

## Web Commentary

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# What is at Stake in Kuwait's Parliamentary Elections?

By Nathan J. Brown

Kuwait has the most democratic political system in the Gulf; its parliament is arguably one of the most sustained democratic experiments in the Arab world. The Sabah family rules Kuwait under the terms of a 1963 constitution that allows for a freely elected parliament that has real legislative and oversight authority. The parliament's willingness and ability to assert independence has varied over time, but in recent years it has been increasingly assertive. And the ruling family—which has generally managed in the past to keep the parliament at bay by co-opting deputies and playing them off against each other—shows signs of increasing frustration. On one occasion in the 1970s and another in the 1980s, similar frustration led the ruling family to suspend parliament.

The United States—which was instrumental in securing the restoration of parliament after the country was liberated from Saddam Hussein's regime—has lost a great deal of its interest in Kuwaiti democracy, distracted by Iraq and far more concerned with Kuwait's role as a transit point for U.S. troops and supplies.

Yet Kuwait's low-level political crisis may have some serious implications for democracy in the Gulf. The ruling family tends to blame the parliament for country's failure to develop as rapidly as Dubai. Some in Kuwait appear envious of the dynamic Dubai model where the government can make decisions unhindered by democratic institutions. And other countries in the region are coming to see Kuwait as a negative model of what democracy can cause to happen. Kuwaitis are increasingly debating how to reform (or whether to scale back) their democratic experiment.

On May 17, Kuwaiti voters will go to the polls for the sixth time since the successful U.S.-led liberation of the county in 1991. Why are Kuwaitis voting so frequently? And how is the Kuwaiti democratic experiment faring? This question-and-answer guide is designed to help observers understand the significance of Kuwait's 2008 parliamentary elections.

## **Why Are Kuwaitis Going to the Polls So Soon After the Last Elections?**

Kuwait has had regular parliamentary elections since 1963, shortly after the country's independence. There have been two suspensions of parliament (from 1976 to 1981 and 1986 to 1992), but since the country was liberated from Iraq, elections have come more frequently: in 1992, 1996, 1999, 2003, 2006, and now 2008. The 1999, 2006, and 2008 elections were scheduled before the parliament's term expired. The reason for recurring early elections is the growing tension between the cabinet and the parliament. Indeed, the tension has become so strong that Kuwaitis have begun to speculate about the possibility that the ruling family will abandon elections altogether or suspend them for several years as it did before. While the amir publicly disavows any such intention, the most recent confrontation between parliament and cabinet led to a new round of speculation that the ruling family may conclude that Kuwaiti elections are more trouble than they are worth.

## **Does the Parliament Really Have any Power?**

Yes, but Kuwait falls far short of being a parliamentary system, because the ruling family retains significant authorities that prevent parliament from exercising full oversight. But the parliament has been increasingly enthusiastic about using the tools it does have, leading to widespread complaints that the system is moving toward immobilism and instability.

The specific issues setting off this confrontation focused were very materialistic in nature: some deputies pressed the cabinet for an even more generous raise for government workers than the cabinet felt was fiscally responsible. And other deputies have pursued other proposals that would benefit constituents, such as a forgiveness of personal debts or a suspension of efforts to destroy private buildings built on public lands.

The dispute is not only material, however. Parliament has "interpellated" a string of ministers—a form of parliamentary questioning that precedes a vote of confidence and that often results in sufficient pressure for a minister to resign rather than find himself or herself humiliated. Such interpellations have focused on issues of competence and policy. The prime minister himself has not been the direct target of parliamentary action—though the previous parliament had threatened to move against him. (The prime minister's position as a leading member of the ruling family makes any such action confrontational indeed, and the 2006 effort led the amir to call early elections). Some deputies make no secret of their continued doubts about his competence.

Yet while the parliament can pressure specific ministers, block initiatives, and squeeze more benefits from the government through grandstanding, its ability to control policy is limited and its tools are crude. Kuwait's parliament exists in the context of a constitutional monarchy in which members of the ruling family control many critical positions and the cabinet acts as if it is more answerable to the amir than to the people's elected representatives.

In the outgoing parliament, the majority of members of parliament was critical of the government and viewed themselves as oriented toward opposition. But they were divided

by ideological orientation (and by tribe and sect as well). While party-like blocs are forming, they remain weak. Thus, parliament has trouble acting in a coherent manner. At the beginning of the current parliamentary term, for instance, the leading blocs drew up a list of laws they would work on passing. After a promising start, however, the effort fizzled.

And the cabinet has historically fended off the parliament not by assembling a solid bloc of consistently pro-government deputies around a common program but instead by playing off rivalries and fears among the various orientations. Thus, it brought the Islamic Constitutional Movement (ICM, a party associated with the Kuwaiti branch of the Muslim Brotherhood), into the cabinet, leading other Islamists to snipe at the ICM as more interested in power than principle.

While Kuwaiti society is small—official figures claim a population of approximately 1.3 million citizens—it is deeply divided. Historically, liberals and Islamists have been very suspicious of each other. Members of Kuwait’s older and wealthier families often look down upon those who have arrived or joined the society more recently. Tribal identity remains important, especially in outlying districts. In recent years, Sunni-Shi’i relations have grown strained. When some Shi’i parliamentarians spoke glowingly of the assassinated Lebanese Hizbollah leader Imad Mughniyya, some Sunnis leapt to claim that had been implicated in attacks on Kuwaiti targets in the 1980s—and the deputies themselves have been threatened with prosecution.

With its ambiguous constitutional position, deep internal divisions, inclinations towards populist posturing, and susceptibility to divide-and-rule techniques, the Kuwaiti parliament seems more adept at blocking the government than in initiating positive action.

