

Report Part Title: The Path to Protest

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A series of strikes in 2011 revealed another economic issue. Teachers, customs workers, jurists, and other professionals organized protests to demand salary increases in accordance with inflation. Their actions resulted in major losses for merchants, and the government had no choice but to agree to many of the strikers' demands. Lacking a more developed tradition of unions or a system of human resources and salary scales, the Kuwaiti government and its huge bureaucracy is not equipped to negotiate with organized labor.

It is important to remember that Kuwait is a single commodity, that is, oil-producing, country that has failed to devise a strategy for economic diversification. Kuwait today spends 60 percent of its income and 80 percent of its annual budget on government salaries. With today's high price of oil, Kuwait is doing well and can balance its budget. A steep drop in prices, however, could make it difficult for Kuwait to meet its salary and other commitments. With the development of new sources of oil and energy elsewhere, Kuwait's diversification problem will only intensify.

The private capital of the commercial class is one of the most important factors for Kuwait's future development. Yet the biggest complaint from potential investors has been the Kuwaiti bureaucracy and restrictions on the private sector, much of which is overly dependent on the government for contracts and projects. Many of the contracts, of course, are determined by political connections, motivating some entrepreneurs to look to other countries with fewer hurdles. As a result, Kuwaitis are among the top investors in Dubai. They have done well in the Gulf, Egypt, Lebanon, and elsewhere in such sectors as food, clothing, and hospitality. In Kuwait, their activities have stagnated.

The Path to Protest

With a citizenry generally dependent on such a rigid economic system based on government employment and clientalism, reform efforts—both economic and political—are stymied. Yet what was considered appropriate and acceptable in Kuwait in the 1960s is no longer so, as the changes in the structure of Kuwaiti society, particularly social and educational shifts, are not

reflected in the politics or the hierarchy running the country. The authorities are nowhere close to devising a solution to the country's need for economic diversification and privatization, nor to the rigid administration, which is plagued by increasing corruption. They instead prefer to deal with actors who they consider loyal at the expense of those who might be better skilled and efficient. Such a practice only serves to spur citizens more and more to action.

The Seeds of a Storm

In 2011 a number of independent youth organizations, supported by members of the parliamentary opposition and involving Islamist as well as secular groups, coalesced around a platform focused on changing the government. Their slogans targeted combating corruption and removing the prime minister, Sheik Nasser Mohammed al-Ahmed al-Sabah, who had held power since 2006.

That fall, a Pandora's Box opened when banks leaked information revealing the exorbitant accounts of some 15 parliamentarians. Some of the holdings included deposits in the millions of dollars, but with no indication of the funds' origins. Fellow parliamentarians and members of the public accused the MPs of having accepted bribes in return for voting with the government.[1]

Movement leaders, inspired by local events and the "Arab Spring," organized weekly gatherings in the public space next to the National Assembly building. The sit-ins began in the spring of 2011 with just a few hundred participants, but grew in the fall with renewed energy after the bribery scandal. On November 16, 2011, many youth supported by members of parliament from the opposition, such as Musallam al-Barak, stormed the parliament building with the goal of pressing for the prime minister's resignation. Tens of thousands gathered in the streets of Kuwait City to demand the same.

The prime minister submitted his resignation on November 28, 2011. It was the first resignation that resulted from public and popular pressure in any GCC country. Dissolution of the parliament followed on December 6, 2011, along with the scheduling of new legislative elections for February 2, 2012.

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After the storming of the parliament building, the government arrested a number of youth activists. This led to daily gatherings organized by young women in front of the Ministry of Justice to demand the immediate release of all the detainees. Those participating in the gatherings had become acquainted with such tactics by following the unfolding events across the region. Professors and writers dropped by the demonstrations

and engaged the protesters in discussions on democracy, human rights, and reform.

The February 2012 legislative elections saw 35 of the 50 seats in the National Assembly go to opposition candidates, reflecting the climate of discontent in Kuwaiti society. The results represented the first time that the opposition dominated the legislature, offering some hope of the possibility of putting the new prime minister, Jaber al-Mubarak al-Sabah, appointed by the emir in accordance with the constitution, under pressure so as to influence the government.

The new parliamentarians, led by Musallam al-Barak and inspired by the street youth movement, floated the idea of parliamentary government for Kuwait and demanded half the cabinet seats. While this did not transpire, this National Assembly was far more assertive than any before it in Kuwait, introducing a law guaranteeing the independence of the courts. However, eight days before the vote on this law was to take place, in June 2012, the Constitutional Court dissolved the parliament, citing a procedural flaw in the earlier emir's call for new elections. This raised many questions regarding the neutrality of the judiciary.

Changing the Voting System

After the dissolution of parliament, the government asked the courts to review the constitutionality of the “five districts, four votes” system and whether it could continue to be used in future elections. It thus became clear that the government was nervous about a potential repeat of the February 2012 election and an opposition majority.

