

Political Change in the Gulf States: Beyond Cosmetic Reform?

FRIDE Democracy Backgrounders

Democracy Backgrounders will provide factual information relevant to topical international challenges related to democratisation, and analyse policy implications for the international community.

About FRIDE

FRIDE is an independent think-tank based in Madrid, focused on issues related to democracy and human rights; peace and security; and humanitarian action and development. FRIDE attempts to influence policy-making and inform public opinion, through its research in these areas.

The Gulf monarchies – Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates – stand to become increasingly important for European foreign policy concerns. These states are a primary focus of the European Union's new energy security policy, European counter-terrorist efforts and a new programme of NATO security cooperation. In the wake of several leadership successions and with elections either having recently been held or imminent in several Gulf states, it is essential for European foreign policy interests that the extent and form of political change in the region be fully understood. While the obstacles to far-reaching reform remain formidable, Gulf polities increasingly have revealed themselves to be less static and more complex than regularly assumed. This Backgrounder looks at some of the detailed aspects of – and limits to – the Gulf's reform processes in order to help shed light on debates over the future evolution of its monarchies.

- The Gulf monarchies came into existence as independent states during the twentieth century. While some authors believe the monarchies in the region were forged as instruments of Western imperial policy, others attribute their typology to the local legitimacy of the ruling families. A functional explanation attributes the Gulf regimes' resilience to their affinity with a nation-building and state formation project, which allowed rulers to mould a unified and loyal population.¹ Others defend that these states were built upon existing local political realities.²
- Regardless of the motivation behind their formations, demand for political change from the populations themselves has been weak. Some argue that Gulf regimes, consequently, have less reason to fear that allowing a modest measure of reform will lead to their overthrow. This acquiescence has been bolstered by rent-based economies, which have allowed the ruling families to consolidate their power by distributing oil and gas revenues among the population, thereby pre-empting any calls for representation that might have followed from the imposition of taxes. This social contract seemed to hold well until the 1990s; however, it began to fissure during an era of low oil prices and increasing unemployment, which led to greater pressure for reform. Although public opposition has not pushed for overthrowing incumbent regimes anywhere in the region, both external and internal pressure for greater accountability and participation has intensified.
- In practice, reform has generally been driven from above and points more towards political liberalisation rather than full-fledged democratisation. Indeed, it is precisely because there is minimal danger of reform leading to wholesale change of the system why Gulf rulers have been prepared to introduce some reform. So far, political liberalisation has entailed the creation of partially-elected advisory councils and a cautious opening up of some public space to political discourse. A growing level of contestation and pluralism raises the question of whether – in at least some Gulf monarchies – reform may be on the brink of extending beyond the purely cosmetic.

Bahrain

- Bahrain gained its independence from the United Kingdom in 1971. The Al Khalifa family, who belongs to the minority Sunni Muslim (30 per cent) population in this majority Shia Muslim country, has ruled Bahrain since 1782. Sheikh Hamad bin Isa Al Khalifa succeeded his late father as emir in March 1999. Despite being known for his role in the harsh crackdown on opposition forces in the 1990s when he was defence minister, Sheikh Hamad initiated a process of political, legal and social reform upon acceding to power. He repealed emergency laws, granted amnesty to political prisoners, lifted travel bans on political activists and reinstated dissidents. Despite these encouraging beginnings, he has been faulted with failing to fulfil the early promise of reform.
- In 2001, through a referendum, citizens overwhelmingly approved a National Charter of Action, a vaguely worded document that held out the

¹ Lisa Anderson, 'Absolutism and the Resilience of Monarchy in the Middle East', *Political Science Quarterly* 106, no. 1, 1991, pp. 2-5.

² Gerd Nonneman, 'Political Reform in the Gulf Monarchies. From Liberalisation to Democratisation? A Comparative Perspective', Sir William Luce Fellowship Paper 6, *Durham Middle East Papers* 80, 2006, pp. 22-23.

promise of progressive changes to the political system.³ Despite the king's assurances that a constitutional commission would be created to propose amendments to the 1973 Constitution, a year later he directly promulgated into a new constitution the changes introduced by the National Charter, along with some additional changes of his own. The opposition was dissatisfied with the new constitution, which confirmed most of the powers to the king and established an appointed, second legislative chamber. The opposition criticised the way in which the king unilaterally made constitutional changes in the absence of an elected legislature, contrary to provisions of the 1973 Constitution. Subsequently, the mostly Shia opposition boycotted the first parliamentary elections held under the new constitution in 2002, which resulted in a parliament comprised by a majority of Sunni Islamists.