It was precisely to change this dynamic that the 2003 parliament pushed to reduce the number of electoral districts, hoping this would create a more cohesive body oriented toward addressing broad issues more than constituent service. When the cabinet seemed to balk by introducing a less drastic reform, the pro-reform coalition—backed by an enthusiastic public movement—pressed forward aggressively. The resulting confrontation led the amir to call early elections in 2006. The pro-reform camp won a resounding victory in those elections, and the electoral reform bill therefore was the first—and by far most successful—legislative effort of the 2006 parliament.

### **How Will Elections Be Conducted Under the New Law?**

Under Kuwait’s old electoral system, Kuwaitis were divided up into 25 electoral districts, each represented by two deputies. Each voter could vote for two candidates, with the top two vote getters taking seats in the parliament.

This led to very close races and campaigns that seemed to revolve around neighborhood issues, pitting families and tribes against each other. Allegations of vote buying were rife, and tribes would (in contravention of the law) hold “primaries” in order to ensure that

members would not scatter their votes. Each tribe wanted to ensure that it would have a representative in the parliament able to bring home benefits.

Reformers therefore pushed through a law that will reduce the number of districts from twenty-five to five. Each voter will be able to select four candidates, and the top ten vote getters in each district will be awarded parliamentary seats.

Reformers hoped that larger districts would eliminate vote buying, since a much larger number of votes would be necessary to win. And they hoped that campaigns would be run on the basis of platforms, programs, and ideologies rather than family and neighborhood loyalties.

It should be noted that even after the reform, Kuwait's electoral districts are of sharply uneven size—the largest one has more than twice as many voters as the smallest one—yet all will elect the same number of deputies. The malapportionment is not accidental: the overrepresented districts are the most urban ones. These lie closer to the historical center of Kuwait and are populated by wealthier and more educated Kuwaitis as well as by the most prominent political and business elites. They are inclined to view the Kuwaiti constitutional system as a pact between the ruling Sabah family and other leading and long-established families. They tolerate the entrance of outlying districts (where tribal identities tend to be stronger and many residents gained full citizenship rights only in the past few decades) to the political system but hardly on equal terms.

### **Will the Electoral Reform Have Much Effect?**

Probably not.

There are already signs that the effect on campaigning is less than was hoped. Tribes have still been holding primaries, in some ways feeling that they now have to work harder to coordinate voting. The government has acted intermittently against such primaries, sometimes arresting Kuwaitis who participate. Indeed, there have been unusual public scenes of police raids on primaries and tribal demonstrations outside of police stations.

With ten deputies elected for each district, it is still possible that many races will be decided by very tight races in which a few votes may mean the difference between winning and losing—and thus allegations of vote buying have hardly disappeared. As hoped, there are more concerted attempts by the candidates to form blocs going into the election in order to present voters with clearer ideological choices. But it is not yet clear how much Kuwaiti voters will show an inclination to cast their votes in accordance with these slates. The Islamists in particular seem to be hedging their bets, forming clear slates but also attempting to secure their candidates seats by backing them in tribal primaries. Kuwaiti Shi'a have attempted to coordinate voting as well but appear so deeply divided among themselves that their underrepresentation in the parliament will likely continue.

Nobody will know the impact of the new law for certain until the elections are held, but the consensus among most observers now is that the new law will result in many new faces in the parliament but will not affect the sort of deputies who are elected. Nor will it change the underlying tensions or end the confrontational relationship between the cabinet and the parliament.

### **What Will Be the Role for Women?**

Elections have changed for Kuwaiti women, but Kuwaiti women have not changed elections. Instead, experience indicates that their participation has tended to accentuate existing trends.

Kuwaiti women exercised full political rights in the last parliamentary elections, voting and running as candidates for the first time. They actually constitute a majority of the electorate (56 percent of voters registered with the Ministry of Interior are women). But their voting patterns do not seem significantly different from men's. And where they do differ, they have strengthened the Islamists. In at least one case, women voters pushed a candidate from the ICM—a movement that had opposed granting full political rights to women—to victory.

No women candidates were successful in 2006. The electoral reform is likely to make the terrain even less favorable for women candidates, because blocs—whether tribal, sectarian, or ideological in nature—are not likely to wish to support more than four candidates in the ten-member districts (to avoid splitting their supporters' votes). After the last election revealed that women voters are unlikely to flock to women candidates in sufficient numbers, the blocs generally have not dared to put a female candidate forward as one of their four candidates. They fear that losing a few voters from those reluctant to support a woman may spell the difference between victory and defeat. So most blocs will likely field all-male slates. A leading liberal bloc has named one woman to its slate, but others have not followed suit.

In light of the extension of suffrage to women, the ICM decided to form a women's auxiliary in order to mobilize its female supporters. It is possible that this group will eventually produce a candidate for the movement's slate, but that may take several electoral cycles.

### **What is Likely to Be the Result?**

The Kuwaiti elections are likely to produce a parliament much like the present one: anxious to guard its own prerogatives, cater (and even pander) to public opinion, and confront the government without producing an alternative program.

Two possible solutions to this logjam have risen to the top of the political agenda in Kuwait. One is what Kuwaitis refer to as an "unconstitutional dissolution" of parliament—that is, a decision by the amir to dissolve the body for an indefinite period. A second possibility is the emergence of a full party system and an attempt to move closer to a parliamentary system in which a majority coalition in the parliament is invited to participate seriously in governing. This would require a series of reforms. Political parties are not legally recognized in Kuwait; thus Kuwaitis now trade opinions about the

desirability of adopting a political parties law. The electoral system would need further reform as well, with the idea of converting the country into a single electoral district being increasingly discussed. And the ruling family would have to be convinced of the necessity of allowing various groups in society a share of authority and responsibility—and not merely a free voice.

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