Kuwait’s voting system at the time was the product of a 2005 youth movement push for electoral reform, during which the government and the parliament agreed to divide the country into five districts and give each voter four votes. Several elections were held based on this arrangement until the government realized that it would likely produce forces beyond its control and risked a parliament that might legalize political parties and gain power at the executive’s expense.

Under the five districts, four votes system, ten candidates were elected in each district from among 70 to 100 or more competitors. Every voter in the district cast four votes total, essentially making his or her own “list.” Each voter would typically end up having at least one individual of their choosing elected in the district. The Constitutional Court judged the system to be constitutional.

Regardless, in October 2012, the emir invoked one of his constitutional rights by issuing a “decree of urgency,” which allowed him to change the electoral system unilaterally. Under the new rules, each voter would cast only one vote for one of the 70 to 100 competitors in a district. Each of the five districts would continue to elect ten representatives, putting the total number of parliamentarians at 50. The emir called for new elections based on this new law.

The opposition charged that the intention of the emiri decree was to delay democratic evolution in the country. Having only one vote to select one of ten winners in a district with 70 or 100 competitors, in the absence of party lists, stood to fragment votes and promote electoral corruption, such as vote buying. The opposition argued that by minimizing the voting power of each person, the new system would consistently produce pro-government legislatures. A candidate in a district of 120,000 voters could win a seat with some 2,000 or

3,000 votes—or less. Such a system would be incapable of adequately reflecting societal currents in the parliament. Only Jordan and a handful of other countries, all of them authoritarian, have such a one-vote system. The imposition of this system elicited calls for a boycott of upcoming elections, as well as street protests.

A New Cycle of Protest

From October 2012 into early 2013, Kuwait witnessed unprecedented demonstrations, licensed and unlicensed, involving tens of thousands of participants airing their opposition to the new voting system and seeking reform that would further democratize the country.[2] There were clashes with police, something new to Kuwait. Political and security prosecutions followed, as well as prison sentences for activists and spokespeople of youth and popular movements and former members of parliament.

This new era of protest started with the famous speech by Musallam al-Barak in October 2012 in which he criticized the emir in a public rally. This was the first such challenge from a Kuwaiti or even Gulf politician against a sitting emir, and went against Kuwaiti law, which dictates that the emir should not be criticized directly or even indirectly. Al-Barak broke an old tradition so openly that it encouraged hundreds of young men and women to follow suit.

Al-Barak went from being a local politician in his tribal area in the 1990s to becoming a national figure seen as empowering marginalized tribes and social groups. He has won almost every parliamentary election with ease since 1992. If a free election was held today in Kuwait for the position of a popularly elected prime minister, al-Barak's popularity and grassroots reach would assure him a lead. Al-Barak is not an Islamist, but is rather a combination of a trade unionist, a charismatic nationalist leader, and a politician whose aim is to change peacefully the elite politics of Kuwait into a more democratic, inclusive, and open structure. Al-Barak reflects deep changes in Kuwaiti society; for the first time a leading figure has emerged from the tribal majority and not from the commercial elites. Being as populist as he is, some leading members of the Kuwaiti commercial elite and many Sabah are deeply fearful of his rise.

However al-Barak is a safety valve for the Kuwaiti political system, as he is among few in the hardcore opposition power structure that has the credibility to cut a compromise deal with the Sabahs. His strength also lies in that he stands politically halfway between the authorities and the youth movement.

Al-Barak was punished for his actions in court, along with hundreds of others, including prominent members of the dissolved 2012 parliament. The charges were many: storming the parliament building (62 participants implicated); criticizing the emir or defaming the majesty of the emir (more than 35 implicated out of dozens investigated, with the possibility of five years in jail); calling for an unlicensed demonstration (dozens implicated); repeating a speech delivered by al-Barak as an open letter to the emir; and criticizing the judiciary. Dozens of youths have cases pending, and many are enduring overlapping accusations. In July 2013, the emir acquitted all those sentenced on charges related to criticizing him, but other charges proceeded in the courts. Many of those arrested cannot travel by order of the court, and some cannot even obtain a standard government document.

In fairness, it must be said that the authorities have at times showed signs of restraint, such as by acquitting all those accused of storming the parliament building. Also, there were beatings and injuries reported during clashes in 2012 and 2013, but no deaths.

Political and Youth Groups

Due to these activities, the Kuwaiti youth movement has acquired experience in nonviolent action and protest.[3] The movement arose organically and has a variety of components, such as Hadam (the Civil Democratic Movement) and Nahj (an Islamic coalition that includes the Muslim Brotherhood and Salafis). The Muslim Brotherhood, which in Kuwait formed the constitutional movement (al-Haraka al-Dusturiyya), while not the driving engine of the opposition, represents an important force with important influence. Its members and supporters constitute about one-third of the popular movement. The Salafi Movement is also allied with the opposition, while a second Salafi group, al-Tajamu al-Islami al-Salafi, believes that Salafis should never

disobey a Muslim ruler. However, Tajamu suffered when several of its leaders joined the protest movement in 2012. Other mainstream liberal groups and independent youths have been extremely active in the protest movement as well.