- Although the Constitution states that Bahrain is a hereditary constitutional monarchy, in practice the king has wide-ranging executive and legislative powers and is hardly constrained by constitutional provisions. The king appoints the Council of Ministers, which is headed by the prime minister and composed mainly of members of the Al Khalifa family, who hold ten of the 21 cabinet posts, including key ministries such as Oil, Defence, Interior and Foreign Affairs. The king can dissolve Parliament merely if he has 'sufficient reason' to do so; unlike the previous constitution, upon its dissolution, in the new one he is not then required to hold new elections two months later. The monarch can rule by decree, provided his decrees do not violate the Constitution and are approved, subsequently, by

both houses; although no established timeframe for these approvals exists.

- The Constitution created a bicameral legislature – the National Assembly – in which the appointed chamber would have a legislative role equal to that of the elected chamber; moreover, the former would take certain precedence over the latter, as its president would be chairman during joint sessions. The National Assembly has the power to propose and enact laws; however, these can only be drafted by the cabinet. The Consultative Council (*Majlis al Shura*) has 40 members, who are appointed by the king for four-year, renewable terms. The Chamber of Deputies (*Majlis al Nawwab*) has 40 members, who are elected by universal adult suffrage for four-year terms. The Consultative Council has effective veto power over decisions made in the Chamber of Deputies, as disputes between the two chambers are decided by joint vote and in the event of a deadlock, the president of the appointed chamber may cast the tie-breaking vote. Constitutional amendments and the removal of ministers require a two-thirds majority of the combined houses. The National Assembly does not monitor state financial affairs, nor does it review income or expenditures of the palace, royal family or the Ministries of Defence and Interior. Instead of an audit bureau subordinate to the National Assembly as established in the previous constitution, a Financial Control Bureau reports directly to the king.
- Political parties are illegal, but political societies, which operate as *de facto* parties, have been sanctioned and licensed by the government since 2001. Political societies are allowed to select election candidates, act as parliamentary blocs, hold internal elections, campaign for public support and

³ International Crisis Group Middle East/North Africa Report 40, 'Bahrain's Sectarian Challenge', 6 May 2005, p. 5, available at www.crisisgroup.org/home/index.cfm?id=3404&I=1

host political gatherings. In August 2005, King Hamad ratified a controversial law for political associations despite opposition from the political societies. The new law outlaws associations based on class, profession and religion and raises the minimum age of society members from 18 to 21. It also required all existing political societies to re-register with the Ministry of Justice and imposes restrictions on foreign funding. The government approved a further draft law on political associations in June 2006, which – as of 2007 – will ban these associations from accepting donations from any foreign or international organisation. In July 2006, the king ratified amendments to the association law that restrict the right to hold demonstrations and that give prison sentences for unauthorised protests.

- At the time of writing, municipal elections and national elections for the Chamber of Deputies are scheduled to be held on 25 November 2006. These are due to be supervised for the first time by Bahrain's judicial authority. Opposition parties are accusing the Bahraini government of extending citizenship and voting rights to Sunni migrants from other Arab and Asian states in order to dilute the voting power of the Shia majority. Tension has been compounded because of a report by former government advisor, Salah Al Bandar, which uncovered an alleged conspiracy by senior government officials to rig the upcoming elections to prejudice the Shia. According to the report, this effort has been led by State Minister of Cabinet Affairs and Head of the Central Informatics Organisation Sheikh Ahmed bin Ateyatallah Al Khalifa, although he denied this claim.⁴

- Bahrain's largest political society, the Al Wefaq National Islamic Society, which boycotted the 2002 elections, has announced it will participate in the legislative elections. It is planning to contest at least 19 seats. Nine candidates have established a new alliance called the National Unity Bloc, which calls for constitutional reforms that would place legislative power entirely in the hands of the elected chamber, allow for the establishment of political parties and redraw electoral constituencies.⁵ Appeals for a single constituency aim to redress a current constituency structure that contributes to the Shia's political marginalisation. Twenty-one Bahraini women have announced they will run in the elections. No female candidate won a seat in the 2002 legislative elections, although Bahrain was the first Gulf Cooperation Council (GCC) country to allow the participation of women in national elections (subsequently, the king appointed six women to the Parliament's upper chamber and two as ministers).

⁴ Carnegie Endowment for International Peace, *Arab Reform Bulletin*, October 2006, available at www.carnegieendowment.org/publications/index.cfm?fa=view&id=18782&prog=zgp&proj=zme

⁵ Ibid.

