CHAPTER FOUR

The Al-Sabahs:
Towards Civil Legitimacy

Civil legitimacy exists when a system of government is based on an agreement between fairly equal autonomous constituents who have combined to cooperate towards a common good. According to Michael C. Hudson, there are three aspects with regard to the state, society and legitimacy in the Arab region during the 1990s: first, persistence with the present status quo like in the case of the United Arab Emirates, Oman and Qatar; second, a period of uncertainty marked by severe authoritarian rule and breakdown of order as in the case of Bahrain and Saudi Arabia; and third, development of more legitimate political systems whose striking features would be a “more authoritative government, greater significant popular participation and greater effectiveness.”¹ In the last category, Hudson incorporated several structural and ideological forms, the ultimate aim of which would be a political system where rulers would possess a wider social constituency and whose political structures would clear the way for a smooth and orderly transfer of power, building of consensus and regulation of conflict. In this

was included the case of Kuwait which was cited as entering an “era of legitimacy.”

According to Hudson, the main characteristics of the era of legitimacy was “a ruling elite with broad social base structures for social conflict regulation and for a non-violent regime — Opposition relations, popular recognition of the authority — not just the coercive power of the states, some limitations on the tendencies of the enlarged state toward absolutism and arbitrariness and some minimal degree of effective policy-making (good government).” Further, the growth and autonomy of the state and the increasing complexity of society would assist in the “development of a political process in which public opinion, bargaining and negotiation within the terms of a social contract or Constitution rather than absolutism or anarchy” would be the main pillars. This perception was particularly reinforced with the Kuwaiti National Assembly elections in 1992 and 1996.

The National Assembly of Kuwait has fulfilled the following principle functions in the realm of enhancing legitimacy of the Al-Sabahs: first, institutionalisation of regime legitimacy; second, legitimisation of the participation

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4 230 candidates contested for the 1996 elections with 107,169 voters participating. Summary of World Broadcast, Middle East/2737, MED/17, 8 October, 1996.
of the various groups in the determination and implementation of policy; third, partial transference of the political leadership from its traditional sources; and fourth, rationalisation of the process by which public policy is formulated and implemented.⁵

Institutionalisation of Regime Legitimacy

As mentioned in Chapter Two, under the British protectorate, succession to the Kuwaiti throne was based on a written pact between Sheikh Mubarak and his protectors. According to this deal, the ruler had to be a descendant of Mubarak and each successor had to receive the sanction of the British government and the acclamation of the leading merchant families. However, with the introduction of the parliamentary system in 1962, the succession process was modified, even if it was only minutely done. First, the Constitution of Kuwait laid down that the ruler had to be a descendant of Mubarak. Second, and more significant, the scope of acclamation was widened to include all the people through their representatives in the National Assembly. Therefore, the legal status of the Al-Sabah family — represented by the Amir — and of the people — represented in the Assembly — has been constitutionally affirmed.

Legitimation of Participation by Various Groups

Prior to independence, the Government of Kuwait consisted primarily of members of the Al-Sabah family, with some notables from prominent business families serving as mere consultants. The introduction of the system of Parliament gave legitimacy to and widened the scope of participation in political life to include all adult male Kuwaitis. While the Head of the State and the posts of Prime Minister and ministers of defence, foreign affairs, interior and finance are usually held by members of the ruling family, membership in the National Assembly and all other Cabinet posts are open to people belonging to other societal groups.

Partial Transference of Leadership

The introduction of the parliamentary system partially transferred the sources for political leadership from a traditional status to roles based on such qualifications as educational attainment, skills, experience, capability and previous record of social service. Even within the Al-Sabahs, the yardstick used for filling political vacancies has changed to some measure. In the beginning qualities such as knowledge of Islam, Arabic poetry and tribal folklore was considered important along with personal characteristics such as bravery, generosity and willingness to promote justice. The change has occurred in the fact that the Al-Sabahs are now expected to be literate, be knowledgeable about domestic and international affairs

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6 Ibid., p. 246.
be able to tackle the queries raised in the National Assembly and by the rather active local and international media.

With regard to other groups, the measure adopted to fill the posts of tribal chieftains was also based on the characteristics of bravery and generosity. Now, the need to express oneself best is considered an important attribute along with emphasis on past personal experience and their social service record. Though tribal and family loyalties still play an important role, candidacy to the National Assembly is open to all adult male Kuwaitis. For example, in the 1981 election, there were in each tribe, at least, 10 candidates running for the two seats in each district. In one district, there were 35 candidates from the Mutair tribe alone. The first winner was a Mutair chosen because of his considerable reputation in social service. The second was from the Al-Duish family, which had long dominated the Mutair, and was elected because of his ability to capitalise on the factor of tribal loyalty among the Mutair.7

Another institution that has witnessed extensive political transformation is the Cabinet. Executive power is no longer the domain of the ruling family. New forces have been mobilised to share power with the monarchy, such as the business oligarchy and the new middle class. This is apparent from the Cabinets which followed Independence. In the first Cabinet, three merchants were appointed as against 12 members from the ruling family. In the second, which was formed in January 1963, the ratio was 5:11 in favour of the ruling family.

7 Ibid., p. 247-248.
The Cabinet named in December 1964 had 10 members from the business oligarchy as against five people from the ruling family.\(^8\)

However, this Cabinet was challenged by some Assembly members stating that its composition was in violation of the constitutional provision against conflict of interests. It was alleged that six of the Cabinet members were involved in business enterprises, which was against the spirit of the Constitution. In order to disrupt the oath-taking ceremony, 21 members of the National Assembly staged a walkout from the premises of the event. This deprived the Assembly of its quorum and led to the resignation of the Cabinet. This created a situation that was close to the parliamentary vote of no-confidence, which is against the Constitution. The crisis was contained by the Amir by giving concessions to the Opposition. The six businessmen, against whom the disqualification was sought, were replaced by representatives of the new middle class. Thus, by yielding to the pressure of the Opposition, the Amir was making it possible for the National Assembly to share control with him over the Cabinet.\(^9\)

Rationalisation of the Policy Process

The Constitution of Kuwait grants the National Assembly some powers and responsibilities and keeps a check upon the government's policy matters through

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\(^9\) Ibid., p. 56.
the following means: first, drawing attention towards important policy issues; second, through issuing of warnings; and third, even through the threat of using sanctions. The government exerts its influence and power by conducting general elections, by authorising the commencement of the annual session of the Assembly, by being the determining factor in the constitution of the Cabinet, by taking active part in the deliberations of the National Assembly, by monitoring the flow of information, by holding the power to adjourn Assembly meetings and by its undisputed power to dissolve the Assembly.

As a starter to the appraisal of the National Assembly, which has been used by the Al-Sabahs as a tool to strengthen their source of legitimacy, it is imperative that a mention be made about the various political and social forces that constitute this political body and also make reference to the change in its representation pattern.

Since its institution in 1963 till date, the National Assembly in Kuwait has been dominated by three major political and social forces: the prominent businessmen, the bedouins and the middle class. The businessmen had played a significant role in the political history of the country. In 1938, they were responsible in establishing the legislative Assembly which had to be dissolved in December, the same year, owing to the conflict between the ruler and the Assembly over the issue of power-sharing. Prominent businessmen groups were very influential in the Assemblies of 1963 and 1967. From 1971, their share in the

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10 Ibid., pp. 53-55.
number of seats declined due to an increase in the influence of the two other forces: the bedouins and the middle class.

