaring businessmen gathering in the evenings to trade information about weather, markets and business. The other is the primary role of the family in social, economic and political interactions. Regular family social visits and the predominance of family businesses in the domestic economy of Kuwait naturally led to gatherings for typically Kuwait family-based strategic planning and action. During the Iraqi occupation, for example, decisions by individuals to stay in Kuwait or to leave were frequently made on the basis of family needs because family resources sustained many Kuwaitis during those difficult seven months. Following liberation, family networks became the foundations of candidates' political constituencies.\(^58\)

*Diwaniyyahs* were also a kind of “talking shops” in Kuwait. They were called as small “Hyde Parks,” where people spoke freely on anything that they wanted to, including the proceedings in the National Assembly and the controversies pertaining to the composition of the new governments.\(^59\) It was also an institution that the government had consciously encouraged, especially after

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\(^{58}\) Tetreault, n. 55, p. 280.

\(^{59}\) Pasha, n. 18, p. 11.
1986. These acted as a forum to solicit public opinion on several issues, as well as for receiving complaints and request for assistance. Its importance actually lay in its viability. While public gatherings required prior government approval, which was at times refused by the government, the tradition of the diwaniyyah was meetings based at home and, therefore, beyond the scope of the law governing the public assembly. This alternate forum, which was also patronised by noted academics, helped create opinions and convert the same into demands. Perhaps, the most valuable contribution of the diwaniyyahs was that it assisted in retaining the idea of popular representation even during the absence of a formal democratic structure. It should also be seen as an element of civil society, having a life of its own and acting as a counterweight to governmental autonomy.

Souk Al-Manakh stock market crisis

The Souk Al-Manakh stock market was a reflection of Kuwait’s financial optimism in the 1970s when the financial sector expanded vastly in tandem with oil revenues. It was a new and technically illegal market that grew up in the shadow of the old stock market which had been so monopolised by the wealthy old Bani Utub families that it left no place for ordinary investors. This market appealed to new

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60 Until the 1992 election campaign, most diwaniyyahs had excluded women—which reflected their quasi-public nature—but this practice is changing.

investors, placing no great demand on the quantum of investment. At the same
time, it encouraged those who were already trading in the old stock market. With
such an appeal and response, college students, illiterates, members of the Cabinet
and even those belonging to the ruling family had made investments in the Souk Al-
Manakh.

The word “Manakh” has an interesting origin. “Aukh” was the word of
command the old bedouin people used to instruct their camels to lower
themselves to the ground when laden. In pre-oil times, the bedouins from the
surrounding deserts would come into the City of Kuwait and congregate in a
small open space within the city walls. They brought milk, cheese and other
animal and farm products to trade with the local population and bought their
essential needs with the proceeds. The word “Manakh,” or “place of seating of the
camels,” was used to describe this open space and so it became known.

After the commencement of oil production and the increasing wealth it
brought to the country, much money was invested in the creation of local
infrastructure, and a prestigious multi-storeyed market building, with car parking
on several floors, and shops and offices on others, were constructed on the same
site. Towards the end of the 1970s, the ground floor of the building gradually
became a focal point for investors and speculators. They gathered in the pleasant
air-conditioned atrium at the centre of the building for the purpose of transacting
business, and gradually shops and offices around the floor were bought out and
the premises converted into offices for brokers and others providing attendant
services for those engaged in “the market,” which eventually the floor of the building became. It was the collapse of the trade in this market which generated the Kuwait stock market crisis in 1982, and gave it its eventual name, the Al-Manakh crisis.62

To start with, the government was slow to regulate the growth of this market, which was working on the basis of some of the principles that were formulated in the 1960s. The government only added to these laws in the early 1970s.

In 1977, the small speculation boom in the official stock market crashed and stock prices were badly hit, causing bankruptcy among hundreds of people. The government responded first by helping investors through the buying of shares to boost the market, and second, by introducing new regulations which excluded companies registered abroad from trading. Rather than function as solutions, these measures backfired. To start with, the government buying of shares encouraged investors to indulge in excessive speculation with little to worry about losses. For those who saw the new regulations as curtailing speculation, the Souk Al-Manakh provided a great opportunity. The market, which featured risky investments, was not officially approved by the government. But, neither did it order its closure. As money flow increased with rise in oil revenues, speculation increased too, leading to a sharp rise in the price of stocks.

In 1982, the market crashed. Among the reasons that have been cited as having contributed to the crash are: the Iran-Iraq war leading to a decline in oil revenues and a change of public mood in monetary matters; and steps taken by the local banks in restricting credit, thereby limiting scope for speculative trading. The immediate problem was the kind of trade that people were forced to indulge in at the instance of the prevailing situation in the market — use of post-dated cheques, which was illegal in Kuwait, but widely used in the market. Stocks were purchased on cheques that were dated for even a few years later. Deals grew enormously, until an investor attempted to cash the postdated cheque. The cheque bounced leading to a collapse of the system. A natural corollary was that debts accumulated to the tune of $97 billion.