Kuwait

- Kuwait gained its independence from the United Kingdom in 1961, and its Constitution was approved and promulgated in November 1962. The Constitution states that Kuwait is a hereditary emirate and grants the emir broad executive powers. Sheikh Sabah Al Ahmed Al Sabah became emir on 29 January 2006 after the death of Sheikh Jaber Al Ahmed Al Jaber Al Sabah, who was emir of Kuwait since 1977. Kuwait has been ruled by the Al Sabah family since 1756.
- The recent emiri succession has been interpreted by some analysts as a triumph for the elected Parliament in exercising constitutional authority over a matter usually handled internally by the ruling family.⁶ Constitutionally, Crown Prince Sheikh Saad Abdullah, from the Salem branch of the ruling family, would have become emir automatically upon the death of Sheikh Jaber. Due to his poor health, he was expected to step down in favour of Sheikh Sabah – the deceased emir’s half brother – who, as prime minister, had been running day-to-day affairs since 2001. However, what happened was that the National Assembly voted unanimously to relieve Sheikh Saad from the leadership for health reasons; it then approved unanimously the new emir’s assumption of power. Sceptical of the importance of such parliamentary activism, others see the dominant dynamic to be an alliance between one faction of the ruling family and vested political and economic interests using the constitution to continue furthering their own narrow agendas.⁷
- Traditionally, the position of emir has alternated between the Jaber branch, of which Sheikh Sabah is a member, and the Salem branch, to which Sheikh Saad belongs. Yet, in February, the new emir issued two decrees that nominated two members of the Jaber branch as crown prince and prime minister, respectively. Sheikh Nawaaf Al Ahmad Al Sabah, former first deputy prime minister and minister of the interior – as well as the emir’s half brother – was nominated and approved by a simple majority in Parliament as crown prince designate. Sheikh Naser Al Mohammad Al Ahmad, the emir’s nephew and minister of the Emiri Diwan for the last 15 years, was nominated as prime minister, a move that did not require parliamentary approval. Reformists welcomed the new emir’s decision to keep the posts of crown prince and prime minister separate, as they have been since 2003.
- The Kuwaiti emir: appoints the prime minister and cabinet; may issue decrees that carry the force of law, provided that they are not contrary to the Constitution or to the budget law; initiates and promulgates laws; can adjourn the National Assembly for a period not exceeding one month; and may also dissolve the National Assembly and call for new elections within two months.
- The Constitution vests legislative power upon the emir and the National Assembly. Kuwait’s National Assembly is considered one of the most vigorous and powerful in the Gulf states, regularly questioning ministers and blocking government proposals. The unicameral National Assembly (*Majlis al Umma*) was established in 1963. It is made up of 50 members, who are elected for four-year terms and of 11 to 16 ministers, who are not elected but sit as ex-officio members. Until recently, 25 electoral

⁶ William Wallis, 'Sea Change for Gulf as Kuwait Ousts Emir', *Financial Times*, 25 January 2006.

⁷ Ali Zaid Al Zu'abi, 'Prospects for Political Reform in Kuwait: An Analysis of Recent Events', *Arab Reform Brief 9*, Paris: Arab Reform Initiative, June 2006, available at www.arab-reform.net/article.php?id_article=273

constituencies had each elected two members to the legislature. In June 2006, Parliament's rejection of the government's preferred model for electoral redistricting led the emir to dissolve the Assembly and call for new elections. The immediate trigger for the dissolution was Parliament's demand – for the first time in Kuwaiti history – to question the prime minister, Shaikh Nasir Muhammad Al Sabah, who had been appointed only months earlier.

- Early legislative elections duly took place on 29 June under the 25 district system. Thirty-two women – the first female candidates ever to participate in elections in Kuwait – were among the 402 candidates contesting the elections. None of the women who ran was elected. A debate over the constitutionality of members of the royal family contesting elections ensued when three of its members announced their intention to run. Although constitutional experts argue there is no constitutional provision that bans ruling family members from voting or standing in the polls, the three candidates ultimately withdrew their nominations, heeding the emir's request.
- The opposition was made up of a loose alliance of Islamists, nationalists and liberals. Political parties are not allowed, but representatives and candidates group into *de facto* parliamentary blocs. The opposition won 34 seats in the 50-member Parliament, signifying a net gain of five; Islamists – mainly at the government's expense – increased their number of seats; and the small group of liberals came out even. The Islamic Constitutional Movement (ICM), Kuwait's main Islamist group and an affiliate of the Muslim Brotherhood, has begun efforts to

create a 'national reform bloc' in Parliament that will work with the government to bring about economic and political reform.⁸ A parliamentary committee, established in July to investigate electoral violations, has declared that it has evidence of government interference in the June parliamentary elections, although no details have yet been released.⁹

