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Kuwaitis Vote for a New Parliament... And Maybe a New Electoral System

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On June 29, 2006, Kuwaitis go to the polls to elect a parliament. While the elections have drawn little international attention, the poll could have deep implications for the future of the Arabian peninsula's most democratic political system. This year's voting may seem routine—with two interruptions, Kuwait has had regular parliamentary elections since independence. But the 2006 parliamentary elections have two striking features. First, they are occasioned by an intense controversy over the size of electoral districts—a seemingly technical matter with significant implications for Kuwaiti political life. Second, in this dispute, liberals and Islamists are very much on the same side—a rare alliance in the region, and unusual even in Kuwait.

A Collision Course between Government and Opposition

The dispute over the size of electoral districts and suspicions about the government's commitment to political reform led Kuwait's emboldened opposition to take unprecedented measures leading to the dissolution of parliament. On May 21, Kuwait's emir Sheikh Sabah Al Ahmad Al Sabah announced the dissolution of the National Assembly—whose term had been scheduled to expire in 2007—and the holding of early elections on June 29. The emir, who has been on the throne only since January 29, 2006, took this bold action under a constitutional provision allowing him to call new elections as long as he can provide reason for dissolution, typically the cabinet's inability to cooperate with parliament.

In this case, the cabinet-parliament confrontation had taken an unprecedented form. On May 17, two opposition deputies moved to take advantage of their constitutional right to summon the prime minister—a prominent member of the ruling family—for an “interpellation”—a kind of formal questioning that is a prelude to a vote of confidence. (Technically, in the Kuwaiti system, parliament cannot hold a no-confidence vote on the prime minister, but it may notify the emir that it cannot cooperate with him, forcing either new elections or the selection of a new cabinet).

Prime Minister Sheikh Nasser Bin Muhammad Al Sabah was to be grilled over the government's handling of electoral reform. Interpellations had been frequently used to

embarrass the government in the past but were never directed at the prime minister, partly because until quite recently this position was traditionally given to the crown prince.

Many—perhaps a majority—of parliamentary deputies felt that the cabinet was reneging on its promise of reforming the country’s electoral system. Posturing as reformist, the cabinet that took over after the accession of the current emir in 2006 placed electoral redistricting among its priorities. An earlier cabinet had deferred the issue by appointing an eleven-member ministerial committee, tasking it with identifying the shortcomings of the current 25-district system. It was up to the new cabinet to deal with that committee’s recommendation to reduce the number of districts to five—a move widely supported by liberal and Islamist opposition MPs who formed a “coalition for change” to pursue the issue. But the government instead proposed a ten-district formula proposed by an earlier committee that had examined the same subject. Suspicions grew about the government’s intentions when on May 16 parliament voted to refer the unresolved issue to the constitutional court. That motion gained its majority only because the government supported it, forcing all its ministers (who vote in the parliament on all matters except for votes of confidence, even if they are not elected members of the body).

By moving to grill the prime minister, opposition MPs were implicitly threatening to bring the cabinet down, since ministers cannot vote on a motion to declare that it cannot cooperate. And parliamentary rebels, distrusting government maneuvering, rejected desperate offers to withdraw the court referral and resume negotiations.

The Electoral System as the Key to Political Reform in Kuwait

Traditionally pitted against each other, liberals and Islamists allied to redress what they regard as the single most important impediment to political reform in Kuwait. Long on the agenda of the Kuwaiti opposition, electoral reform is seen as the gateway to a serious political reform process and the prerequisite for the institution of a formal party system. In turn, liberals and Islamists consider the government’s handling of the issue to be a litmus test of commitment to the reform process. Reformists cite the most recent maneuverings as evidence of the government’s failure to respond to popular demand and of its political bankruptcy. Given the country’s small population, they argue that the 25-district system produces tiny districts that allow individual deputies to buy enough votes to gain election. The problem is further compounded by the great discrepancy in the size of the districts, ranging from 3,000 to more than 11,000 voters per constituency. It also maximizes the effects of family and tribal affiliation, since relatives often live in the same neighborhood. Such districts also make it easier for “service deputies” to gain election through their ability to use their positions to gain access to government benefits for their small number of constituents. Electoral reform would create a more representative system that is based more on ideology than on constituent services or sectarian and tribal affiliations.

Kuwait’s liberal and Islamist oppositions have often seen each other as more of an adversary than the government—and the government has often manipulated this division with great success. The formation of an opposition “coalition for change,” consisting of 29 liberal, Sunni, and Salafi MPs in favor of electoral reform—albeit for different motives—might be one of the few exceptions. Despite the discussion of various scenarios within the coalition short of full confrontation with the government, the 29 MPs managed to remain committed to the interpellation when their demands were not met. Despite the government’s stated intention to embrace the reform process, it was itself sharply divided on the issue. Some cabinet members resolutely rejected the ministerial committee’s

recommendation, while others, such as Minister of Information Anas Al Rushaid, resigned in protest at the government's foot-dragging.

In one sense, the opposition has realized an impressive victory. The government's clumsy handling of the issue helped hold the coalition together; the emir's move for new elections represents an acknowledgment that the opposition had assembled a majority in parliament. But this victory has come at a cost—parliament wound up approving no reform at all, and the current election will be held under the old rules. The matter will have to be taken up by the new parliament, meaning that any reform will not take effect until this parliament has completed its term.

The Political Theater of the Kuwaiti Parliament

Kuwaitis will go to the polls on June 29 to determine only one matter: who will represent them in the country's 50-member parliament.