Due to the enormity of the finances involved, the government was forced to intervene. It agreed to bear the losses of the crash by compensating banks and asking them to reschedule loans at a lower interest. For some time the hardliners led by finance minister Abdallatif Al-Hamad, supported by the press and the Assembly critical of the government action of bailing out large investors, tried to limit the government intervention. However, the government, fearing social and political consequences arising out of uncontrolled bankruptcy, went ahead with its plan and introduced an emergency programme to stabilise the market. In this process Al-Hamad resigned. The government plan to separate the small from the large
investors and continued efforts by the Central Bank and other agencies, during the following years, did little to restore the credibility of the market.\textsuperscript{63}

The Amir called for an extraordinary National Assembly session to discuss the crash in July 1982. Since most members were outside the country, only 16 being present in Kuwait, the government had to send for the members who were in Europe to meet the required quorum.\textsuperscript{64} The untimely but urgent meeting of the National Assembly set off a new optimism in the country and revived the Souk Al-Manakh trading, right down to post-dated cheques. The government issued a stern action against such practices and against speculative trading. In August, the Assembly passed a bill settling debts at the market prices of all the transactions that had taken place, plus a premium of a maximum of 25 per cent. The Cabinet also approved a new bill regulating the stock market. These bills, though effective in lowering the overall debts, precipitated Al-Hamad’s resignation. Despite the new law, over 100 dealers were still unable to pay. In September, the first dealer was jailed for default.

Decree 59 setting up the Arbitration Committee was submitted to the National Assembly as soon as the members assembled after the summer recess of 1982. Operations under certain provisions of the decree, such as the registration of cheques, had already been commenced, but bitter attacks were launched in the

\textsuperscript{63} Eight people accounted for two-thirds of the claims, with Jasim Al-Mutawwa, whose bounced cheque triggered the crash, responsible for half the claims.

Assembly on the government for letting matters get so out of hand. There was also strong criticism of the proposal to scale down liabilities, as it was claimed that this would favour the large operators and be to the detriment of the small investor, and that many debtors who were in a position to meet their debts were holding back in the hope that their liabilities would be reduced.\footnote{Al-Yahya, n. 62, pp. 37-38.}

By the time the National Assembly resumed its business a week later, however, the Arbitration Committee had already named the eight large dealers responsible for the main part of the total debt and had banned them from travelling abroad or disposing of any of their assets. The eight did, in fact, include a member of the National Assembly, and this led to acrimonious exchanges on the floor of the Assembly as to whether failure to give prior notice of this matter was a breach of parliamentary privilege. Such altercations further impeded resolution of the main issues.

Further, the government’s reputation of fiscal mismanagement was very evident, putting a question mark on its capabilities. More importantly, the ruling family’s reputation suffered as three of its members — Khalifah Abdallah, Muhammad Khalifah and Du’aij Jabir Ali — were not only caught by the collapse, but implicated for their efforts to influence the government bailout. All this caused a deep dent to the image of the Al-Sabahs with widespread popular dissent and a volatile Opposition.
The collapse shook regional and international confidence in Kuwait's financial industry. Small investors and large speculators were heavily indebted, with KD 27 billion outstanding in postdated cheques alone.\(^66\) It was reported that six persons were indebted for sums totalling KD 1.2 billion. Initiating a massive bailout — The Programme to Settle Unsound Debts — the government absorbed the bulk of this debt. By the time the ministry of finance closed the file on this crisis in May 1990, the total sum expended to settle it was KD 12.4 billion, with more than KD 6 billion still outstanding. While the bailout buffered investors and speculators against economic devastation, it proceeded through a process that benefited the interests — both political and economic — of the merchant aristocracy.\(^67\)

The country, as a whole, suffered too. The non-oil sector, in particular, was badly hit by the recession that followed the crash and lasted through the 1980s. It is important to remember that the recession occurred at a time when a small recession already prevailed due to the slump in oil prices. The real estate prices fell by 30 per cent in 1985. Banking and other financial institutions suffered unlimited damage. Even civil liberties suffered as the government began fearing the press and the coverage of the National Assembly proceedings pertaining to this issue. The crash and its fallout, particularly the attack on the ruling family members, was, in the

\(^66\) As of January 1999 exchange rates, 1 KD was equivalent to approximately $ 3.3 or about Rs 140.

\(^67\) Ismael, n. 48, p. 166.
final analysis, one of the major factors leading to the dissolution of the National Assembly in 1986.68

The Souk Al-Manakh was one of the first crises that Sheikh Jabir had to deal with after the Sixth National Assembly came into place after the elections in 1985. The new National Assembly succeeded in blocking several government bills that were aimed at resolving the crisis arising out of the stock market collapse. The Assembly attacked ministers and did not even spare members of the ruling family, alleging them of conspiring in the stock market crash. Inquiries into corruption associated with the stock market led to the resignation of Salman Du'aji, in connection with allegations that he had used his position to arrange government compensation for the stock market losses of his son.

Gender wars

Issue of veils for female medical students

The issues of education, gender and religion are inextricably linked in the politics of Kuwait. Education, particularly, is a critical area for the Islamists. They were in control of the students union at the Kuwait University since the 1980s. Their influence had helped them to successfully block, what they termed, anti-Islamic policies advanced by academic-turned-minister Hasan Ali Ebraheem, who was the education minister prior to the 1985 dissolution of the National Assembly.