- On 10 July 2006, the emir named a new cabinet, the formation of which met the opposition's demands to exclude the energy minister and the minister for Cabinet and Parliament Affairs. Opposition members of Parliament (MPs) still contend that the reshuffle has not gone far enough. The ruling family has retained the energy, foreign, defence and interior portfolios. Shortly after taking office in July, the cabinet approved a new electoral bill – subsequently passed by Parliament – that cut the number of constituencies from 25 to five. Some consider this electoral reform as the first step towards a formal party system. The electoral amendments are expected to make elections more representative – and less based on sectarian and tribal factors – and discourage vote buying. Young activists outside the usual political circles were the main driving force behind the legislation's approval. They headed a popular movement modelled on the 'colour' movements in Eastern Europe and organised rallies – using orange emblems – in support of a five-district model. Their ability to organise and lead the campaign caught many MPs by surprise.¹⁰
- The National Assembly can initiate legislation that is promulgated within 30 days of its submission to the emir, after being confirmed in the Assembly by a two-thirds majority vote. No law may be promulgated

⁸ Carnegie Endowment for International Peace, October 2006, op. cit.

⁹ Ibid.

¹⁰ Mary Ann Tétreault, 'Kuwait's Annus Mirabilis', *Middle East Report Online*, 7 September 2006, available at www.merip.org/mero/mero090706.html

unless it has been passed by the National Assembly and sanctioned by the emir. Decrees made by the emir are referred to the National Assembly within the 15 days following their issue if the Assembly is in session. If the Assembly does not confirm a decree, it retrospectively ceases to have the force of law. The Assembly can overturn any of the emir's decrees made during its dissolution and can veto a law proposed by the government. The National Assembly can question and withdraw confidence from ministers and the cabinet. The question of confidence in the prime minister may not be raised before the National Assembly; however, if the latter decides it cannot work with the prime minister, the matter is submitted to the emir. The emir may either remove the prime minister from office and appoint a new cabinet or dissolve the National Assembly.

- Parliament has been able to block a number of the ruling family's policy initiatives. In 1999, the emir issued several decrees dealing with women's suffrage, economic liberalisation and citizenship. The National Assembly later rejected all of these decrees as a matter of principle and then reintroduced some of them as parliamentary legislation. In October 2003, the cabinet approved draft legislation granting women full rights to vote and run as candidates in elections. The measure was not passed by the Assembly and, therefore, did not become law. In May 2005, Parliament did pass a government-sponsored bill to amend the electoral law to grant women the right to vote and run for office. Parliament has also succeeded in blocking progress on plans to open northern Kuwait to international energy firms for investment ('Project Kuwait').
- In May 2006, the Constitutional Court revoked 15 clauses of the Public Gatherings Law of 1979, ruling

them unconstitutional. The court found the restriction of public gatherings without prior permission from the authorities constituted a violation of the freedoms stipulated in the Constitution. The Constitutional Court had never before ruled on the constitutionality of laws issued in the absence of Parliament (the 1979 Law was enacted by decree after the late emir had dissolved Parliament). Some observers believe the ruling might set a precedent by challenging the emergency powers of the emir.¹¹

Oman

- Oman gained its independence from the United Kingdom in 1951, after having been a protectorate since 1891. A Basic Law was issued by royal decree in 1996, defining Oman as a hereditary sultanate. Qaboos bin Said Al Said, whose family has ruled Oman since the eighteenth century, has been sultan since July 1970, when he carried out a coup against his father. He has also served as prime minister since 1972. Sultan Qaboos has no children, which makes the issue of succession uncertain. According to the Basic Law, succession will be determined by the Ruling Family Council within three days of the vacancy of the post of sultan. If the Ruling Family Council does not agree on a successor, the Defence Council will confirm the appointment of the person designated by the sultan in his letter to the Family Council.
- The sultan has wide-ranging powers, including appointing and presiding over the Council of Ministers; holding the portfolios of defence, foreign

¹¹ 'Arab Political Systems: Baseline Information and Reforms', *Online Series*, FRIDE and the Carnegie Endowment for International Peace, available at www.fride.org/eng/Publications/publication.aspx?item=787

affairs and finance; and issuing and ratifying laws. The Council of Ministers, appointed by the sultan, formulates economic, social and administrative policies, and proposes both draft laws and decrees. Its deliberations are carried out in secret. Public service ministries are required to submit reports and answer questions regarding their performance and plans before the Parliament's lower house. The sultan presides over specialised councils that are appointed by royal decree, which assist in planning and administration. The National Defence Council is in charge of working with the Ministries of Defence and the Interior, and coordinating the activities of the Royal Armed Forces and the Oman Police Force. Other important councils include the National Development Council, Supreme Council for Economic Planning and Council for Financial Affairs and Energy Resources.