The bedouins depended on nomadic herding for income. With the striking of oil, they abandoned that practice because of being unable to cope with the soaring cost of living that accompanied the oil boom. They soon shifted to cities and with better economic activity, they were able to increase their political strength as well.

The bedouins are stateless nationals, some of whom have lived in Kuwait for several generations. True bedouins are former nomads whose nationality was never declared by their family heads in the past. Until the 1980s, the settlement and participation of bedouins in Kuwait was encouraged because they formed a large number of those willing to be a part of the Kuwaiti security forces. Their status was so close to certified Kuwaiti nationals that, in the pre-Iraqi invasion census, the bedouins were accounted as part of the Kuwaiti population.

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11 According to Mary Ann Tetreault, Kuwaitis suspected the stateless nature of the bedouins. Rather, they believe that they are Iraqis or Saudis who deny their nationality to benefit from Kuwaiti socio-economic-political rights.

However, in response to the slackness of the Kuwaiti economy following the collapse of oil prices in the mid-1980s, the bedouins were marginalised through demands that all expatriate workers show proof of their nationality.\(^{13}\) Since the bedouins had no official documents to prove the same, they were denied jobs.\(^{14}\) Their plight deteriorated in the post-invasion period to such an extent that the government’s population statistics, in 1992, termed the bedouins as non-Kuwaitis.\(^{15}\) In mid-1994, the number of stateless persons was 116,694 people — about 53.7 per cent of the pre-invasion figure of 216,942.\(^{16}\) A 1998 government report put the population of Kuwait at 2.271 million, the highest figure so far.

\(^{13}\) The nationality investigation committees concluded that Kuwaitis inhabiting the area before 1920 are Kuwaitis by origin, while those who came later were naturalised citizens, according to the Nationality Law of 1959.

\(^{14}\) In a press statement, it was announced that none of those with an unspecified nationality, “bedouins,” (Arabic, meaning those without a nationality and entered Kuwait after 1965) would ever be granted first-class citizenship and that those who met the necessary conditions and criteria would only be granted second-class citizenship on the basis that they were naturalised and not original citizens. The Higher Central Committee — specialised in examining cases of those with a second class citizenship who feel they have been unfairly treated and that their presumed right is the first class citizenship and not naturalisation — rejected the claim of the bedouins to be treated as first class citizens, the only expectation being those with a privileged status — those whose mothers were Kuwaiti or those who offered great services to the country, martyrs or who took part in the resistance movement against the Iraqis. Those bedouins who will not be exempted under the privileged status category “would be asked to leave the country for any part (of the world) they wanted to go to and they would be forced to do so.” Summary of World Broadcast, Middle East/1902, MED/5, 22 January, 1994.

\(^{15}\) Mughni, n. 12, p. 408.

and stated that expatriates has recorded the lowest growth rate since liberation in 1991. Kuwaitis numbered 786,000 by the end of 1998, indicating that they constituted 34.61 per cent of the total population in the country.\footnote{Arab Times (Kuwait), 20 February, 1999.}

The third dominant force, the middle class was that social stratum which emerged as a byproduct of social mobilisation. It comprised different factions such as the politicised nationalists, the religious activists, and the politically uncommitted. The politicised nationalists are strongly committed to promoting Arab unity and to putting an end to colonialism in the area. It is represented by two groups: first, \textit{Al-tajammu' Al-Dimuqrati} (Democratic Bloc), which is led by a prominent physician, Dr Ahmed Al-Khatib, and second, \textit{Al-Kutlah Al-Wataniyeh} (National Bloc), headed by Jassem Al-Qutami. The religious activists, mainly comprises the Muslim fundamentalists known in Kuwait as \textit{Jam'iyyat Al-Islah} and \textit{Jama'at Al-Salafiyyyn}. This faction seeks to spread Islamic doctrine throughout the Muslim world. The politically uncommitted consists mostly of Kuwaiti professionals. In the Assembly they are regarded as the most educated and modern-minded members. They do not usually adhere to any political ideology and tend to take an independent stand on most political and social issues. Since 1981, the middle class has ranked as the second most important force in the Kuwaiti National Assembly. The changing representation pattern has been shown in Table 1.
Table 1. The composition of Kuwait's national assemblies

<table>
<thead>
<tr>
<th>Years</th>
<th>Bedouins</th>
<th>Prominent businessmen</th>
<th>Middle class</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1963</td>
<td>19</td>
<td>16</td>
<td>15</td>
<td>50</td>
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<td>1967</td>
<td>20</td>
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<td>1971</td>
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<td>1975</td>
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<td>6</td>
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<tr>
<td>1981</td>
<td>27</td>
<td>8</td>
<td>15</td>
<td>50</td>
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<td>1985</td>
<td>27</td>
<td>2</td>
<td>21</td>
<td>50</td>
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The National Assembly endowed these major political and social forces with an institutionalised means of expression. Even as the Cabinet replaced the exclusively Al-Sabah Supreme Council as the state’s executive body, Cabinet ministers found that they were no longer answerable solely to the Amir. Henceforth, their actions and policies were open to public scrutiny within the Assembly. The old oligarchy of Sheikh families and merchant elite, which had monopolised power in Kuwait in the past, found itself sharing power with the sedentarised bedouin (whose settlement in Kuwait and citizenship were encouraged by the government because of their strong loyalty to the Al-Sabahs) and with the emerging middle class of businessmen, government officials, professionals and intellectuals.¹⁹

The bedouins were used frequently as a counterweight to the radicalism of the professionals and the nationalist intellectuals. It was the nationalist

¹⁸ Salih, n. 8, p. 54.

intellectuals led by Dr Ahmed Al-Khatib who mounted the fiercest criticism against the political and social order and often played the role of the Opposition inside the Assembly. This role was apparent in the debates over several issues that have been detailed in the previous chapter and those that took place over the oil policy, which were exemplified in the scrutiny of the following issues: the principle of royalty expensing; the utilisation of natural gas; the participation agreement; and the nationalisation of oil, and the Santa Fe deal. Some of these have been discussed briefly in this chapter to highlight the role of the Opposition in forcing the government to undertake necessary measures aimed at preserving and safeguarding their strategic commodity, through the medium of the National Assembly.

The principle of royalty expensing was the first oil issue to be debated by the National Assembly. It was a formula devised by the Middle East-oil producing countries at the beginning of the 1960's in order to increase their share of the oil revenue. Previously the practice which was based on 50:50 agreements, signed by the foreign operating companies with many host countries in the 1950s, was that when the operating company exported its crude oil, it paid a royalty to the host government amounting to 12.5 per cent of the value of the oil at the

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20 Minister of state for Cabinet affairs Rashid al-Rashid said that Prime Minister Sheikh Sa'ad al-Abdullah al-Salim Al-Sabah had asked the Attorney-General to order an inquiry into reports that information about the Santa Fe deal had been leaked. The decision was taken in view of the continued rumours and gossip about the matter. *Foreign Broadcast Information Service*, Vol. V, no. 108, C-1, 4 June, 1985.
posted price less the cost of production, then paying income tax at 37.5 per cent of the total value of oil at that price, the host government thus receiving 50 per cent of the value. As the companies were free to fix the posted price, they used their right to reduce it when the price at which they were able to sell the oil fell below the posted price. This, of course, had the effect of unilaterally diminishing the revenues of the host government.

