



## De-liberalization in Kuwait: The Limits of Power-Sharing in a Difficult Neighborhood

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### SUMMARY

- Political space in Kuwait, long the Gulf region's most open and pluralistic monarchy and a key U.S. security partner, has narrowed considerably.
- This narrowing comes in a context of regional security threats, but de-liberalization is mainly a result of domestic factors, including the desire of the ruling al-Sabah family to check the rising ambition of powerful tribes.
- The political system today is adrift. With little consensus within either the opposition or the royal family about how to reassert broadly-accepted rules of the game, the fragile power-sharing system that has imperfectly guided Kuwait's politics for decades could break down.
- It is up to the leaders of the opposition and key decision-makers in the al-Sabah family to chart a solution to the current impasse. One approach may be to pursue a national dialogue on reform. Meaningful dialogue must occur not only between state and society but also within the divided opposition.
- De-liberalization in Kuwait should be of deep concern to the United States, as it could widen the breach between state and society and weaken the monarchy itself. The United States should welcome any genuine effort to advance an inclusive national dialogue.

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### KUWAITI POLITICS 101: THE LIMITS OF POLITICS AS CONFLICT MANAGEMENT

Long before the 2011 Arab uprisings, Kuwait's relative pluralism and political contestation set it apart from many Arab countries, especially its fellow Gulf monarchies. Kuwait has had an elected and at times assertive National Assembly, or Parliament, since 1963, with suffrage for women coming finally in 2005. The unicameral parliament has 50 directly-elected members who are competitively chosen, albeit within limits imposed by the ruling family. Parliament has represented a

wide range of interests while also shaping national laws. Kuwait has boasted an active civil society and a feisty media that has regularly featured stinging criticisms of government policies, especially on economic issues. But as I learned on a recent visit to Kuwait, political space has narrowed significantly, making it hard to maintain the rules and institutions that have sustained the political system.

That system is a complex hybrid that allows for state-managed pluralism and electoral competition while giving the Emir and his allies in the royal family ultimate power, including ample constitutional authority

to stymie the will of Parliament. For example, the Emir is not constrained by a vote of no confidence; Parliament can invoke such a vote against individual ministers but not against the Cabinet or a standing prime minister. Moreover, the Emir has the constitutional authority to appoint 15 ministers, most of whom typically belong to the al-Sabah family, as ex officio members of Parliament, bringing the total size of the National Assembly to 65 members. The unelected ministers have formed alliances with elected members of Parliament (MPs) in ways that undermine the Assembly's capacity to act independently. As a result, and in contrast to truly democratic parliamentary systems, in Kuwait the leader does not depend on a parliamentary majority to rule, and indeed the Emir can shape legislative agendas without such a majority. Historically in Kuwait, when the mechanisms used to limit Parliament's authority have become unwieldy or ineffective, or when votes of no confidence embarrass the monarchy, successive emirs have invoked their constitutional right to dissolve or suspend Parliament. Thus the design of Kuwait's hybrid system both promotes and manages conflict between the executive branch and the legislature.

Despite this tendency toward conflict and periodic dissolution, most Kuwaiti political leaders have accepted, or have chosen to live with, the parliamentary system as it currently exists. Their support is a product of two related factors. First, Parliament has played a vital role in distributing widely the social benefits of a state-owned oil industry that effectively is controlled by the al-Sabah family. Because MPs must spend most of their energy lobbying powerful cabinet ministers for such benefits on

behalf of their constituencies, many have little interest in banding together in any sustained manner to challenge—much less to defy—the basic rules of the political game.

Second, political leaders have been loyal to—and have tried to benefit from—a system of identity-based power sharing whose ultimate arbiter is the Emir. That system pivots around competition among four key socio-political identities, or sub-cultures: the secularly-oriented urban Sunni business and professional sector, the Islamist urban business and professional sector, the traditional Sunni tribes, and the Shi'a minority (about 30 percent of Kuwait's 1.3 million citizens).<sup>1</sup> Because each sub-culture or group fears that one or more rivals might use Parliament and the legislative process to impose their will on the others, most MPs have chosen to live with a system that gives final authority to the ruling family.