- The Basic Law established a bicameral parliament, the Council of Oman, composed of the Consultative Council (*Majlis al Shura*) and the Council of State (*Majlis al Dawla*). The Council has only an advisory, not a legislative, role – although it can propose legislation – and cannot discuss matters of defence, foreign affairs, security or finance. It can debate economic, social and development issues, review laws, evaluate government plans and question ministers, and it holds joint meetings with the government on a bi-annual basis. The division of labour between the two consultative bodies is unclear; the chambers are independent of each other financially and administratively. Council members generally have been reluctant to test the extent of their formal powers.¹² Political parties are illegal. The main function of the Consultative Council is to

review and comment on draft economic and social legislation prepared by the ministries in accordance with the 'Five Year Plan'. It also examines drafts proposed by the sultan and may call upon ministers for questioning.

- The Council has 83 members that are elected by universal suffrage for four-year terms (extended from three years by a royal decree in October 2003), which may be renewed once. Before 2003, selected citizens from every province nominated two candidates; the sultan then chose one from each pair and directly appointed additional members; (in 1994, he appointed two women, which marked the first time women participated in a political process in the GCC).¹³ The Council's 83 seats are now distributed among the 59 provinces: those provinces with a population of less than 30,000 have one representative, while those with populations over 30,000 have two. In the 2003 elections, for the first time, all Omani citizens – both men and women – over the age of 21 (approximately 822,000 people) were eligible to vote. Only 262,000 (32 per cent) registered to do so and only 194,000 of them cast their votes. The next Shura Council elections are due to be held in 2007.
- The Council of State has 58 members appointed by the sultan. Members are appointed for three-year, renewable terms. This chamber reviews the proposals of the Consultative Council and forwards the ones it deems important to the government or to Sultan Qaboos.
- The sultan holds public meetings (*majlis*) with citizens around the country and listens to their

¹² Gerd Nonneman, 2006, op. cit., p. 11.

¹³ Andrzej Kapiszewski, 'Democratizing the Arab States. The Case of the Monarchies of the Gulf, 1991-2004', in *Krakowskie Studia Międzynarodowe* 2005/1, Księgarnia Akademicka, 2004.

personal requests and grievances. Every year, accompanied by his ministers, he makes a three-week tour of the country.

- The Basic Law guarantees freedom of association as long as associations have legitimate objectives and do not conflict with the Law's stipulations. Associations must be registered with the government and the Ministry of Social Development must approve their establishment and by-laws. Industry associations, professional syndicates and trade unions were banned until July 2006, just prior to the passage through the US Congress of the Oman-US Free Trade Area, when the Labour Law was amended by royal decree in order to permit and legalise trade unions.

Qatar

- Qatar became independent from the United Kingdom in 1971. It is a hereditary emirate ruled by Sheikh Hamad bin Khalifa Al Thani, who became emir, in June 1995, after deposing his father. Implementing a series of reforms upon his assumption of power, the emir: abolished the Ministry of Information; called for general elections for the Central Municipal Council, allowing women to vote for and run as candidates; and established a committee to draft a new constitution. Qatar's Constitution entered into force in June 2005, after it was approved by 97 per cent of voters in an April 2003 referendum. The process of approving legislation and introducing institutional changes to conform to the Constitution is ongoing.
- The emir appoints the prime minister and ministers and serves as defence minister. The emir also

appointed the current Advisory Council, which has a limited advisory role. Until elections are held, and following the 1970 Constitution, the Advisory Council (*Majlis al Shura*) consists of 35 members, appointed by the emir, who serve four-year terms. The new constitution calls for a legislative body with 30 members, who are elected by universal suffrage and 15, who are appointed by the emir. Once elections are held for the Advisory Council, legislative power is supposed to be exercised by the Council. According to the Constitution, the legislature will have three main powers to: approve – but not prepare – the national budget; monitor the performance of ministers through interpellations and no-confidence votes; and draft, discuss and vote on proposed legislation.

- Under the new constitution, proposed legislation becomes law only with the vote of a two-thirds majority and the emir's endorsement. The emir may return a bill for reconsideration; however, the bill still passes if it is supported by a two-thirds majority in the Council. Nevertheless, the emir may then suspend enforcement if he deems there to be 'compelling circumstances'. One-third of the Council's members may direct an interpellation to a minister. The Council may give ministers a vote of no-confidence within ten days following an interpellation. If this passes by a two-thirds majority, the minister will be removed from his post. Since the emir will appoint 15 of the 45 deputies, removing confidence from a minister would probably require unanimity among the elected deputies.¹⁴ The Council must approve the draft budget for it to come into force, and may amend it. The emir may dissolve the Council, but he is obliged to call new elections within six months. Qatar will

¹⁴ Michael Herb, 'Princes, Parliaments and the Prospects for Democracy in the Gulf', in Marsha Pripstein Posusney and Michele Penner Angrist (eds) *Authoritarianism in the Middle East*, Boulder: Lynne Rienner, 2005, pp. 169-191.

hold its first legislative elections in early 2007 (initially they were expected in 2004), according to an April statement by Foreign Minister Hamad bin Jasem Al Thani.