68 Crystal, n. 1, p. 108.
The Islamist Opposition movement included Sunni groups such as the Muslim Brotherhood-influenced Social Reform Society and the Salafiyyin, as well as the Shia. The Sunni groups had been particularly active, supported in cases by the Shias, calling for a constitutional amendment to make Islamic law the exclusive source of legislation in the 1981 National Assembly. They put through an amendment limiting naturalisation to Muslims as well.\textsuperscript{69}

The Islamists have always claimed the student body at the Kuwait University as one of its strongest bases and their discourse has obsessively revolved around gender issues. Those gender issues which are of concern to the university population is immediately sought to be treated as their problem by the Islamists. The university is a prime target for the Islamists because it is considered as an economic gatekeeper providing degrees, which rake in good jobs with high salaries. "It is also the place where large numbers of young Kuwaiti men first discover how poorly prepared they are to compete and win a system that is not rigged in advance in their favour."\textsuperscript{70}

Gender issues lead to a situation where many of the contradictory trends initiated by modernisation collide. According to Haya Al-Mughni, the merchant

\textsuperscript{69} Ibid., pp. 111-112.

\textsuperscript{70} Traditional ways of bringing up children in Kuwait places fewer demands and restraints on Kuwaiti boys, unlike the girl children. This translates into better work habits and excellence in academic tasks at all levels for girls in comparison to boys. Most parents and male students consider the performance of girls as unjust because girls have nothing else to do but study. Since not too many women were allowed by their parents to go abroad for higher education, most went to colleges in Kuwait. This led men to fear that Kuwait University was becoming a women's college.
class uses gender in its long-range strategy to defend its class interests. They seek to mobilise elite women to occupy positions that would otherwise go to new men. At the same time, within the gender-segregated society, these elite women restrain the autonomy and upward mobility of the middle class.  

It is widely believed that the Islamists have been helped with tacit support from the regime. After the redistricting process came into practice prior to the 1981 elections to the National Assembly, Islamists were helped organisationally in the 1992 National Assembly by the establishment of a commission to encourage the actual implementation of Islamic law in Kuwait. This commission began functioning in December 1991 at the instance of the Islamist-dominated student council at the university, which demanded the restriction of women’s access to classes.

Another academic, Ahmad Al-Rub'i, was appointed as education minister when the 1992 Cabinet was announced. Without allowing him to function by the merit and strength of his vast expertise, the Islamists in the bureaucracy of the concerned ministry ensured that there was resistance for every move made by the minister. These efforts obviously led to conflicts, which had its repercussions in the National Assembly.

The Islamists proposed a law, in January 1993, that would prevent the university from forbidding female medical students to wear veils during clinical and

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71 Tetreault, n. 28.
laboratory sessions. The university’s policy on veiling, which permitted women to
veil at all other times, if they so wished, had the support of the faculty and Ahmad
Al-Rub’i, who was identified as a secularist. The minister’s disagreement with the
demand of Islamist students that women be permitted to veil, even when the faculty
believed that it was potentially dangerous, angered the Islamist members of the
National Assembly. These members counter-acted the minister’s opposition by
introducing the veiling bill in January 1993.72

The debate, involving the university administration, bureaucratic clouts in
the education ministry, the minister himself and the Cabinet, dragged on for weeks.
Finally, a compromise was arrived at in conjunction with the university officials
who agreed that girls could veil “in case of utmost necessity.”73 This formula ensured
that the demand for a formal legislation was sidestepped.74

The compromise derived was that masks would be made mandatory in the
laboratories instead of veils. The veil rule was to come into force in the
classrooms only. According to Dr Mudhi al-Hmoud Islamic groups do not impose
veils, but make their preference for it known through their personal opinions.

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72 According to Jacqueline S. Ismael, n. 48, p. 183, 65 students, from the
graduating medical group of 70, walked out of classes to protest the ban.

73 Arab Times, 2 March, 1994.

74 This helped in salvaging the secular fabric of a section of the parliamentarians.
"The government has to pay heed to the opinions of the Islamists because of the influence they bear on the society in the country," she said.75

**Segregation of women students in universities**

The next task on the education agenda of the Islamists was the issue of imposition of gender segregation on university campuses, particularly Kuwait University. Unlike many Gulf universities, some of Kuwait University campuses have been sexually integrated since the 1970s, though a measure of segregation still remains within the classroom.76 In the Islamist revival phase of the 1980s, university activists successfully segregated eating places and followed it with several other moves. In 1984, a Saudi religious authority issued a decree that coeducation was anti-Islamic and corrupted women. This issue sparked off a debate in Kuwait and was widely discussed, particularly among the Islamists.77

A bill favouring this demand was jointly introduced in March 1994 by the Shia and Sunni Islamists as part of a larger bill which sought to propose construction of a new university. The bill sailed through the preliminary rounds of debate, but was defeated in a tie vote at the final stage when one of its supporters,

75 Dr Hmoud is Vice-President of Kuwait University and a well-known women’s activist. These views were expressed during the course of an interview at the Kuwait University on 14 February, 1999.

76 Crystal, n. 1, p. 110.

77 Ibid.
Shari' Al-Ajmy, arrived at the National Assembly only after the final vote.\textsuperscript{78} Though the reasons behind the member's delay, when this bill was being put to vote, remain unknown, Shari' Al-Ajmy, on his part, introduced a new gender-segregation bill. But, the Assembly rules disallows reconsideration, in the same legislative session, of a bill that has been voted out.\textsuperscript{79}

Those supporting the gender segregation bill created an impression of the plan having widespread support throughout the country. They blamed the defeat of the bill in the National Assembly to governmental pressure and a smear campaign by the media. Unfazed by this defeat, in December 1995, another proposal to segregate the university on the lines of gender was announced by Mubarak Al-Duwailah. Included in this new plan was a fresh idea that required female university students to wear Islamically correct uniforms.