The Emir's dominant role has been especially important to minority religious groups and others (such as liberals) who typically command limited formal representation in Parliament compared to other groups. The Shi'a and their leaders in the secularly-oriented business sector have relied on the Emir to shield them from legislation (such as Shari'a-related laws proposed by Sunni Islamists) deemed hostile to their communal autonomy and distinct religious and cultural traditions. Similarly, within the Sunni urban, secularly-oriented business sector there has always existed a liberal intelligentsia whose leaders viewed Islamists with considerable distrust but did not have a strong social base like that of the Islamists or tribal leaders.<sup>2</sup> The Emir and his allies counted on and exploited the

1 These four broad subcultures are not ideologically homogenous. The secular Sunni urban sector has two populist groups, or proto-political parties, representing it in Parliament, the Popular Action Movement and the Popular Action Bloc, and three liberal or more Arab nationalist groups, the National Democratic Alliance, the Progressive Kuwaiti Movement, and the Kuwaiti Democratic Forum. The Sunni Islamist sector contains Hadas (the Kuwaiti Muslim Brotherhood, also referred to as the Islamic Constitutional Movement, or ICM) and the Islamic Salafi Alliance. The Shi'a sector has the political groups the National Islamic Alliance and the Justice and Peace Alliance. The Sunni tribal sector has mobilized through traditional tribal leaders rather than through formal groups. It includes Bedouin tribes whose members hold Kuwaiti citizenship as well as the "bidoon," mostly stateless Bedouin and tribesmen who do not hold Kuwaiti citizenship. Divisions among and within these groups have undermined efforts to forge formal alliances.

2 Yusuf Awadh al-Azmi, "Liberals Remain Weak in a Changing Political Scene," *Arab Times*, June 7, 2016, <http://www.arabtimesonline.com/news/liberals-remain-weak-changing-political-scene-cannot-clip-one-hand/>

dependence of liberals and Shi'a on the ruling family to keep Islamists in line, while inviting new groups—such as the Sunni tribes—into the system as a way of sustaining identity conflicts and thus keeping all groups reliant on the Emir's authority and protection.<sup>3</sup>

#### 2005-2014: CRISIS OF IDENTITY POLITICS OR CRISIS OF DEMOCRACY?

Kuwait's current political impasse is rooted in a set of domestic and regional factors that have eroded the foundations of this power-sharing system over the past decade. On the domestic front, during the mid-2000s the divide between urban, secularly-oriented groups and their rivals in the Sunni Islamist and tribal sectors increased, as each side tried to out-organize the other. In 2005 and 2006, students and civil society groups organized a series of demonstrations to force a switch from a system of 25 to 10 electoral constituencies. As Kristin Diwan has noted, the protestors were determined to curb the rising influence of the tribes, a socially-conservative sector that by the mid-2000s constituted some 60 percent of Kuwaiti citizens. Having depended on the existing electoral constituencies to mobilize their followers to vote, the leaders of the three largest tribes were infuriated when the government acceded to the students' demands.<sup>4</sup> They retaliated by assailing the government in ever more strident terms.

In 2009, tribal MPs escalated the confrontation by raising a corruption scandal in Parliament that seemed to implicate some members of the al-Sabah family. The confrontation—exacerbated by power struggles within the ruling family itself—came to a head in November

2011, when tribal and Islamist leaders and some liberals demanded that the Prime Minister, Sheikh Nasser al-Mohammed al-Ahmed al-Sabah, submit to questions about alleged financial malfeasance in the government. Although he had previously survived three votes of “non-cooperation,” Parliament's actions were buttressed by weeks of massive street protests culminating in the November 16, 2011, storming of Parliament by a group of opposition leaders led by Musallam al-Barrak, an MP and the most vocal tribal opponent of the government. Angered by this unprecedented defiance, the Emir accepted the resignation of the government, dismissed Parliament, and then held new elections in February 2012.<sup>5</sup>