- There is some debate taking place on who will be eligible to vote in the forthcoming elections. A nationality law, drafted in December 2005, might provide guidance on this question. The law divides Qatari citizenship between those who can establish origins in the country pre-1930 and those who arrived after this date. The former are set to enjoy full rights, while the latter group will be naturalised if they can prove residency for at least 25 years. Until an election law is passed, it remains unclear whether this second group will be able to vote in the upcoming elections.
- The Constitution provides the right to form associations, but this right is limited in practice. Law 12, issued in May 2004 to replace Law 8 of 1998, grants citizens the right to establish private societies and professional associations; however, in practice, the government imposes strict conditions on their establishment and management. Such groupings are prohibited from engaging in political issues and require approval from the Ministry of Civil Service Affairs and Housing. In May 2005, the Ministry of Civil Service Affairs and Housing promulgated new regulations that streamline the operating requirements for associations but forbid affiliation with groups outside Qatar. Political parties and labour unions are illegal, while women's and human rights groups have been refused licenses.

Saudi Arabia

- The Kingdom of Saudi Arabia was founded by King Abd Al Aziz bin Abd Al Rahman Al Faysal Al Sa'ud in 1932, and has since been ruled by a succession of his sons. Crown Prince Abdullah acceded to the throne in August 2005, following the death of King Fahd; Abdullah had been acting as *de facto* regent since King Fahd suffered a stroke in 1995. The Basic Law (*Nizam*), a series of laws issued by King Fahd in 1992, serves as an informal constitution.
- The king rules by decree in accordance with Islamic law (*Sharia*) and with the consensus of senior princes and religious officials. He has executive, legislative and judicial powers and there are no institutional checks on his authority. The king is somewhat constrained by Islamic law, the importance of attaining consensus among royal family members and the tradition of consultation. However, there is little formal accountability, which gives the king wide-ranging discretion. The king is also custodian of the Two Holy Mosques, which helps anchor his legitimacy.
- The Council of Ministers consists of: the king, who serves as prime minister; the crown prince; three royal advisers, who hold official positions as ministers of State; five other ministers of State; and the heads of the 20 ministries. The commander of the Saudi Arabian National Guard, the governors of Medina, Mecca, Riyadh and the Eastern Province, as well as both the governor of the Saudi Arabian Monetary Agency (SAMA) and the head of the General Petroleum and Mineral Organisation (Petromin) hold ministerial ranks and are members of the Council of Ministers. The king, as prime

minister and head of the Council of Ministers, can veto any decision taken by the Council of Ministers. He also appoints and removes ministers by royal order and can dissolve and reshuffle the Council of Ministers.

- The king is chosen through hereditary succession; although, with the 1992 Basic Law, King Fahd altered the procedure to have the king or crown prince chosen on the basis of 'suitability' rather than merely on seniority. Since 1975, the tradition has been for the king to appoint a second deputy prime minister, who would become crown prince upon the king's death. So far, King Abdullah has not named a second deputy prime minister. In response to growing uncertainty over succession issues – heightened by the advanced age of King Abdullah, Crown Prince Sultan and most of the brothers of the late King Fahd – amendments to succession procedures were announced in October 2006. Although crown princes will still be either sons or grandsons of Ibn Saud, rather than simply being appointed by the king, they will have to be approved by an allegiance (*Bay'ah*) commission made up of Ibn Saud's sons, his eldest grandsons in the cases in which – since Ibn Saud's death – his sons have died, as well as the sons of the current king and crown prince. If the commission rejects the nominated crown prince, it may vote for one of three candidates suggested by the king. These new rules will not apply until after Sultan is king.¹⁵
- Saudi Arabia has a Consultative Council, which was established by royal decree under the 1992 Consultative Council Law and serves in an advisory capacity. A 2003 royal decree granted it the power to

initiate legislation and amended the Council's charter so that in the event of disagreement it would have the opportunity to respond to the government's arguments, leaving the king as final arbiter and decision-maker. It has 150 members – none of whom may be princes or serving ministers – appointed by the king for four-year terms. The Council can hold ministries accountable for their spending, but has no role in shaping budgets. In October 2003, the Saudi press reported the government would conduct elections for one third of the members of the Consultative Council within three years. Discussion about possible, at least partial, elections to the council resumed after the fourth expansion of council membership to 150, in April 2005. The government has issued no official pronouncements on the subject.