To correct this, the host countries initiated the principle of royalty expensing that was accepted by the companies. In Kuwait, this was apparent in the agreement that was reached between the government and the owners of the Kuwait Oil Company in December 1964. This meant that royalty payments on crude oil were to be treated as cost items in calculating the taxable income instead of crediting it against the actual tax as otherwise assessed. As a partial offset, however, the companies were allowed a discount of 8.5 per cent for 1964 off the posted price of each grade of oil; for 1965 and 1966, they were offered a discount of 7.5 and 6.5 per cent respectively. These discounts had undoubtedly diminished the revenues of the government. So the agreement, which was meant to boost the government revenues, worked in favour of the companies. It was for this reason that the agreement failed to be ratified when it was submitted for discussion in the National Assembly in January 1965. 21

21 Salih, n. 8, p. 64.
The issue of nationalisation, which was discussed in the early 1970s, was brought up again by the Opposition in May 1975. In a proposal submitted to the Assembly, they called for the nationalisation of the oil industry, asserting that it was the only way to preserve their national strategic commodity. According to them, though the Participation Agreement had given the state a 60 per cent share of the Kuwait Oil Company, it did not give it many powers in the matters of the board of directors.

Before the Opposition proposal was submitted for discussion, the government introduced the nationalisation bill. The National Assembly was surprised at the sudden move, because it was only a year since the ratification of the Participation Agreement. The government, by introducing the bill, either wanted to deny the Opposition a chance to win credit for such a proposal, or realised that nationalisation would not cause any setbacks. As a result, the Assembly voted unanimously in favour of nationalisation and Kuwait became the first Arab Gulf country to comprehensively nationalise its oil industry. 

Though the Opposition members won credit for leading constructive debates, it is also true that the role of the Opposition, especially that of Dr Ahmed Al-Khatib, who frequently interrogated ministers and launched no-confidence motions against them, was seen as being irresponsible, rash and extremist. This feeling led to the suspension of the Assembly as well. Further,

22 Ibid., p. 65.

Dr Ahmed Al-Khatib and his Arab Nationalists who formed the anti-government bloc was disbanded, but brought back again by the Amir in 1981, when he announced the return of parliamentary style of functioning.

Though the executive branch has been accused of being reserved and monopolised by the ruling elite, what is more important is the fact that the system has provided a gateway for political representation of the so-called underprivileged such as the Shias and the bedouins.24

The reference to the major political and social forces and the change in the strength of each set the most ideal pace to launch the claims of the effectiveness of the National Assembly in Kuwait in the move desired by the Al-Sabahs towards civil legitimacy. This is because, for any political system there is no better measure of success than having successfully transferred political power from the “haves” to the “have-nots.” However, it is important to note, at the outset, that as with many other Parliaments, Kuwait’s National Assembly has not enjoyed autonomy in the true sense of the word and has rarely initiated policy that is comparable to those of the politically developed countries elsewhere.25 But, what it did energetically was to discharge its functions criticising and exposing the government.


25 Salih, n. 8, p. 55.
The elections to the First Assembly was held on 23 January, 1963, with 205 candidates vying for the votes of an electorate that numbered about 17,000 male citizens. It produced a highly vocal Opposition, the National Bloc, led by Ahmed Al-Khatib, which focused its criticism on the Amir's Cabinet. The National Bloc objected to the inclusion of merchant ministers, arguing that a conflict of interest existed between their private and public responsibilities. The Opposition was so effective that it forced the ruler to return from a foreign tour to dissolve the Cabinet. Thereafter, the government began to treat the Opposition the way it should be — with respect and in all seriousness.

Elections for the Second and Third Assemblies were held in 1967 and 1971. The 1967 elections were held amid charges of government interference and irregularities. This prompted the resignation of seven representatives and rescheduled elections. About 27,000 voters exercised their franchise to elect from nearly 200 contestants. The 1971 elections saw nearly 40,000 people taking part in the voting process with as many contestants as in 1967. It produced a more compliant Assembly consisting of only four members of the nationalist Opposition. This election saw the Opposition focussing on the negotiations with the oil companies.

But it was the Fourth Assembly, which came into being in 1975, with the active participation of about 53,000 voters, which brought out noteworthy

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26 Peterson, n. 19, p. 37.

27 Ibid.
developments. The role of the Opposition was so enthusiastic that it transcended beyond the tolerance level of the Amir on several occasions. Kuwait, being a toddler in the parliamentary style of functioning and that adopted by a ruling family which was willing to experiment, the Opposition seemed to push a little too hard. This led the Amir to dissolve the Assembly in August 1976. With this came the imposition of new restrictions on the press and on public meetings.

Political changes within Kuwait during the 1970s must be seen in the light of Iraq's aggrandisement in 1973 and the massive oil price rise. In March 1973, Iraqi troops and tanks occupied a Kuwaiti outpost at Samitah on the border and a military clash resulted. Iraq, however, withdrew in 1974. During the Arab-Israeli war of October 1973, Kuwait called for a meeting of the Organisation of Arab Petroleum Exporting Countries to draw out a common Arab policy to use oil as a weapon to pressure the West to enforce an Israeli withdrawal from all occupied Arab lands. On 1 November, 1973, Kuwait, along with other Gulf states, announced an increase of 70 per cent in the price of crude petroleum. It was also decided that there would be a reduction of production by 25 per cent. It was under these circumstances that the 1976 dissolution of the National Assembly occurred. Domestically, oil resources fell under the political and economic control of a small elite with the result that an unaccountable government could proceed to run its oil industries like their personal fiefdoms.²⁸

Several other factors contributed to the dissolution in 1976. First, the Assembly was accused of having cultivated a habit of opposing everything, both domestic and foreign issues. Second, that it failed to decide on a number of legislative proposals owing to the slow and complicated parliamentary procedures. This resulted in the failure of hundreds of parliamentary bills, the majority of which concerned crucial issues dealing with the livelihood of the individual citizens. The government also argued that the Assembly's volatility paralysed the parliamentary body in its last months, delaying the Budget along with other issues. Third, that there was a lack of cooperation between the Assembly and the Cabinet. Fourth, that the Assembly had wasted most of its time in unnecessary debates and that, members often made unfounded allegations against ministers. The government guessed correctly that the Assembly had begun to lose popular support for the positions it had taken on corruption and government intervention in the economy, on planning and price controls, and on narrow self interests such as the move to increase the pensions of Assembly members. Fifth, the government was concerned with the growing relationship between domestic Opposition and opposition groups in the Arab world. This, they feared would harm its relations with other Arab states, particularly Saudi Arabia, which had always disliked the relatively liberal political experiment in Kuwait.