This issue, then, became an important part of the university-Islamist agenda during the 1996 election campaign. Kuwaiti women used the election campaigns to bring their demands before potential legislators and to attract new allies from the public. Rather than leave the issue to be handled as the sole responsibility of the voluntary associations, such as the Women's Cultural and Social Society, some efforts, including a one-day women's strike, were organised by ad hoc groups of

\textsuperscript{78} Arab Times, 2 March, 1994.

\textsuperscript{79} Arab Times, 8 December, 1994.
young working women.80 Organisers went to women’s tents at the *diwaniyyahs* to pass out blue ribbons symbolising support to the rights of the women. These activities helped build on the prevailing mood of the gender issue and encouraged newcomers, including students and young working women.81

In 1998, a law was passed in the National Assembly stating that separate universities, for boys and girls, would have to be established within five years. “However, to implement that decision seems too far from reality. The best that can be done is to have some faculties that are bifurcated on the lines of gender, leaving the rest co-educational. Resources for two schools of the same standard and in every subject may not be forthcoming,” Dr Hmoud said.82

*Women suffrage*

The position of women in Kuwait is conditioned by tradition, religion and law. Women’s issues are politicised not only because of their intrinsic importance, but because of the way they intersect with other political issues and the role they play in defining the relationship between Islam and politics.83 Political Islam inevitably takes on issues that affect women directly. Two such issues have already been discussed earlier. In Kuwait, the Islamic establishment never gained control over

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80 Some 570 Kuwaiti women signed pledges to stay home from work on the day of the strike.


82 Views gathered from Dr Hmoud, n. 75.
female education, as in the case of Saudi Arabia, nor are women in Kuwait obliged to veil, nor forbidden to drive.

One thing, however, women have been denied in Kuwait is voting rights despite a campaign that has grown intense by the year and even after the issue has consumed much of the procedural time in the National Assembly. At present, the nation's electoral law, originally written in 1959 and amended several times since, denies women's suffrage. However, the liberal and Left groups have supported suffrage for women on the basis of true representation, democracy and equality. At the same time, opponents from the religious groups and tribes have argued that women are not yet ready for the voting rights because they are as yet not "politically mature in a traditional society like Kuwait." According to them, women should first start participating at the national level.

They argued that, if women were enfranchised, they would neglect their children and families. In addition, they pointed out that under the Sharia law, men are superior to women and that women are weak and incapable of assuming an independent political stand. If they were enfranchised, they would be liable to manipulation by their husbands.

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84 Soon after liberation, it was estimated that if voting rights were extended to women, naturalised citizens and youth, the number of eligible voters would have exceeded the 200,000 mark.


The spread of education among members of formerly disadvantaged groups in Kuwaiti society promoted the development of a new class of able and ambitious Kuwaitis who did not belong to the hitherto powerful families. To give a fillip to the demands of these groups was the demand for gender equality by young women from the merchant class, many of whom were encouraged by men from their own social stratum. It is important to note that ending female seclusion served the interests of the merchant class. This was because, to maintain its own class position and its dominance, it would rather have women of their own class take over prestigious positions, than allow men from other social classes to rise up in the hierarchy. Elite women, thus play an important role in class politics. Their public activities not only promote the cause of women, but also serve the interests of the merchant class. Upper class women engage in a network of public and semi-public activities that are central to class organisation, and are as vital and significant as the men's diwaniyahs. The most important of these activities are ziyarat (paying social visits), arranged marriages and female association.

Visiting is not limited to the kin network; it also involves families of a similar social standing. (Of all Kuwaiti women, those of the elite and the merchant class have been the most eager to preserve the kin relations from which

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they gain prestige and access to many privileges. Their loyalty to their own class has often superseded their loyalty to members of their own sex). However, women's associations have been established to serve the interests of their social stratum rather than the interests of all women. These organisations which seem to operate as recreational centres for women to meet and voice some feminist concerns, provide an important instrument through which the ruling elite can exercise control over women and monitor their lives. It is also true that women's organisations enjoy great authority over their members and strongly influence the way women's place is defined in society. This is because they are legally recognised as the only legitimate forum for women to engage in public activity and to express themselves; it is also because they hold legitimate means of communication which give them the authority to speak publicly to women and to influence their lives.89

The issue of women's suffrage was raised in 1981, a year after the parliamentary system was restored. At that time, the government showed some interest in granting women the right to vote. In 1980, in a televised speech, Crown Prince and Prime Minister Sheikh Saad al Abdullah Al-Sabah stated: "The time has come to take note of the position of the Kuwaiti woman and her effective role in society and put forward the matter of the vote for study and discussion." The matter was later raised by a member of Parliament, Ahmad al-Takheim, who presented a bill to the National Assembly requesting that Articles 1 and 19 of the

89 Ibid.
Electoral Law be amended so that women would be allowed to vote but not to hold office. The bill was discussed on 19 January, 1982. The debate went smoothly and lasted only a few hours, but was rejected 27:7, with 16 abstentions.\textsuperscript{90} Many members of the National Assembly who had initially been in favour of giving women the right to vote preferred to abstain, fearing that to grant them such a right would tip the balance of power in favour of the Islamic groups.\textsuperscript{91}

The Girls Club and Women's Cultural and Social Society were furious at the rejection of the bill. Activists of the latter addressed a written complaint to the members of the National Assembly. They organised public debates on the issue of women's political rights and wrote articles in the press, desperately seeking to win support of both men and women.