This generation is also gaining experience in politics. So far, Hadam is among the more political and mature of the groups. It has written its own platform and has positioned itself to become Kuwait's first youth party.

In the short term, the goal of the youth groups is simply to hold the government accountable for its actions. But its discussions and debates make clear that the ultimate aim is to push Kuwait toward a popularly elected prime minister and a cabinet based on competitive parliamentary party lists. Perhaps most importantly, the youth movement has put pressure on the traditional opposition to seek a parliamentary government as well.

Continuity of Government Policy

Despite the demonstrations of 2012 and 2013 and the flurry of political activism among youths and the traditional opposition, the regime's decisions have remained in effect. A very weak parliament was elected in early December 2012 after a boycott of 62 percent of voters. The new parliament immediately became the target of ridicule in addition to monitoring by an increasingly critical population.

The one-vote electoral system was appealed to the Constitutional Court, which ruled it admissible in June 2013. The court noted that many countries use such a system, though it did not mention that it can only work fairly in conjunction with political parties, such as in proportional representation and winner-take-all systems. However, the court then dissolved the parliament elected in December, also on procedural grounds, and gave itself the power to oversee future decrees announced by the emir. Such oversight is a small step forward in matters of constitutionalism and checks and balances.

Parliamentary elections held again on July 27, 2013 were boycotted by fewer voters—38 percent. The speaker of the new parliament,

Marzouq al-Ghanim, is a charismatic young man from the commercial elite. But in the absence of the participation of major political and reform forces, this parliament is set for another round of failure.

Kuwait is in dire need of reforming its voting system to regain oppositional participation. Without such change, most of the opposition is left outside the parliament. Therefore, the public expression of the protest movement is expected to return in response to a new scandal or an unpopular government decision.

This expression is evident in the following developments. A major group, referred to in parliament as “popular” (*al-sha’bi*), led by the leading opposition parliamentary figure and former chair of the parliament, Abdul-Aziz al-Sadoun, and al-Barak, announced in 2014 the formation of what looks like a political party in the making, called Hashd. The group now has many supporters, though it lacks organization. However, its formation is reenergizing the reform movement.

This reenergizing has taken the form of an even larger group, a coalition called Tahaluf al-Mu’arada that was formed in the spring of 2014 and is composed of most of the opposition groups, including youth groups, Hadam, Hashd, and the Muslim Brothers. Its daring platform consists of pushing for constitutional amendments and changes that seek to transform Kuwait into a parliamentary system, target the powers of the emir, and develop the independence of the courts.

Hadam, the youth group, has had the most influence vis-à-vis this platform. While the Salafis dropped out of the coalition due to their desire for Shariah law, which is not included in the platform, the Muslim Brothers agreed on all the proposed constitutional changes and shelved their demand of Shariah implementation for the sake of the reform agenda. Some liberal groups felt that the platform was too far-reaching and left the coalition. These groups’ links to the commercial elite and their fear of Islamic influence could be another factor behind their withdrawal. The left, in particular “the progressive movement,” has stayed on.

These alliances and fissures demonstrate that the opposition and reform project in Kuwait is an evolving project. Yet despite the splits, none of the ideals in the Tahaluf al-Mu'arada's platform has ever been put at the forefront of the political scene by such a large coalition with such an extensive grassroots reach.

The Future

Kuwait is going through what can be called a constitutional revolution. Events there continue to grow in importance due to the rousing debate and increasing political awareness across all sectors of society. This level of politicization will make the current authorities' ability to maintain control more difficult than in the past. Thus, the only way to address the desires of the people and ensure stability in the coming era will require rationalizing the political process, allowing more freedoms, and developing the country's democracy by amending the constitution.

Kuwaitis are increasingly openly discussing the idea of a parliamentary government based on party competition. The 2010 scandal involving bribing MPs to vote with the government resulted in part from the fact that the Sabah prime minister lacked majority backing in the legislature. In general, however, the parliament has limited impact on policy and no power to reflect the will of its majority in government programs. This makes the government and the legislature unable to work together or reflect Kuwaitis' voting choices.

Kuwaitis are aware that achieving a true partnership in the governance of their country cannot happen overnight or without a form of compromise with the ruling elite or parts of it. There is thus an ever-increasing awareness that finding middle ground, rather than playing a zero sum game, can help Kuwait avoid external intervention and will not create a situation in which some elite elements feel cornered and therefore become destructive to the country and to themselves.

It is therefore a mistake to assume that parliamentary government will necessarily undermine the monarchy. Kuwaiti society, including youth movements, shares a consensus on the role of the Sabah family. What groups disagree on is the