Finally, it was felt that in view of the critical conditions within which the Arab countries were struggling to survive at that time, it mandated swift and prompt action to preserve the state’s security. This was found possible in dissolving the Assembly. In this connection, a notable example cited by the rulers was the civil war in Lebanon in 1975 which was seen as a direct consequence of providing political freedom.30

Going beyond these immediate political reasons, two basic structural reasons have also been identified: the threat to tribal authority and the structural weakness of the Opposition.31 It is by now clear that, while the ruling family accepted representation as the basis of power for other groups in the society, it placed its own authority above the politics of representation. A review of the legislative debates and the actions proposed by the Opposition showed that the representative experiment unleashed forces considered a threat to the hegemony of the ruling families. Hence the legislature tried to control, scrutinise, and oversee the work and expenditures of the ruling family and the bureaucracy. On many occasions it criticised the foreign policies of the ruling family, especially its policies toward Saudi Arabia and towards the Lebanese civil war. It rejected the Saudi intervention in Kuwaiti domestic affairs to make it comply with the political system prevalent in the surrounding areas and pulled up the government

30 Salih, n. 8, p. 57.

for its complacent attitude towards such an intervention. This had an effect after the Iran-Iraq war broke out in September 1980 and Saudi Arabia tried to bring the Gulf countries into a formal security alliance. Owing to the opposition from the National Assembly, Kuwait was the only country in the Gulf that rejected Saudi Arabia’s proposed internal security agreements to coordinate domestic political surveillance.32 A small group in the Assembly even suggested that Arab migrants in Kuwait be given citizenship, if they met certain requirements. All of these legislative initiatives were considered inappropriate interventions in the prerogatives of the ruling family. Fear was mounting that the Opposition, with the help of migrant Arabs, would create the same instability as was the case in Lebanon.33

Another reason was the structural weakness of the Opposition. The ban that stayed imposed on formal political parties led to the growth of loosely knit Opposition groups based on friendship networks. These groups were no doubt powerful in mobilising protests and adopting rejections, but to retain their identity, they tended to outdo each other with extreme positions. When the situation demanded a positive programme, these groups were incapable of organised collective action. This led to polarised politics, confrontation, and eventually, dissolution of the Assembly. Thus, the dissolution of the legislature in Kuwait can be viewed as an indication of the importance it assumed and the

32 Crystal, n. 29, p. 136.

33 Baaklini, n. 31, p. 374.
serious threat it posed to the authority of the ruling family and definitely not as a result of its incompetence and inefficiency.

Contrary to the views of the Amir justifying dissolution, a prominent Kuwaiti scholar, Dr Adil Tabtabee, challenged the view that the National Assembly was unable to discharge its legislative functions effectively and that most of its legislative proposals were obstructed. He argued that the Kuwaiti National Assembly had performed its legislative functions so well that between 1963 and 1976, the Assembly had enacted 584 laws. This was compared to the passing of 458 laws by the government during the dissolution period between 1976 to 1981. Dr Tabtabee further maintained that even during the Fourth Assembly session, which lasted less than two years, it was successful in enacting 60 laws, the convening of 666 sessions and submission of 202 reports by the Assembly’s various committees. This was in addition to the 226 questions that were addressed by the members, with the government responding to 213 of them. All this, for Tabtabee, represented a fine record of legislative accomplishment, hence the dissolution unjustified.34

Although the suspension produced some Opposition, it was not as much as the Assembly members anticipated. Once suspended, it wasn’t until the end of the decade that they managed to rebuild the popular support that had brought them to office. Though promises were made by the Amir to restore the Assembly at the earliest, it was made possible only in 1981.

34 Salih, n. 8, p. 57.
As had been the case in 1961, the pressing need for domestic support in the wake of regional threats encouraged the ruler to revive the process for the popular institution. The crisis this time emanated from the Iranian Revolution. Sheikh Jabir opened talks with the former delegates, editors and other political leaders over the issue of the proposed constitutional revisions, which were then drafted by a committee. Following this, the Amir announced the return of parliamentary life and in December 1980, he announced that elections would be held in February 1981.

The Iranian Revolution had an inevitable impact on Kuwait with about 30,000 Iranians, working in Kuwait, welcoming the developments. The revolution became an organised domestic issue as a result of previous political decisions. To counter the merchants, the Amir had sought the support of the Shia population, thereby politicising them. With the revolution, the Shia community became much more of a mass political movement. They met in mosques, elected new leaders and made demands, which were, to begin with, religious and later political. In September 1979, Shias demonstrated in large numbers, after which, the ministry of religious affairs ordered prayer leaders to restrict themselves to religious topics and avoid politics at all cost. But when a relative of the Ayatollah, Abbas al-Mahr, was advised to lead the Shia Friday prayers in Kuwait, the government arrested him and deported him to

35 The Shias had demonstrated in force in 1938, during the Majlis Movement.
Iran, along with 18 members of his family. In November 1979, following the attack on the Grand Mosque in Mecca, which included four Kuwaitis among the rebels, the Kuwaiti government ordered a crackdown, fearing that the revolution was coming to Kuwait.

If the revolution was not to affect Kuwait, then Kuwaiti nationals had to be clearly separated from dissident expatriates. This was carried out with the use of the National Assembly by broadening its support base and with the consequent political isolation of the dissidents. In an effort to reduce the strength of the Shias and the progressives, new electoral constituencies were created. The plan succeeded with the 1981 elections producing a conservative win. Only four Shia candidates were elected after strategically splitting the Shia votes. Thereafter, unofficially, an informal policy of discrimination against the Shias in key state positions was maintained. From the early 1980s, high-ranking Shias were eased out of key military and police posts. Other Shias were given non-sensitive appointments.

Prior to the elections in 1981, an important measure undertaken was the amendment of the 1962 electoral law. The law originally divided Kuwait into 10 constituencies with five deputies representing each. The new amendment divided

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36 Assiri, n. 24, p. 30.


38 Ibid., p. 106.
Kuwait into 25 constituencies, with two deputies representing each. Justification for this act, however, given by the government, was the changing demographic structure of the country, as was clear with the opening of new residential areas as well as the shrinking of other areas.

Although the elections were relatively "free and fair," the process of redistricting, new electoral laws, and subtle support by the government for favoured contestants tilted the results. One of the notable losses was the defeat of the erstwhile Opposition leader, Dr Ahmed Al-Khatib. This Assembly which was the fifth in line and existing between 1981 and 1985, produced a very vocal Opposition. A dispute over constitutional revisions emerged, representing a more general dispute over legislative-executive relations and power sharing. Among the other issues involved in the debates were the government position on the Iran-Iraq war, internal security, state corruption, press restrictions, and Islam and politics. The religious Opposition was so intense that the government began reconsidering its support to the Islamists by the end of the Fifth Assembly.

The Sixth Assembly elections were held in 1985 and saw the deliberate blocking of the Islamists by encouraging bedouin candidates. It allowed the nationalists more political space and ensured victory for Dr Al-Khatib. This Assembly was by far the most eventful. Among the issues that dominated the

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39 The US state department reported on the fairness of the polls, commenting only on the continued prohibition on political parties and the limitations on suffrage.

40 The Assembly introduced several bills restricting non-Islamic practices and calling for greater enforcement of Islamic law.
deliberations of the Assembly were the gigantic crash of the Souk Al-Manakh unofficial stock market and the publications law.