The result of these elections was not what the Emir hoped for. Not only did the new Parliament contain 34 opposition MPs, the largest number in Kuwait's history, but many also were firebrands inspired by the 2011 Arab uprisings. At least on the face of it, they seemed ready to build the kind of cross-sector reform alliances that had largely been missing from the political arena. But rather than forge a joint vision of political change, the new MPs soon fell into a series of bitter identity struggles, sparked in part by the efforts of Salafists and some tribal leaders to press for “Islamist” initiatives, including a constitutional change that would have made Islamic law the sole basis of legislation. These efforts alarmed liberal and Shi'a groups, thus ensuring that the identity conflicts continued to work in favor of the Emir and his allies—even as the executive faced what may have been the most confrontational parliament in Kuwait's history.<sup>6</sup>

3 In the 1970s and 1980s some 200,000 Bedouins received Kuwaiti citizenship in what was a clear bid by the ruling family to counter-balance the influence of the urban business and professional sector. Over time, the confessional, identity-based nature of Kuwaiti society was reinforced and institutionalized by government land and social policies that created geographically-distinct communities that nevertheless lived in close proximity to one another. See Farah al-Nakib, *Kuwait Transformed: A History of Oil and Urban Life* (Stanford: Stanford University Press, 2016), 149-174.

4 Kristin Diwan, “Breaking Taboos: Youth Activism in the Gulf States,” *Atlantic Council Issue Brief*, March 7, 2014, [http://www.atlanticcouncil.org/images/publications/Breaking\\_Taboos.pdf](http://www.atlanticcouncil.org/images/publications/Breaking_Taboos.pdf)

5 According to the Constitution, MPs cannot submit a vote of no confidence against the prime minister or the cabinet, but a simple majority can submit a vote of “non-cooperation.” The Emir can then choose whether to dismiss the prime minister and appoint a new cabinet or dissolve the parliament.

6 Kristian Coates Ulrichsen, “Pushing the Limits: The Changing Rules of Kuwaiti Politics,” *World Politics Review*, March 17, 2016, <http://www.worldpoliticsreview.com/articles/18241/pushing-the-limits-the-changing-rules-of-kuwait-s-politics>

The prospects for a system-challenging political alliance were dealt a further blow in 2012, when the tribes intensified their confrontation with the ruling family. The seeds for this development were planted in June, when the Constitutional Court declared the 2009 elections invalid, effectively rendering all elections that followed (including those of February 2012) invalid. Jumping on the opportunity, the Emir invoked the ruling to suspend Parliament and then declared a change in the electoral rules. Henceforth, voters in each district would no longer select four candidates but instead would vote for only one candidate. This change punished the three largest tribes, who depended on the four-vote system to mobilize their voters. Retaliating, in October 2012 al-Barrak led massive public rallies and even issued a public warning directed to the Emir stating “we will not allow you” to push Kuwait “into the abyss of autocracy.” Responding in kind to this unprecedented criticism of the royal family, the government held new elections in December 2012. Boycotted by veteran Islamist and tribal leaders, these elections produced a parliament with 17 Shi’a members—the highest number in Kuwait’s history—and a large contingent of independents loyal to the government.<sup>7</sup> With its position strengthened, the government clamped down. Al-Barrak himself was sentenced to five years in prison in 2013 (a sentence he appealed over the next two years) while more than 60 of his allies, as well as family members, were prosecuted for “insulting” the Emir and other acts.

The chance for any kind of reconciliation between the tribes and the ruling family declined further as a result of intensifying identity conflicts. Shi’a and liberal leaders had not forgotten the recent efforts by some Islamists and tribal MPs to advance Shari’a-based legislation. Moreover, many viewed al-Barrak as an opportunist who had needlessly antagonized the Emir for reasons that had

little to do with democracy and more to do with expanding tribal patronage and power. Such sentiments further emboldened the Emir. In July 2013 he dissolved Parliament and scheduled new elections once again. While veteran tribal and Islamist leaders boycotted the poll, some Shi’a and liberal leaders welcomed the opportunity to reestablish their voice in Parliament at the expense of tribal leaders. As expected, the new Parliament was not only stacked with pro-regime independents, but also with representatives of the Sunni secular and Shi’a communities, many of whom still looked to the Emir to protect their communal interests.