- Municipal elections, held in 2005, have been hailed as a sign of possible reform in the kingdom. However, councils have no political powers and simply deal with local services and planning matters; women – albeit ostensibly for 'logistical' reasons – were barred from standing and voting; and no group campaigns, platforms or political parties were allowed. Originally announced for 2004, municipal elections for half of the council seats took place in three regional rounds between February and April 2005. The remaining half of the seats was appointed. The three rounds each produced a similar pattern: low voter registration; high turn-out among those registered; vigorous competition for the seats; a strong showing of moderate Islamist candidates, who proved to be well organised; a sectarian tinge to voting in the Eastern Province; evidence of *de facto* group politics, despite its formal ban; and campaigning that focused mainly on matters of practical importance to the daily lives of local residents, rather than on broader philosophical or ideological issues.

¹⁵ Simon Henderson, 'New Rules on Succession: Will They Fix the Problem?', *The Washington Institute Policy Watch* 1156, 25 October 2006.

- Although the municipal elections were the most immediately visible sign of recent reform, they came against a background of broadened debate on issues of political reform. In August 2003, Crown Prince Abdullah announced the establishment of the King Abdulaziz Centre for National Dialogue to promote the public exchange of ideas. Five rounds of talks have taken place, covering standards of education, the emergence of extremism, the role of women and youth and world cultures. It is significant that a number of previously taboo issues have been opened to discussion and that hitherto marginalised voices, such as those of the Shia, were allowed to participate.¹⁶
- In response to Crown Prince Abdullah's call for 'self-reform and the promotion of political participation' across the Middle East, in January 2003, more than 100 Saudi Arabian citizens sent him a charter entitled, 'Vision for the Present and the Future of the Homeland'. The charter urged for comprehensive reforms, including guarantees of freedom of expression, association and assembly, and requested the release of or fair trials for political prisoners. In September 2003, a second petition, 'In Defence of the Nation', criticised the slow pace of reform and the absence of popular participation in decision-making processes. Signed by 306 academics, writers and businesspeople, including 50 women, it advocated popular election of the Consultative Council. Islamist reformers, who had signed the 'Vision', refused to join the second petition because it was viewed as too liberal and anti-Islamic. In 2004, a third petition called for the establishment of a constitutional monarchy. Subsequently, some petition writers and activists were jailed; upon acceding to power, Crown Prince Abdullah granted them amnesty. All petitions favoured gradual political transformation within the framework of the monarchy and the state's Islamic character.
- The Basic Law does not provide for freedom of association. Public demonstrations pertaining to political issues are prohibited as are trade unions, syndicates, collective bargaining and strikes. The government does license professional associations such as the Saudi Chemists Association and the Saudi Pharmacists Society.
- Despite continued claims about divisions and factions within the royal family, Abdullah's succession has been smooth. He was named crown prince in 1982, acted as *de facto* regent from 1995 until he became king and has since consolidated his power. He is respected as both a reformer and a pious and honest defender of traditional values. Although some analysts point to conservative factions led by Prince Naif as likely to frustrate movements towards reform, these concerns might be overstated. While Prince Naif is one of Saudi Arabia's most conservative princes, his main preoccupation is security, which does not mean he is necessarily against reform, at least in areas like the economy and education. The challenge will be for King Abdullah to manoeuvre wisely within a terrain of competing priorities and interests to achieve modernisation without alienating Islamic conservatives, while expanding contestation beyond the ruling family.

¹⁶ Gerd Nonneman, 2006, *op. cit.*, p. 10.

United Arab Emirates

- The United Arab Emirates (UAE), a loose federation of seven emirates – Abu Dhabi, Dubai, Ajman, Al Fujayrah, Sharjah, Ra’s Al Khaymah and Umm Al Qaywayn – gained independence from the United Kingdom in December 1971. Each emirate is governed by its own ruler, such that the central institutions of the UAE, regulated by the Constitution, are ultimately dependent on the power of the emirate-level rulers. Each of the emirs retains sovereign power within his own emirate, although some – such as in Sharjah – have introduced appointed consultative bodies.¹⁷ The 1971 Interim Constitution was amended and made permanent in 1996.
- There is no true separation between the executive and legislative branches in the UAE. The Federal Supreme Council (FSC) is the highest, legislative executive and constitutional authority. It is composed of the hereditary rulers from each of the seven emirates. The rulers of Abu Dhabi (president) and Dubai (vice president) have veto power on FSC decisions. New members of the FSC are chosen by the ruling families in each emirate. The FSC approves federal legislation and the nomination of the prime minister. The Council elects a state president for a five-year term and the president appoints the prime minister and cabinet. Sheikh Khalifa bin Zayid Al Nuhayyan, emir of Abu Dhabi, has held this position since November 2004. He succeeded his late father, Sheikh Zayed bin Sultan Al Nuhayyan, who had been president since 1971. Sheikh Mohammed bin Rashid Al Maktum, emir of Dubai, has held the positions of