The new Assembly succeeded in blocking government bills, including some aimed at resolving the Souk Al-Manakh crash. Further, a serious turn of events occurred when the Assembly began attacking ministers, including members of the ruling family. Inquiries into the corruption charges associated with the stock market led to the resignation of justice minister Salman Du’aij. He was accused of having used his position to arrange government compensation for the stock market losses of his son. This accusation came along with other charges of financial irregularity. The questioning in April 1985 went on in, what was described as, a “stormy session” that was witnessed by many citizens. More than 30 members (in the 50-member Assembly) announced they will vote against a motion of no-confidence against the minister. Sheikh Salman, however, tendered his resignation to the Prime Minister on 5 May, 1985.41

The Opposition then began investigating into the affairs of the oil minister, Ali Khalifah, over financial irregularities and oil field security. This episode brought him to the brink of resignation. The communications minister, Isa Al-Mazidi and finance minister Jasim Khurafi also came under attack.42

Differences escalated when the government denied the right of a member of the National Assembly to read the minutes of the Central Bank’s board

42 Crystal, n. 29, p. 99.
meetings to certify whether the bank was conducting its finances and economic monetary duties. The Assembly also witnessed heated debates over the country’s economic crisis during which the members accused the government that it could not force successful solutions to the Manakh crisis that started in mid-1982. The members of the Assembly also blamed the government for the explosion in Al-Ahmadi area in southern Kuwait on 17 June, 1985 and charged it of inadequate protection of the vital oil installations.43

Another manifestation of the confrontation developed in the ministry of education, which was involved in a battle with the Muslim fundamentalist deputies. This group was particularly concerned about the reformist approach of the minister, Hassan Ali Al-Ibrahim, in a ministry that had long been his stronghold. A number of members of the National Assembly were viewed as precipitating the crisis. Several members announced their support to the resignation, citing the minister’s “non-cooperation” with the legislative authority in implementing Assembly recommendations.44 When they objected to a specific set of reforms pertaining to the university structure, he tendered his resignation. However, he withdrew the same after the government made it clear that his reform programme would be implemented regardless of his resignation.

With specific questions tabled against the ministers of oil, finance, communications and education, and the press openly discussing the prospects for

43 Foreign Broadcast Information Service, n. 41.

44 Ibid.
votes of no-confidence, the government decided that the Assembly had gone too far. The Crown Prince and Prime Minister submitted the resignation of his government citing the impossibility of cooperation between the Cabinet and the Assembly as the reason for such a decision. The resignation issue led the media to run comments such as: “Kuwait’s democracy is open more than necessary on the one hand, and appears incapable, on the other, because it does not adopt the party system in which the winning party forms the government.”45 The Amir accepted the resignation and, in July 1986, suspended the Assembly a second time.46

The Amir viewed criticism of the government by the elected deputies as an abuse of a democratic institution. In his dissolution speech, the Amir stated that he still believed in the principle of “parliamentary consultation.”. However, the catch lay in the meaning of the term parliamentary consultation, which for him, revealed a rather difficult interpretation of the role of the National Assembly to that understood in the West. In this, accountability and criticism were not


46 According to Mr Ali Jaber Al-Sabah, member of the ruling family and a reputed columnist, the first reaction of the general public whenever the National Assembly is dissolved is one of joy. Their opinion is in favour of the Amir’s decision because the public begins to see the futility of the numerous accusations of corruption and debates in the National Assembly, leading to wastage of time and money. However, this feeling is shortlived. According to him, not long after the dissolution, the people show signs of restlessness due to the absence of a democratic forum and begin voicing their plea for restoration of the National Assembly. “The Kuwaiti citizens have come to accept democracy in the country as a necessary evil.” This attitude, he feels, gives a sense of permanence to Kuwaiti democracy. These views were gathered during the course of an interview on 10 February, 1999, in Kuwait.
included. Instead, only debates and discussions in the classic "Shura" tradition were to be allowed. 47

The dissolution decision was also prompted due to a wave of political violence in 1985, including an attack on the Amir. The security authorities arrested 20 people accused of being connected with the attack on the motorcade of Sheikh Sa'ad al-Abdullah Al-Sabah on 25 May, 1985. Three of those arrested admitted their involvement in the attack and also admitted participating in placing explosives in the car that was used in the attack. 48 The Amir escaped with cuts in this suicide car bomb attack on his motorcade in which five people, including the would-be assassin, were killed. 49

Although the Kuwaitis dismissed the possibility of internal subversion by the Shia terrorist groups, a community that formed at least 30 per cent of Kuwait's population, the ad-Dawa al-Islamiya (the voice of Islam) organisation attempted the assassination. 50 The Amir pointed to the growing security concerns prompted by the Iran-Iraq War and the need for unity in the face of those concerns. One of the important factors for such a decision was the inherently divisive nature of the Assembly. The Amir pointed to the danger of an Assembly fanning secular divisions. As the government, feeling regionally threatened, drew

47 Deegan, n. 28, p. 39.
49 Ibid., Vol. V, no. 110, C-1, 6 June, 1985.
50 Deegan, n. 28, p. 106.
closer to its allies within the Gulf Cooperation Council, Saudi Arabia in particular, it became imperative that it support the Saudi position about Parliaments being a security threat. Although, the Amir assured a speedy return to democratic rule, the promise was not with as much conviction as was the case in 1976.

Going back to the issue of dissolution, it should be noted that, not being too akin to a democratic style of functioning and its merits in the long run, the rulers perceived dissolving Parliament as “some” risk only and that of tolerating the parliament as “greater” risk. Hence the decision to dissolve. However, the government was careful not to close all the lines of communication. As a matter of fact, others were encouraged. Following the dissolution, Sheikh Saad ordered all ministers to open their doors to public petitioners once a week. The government also began paying more attention to the diwantiyyah as elaborated in Chapter Three. These institutions, the Amir now argued, were more genuinely representative than the Assembly had been, with fewer bars based on gender and nationality. But in such a shift from direct representation, the government was forced to rely heavily on the police and the military. As the representative institutions weakened, the repressive institutions grew. This obviously caused a lot of discontentment.


52 Crystal, n. 29, p. 106.
From among the other debated issues in the National Assembly, which attended to democratic norms, is that relating to the Palestinians. Ever since 1936, when the Palestinian Arab leaders approached the Sheikhs of Kuwait and Bahrain for financial support to fight against the Zionists and the British, the Gulf Arab states, who were under some form of British rule, became involved in the Palestine issue, which they continued to support. In fact, the Palestine Liberation Organisation was started by the Palestinian expatriates in these states. Since there was a considerable proportion of Palestinian in Kuwait, Kuwait has always taken a lead to keep itself on the offensive in the Arab-Israeli conflict. In 1976, just before the Assembly was dissolved, it passed a resolution condemning the Syrian intervention in Lebanon as a blow to the national and Palestinian movements and called upon the government to stop paying its contribution to Syria as a member of the confrontation states against Israel. Thus, the Palestinian issue acted as a catalyst in democratic calls. However, due to the partisan role played by the Palestinians in Kuwait during the Iraqi invasion in 1991, there have been bitter feelings between the two communities. But for this, Palestinian cause had always been a positive issue in the National Assembly.