On 9 February, 1982, when the chamber was scheduled to review the complaints, the Women's Cultural and Social Society led a group of women to the Assembly. They wanted to hear the comments of the members of the National Assembly and demonstrate their anger. At the sight of these women, the deputies hurriedly filled the back seats, leaving the front seats empty. The complaints were briefly discussed. The members clearly wanted to avoid any kind of embarrassment.

\textsuperscript{90} Ibid., p. 132.

\textsuperscript{91} Mr Ali Jaber Al-Sabah, n. 52, felt that the National Assembly has been used by the ruling family to balance the strengths of the liberal and democratic forces on the one hand and the conservatives and Islamic groups on the other. He, however, was critical of the intentions of the government in encouraging or discouraging either of the groups, depending on what constituted the Al-Sabah interest rather than the interest of the country.
or confrontation amongst themselves in the presence of so many women. Amused by the situation, one female activist wrote a newspaper article titled: “They Left their Seats and Fled.”

As the 1985 elections drew closer, the Girls Club showed its support for the Tali’a group (Arab nationalists) and agreed to lobby for their candidates provided that, when elected, they would press for women’s suffrage. The nationalists agreed. The Girls Club leaders formed the Organising Committee for the Political Rights of Kuwaiti Women, organised public debates, raised money for the Arab nationalists’ campaign, contacted male students studying abroad and distributed pamphlets. The Arab nationalist candidates were invited to hold political debates at the club.

The leaders of the Women’s Cultural and Social Society, on the other hand, did not strike a deal with the Arab nationalists. Instead, in February 1985, they went to the voter registration office to place their names on the electoral list, claiming that the denial of their voting rights was a violation of Kuwait’s Constitution. Officials at the registration office refused to accept their applications. Having been rejected, the society leaders tried to report the “constitutional offence” to the police. Their grievances were again rejected.

Three of the Tali’a group and five other nationalist candidates were elected, along with two Ikhwan candidates. But the bill to grant women the right to vote was not passed. It was blocked by the Assembly’s Legal Affairs Committee whose members called on the ministry of awqaf and Islamic affairs for a legal ruling.

92 Mughni, n. 88, pp. 133-134.
On 24 July, 1985, a fatwa (legal ruling) was issued declaring that, "the nature of the electoral process befits men, who are endowed with ability and expertise; it is not permissible for women to recommend or nominate other women or men." The fatwa provoked an uproar. The Ikhwan protested: "Islam says a woman should cover her hair and her arms, not her mind!" 93 A few months later, however, the National Assembly was suspended, mainly because the intense questioning of some Cabinet members about financial issues led to the resignation of the justice minister. 94

According to Lu’lwa Al-Qitami, a leading Kuwaiti feminist, it is a matter of time before women vote in Kuwait. The women in Kuwait vote for the councils of the 57 cooperative societies as well as the councils for the 42 social and cultural societies in Kuwait.

The heated debate over women’s political rights and their demands to be enfranchised goes back to 1971, when the burning of women’s abayah (black robe) preceded the first woman’s conference under the auspices of the Society for the Advancement of the Family. The conference presented a petition to the National Assembly demanding not only political rights, but also included an ambitious

93 Ibid., pp. 133-134.

94 The issue of women’s suffrage in Kuwait has been raised consistently over a period of time. It has received maximum attention during the course of the existence of some Assemblies and absent during others. It has been pushed to the background soon after the Assembly is dissolved and is made an issue during elections. This approach has failed to keep the momentum in favour of the issue.
social reform demanding a change in Islamic law regarding polygamy. The Kuwaiti society reacted with shock and disbelief to such demands.  

On 29 September, 1996, only a week before elections to the National Assembly, more than 300 Kuwaiti women staged a sit-in at the Kuwaiti Lawyers Society demanding sanction of political rights. The sit-in was in response to an invitation sent by the Kuwaiti Women's Affairs Committee. Lawyer Nadya al-Tawwash, member of the committee, said:

The time has been chosen on account of the democratic atmosphere in which the country is living. We endeavour on this occasion to remind people of the role of Kuwaiti women, to push the march of development forward and to shed light on the fairness of women rights. The demand is not confined to working women alone; it includes housewives as well. Housewives are required to contribute to public life. It is the duty of every woman citizen to teach future generations about women's rights.

Lubna Abbas, an active member of the committee, said:

This is not the end, but a new beginning. It is up to each of us to ensure that this message is not lost...It is only a question of where and when (women will get political rights) and these depend on the extent of your steadfastness and your commitment to achieve this. This sit-in is a message to the government and the candidates in the (forthcoming) elections

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96 *Summary of World Broadcast*, Middle East/2731, MED/21, 1 October, 1996.
for the National Assembly, and the gist of it is that participation in the political life is a basic right.\textsuperscript{97}

Kuwaitis perceive political rights for women as falling into three categories.\textsuperscript{98} The first is the right to vote, believed to be supported more widely in post-liberation Kuwait than in 1985, when a poll taken during elections that year showed that a majority of registered voters opposed granting the vote to women. Kuwaitis who support voting rights do so because of the women's performance during the Iraqi occupation and the fact that women in other countries, particularly Iran, can vote.\textsuperscript{99} A growing belief that granting suffrage to women will not necessarily lead to a change in social relations is also a reason for this change in attitude. Now, some Islamists, along with the Amir, are supporting voting rights for women while some secularists object on the grounds that giving voting rights to women would result in the election of more conservative candidates because traditionalists have more wives and control them more closely than the liberals.