Thus Parliament emerged as a largely docile institution, a mere ancillary to the executive. Still, the weakening of Parliament did not suggest a return to the old rules of hybrid power-sharing politics. On the contrary, because Parliament had traditionally played a central role in channeling conflicts within society and between society and the state, its decline signaled a growing political malaise in the very heart of the political system.

#### 2014-2015: REGIONAL PRESSURES INVITE A FURTHER CLOSING

In 2014 and 2015, escalating political turmoil and security threats in the Gulf and the wider Arab world further eroded the old power sharing system. Indeed, Kuwait’s stability had long depended on the ability of its rulers to shield the country’s domestic politics and power sharing dynamics from outside pressures while pursuing a policy of engagement with its neighbors far and wide—including Iran. But by 2014, three developments undermined this difficult balancing act.

First were the continuing aftershocks from the 2011 Arab uprisings. To Gulf leaders, the uprisings seemed to threaten the very viability

<sup>7</sup> Gwenn Okruhlik, “The Identity Politics of Kuwait’s Election,” *Foreign Policy*, February 8, 2012, <http://foreignpolicy.com/2012/02/08/the-identity-politics-of-kuwaits-election/>

of states as well as the system of regional alliances that had protected the interests of the ruling families. They were especially worried that the uprisings might inspire political actors in their own societies to ally with like-minded activists in the wider Arab world. Indeed, such concerns were on full view when mainstream Kuwaiti Islamist groups declared in July 2013 that they were boycotting the elections to protest the Emir's support of the Egyptian military's coup against President Mohamed Morsi of the Muslim Brotherhood. In 2014 the Gulf Cooperation Council (GCC) proposed a new Gulf Security Pact with a clause that would allow any Gulf government to extradite individuals from another Gulf state if they allegedly had engaged in "political activities" against any Gulf state or "threatened its security."<sup>8</sup> Rejecting this clause as unwarranted interference in Kuwait's sovereignty and a threat to its democratic traditions, lawmakers from all key opposition groups refused in April 2014 to endorse the pact. But this rejection did not deter Kuwait's government from pursuing cases against outspoken dissidents whose positions, the government argued, were antagonistic not merely to Kuwait, but also to its Gulf Arab neighbors. Moreover, Kuwait signed the GCC pact just one year later in March 2015. Kuwaiti authorities justified many of the charges brought against dissident leaders by invoking the pact's provisions for regional security cooperation.<sup>9</sup>

A second development was the increasing concern in Kuwait and the United States about Kuwaiti organizations suspected of funding jihadist groups fighting the Syrian regime. The April 2014 appointment of a leading Salafist, Nayef al-Ajmi, as Minister of Justice and Minister of Islamic Endowments prompted a public outcry from David Cohen, the U.S.

Department of the Treasury's under secretary for terrorism and financial intelligence. His assertion that "our ally Kuwait has become the epicenter of fundraising for terrorist groups in Syria" prompted a heated debate in Parliament as well as a clampdown by the Kuwaiti authorities on Islamic charitable associations.<sup>10</sup> Whether by design or default, these moves had a chilling effect on civil society activism.

The third factor was the deleterious impact of the intensifying conflict between Iran and Saudi Arabia and the associated dynamic of Sunni-Shi'a conflict in the Gulf region and further afield—particularly in Syria and Iraq. As has been noted, in their efforts to maintain a balanced power-sharing system, Kuwait's leaders had long strived to maintain a cordial relationship with the country's Shi'a minority. Courting Shi'a leaders was, as we have seen, an essential facet of the ruling family's governing strategy. For this purpose, successive Kuwaiti governments had tried to maintain normal relations with Iran, a policy that did not sit well with Saudi Arabia or Bahrain but was crucial to demonstrate the al-Sabah family's determination to avoid the dangers of taking a strictly sectarian line. Although they sympathized with the plight of the Shi'a in Saudi Arabia and Bahrain, most Shi'a leaders wanted to sustain their special relationship with the royal family. Thus they avoided taking outspoken positions that could be seen as aligning them with Shi'a radicals in the region or with the Iranian government.