53 This did not include Saudi Arabia.


55 Baaklini, n. 31, p. 373.
Kuwait's support for the Palestinians grew partly due to the latter's presence in the country in large numbers. In fact, the expatriate Palestinian community was the largest single group in Kuwait, after Kuwaitis themselves. It was estimated that there were as many as 350,000 Palestinians in Kuwait in 1985. The relationship between the two communities began in the 1920s, when the mufti of Jerusalem visited Kuwait on a fundraising tour for the al-Aqsa mosque. In the 1930s, collection drives for the Palestinian struggle raised money in Kuwait. In 1936, the first Palestinian teachers reached Kuwait to teach in Kuwait's new educational system. After the formation of the State of Israel, the rate of Palestinian immigration grew tremendously. The intelligentsia and the former peasants led the pack and played a key part in building Kuwait's state administration. By 1965, they formed nearly half of Kuwait's public sector employees and were an essential part of the health care, other social services, and a considerable role in the private sector.

For the Kuwaitis, the Palestinians were welcome because of their willingness to migrate, their skills and also as a sympathetic reaction to their plight. Palestinians in Kuwait were given an unusual degree of freedom in political and social organisation. Contrary to other Arab states, Kuwait did not sponsor its own Palestinian organisations in an effort to influence Palestinian


57 Crystal, n. 29, p. 130.
politics. Consequently, Kuwait played an important role in the formation of the Palestinian national movement.

However, prior to the 1990 Iraqi invasion of Kuwait, the equation between the communities changed. The role of the Palestinians in the Jordanian and Lebanese civil wars caused anxiety among the Kuwaitis about the possibility of similar communal violence in Kuwait as well. Kuwaiti government was also apprehensive about the impact of the Intifadah on the country's domestic politics, especially the prodemocracy movement.58

The animosity among Kuwaitis, for the Palestinians, grew in the post-Iraqi invasion period. They were accused of acting as informers, for the Iraqis, helping them loot residential and business establishments and also providing asylum to those Iraqis in Kuwait who failed to escape. By the end of July 1991, only 200,000 Palestinians remained in Kuwait. About 170,000 Palestinians were dismissed from service, while retaining only about 2,000 of those who were required in important government offices. A lot of government aid in the health and educational sector, among others, was also stopped.59

Further, the presence of Shia minority numbering about 30 per cent of the total population had forced a conciliatory attitude not only towards Iran, but also towards Iraq where the Shia formed the majority in the areas bordering Kuwait.60

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58 Ibid., p. 131.
60 Bullock, n. 23, p. 50.
Thus, the episodes of the Palestinians and the Shias indicate that the National Assembly acted as a forum from where pressure groups could campaign for the cause of the minorities.

The sequence of events about the prodemocracy movement, mentioned in the previous chapter, puts the political strides — Kuwait had made under the Al-Sabahs — in proper perspective. But, what clinched the issue in favour of democratic forces was the role of the Kuwaitis, particularly the Opposition groups, during the time of the Iraqi invasion of Kuwait.\footnote{Pasha, n. 1, pp. 177-185.} The utter collapse of the Kuwaiti government in the wake of the Iraqi invasion removed the paternalistic constraints from the Kuwaiti civil society for the first time, even if it came during a period of crisis. The immediate developments after the war ended led to the emergence of a number of completely autonomous voluntary organisation with their roots in the network of self-help and resistance movements that had emerged under Iraqi occupation. Established voluntary associations also developed new habits of independent action in the absence of official control and established leaders.\footnote{Neil Hicks and Ghanim Al-Najjar, “The Utility of Tradition: Civil Society in Kuwait,” in Augustus Richard Norton, ed., \textit{Civil Society in the Middle East — Volume I}, (Leiden: E.J. Brill, 1995), p. 199.} It is this strength of Kuwaiti associational and voluntary groups, which formed the backbone of the resistance to Iraqi occupation. All this contributed in nourishing the democratic structure and also the minds of those who aspired to further that cause.
During the period immediately after the invasion, the surviving networks of volunteer and associational groups — consisting mainly of the Kuwaiti political Opposition — played a crucial part in supporting civil disobedience. They also acted in a manner so as to fill the vacuum created by the loss of municipal services. The committees, formed by Islamic and pan-Arab secular groups, organised volunteers in food production units, health care centres and also made them keep the local environment clean.

The Islamic movement, particularly the Social Reform Society and the Heritage Society of the Salaf, which controlled many of the elected boards of the food cooperatives, played a key role in directing the cooperatives. During the period of Iraqi occupation, many political forces, backed by the politically active voluntary groups and associations, rallied behind the deposed government and the legitimacy of the Amir in Kuwait's political tradition.

However, voluntary associations in Kuwait are not fully autonomous. Clubs, guilds and professional associations are not only regulated by the state, but also depend on it for aiding its budgets. Labour unions operate under the state charter that limits its activity in the political arena. But credit is definitely due to several associations, some of which have been mentioned earlier, for crossing


64 Ibid., pp. 212-213.

the state limits and being effective in developing and putting forward policies, which have been contrary to that formulated by the state. They have been important pressure groups influencing the debates in the National Assembly, like in the case of the demand for political rights for women. They have also been effective when the government restrictions on civil liberties are subject to public disclosure and criticism. 66

With the defeat of Iraq and the liberation of Kuwait, the Al-Sabah family returned to Kuwait in February 1991. Soon martial law was declared for a period of three months and what developed thereafter was definitely not in the spirit of parliamentary system that was promised. Since the Al-Sabahs adopted such a contrasting stand and failed to return to constitutional rule as promised at the Taif Conference in 1990, the Opposition began to demand key changes in the political system. First, it wanted the Al-Sabah representation in the government to be greatly reduced. Second, it wanted the defence and interior ministers held responsible for the crisis leading up to the Iraqi invasion and demanded their removal. Third, in an attempt to bring about political transparency and rid the system of corruption, it demanded, on 30 March, 1991, that all state contracts for reconstruction signed before and after the liberation be reviewed by a panel of Kuwaitis bearing the qualities of "honesty and integrity." 67

66 Ghabra, n. 63, p. 205.

67 Pasha, n. 1, p. 187.
The concerted stand of the Opposition finally paid off with the martial law expiring in May 1991. Further, the Amir announced the much-expected date for parliamentary election, which was slated for October 1992. The election dates, however, did not come to be accepted in all fondness by the seven Opposition groups, which wanted earlier elections. The demand for early elections notwithstanding, Kuwait went to polls on 5 October, 1992.

The information minister, Dr Badr Jasim al-Ya’qub, said in a press statement that the government was keen to maintain stability and provide all conditions which would create a calm and secure atmosphere for the period of the National Assembly elections. He affirmed that the government always abided by neutrality for the sake of allowing the people to select their representatives, pointing out that the democratic experiences through which the homeland had gone proved the truth of this statement. He added that what concerned the government was impartiality in the elections, removed from any form of intervention and that the whole world was watching the Kuwaiti experience. He called on the candidates to continue the path started by the government, and to the voters to give their votes to the deserving candidates. 68

In all, 67,724 people exercised their franchise. 69 The Opposition consisting of three main groups — Democratic Front, the Islamic groups and the loosely aligned independents, and the ex-National Council members — won more than

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68 Summary of World Broadcast, Middle East/1480, A/9, 8 September, 1992.