The other two issues pertaining to political rights for women involve deeper questions of power in Kuwaiti society: the right of women to run for elective office

\textsuperscript{97} Ibid.

\textsuperscript{98} Tetreault, n. 55, pp. 283-284.

\textsuperscript{99} During the occupation, women were prominent among activists in the resistance and in the diaspora. Consequently, following liberation, the effort to extend them full political rights, formerly the concern of a relatively small group, was renewed by a larger section of the Kuwaitis.
and the right to be appointed to posts in the religious courts and government ministries that oversee religious institutions.\textsuperscript{100}

It would be wrong to assume that the presence of women in the public sphere is a problem only for the Islamists. Even those secular candidates who openly advocated women's rights experienced problems with constituents who were not prepared to accept the practical implications of their candidates' stand. The Kuwait Democratic Forum, for example, sponsored seven candidates who ran on a single platform that included a provision calling for women's political rights.\textsuperscript{101} All the KDF candidates welcomed women to their meetings, but were forced to provide separate enclosures for them.\textsuperscript{102}

Dr Mudhi al-Hmoud and Mr Omar Hassan explained the role of women in the arena of liberalising the Kuwaiti society politically and socially. If the blame for the denial of political rights to women, and over the veiling issue, has been laid on the Islamists, it would be interesting to note that women form a large part of the vote bank for the Islamist candidates in the Kuwaiti University Students Union elections, where women are allowed to exercise their franchise. This means

\textsuperscript{100} All three aspects of women's political rights were debated during the 1992 election campaign.

\textsuperscript{101} The Kuwait Democratic Forum is the heir of Arab nationalist groups: the National Alliance and the Democratic Alliance. The other two secular groups, the 1985 parliamentarians and the Constitutional Bloc, campaigned for the restoration of the National Assembly and civil liberties. The vast majority of the candidates in the 1992 election ran as independents.

\textsuperscript{102} Tetreault, n. 55, p. 285.
that women support their views. For them, the reason behind this could be the fact that women, who constitute about 50 per cent of the population, have taken it upon themselves to be the harbingers of Islam, after feeling that men had increasingly begun to dilute the principles of Islam. For example, 64 per cent of the student community in the Kuwait University is made up of women. With such representation, women could determine the character of the students union. It is ironical and self-explanatory that Islamists have held sway over the students union for many years now. This indicates that women vote for the policies of the Islamists and accept their rationale. Given this understanding, on their part, the Islamists, outside the university, may also want women to be granted political rights because it is bound to strengthen their representation in the National Assembly. But having committed once against political rights for women, in the name of Islam, they do not now wish to go back on their sermon.\textsuperscript{103}

Until the dissolution of the National Assembly in 1986, women's suffrage was repeatedly debated, though not with a consistent intensity. In 1971, the Society for the Advancement of the Family, a women's advocacy group, petitioned the Assembly to consider women's suffrage. A bill was introduced, but was blocked by the Islamists. In 1980, Sheikh Sa'ad, a champion of women's voting rights, again introduced a bill in the Assembly, which again was voted in the negative. When a third bill was rejected in 1982, about 10,000 women staged a demonstration

\textsuperscript{103} Views expressed by Dr Mudhi al-Hmoud, n. 75, and Mr Omar Hassan, local editor, Arab Times, Kuwait, in separate interviews on 14 February, 1999, and 15 February, 1999, respectively.
demanding political rights. They argued that voting rights would only be a natural extension of women's existing electoral participation in cooperative societies and in student politics.

An agitation in 1984 challenged the government that denial of voting rights amounted to sexual discrimination, which was unconstitutional. Sixteen women made an unsuccessful bid to have their names enrolled on the voters' list. During the 1985 election campaigns, many women worked behind the scenes for the candidates belonging to the progressive Democratic Bloc, which openly supported voting rights for women. Soon after the National Assembly was convened, the Democratic Bloc introduced a bill, which was forwarded to the Islamic Affairs ministry by the Assembly's Internal Affairs Committee. The ministry communiqué stated that "the nature of the electoral process befits men, who are endowed with ability and expertise: It is not permissible that women recommend or nominate other women or men." However, the issue was tabled, but in the face of the dissolution of the Parliament in 1986, it became defunct.

The efforts of women and organisations fighting for their rights have not been successful in terms of winning over allies to strengthen their cause. A 1985 poll indicated that only 27 per cent of the men in Kuwait were in favour of voting rights

\[104\] Crystal, n. 1, p. 109.

\[105\] Ibid., pp. 109-110.
for women. The prodemocracy movement did not actively support women's suffrage, calling the issue divisive — a threat to the tenuous unity the progressive Left had established with the religious Right.

All this not withstanding, the 1992 and 1996 elections highlighted the issue of women's suffrage. Many candidates who openly supported the demand for women to vote, were elected to get necessary constitutional changes. But the issue is yet to achieve consensus. One encouraging sign, however, was the claim of the Speaker of the National Assembly in 1992, Ahmed Al-Saadoun, that women would be able to vote sooner or later in the course of determining Kuwaiti politics.