In the wake of the 2011 Arab uprisings it became harder for both the government and the leaders of the Shi'a community to sustain this balancing act. Conflict between Shi'a citizens and ruling regimes in Bahrain and Saudi Arabia, followed by Riyadh's March 2015

8 "GCC: Joint Security Agreement Imperils Rights," Human Rights Watch, April 26, 2014, <https://www.hrw.org/news/2014/04/26/gcc-joint-security-agreement-imperils-rights>

9 Madawi al-Rasheed, "Kuwaiti Activists Targeted Under GCC Security Pact," *Al-Monitor*, March 20, 2015, <http://www.al-monitor.com/pulse/originals/2015/03/saudi-gcc-security-dissident-activism-detention-opposition.html>

10 Karen DeYoung, "Kuwait, Ally on Syria, Is Also the Leading Funder of Extremist Rebels," *Washington Post*, April 25, 2014, [https://www.washingtonpost.com/world/national-security/kuwait-top-ally-on-syria-is-also-the-leading-funder-of-extremist-rebels/2014/04/25/10142b9a-ca48-11e3-a75e-463587891b57\\_story.html](https://www.washingtonpost.com/world/national-security/kuwait-top-ally-on-syria-is-also-the-leading-funder-of-extremist-rebels/2014/04/25/10142b9a-ca48-11e3-a75e-463587891b57_story.html)

military intervention in Yemen against the Houthi rebels (who, Saudi leaders argued, were supported by Iran), put enormous pressure on Kuwait's leaders to go after their own Shi'a dissidents. These same developments also put pressure on Kuwait's Shi'a leaders to show more sympathy with their Shi'a brethren in Bahrain, Iraq, Lebanon and Saudi Arabia. The July 2015 Iran nuclear deal further complicated the situation, as Saudi-Iranian tensions worsened and Saudi leaders intensified their efforts to secure a more unified GCC and Sunni Arab position against Iranian "meddling."

### INTENSIFIED DE-LIBERALIZATION

In 2015, the convergence of these three factors led Kuwait's government to further narrow the political space for discussion and criticism. Using an array of existing laws as well as new legislation passed by an obliging parliament, it went after diverse groups of dissidents, many of whom were charged with insulting the Emir or other Gulf leaders. Among the Shi'a dissidents who were caught in this dragnet were Saleh Othman al-Said, a blogger whose six-year sentence for tweets critical of Saudi Arabia was upheld by the Court of Cassation in June 2015; Abdulhamid Dashti, who in April 2015 was charged with insulting Saudi Arabia via Twitter and on the pro-Iranian Lebanese-Shi'a satellite television station *al-Manar*; and Hamad al-Naqi, who is now serving a 10-year prison sentence for tweets critical of the Saudi and Bahraini leaders.<sup>11</sup>

These and other prosecutions of Shi'a dissidents were balanced by the continued—and in many respects more draconian—efforts by the government to punish opponents within the Sunni tribes. Subject to 94 separate criminal prosecutions, Musallam al-Barrak was finally sentenced in February 2015, after multiple appeals, to a two-year term for insulting the

Emir. Moreover, the government used the judicial system to pursue 67 of his supporters, some of whom were his family members. Thirteen of them were convicted in October 2014 of insulting the Emir; in June 2015 an additional 21 people were sentenced to two-year terms for the same offense.

These measures could not have unfolded without the support of Parliament itself. Indeed, Parliament made the prosecution of former MPs such as al-Barrak and Dashti possible by stripping both men of their parliamentary immunity. Similarly, as far back as 2013 and with greater intensity in 2014, the Cabinet invoked the 1959 Nationality Law to revoke the citizenship of former MPs such as Abdullah Hashr al-Barghash, a prominent Sunni Salafist, and Ahmad Jabr al-Shammari, the owner of a television station (*al-Yawm*) that had given airtime to liberal, Islamist, and tribal dissidents. In April 2015 Sa'ad al-Ajmi, a close advisor to al-Barrak, had his citizenship revoked and was expelled to Saudi Arabia, an action upheld by the courts in late October of the same year.