69 Ibid., p. 244.
34 seats in a National Assembly of 50 members. The Amir, Sheikh Jabir, strictly adhered to the Constitution and appointed six Opposition members in a Cabinet of 16. This, many believed was a sign of the Al-Sabahs wanting to share power. Shafeeq Ghabra even went to the extent of concluding that the Parliament elected in 1992 had moved Kuwait forward towards a genuine parliamentary system. In addition, the Opposition managed to reopen issues that led to the war with Iraq. They also put across the belief that Kuwait would not have been subjected to Iraqi invasion if it had an elected National Assembly, a popularly elected government and no press censorship. The Opposition, in an effort to put the financial scandals at rest, compelled the National Assembly to adopt a new law to safeguard public funds. This law gave the Assembly the authority to scrutinise, reject or approve any transaction by a state-owned company or any company in which the state had a 25 per cent stake. In August 1993, the council of ministers announced that it had issued a decree to immediately dissolve all unlicensed public organisations. The ban directly had an effect on a number of organisations that had emerged out of the popular committees of the occupation and hence considered illegal.

The foreign policy of Kuwait, greatly conditioned by the National Assembly, went through a period of “hesitation and invisibility” during the post-

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70 Hicks, n. 62, p. 204.

71 Ibid., p. 204.
Iraqi invasion years. The operation of liberating Kuwait was linked to a new world political order that ended the confrontation of the Cold War and the emergence of a more participatory mode of governing. The success of the international coalition meant that Kuwait would associate with world powers in taking concerted action in global affairs. The pressure from members of the National Assembly led Kuwait not to identify with those countries that stood with Iraq, such as Jordan, Sudan, Yemen and the Palestine Liberation Organisation. Several thousands of Palestinian residents were also denied re-entry into Kuwait in the post-invasion period. However, since 1994, the regime has started a process of dialogue with these countries in a bid to normalise relations, which is in the interest of the region.

The period between 1992 and 1996 saw the National Assembly take several steps to further the process of political transparency in Kuwait. The majority of deputies to the National Assembly called for speedy measures to endorse a bill which would obligate ministers interested in running for elections to resign from the government six months prior to the event. A member of the National Assembly, Jamaan Al-Azmi, said that ministers interested in participating in the next parliamentary elections had been found exploiting their senior posts to influence voters. He added that some ministers interested in competing in the elections, were processing applications submitted to them by citizens to win

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72 Assiri, n. 24, p. 162.

73 Ibid., p. 162.
votes. It was also believed that a number of members would press for speeding up measures at Parliament's Legislative and Legal Committee to endorse the important bill.

Dr Abdulrahman Al-Awadi, former minister of health, went on record saying that democracy cannot be perfected in Kuwait unless there are political parties which have variations in them to be distinguished and giving a choice for selection of the most desired. He called for clearing the political way, either through the Islamic Shura system or the parliamentary system with all its elements. "Kuwait is still far from the real Parliament as it is still in the beginning stages," and added that "parties are real and actually exist on the surface. So, why should we hide our heads in the sand and refuse to declare them." He urged the immediate need for the government and the Parliament to cooperate and think seriously and honestly about improving and developing parliamentary life and through it adopt the right democratic paths. Such constructive criticism can be seen as going a long way in ensuring adoption of remedial measures for the present shortcomings in the Kuwaiti political system.

Yet another attempt was made by the National Assembly's Financial Committee, which urged the finance ministry to submit a report explaining in detail Kuwait's financial conditions and methods utilised to manage foreign investments. The committee said that the report should include methods and

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74 *Arab Times*, 16 January, 1996.

75 *Kuwait Times*, 4 January, 1996.
strategies adopted by the state in allocating expenditures and other forms of spending. The report was mentioned as being important to specify the further financial condition of the country. A member of the National Assembly and convenor of this committee, Ahmad Al-Nassar, declared that the National Assembly will approve the government's wish to hold a closed-door meeting to discuss the state's financial condition of the government, specially with respect to major and costly projects.\footnote{Arab Times, 6 January, 1996.}

Despite several conflicts between the government and the Opposition, the 1992 Assembly acted on a variety of issues. It made minor revisions to Kuwait's labour laws and passed measures easing restrictions on foreign contract labour and offered premature retirement at full benefits to Kuwaiti working mothers. As a reaction to reports of embezzlement in the oil and financial sectors, penalties were increased for official frauds. The Assembly was also proactive in defence planning, an area where parliamentary probes had found significant irregularities. The National Assembly also set up a committee on human rights and ratified several pending international human rights treaties, although it reserved the right to deny equal rights to women. It passed a law permitting the sons of naturalised Kuwaitis to vote and contest for political offices. A law requiring investors to

\footnote{Arab Times, 6 January, 1996.}
repay a significant portion of the bad debts left over from the 1982 Souk Al-Manakh crash was also passed.

Towards the end of the seventh legislative term of the National Assembly in 1995, there were some changes within the committee system of the Assembly, which led to alterations in the structure of the National Assembly, making it more liberal and politically dynamic. These changes were in the procedural and political arena, which led to better performance of the National Assembly. One of the most important procedural issues was the formation of a council or legislative-executive quasi-committee, including Cabinet members and Assembly committee chairs. The task of such a body was to coordinate work between the state instruments and the machineries of the Assembly.

Since the 1992 Assembly was constituted, cooperation has become the catchword. It is in this tradition that 17 former members of the National Assembly, who were re-elected in 1992, said they had learnt that highly public political battles were not effective. It seems that competing political currents in Kuwait are prepared to accept that all their demands cannot be met immediately, and that accommodation with rivals, and respect for the constitutionally established institutions of government, like the National Assembly and the office


78 Assiri, n. 24, p. 79.

79 Pasha, n.1, p. 248.
of the Amir, are in the best interests of the society. While the National Assembly is determined to curb the powers of the Al Sabahs and make the National Assembly a truly effective body, the government is willing to cooperate and even share, with the National Assembly, the burden of the government. At the same time, it is fast learning how to live with an active National Assembly dominated by the Opposition.\textsuperscript{80} This kind of a reconciliatory attitude on the part of the Al-Sabahs justifies the belief that they are not just “royal families” like the others in the region, but more of a “ruling family” and their intention, in whatever degree and timespan, is to move towards civil legitimacy in the years ahead.\textsuperscript{81}

The National Assembly has been able to fulfill the objective for which it was started, because it has been able to perform multiple roles — traditional, political, financial and legislative. In Kuwait, it has functioned as a defender of the rights of the citizens, and as an expressive mechanism of the interests of people, both individually and collectively. The Assembly has propagated political

\textsuperscript{80} Ibid., p. 11.