After Liberation, women's enfranchisement became a central issue of democracy debate. When election for the National Assembly was announced for October 1992, amendment of the election law to allow women's participation became the focus of the enfranchisement debate. In August 1991, a draft bill was introduced before the National Council to give some Kuwaiti women the right to

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106 Mr Basem E. Al-Loughani, Director, Media and Public Relations, Kuwait University, in an interview on 20 February, 1999, supported extending political rights to women and endorses the opinion of many educated Kuwaiti men as well. “Women must be active participants of the political setup with equal participatory rights as the men. It is only a matter of time before they get their due. In fact, women are more active, in some ways, than men. They seem to have more spare time than men and this can be better channeled in the political arena.” But, like most other men, he too concedes that it is up to the women to ensure the fulfillment of their demands.

107 Ibid.

108 Pasha, n. 18, p. 258.
vote — mothers and voting-age daughters of enfranchised Kuwaiti men. At a news conference in October 1991, the Crown Prince said:

Kuwaiti women proved their effectiveness in the reconstruction of Kuwaiti society, particularly during the occupation. They participated in the resistance movement and supported the steadfastness in facing the occupation. You must have followed the discussion that took place in the National Council on the subject where agreement was reached to refer this issue to the appropriate committee for more study.\textsuperscript{109}

The women’s enfranchisement issue polarised Kuwaiti politics into liberal democratic and religious fundamentalist camps and threatened to split the united front of the Opposition. The division between liberalism and religious fundamentalism was an important factor in Kuwait’s political dynamics. The crisis created a common cause between liberals and fundamentalists in the struggle for the restoration of the National Assembly, but it intensified their fundamental ideological differences, especially around the issue of women’s enfranchisement.\textsuperscript{110}

Given this background, it is ironical to note that Kuwaitis began educating women as early as the 1930s. They provided scholarships for girls and sent them to universities in the West and the more educationally advanced countries in the region. They were also the first people in the Gulf to employ women in both the public and private sectors of the economy. The Kuwaiti urban families, in particular, saw no contradiction between Islam and economic and social progress.

\textsuperscript{109} Ismael, n. 48, p. 181-182.

\textsuperscript{110} Ibid.
Their forward-looking mentality was the basis for progress in Kuwait until the early 1980s. However, a new set of rather rigid values was presented by Islamist groups in the 1980s, claiming these as the “true Islamic values.”

Saleh Al-Hashem, an attorney, also advocated a greater degree of direct involvement by average citizens, particularly women, in the political affairs of the country. According to him:

The main problem is that Kuwaiti women don’t believe in women’s rights. Older women are more stubborn about their rights than younger ones — they don’t want the responsibility. You cannot fight for someone else. If they believe in equality, they must start, but instead they ask the man to do it for them. I will take their case free of charge if a woman goes to the court for their rights.

In Kuwait, Nadi Al-Fatat is the group most strongly identified with political feminists. Led by Najat Sultan, and supported by Fatima Hussain, this group holds regular meetings and has become more popular in the post-invasion period. According to Moudhi Al-Hmoud, an activist of Nadi Al-Fatat:

I am a professional woman. I have nothing to do with politics. But after the invasion, when we came back to Kuwait, because of what we have done for our country outside and as women in the resistance inside, I think we deserve equal political rights. It was good to hear the Amir and the Crown Prince also defending our rights... We understand it is very difficult for the electoral law to be changed. Only the National Assembly can change the law, so we started with the 1992 election campaign. Now we have a plan


until we get our rights. We have to convince these people, the public and the National Assembly — and with the Salaf and the Ikhwan, our job will be even harder. But we will employ our plan until we get something.\textsuperscript{113}

Despite stiff opposition from various sources, the Kuwaiti political feminists refuse to be pushed out of their rightful domain:

I feel angry that women will get their rights only after groups with religious and fundamentalist sentiments are convinced. Such religious groups only select those verses of the Quran that serve their interests and ignore the rest. In fact, according to the Holy Quran, women and men are equal in their rights as Muslims, and regardless of their sex, are equal before God.\textsuperscript{114}

The efforts of the women’s rights activists in Kuwait had its effect in Saudi Arabia too — desirable for womanhood in general, but discouraged by the local authorities there. On 6 November, 1990, Saudi women literally “sat in the drivers’ seat” for once and drove in a convoy of 40 cars through the streets of Riyadh, defying the strictures of the rigid rulers of the Saudi royal family and the society in general.\textsuperscript{115} It is believed by a section of the Saudi population that these women may have been inspired by the presence of the US troops in the country to safeguard the Kuwaiti interests against the Iraqi designs led by Saddam Hussein. More specifically, some believe that they may have been inspired by the presence of female soldiers among the American Army ranks. This show of solidarity by women coupled with

\textsuperscript{113} Tetreault, n. 55, p. 289.

\textsuperscript{114} Arab Times, 6 October, 1992.

\textsuperscript{115} Abed, n. 112, p. 191.
several other popular demands by those seeking political reforms, led King Fahd, on 1 March, 1992, to issue a decree aimed at liberalising the political system in Saudi Arabia.