In 2015 and 2016 the government added to its de-liberalizing toolkit by amending existing laws on freedom of expression and assembly and by passing new, more prohibitive laws. For example, in October 2015 the Cabinet altered the wording of the 1979 Law on Public Gatherings and Meetings to criminalize gatherings of five or more people outside judicial buildings.<sup>12</sup> The intent of this change, it appears, was to deflect efforts by citizens to organize public protests against the growing politicization of the courts. The government also passed two new bills that it defended as necessary to fight terrorism and enhance national security. The first, a counterterrorism law, passed one month after

11 Much of the information in this section was drawn from Amnesty International's 2015 report entitled "The Iron Fist Policy: Criminalization of Peaceful Dissent in Kuwait," December 16, 2015, <https://www.amnesty.org/en/documents/mde17/2987/2015/en/>. It should be noted that these Shi'a dissidents were not accused of being backed by Iran, but rather of making statements hostile to the security interests of Saudi Arabia and Bahrain with the *implication* being that they were supporting Iran.

12 Ibid., 6.

the July 2015 bombing of a major Shi'a mosque in Kuwait City by affiliates of the Islamic State of Iraq and al-Sham (ISIS), made DNA testing mandatory for all Kuwaiti citizens. The second, a cybercrime law passed in July 2015 and put into effect in January 2016, expanded the government's powers to monitor and crack down on social media.<sup>13</sup>

Widespread criticism of these actions by Kuwaiti and international human rights groups and even by the U.S. Department of State may account for what appears to be the slowing of de-liberalization in recent months.<sup>14</sup> Still, efforts to limit free speech and assembly persist and seem to be aimed at secular civil society groups as well as at factions of the ruling family itself. During my recent visit to Kuwait I met with a prominent leader of a major women's nongovernmental organization (NGO) who had just delivered a petition to the Ministry of Social Affairs on behalf of more than 72 NGOs rejecting the Ministry's decision to appoint members to these organizations' elected boards—a move that would severely limit the independence of the entire NGO community. And on June 2, 2016, a criminal court sentenced Sheikh Athbi al-Fahad al-Ahmad al-Sabah, the former chief of the State Security Agency, and Sheikh Khalifa al-Ali al-Khalifa, former editor-in-chief of *al-Watan* newspaper and television station, to five-year jail sentences for insulting the Emir.<sup>15</sup> These sentences demonstrated the government's continued determination to punish “unacceptable” dissent from wherever it emerges. Moreover, the sentencing of members of the ruling family is a remarkable event for Kuwait, one that highlights enduring power struggles within the family itself.

### TOWARD A NATIONAL DIALOGUE?

Apart from matters of principle, continuing efforts to narrow the space for political

expression pose a serious challenge to Kuwait's stability. However imperfect, the delicate, if contentious, power-sharing system that has been at the heart of Kuwaiti politics for decades depends, in part, on the readiness of all key players—including the Emir—not to cross certain red lines. For example, the rules of the game, some implicit and others explicit, hold that all groups must have some room to mobilize their constituencies, obtain economic and social benefits from the state, and criticize the government. But they are not supposed to mobilize in ways that threaten the fundamental social, communal, or ideological interests of other groups or that offend the authority of the Emir or his office. As for the Emir, his legitimacy depends in part on his capacity to serve as arbiter among all groups across the political field. To go after one group—or worse to exclude it—risks violating this basic rule.