\textsuperscript{81} The National Assembly sessions was first televised on 2 February, 1999 and found tremendous viewership response. The government’s efforts to televise the sessions to showcase its political maturity was greatly appreciated by the public. Those who believed that the Assembly sessions were not intense enough were proved wrong. According to Mr Basem Al-Loughani, Director, Media and Public Relations, Kuwait University and formerly, Director, Kuwait Information Centre, New Delhi: “It was a shocking revelation to witness the intense debates and the confrontationist attitudes of the government and the members of the National Assembly. It was a sight unimaginable to see at least one member violently gesticulating his finger towards the Crown Prince and Prime Minister, indicating to him and the others present that he meant business and was not scared to put forth his views.” These view were gathered during the course of an interview on 20 February, 1999, in Kuwait.
awareness, consciousness and mobilisation through its sessions, resolutions, interaction in public meetings and diwaniyyahs.82

Further testimony of the Al-Sabahs’ commitment to democracy, and enhancement of legitimacy, was Prime Minister Sheikh Sa’ad al-Abdullah al-Salim Al-Sabah’s address to the National Assembly in 1996:

...We are all aware that democracy and Shura (consultation) are not something new to Kuwaiti society, but rather that they are entrenched in our long history. Our belief in democracy and Shura is, furthermore, a reflection of our inner strength to deal with hurdles and realise our aims. It is a hallmark of Kuwaiti society. The democratic march will always be a national achievement and a leading experience, which we should all do our best to consolidate and make mature. And here we would like to reiterate that positive and constructive cooperation between the constitutional bodies of the country is the pillar of an effective democracy...In this respect, the government would like to reiterate that it will spare no efforts to consolidate positive and constructive cooperation with the National Assembly. This stems from the government’s belief that the National Assembly is a partner in shouldering responsibility. Current developments clearly show

82 I attended a session of the Kuwaiti National Assembly on 15 February, 1999. Though language was a constraint, the proceedings were extremely lively and interesting. The members of the National Assembly, according to the interpretation of my aide — Mr Khaled E. Al-Muthen, Media Researcher, International Media Department, Ministry of Information, Kuwait — were expressing themselves with great frankness about the “incongruent and unviable” housing policy in Kuwait and were not flustered by the presence of the Crown Prince and the Prime Minister and even dared to challenge him over some issues. The members were criticising, often sarcastically and bitterly, the various policies of the government. Moreover, the National Assembly appeared like a diwaniyyah, but on a much larger scale and with a noticeable difference in atmosphere. Groups of people owing allegiance to certain members of the Assembly rallied behind their leaders with great cheer and even applauded pertinent points of their speeches. Though a railing separated the visitors enclosure from the main area, there was frequent interaction between people on either side. Exchanging of notes also appeared to be a common practice. Consultations among the members, irrespective of their political affiliation, was also a feature.
that our nation is facing serious challenges, which will be too heavy if we are divided. We can deal with them only if we are united and conscious of our major priorities, which should be resolved through dialogue.\(^3\)

The National Assembly has not been untouched by criticism either. There are some who have questioned the nature of debates in the Assembly premises, its motives, its utility and the like. For example, reacting to the Kuwait Oil Transport Company embezzlement case and its debate in the National Assembly, the editor-in-chief of *Arab Times*, Mr Ahmed Al-Jarallah, wrote in an editorial:

> Any observer of the action in the Kuwaiti political arena involving the government and the National Assembly might bitterly question what exactly has been achieved. Since the day of its inception, the Assembly has been caught up in the KOTC case, sundry embezzlements and public funds scandals and threats to grill government ministers. Any member pausing to ask about how the government has paid for lawyers to pursue these cases, might discover to their dismay that it totals more than what is recoverable. These state organs seem to citizens to be fooling each other. Members of the National Assembly hoist the standard of 'principles' while the government trots out the banner of popularity. Both duel at the expense of measurable achievement. The cases of graft have been a lost cause from the beginning and their pursuit will end up in a blind alley. Reopening old records will only waste time and propagate problems. If all this relentless effort exerted to restore sums that will never be restored were to be expended on discussing our present and future and hammering out legislation to prevent embezzlement, many of our problems would have been resolved. Under these abnormal circumstances, our problems are actually burgeoning and becoming more complex, although the solutions are evident and require the brave to bell the

\(^3\) *Summary of World Broadcast*, Middle East/2749, MED/17, 22 October, 1996.
People following these theatrics are clamouring to know what precisely if we have gained anything more than wasting time and increasing the level of chaos, especially since telecasting of the Assembly sessions began. 

However, countering the editorial and stating that democracy in Kuwait was the best in the Arab world, Mr Omar Hassan said that he preferred "a functioning government with a destructive National Assembly (referring to the noises made by the members, wastage of time, infighting, etc.) than a destructive government without a National Assembly." This, he substantiated, by saying that most of the embezzlements took place through deals during the period when the National Assembly was dissolved. Hence the dissolutions were wrong. Democracy in the country had given a chance to the people to assess the performance of the members of the National Assembly and hold the key to their re-election or defeat in the elections. The only drawback, he identified, is that the make-up of the government hardly ever changes. "More common people should be part of the Cabinet," he felt. However, he said that the National Assembly had enhanced the legitimacy of the ruling family because, regardless of all the crises, the people had submitted that the Al-Sabahs were their rulers. 

84 *Arab Times*, 15 February, 1999.

85 Mr Omar Hassan is local editor, *Arab Times* (Kuwait). These views were expressed during the course of an interview on 15 February, 1999, in Kuwait.
Accepting that there was scope for improvement in the quality of democratic performance in Kuwait, Mr Ali Jaber Al-Sabah felt that the National Assembly must perform with better responsibility to improve its service to the people and the country. The Assembly members, he said, should show more restraint in being stubborn while attacking the government on baseless grounds, which could lead to a mood of intolerance on the part of the Cabinet and dissolution thereafter. To remedy the ills of the system, he professed a system of “checked and limited democracy.” This would ensure against a situation similar to the Lebanese civil strife, he said.86

The internal rivalry in Kuwait found expression in the political debates over norms that govern the country’s political life. Since the country’s Independence, these debates expressed themselves in the National Assembly. The Al-Sabahs used the National Assembly to develop their own allies, such as the bedouins, who held a crucial pro-government position in the Assembly. On several occasions, the rulers supported the election of Shias, Islamists and any others, depending on the need to isolate the opposition they feared the most.

If these efforts brought them political legitimacy, the National assembly also provided them with the leverage to come up trumps over the economic supremacy of the merchants. Realising that political power was of limited consequence without the control over the economy, they tried to sideline the merchants. Necessary aid came by way of the finding of oil, which gave them a

86 Ali Jaber, n. 46.
source to generate revenue independent of the merchants. It also gave them an opportunity to develop new ties with those sections of the society who were obscure due to the dominant presence of the merchants. The Al-Sabahs used the National Assembly to promote these groups and neutralised the merchants strength. Credit is due to the Al-Sabahs for executing this realignment of forces without transgressing constitutional norms. Thus, the National Assembly acted as a safety valve for the security of the nation, by virtue of keeping the citizens united, and an important channel for the consistency of the political regime on the road to civil legitimacy.87

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87 Kuwait's Amir, on 5 May, 1999 dissolved the country's elected National Assembly after accusing it of abusing constitutional rights and violating the morals and ethics of the conservative Gulf Arab state. Official decrees also invited the emirate's some 115,000 male only voters to elect a new 50-member House on 3 July, 1999. The Constitution stipulates that elections must be held within 60 days of a constitutional dissolution. Amir Sheikh Jaber al-Ahmed Al-Sabah decreed the dissolution after members of the National Assembly heatedly questioned a Cabinet minister for five hours about his department's printing and distribution of copies of the Koran which included misprints. The Hindu (New Delhi), 6 May, 1999.