Since women's liberation, equality and democracy are intimately connected, to carry out social change that would enable the Arab world in general, and Kuwait in particular, to deal with tough requirements of the modern world and to establish representative democracies, two central issues need to be addressed: the position of women and; Islamic revivalism. Women are yet to form the backbone of Islamic revivalist organisations in any Arab country and they constitute the bulk of secular forces in Algeria, Jordan and Lebanon.116 These two key issues are interconnected and any reform will require politicising the women's issue, putting it at the centre of the struggle and tackling Islamic revivalism.117

The Al-Sabah family is the most prominent public institution calling for political rights to women. A number of statements by the Amir and the Crown Prince have put the family on the “right” or prodemocracy side of the issue and the National Assembly on the “wrong” given the vote against women's rights by the 1981 National Assembly.118 The strength of the Amir's support for the cause of


118 Tetreault, n. 55; p. 289.
women and their voting rights led to the speculation that he would change the electoral law allowing women's suffrage before the 1992 election.\footnote{In 1992, the secular Opposition challenged the Amir's right to change the law unilaterally, despite the risk that it might alienate women and their supporters. However, according to The Hindu (Delhi), 17 May, 1999, Kuwait's Cabinet gave women the right to vote and run for Parliament on 16 May, 1999, putting the Emirate even further ahead of its Gulf neighbours in moving towards democracy. The decision, though, does not take effect in time for parliamentary elections in July. If the decree is approved, women will be able to vote in the general elections in 2003.}

Thus, the issues and their developments discussed in this chapter can be seen as a rich harvest for the Al-Sabahs, reaped out of the seeds of democracy that were planted in the form of the National Assembly soon after the country declared itself independent in 1961.

One of the most important examples of the political maturity that has come to be part of the ruling family is the Ali Khalifa case. The Al-Sabahs used all its resources to scuttle the Ali Khalifa case from being exposed absolutely, mostly to avoid any direct evidence that may seek to embarrass them, but it had to do so constitutionally. If the democratic instrument of National Assembly was non-existent, the Al-Sabahs would have ensured, through the powers vested in them, against any voice of dissent. That an element of transparency was forced on the affairs of the government through this debate was a victory for the pro-reform group, and in allowing them to seek explanations to the charges of corruption, even if the ruling family was involved, the credibility of the Al-Sabahs only improved further. Further, it also imbibed a fear of the National Assembly as an instrument of
checks and balances in the governing of the country. Thus, the legitimacy of the ruling family was enhanced through the National Assembly, putting at rest the myth among authoritarian governments that power-sharing involved erosion of one’s authority.

Reacting to a debate on the KOTC scandal, Opposition leader in the National Assembly Abdullah Al-Naibari said: “We want to know the exact position of the executive power. We don’t want to interfere in the work of the judiciary (but) we want to discuss why the issue hasn’t run smoothly.”

The mood of members, thriving on a democratic wave, in the present set-up can be guaged from the reaction of another member, Mishari Al-Osaimi: “If it wasn’t for the stance taken by the National Assembly, the case would have been shelved...Today Kuwait does not belong to a certain group of people, there are no untouchables. We’re talking about principles and implementation of the law without any discrimination.”

Further, it must be noted that the tradition of democracy in Kuwait, which was made evident through the 1921 and the 1938 movements and was formalised soon after Independence, showed its nature of permanence during the late 1980s and early 1990s by way of the Prodemocracy Movement. The fact that even the informal democratic setups had taken shape in Kuwait is proved by the role of the diwaniyahs, which served as the forum for venting out the people’s grievances even

120 Arab Times, 14 February, 1999

121 Ibid.
when the National Assembly was suspended. By not imposing curbs on the *diwaniyyahs*, the Al-Sabahs kept open the doors to strengthen their legitimacy at all times.

More importantly, the accountability factor, which was hitherto ambiguous in many matters, particularly the financial dealings involving the government, now moved to be the fulcrum of all future actions and the National Assembly earned itself the challenge of acting as the point of contact and clearance between the rulers and the common people.

A National Assembly report strongly criticised the government programme because the majority of proposed measures were put in general terms and not in the form of well-defined objectives with clear deadlines, which makes their implementation as well as any debate about them very difficult.

The Assembly indicated that there was a major problem in trying to link the development plan, the government programme and the annual Budget together, and pointed out that the government did not take into account the so-called comprehensive national plan which includes the social and economic aspects. The Assembly stressed that the domestic issues included in the government programme were still the same as the ones mentioned in the programmes of the previous government.¹²²

Finally, the political system in Kuwait, as inferred from these case studies, leads us to make a basic distinction in the political nomenclature of “political

¹²² *Summary of World Broadcast*, Middle East/3136, MED/17, 28 January, 1998.
liberalisation” and “political democratisation” that is so important in analysing any nascent democracy. Political liberalisation involves the expansion of public space through the recognition and protection of civil and political liberties, particularly those bearing upon the ability of citizens to engage in free political discourse and to freely organise in pursuit of common interests. The prodemocracy movement and the system of *diwaniyyahs* is an example of this norm. On the other hand, political democratisation entails an expansion of political participation in such a way as to provide citizens with a degree of real and meaningful collective control over the public policy. The Kuwaiti political system has made remarkable strides on the road to political liberalisation and this course is likely to make it expand the realm of activities in the political democratisation process. The latter process would do well to further strengthen the legitimacy of the Al-Sabahs.