Yet over the past few years all of these red lines have been crossed at one point or another. The rising ambitions of the tribes and Islamist leaders have sharpened identity conflicts and provoked retribution from the Emir. The government's tightening of political space has alienated key identity constituencies and intensified struggles within the ruling family, undercutting the Emir's legitimacy as ultimate arbiter and symbol of national unity. At the same time, sustained de-liberalization has denuded key institutions, especially Parliament, of their capacity to manage social and identify conflicts. The combined effect of these intersecting dynamics has been to generate a deepening sense of political malaise and drift that most Kuwaiti leaders with whom I met doubt can be sustained. They fear that if unaddressed, the current political standoff could invite a more profound crisis.

13 “Kuwait: Cybercrime Law a Blow to Free Speech,” Human Rights Watch, July 22, 2015, <https://www.hrw.org/news/2015/07/22/kuwait-cybercrime-law-blow-free-speech>

14 “Kuwait 2015 Human Rights Report,” U.S. Department of State, Bureau of Democracy, Human Rights and Labor, <http://www.state.gov/documents/organization/253145.pdf>

15 B. Izzak, “Three Royals Jailed for Insulting Emir,” *Kuwait Times*, May 30, 2016, <http://news.kuwaittimes.net/website/3-royals-jailed-insulting-amir-judiciary/>

That said, there is little agreement about how to repair the growing state-society breach. In simple terms, the choice appears to be between a comprehensive overhaul of the political system, or a more limited tweaking of its existing rules and institutions. The first option, which some political leaders do favor, would require constitutional reforms that would fundamentally change the system that gives ultimate power to the Emir and his allies in an unelected cabinet. Formal legislative authority would have to be transferred to an elected parliamentary majority and to a prime minister who would then represent the largest political group in Parliament. This change would also require the legalization of political parties, which currently are formally banned—even though their function has been sustained through the electoral competition of various groups and associations.

The second option of more limited tweaking would avoid the enormous challenge of major constitutional reform but nonetheless could enhance Parliament's authority. Tweaks might include an agreement to draw more Cabinet members from the 50 elected MPs. (Currently the number is limited to four and MPs are appointed only to minor cabinet portfolios, with the major positions typically reserved for the ruling family.) The legalization of parties, some Kuwaitis argue, would be another useful change to strengthen the elected body's authority and its internal functioning. Parties could be legalized without the major constitutional reform required for a more comprehensive restructuring of the political system.

Each approach carries risks and benefits. The first approach might address the root causes of political dysfunction. But political groups and leaders, especially from the secularly-oriented professional and business sector and from the Shi'a community, may view the prospect of a full-fledged shift to parliamentary politics as opening up opportunities for their

(Islamist) rivals to impose unwelcome social, economic, or ideological agendas on minority and other vulnerable groups. And of course, any significant shift in power to the National Assembly would be resisted by some leaders of the al-Sabah family, who probably would be tempted to enlist one or more identity groups in their efforts to block major reform. The second approach might avoid provoking the fears of vulnerable groups in ways that could intensify identity conflicts and cause a backlash from the royal family. But because it would not clarify the relations between executive and legislature, it probably would be insufficient to avoid new cycles of government-opposition conflict. New bouts of repression would ensue, a back-to-the-future scenario that could once again prove highly dysfunctional.

In light of these costs and benefits, the best course of action for any government, and for the Emir himself, may be to press for an inclusive national political dialogue. The goal of such a dialogue would be to assemble representatives of all key groups to debate the advantages and disadvantages of major versus minor political change, and in so doing, to define a new political consensus that will help Kuwait move beyond its present impasse.

Is there sufficient political will and—most of all—coherence in Kuwait's fragmented and faction-driven society to support the convening and sustaining of such a dialogue? On this crucial question I heard very different assessments during my visit to Kuwait. Some Kuwaitis pointed to the creation of an opposition front that included liberals, youth activists, nationalists, and Sunni Islamists in spring 2014. At the time, knowledgeable Kuwaiti experts, such as Shafiq al-Ghabra, had suggested that the new opposition alliance's broadly-worded "Manifesto for Political Reform" might serve as a useful point of departure for a national dialogue.<sup>16</sup> But due to the persistence of identity conflicts and growing