While weak by global standards, Kuwait's parliament is the most powerful elected body on the Arabian peninsula and one of the strongest in the region. All of Kuwait's neighbors have assemblies, but some are appointed by the ruler and lack clear legislative authority. Further afield in the region, parliaments are granted more authority in theory but are closely controlled by the executive or the ruling party in practice. Kuwait's parliament is not only fully elected but, in formal constitutional terms, has impressive oversight powers (including over cabinet ministers and the budget) and law-making abilities. It even has a role in the approval of the crown prince and thus in the selection of the ruler.

Since it first met in 1963, however, the parliament has often been frustrated in its ability to act in a coherent manner or make full use of its authorities. On two occasions the emir reacted to confrontations with the parliament by suspending constitutional and parliamentary life (from 1976 until 1981 and from 1986 until 1992). Since 1992, however, even the threat of suspension has been largely forgotten.

But the ruling family has been able to avoid a fully constitutional monarchy since that time because of divisions within the parliament. The various factions and orientations assemble coalitions only in a very laborious manner and they are generally quite fragile. As a result, the prime minister has relative freedom in selecting a cabinet (though he does need to submit it to parliament for approval); opposition deputies are able to bring individual ministers before the parliament for questioning but almost never muster the votes necessary to bring them down.

Thus, while there are often clashes between the executive branch and the parliament, these rarely escalate to full confrontations between Kuwait's ruling family and its elected representatives. For a long time, the position of prime minister and crown prince were held by the same individual, making parliamentary criticism of the government politically sensitive. In a major concession to parliamentary sensitivities, the ruling family has separated those two positions, but it has continued to hold some key ministries in its own hands.

The result has been a very lively parliament, even a theatrical one, where major issues are debated but change occurs only very slowly. Governance is a more public process in Kuwait than elsewhere in the region, some forms of official malfeasance can be exposed, and the legal framework generally reflects a broad social consensus.

Contesting the Elections

Kuwait does not have formal political parties but, in a sense, the issue of political parties is very much on the ballot. The Kuwaiti constitution, while far more democratic than some of its counterparts in the region, remains grudging on some fundamental freedoms. Article 43 provides that “freedom to form associations and unions on a national basis and by peaceful means shall be guaranteed in accordance with the conditions and manner specified by law”—and no law has been written to provide for political parties.

There are, however, deep divisions in Kuwaiti society that are reflected in voting patterns. Some of the fault lines are religious. The division between Sunnis and Shia (with the latter perhaps one-fifth or more of the citizenry) is one that Kuwaitis are aware of—and they often vote according to a candidate’s sectarian affiliation. The split between more liberal, secularist Kuwaitis and the more religious segments of society is far more openly displayed and remains highly politicized. Within the religious Sunni population, there are sometimes distinct traditionalist, Salafi, and Muslim Brotherhood tendencies. And there are social distinctions as well—dividing wealthy merchant families, long-time urban families, and outlying bedouin districts.

The divisions are sufficiently strong to result in definite political tendencies, even in the absence of formal parties. In parliament, liberals and Islamists form the most coherent blocs, sometimes meeting as caucuses and coordinating voting. (This happened most recently over the electoral law dispute that led to the parliament’s dissolution.) And the blocs are not totally devoid of formal structures. The Islamic Constitutional Movement, associated with the Muslim Brotherhood, is perhaps the most cohesive. Some similar, if smaller, groupings have emerged on the left. Since some of these organizations show some signs of activity in the broader society (especially in student elections and also some professional associations), the Kuwaiti party system might be seen as embryonic rather than non-existent.

As currently configured, the Kuwaiti parliament is dominated not by formal parties but by the large number of independents and “service deputies.” The former group includes many highly respected figures who straddle the divisions within Kuwaiti society; the latter gain election primarily through providing constituents with access to government jobs, grants, and other benefits.

In its essence, the electoral law dispute is over the desirability of this system; those pushing for reform are very aware that it would push Kuwaiti politics in a more ideological, structured direction. And some have tried to turn the referendum into a referendum on the question of electoral reform. In an attempt to sustain the momentum for change, opposition candidates have signed a reform document and intend to publish a list of signatories to further embarrass their critics. However, it is not clear whether such efforts will have any significant impact on the results of the elections. Since the election is being held under the old law, it seems likely that as the campaign progresses, older patterns of appealing to voters will reemerge.

Conducting the Elections

The June 29 elections will be carried out under the same system that has been used for a generation, with one exception—women may vote and run for office. Of the 402 candidates, 32 are women. By tradition, no members of the ruling family file for office. Those who indicate a wish to run are pressured by the family to withdraw. Eligible voters include citizens over 21 years of age. Members of the armed forces are barred from

voting. The exclusion of youth, non-citizens, and members of the armed forces leaves only a little over one-quarter of the country's population eligible. But elections do generate considerable excitement in Kuwait and have consistently witnessed a relatively high voter turnout.

While allegations of government rigging of election results have declined in past decades, charges of abuse continue. The two most often-cited irregularities are vote buying and tribal primaries (held so that tribes or families avoid splitting their vote). Both practices are illegal. The ministry of interior began a campaign to clamp down on primaries, but critics charge it is half-hearted effort, since the elections usually favor pro-government service deputies.

The Kuwait Organization for the Development of Democracy, a civil society non-governmental organization, has pledged to recruit 700 volunteers to monitor the elections. A government-sponsored monitoring committee is expected to have observers in all 25 constituencies. No major international observation or monitoring effort is underway.