16 "Kuwait's Opposition: A Reawakening," *The Economist*, April 17, 2014, <http://www.economist.com/blogs/pomegranate/2014/04/kuwaits-opposition>

state repression, the hopes born of this new alliance were not realized. Still other activists with whom I spoke argued that the tradition of dialogue remains deeply rooted and regularly practiced in *diwaniyyaat*, or discussion circles, that are a central feature of Kuwaiti society. What is more, dialogue between the royal family and the opposition was essential to renewing political life after the trauma of the 1990 Iraqi invasion and 1991 Gulf War. Finally, some suggested, Kuwait's leaders might today find additional and more proximate inspiration in Tunisia's 2013-14 "National Dialogue," a remarkable effort that allowed Tunisia's leaders to move from conflict to consensus.<sup>17</sup>

To be sure, Kuwait is not on the precipice of a political or economic crisis as severe as the troubles that impelled Tunisia's dialogue. Nor has repression reached heights remotely comparable to Egypt, for example. In some arenas, such as protecting the rights of migrant domestic workers, Kuwait has even made progress.<sup>18</sup> But this analysis strongly suggests that leaving the political situation to drift in a more authoritarian direction could exacerbate internal divisions in ways that could prove dangerous to Kuwaiti society and its delicate power-sharing system.

As for the economic situation, the dramatic fall of global oil prices might offer an additional impetus to begin talks and thus preempt an economic crisis. In 2016, Kuwait's economy contracted for the first time since 2010, prompting discussion in Parliament about an income tax regime. This would be an enormous change since Kuwait, like other GCC states, has never had an income tax. Certainly, Kuwait's \$600 billion in reserves ensures that a retreat from patronage politics is not imminent, but at some point soon the exigencies of economic diversification must be faced. Given Kuwait's pluralistic legacy, charting a new economic path forward through dialogue and conciliation is far preferable to further de-liberalization.

## POLICY IMPLICATIONS FOR THE UNITED STATES

While the United States took the lead in liberating Kuwait from Iraqi occupation in 1991, 25 years later Kuwait's domestic politics register far less on U.S. policy screens. What gets most of Washington's attention nowadays is maintaining the large U.S. military presence in Kuwait and stopping the channeling of funds from Kuwait to jihadists in Syria and Iraq. These concerns are indeed important, but it is not in the U.S. interest to ignore or downplay the narrowing of political space in Kuwait. If this trend continues, the widening gap between state and society could undermine the very institution that has long sustained national unity: the Kuwaiti monarchy.

Moreover, an effective U.S. policy toward the Gulf region requires a supple diplomacy that fosters, rather than minimizes, the distinctive identities and roles of all Arab Gulf states. After all, as noted above, Kuwait has long advocated a regional policy that resists escalating Shi'a-Sunni sectarianism or Arab-Iranian confrontation. Such an approach seems more valuable than ever as Iranian-Saudi conflict grows and as pressure from the GCC increases for the United States to confront rather than engage Iran. A strong and stable Kuwait could be a valuable ally for the United States as it strives to balance its security support for the GCC states with a multi-faceted diplomacy that includes finding peaceful and effective ways to deal with a changing Iran.

For all of these reasons, any U.S. administration that is concerned about long-term stability in the Gulf should encourage Kuwaiti leaders to pursue a serious national dialogue. While keeping a safe distance from such sensitive discussions, U.S. officials also should welcome measures to uphold human rights along with renewed efforts to strengthen the country's admirable traditions of political activism,

17 Hatem M'rad, *National Dialogue in Tunisia* (Nirvana Editions: Tunis, 2015), PDF e-book.

18 "Kuwait: Progress on Domestic Workers Rights," Human Rights Watch, February 2, 2016, <https://www.hrw.org/news/2016/02/02/kuwait-progress-domestic-workers-rights>

openness, and contentious politics. Such a policy should be bolstered by enhanced U.S. programmatic support for Kuwaiti political groups and civil society organizations. In light of the many challenges they now face, leaders of such groups would applaud a clear signal from Washington—as well as from countries in the wider community of democracies—that the United States sees security and pluralistic politics in Kuwait as mutually reinforcing.



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