vice president and prime minister since January 2006, and that of minister of defence since 1971. His late brother, Maktum bin Rashid Al Maktum, as emir, held the former two positions from 1990 until 2006. While the positions of prime minister and vice president are currently held by the same person, this is not required by the Constitution and has not always been the case.

- The Council of Ministers is appointed by the president and headed by the prime minister. It can draft decrees and laws but cannot approve them. Sheikh Khalifa approved a new cabinet in February 2006. The top ministers – Defence, Interior, Finance, Economy and Energy – retained their posts and eight new ministers were introduced to the 21-member cabinet, including Minister of Social Affairs Miriam Mohammed Khalfan Al Roumi, who is the second woman to join the cabinet. Several ministries were abolished including the Ministry of Information, which is to be replaced by a governmental Higher Information Council in charge of licensing new media. A Ministry of Federal National Council Affairs was created to begin implementing the president’s announcement, in December 2005, that half of the members of the Federal National Council (FNC) will be elected indirectly through councils in each emirate and that the FNC will be granted enhanced powers.
- The FNC, or *Majlis al Ittihad al Watani*, is the closest body the country has to a parliament, although it only serves in an advisory role. The FNC is unicameral and comprised of 40 members, appointed by the rulers of the seven emirates to serve two-year terms, with the possibility of renewal. The leaders of Abu Dhabi and Dubai each appoint eight members, Sharjah and Ra’s Al Khaymah each

¹⁷ Ibid., p. 12.

appoint six members and Ajman, Umm Al Qaywayn and Al Fujayrah each appoint four. It reviews legislation and proposes amendments but cannot enact or revise legislation. It also makes policy recommendations to the cabinet, can summon and question any minister regarding ministry performance and discusses the annual budget. Federal laws are drafted by the Council of Ministers and then submitted to the appropriate FNC committee. The committee suggests amendments to the proposed draft, the amended draft goes to the Legislative Committee for debate and consultation and the draft is then presented to the president. The number of subjects discussed by the FNC has broadened since the late 1990s, and ministers have been questioned.¹⁸

- A National Election Committee (NEC) was established to oversee the upcoming elections to the FNC that are due to be held on 16, 18 and 20 December 2006. The ruler of each of the emirates named the members of the electoral colleges – totalling 6,689 citizens (of whom 1,189 are women) – who then elect half of the 40 members of the FNC amongst themselves. The lists of the electoral colleges were approved by the NEC. Partial elections are being presented as a first step in a process that will see the expansion of the Electoral College and eventually open elections.
- The size of each emirate determines its degree of local autonomy. The Constitution states that the rulers of the emirates may relinquish certain areas of their authority to the federal government. One such decision was to unify the armed forces in the mid-1970s. In the smaller and less developed emirates,
- the central government takes a more prominent role. Although the emirates are mandated to contribute half of their income to the federal government, in practice none does so. In more remote areas, the ruler of each emirate may choose a local representative – usually a leading tribal figure – to act as a conduit through which the concerns of the inhabitants may be directed to government. Citizens may express concerns to their leaders in a traditional consultative forum, *majlis*, held by individual emirate rulers or senior members of their family. Citizens often pursue complaints through the *majlis* rather than through formal administrative structures. Debates initiated in the *majlis* often influence government policy, especially cases in which a consensus is forthcoming.
- The Constitution does not provide for freedom of association or assembly. The government limits freedom of association, while public assembly is subject to government approval. All private associations must be approved and licensed by local government authorities. In practice, government enforcement is inconsistent and unlicensed groups exist. While permits are required for organised public gatherings, in practice the government does not interfere with gatherings held in public places without a permit, unless there are complaints. Political parties are illegal.
- The UAE has recently been criticised by Amnesty International and Human Rights Watch for the harassment and imprisonment of human rights activists.

¹⁸ Ibid.

Conclusion

- All of the Gulf states have embarked on some level reform, offering increased electoral participation, albeit within tight limits. Representation has expanded to differing degrees in each state, while the weakness of and restrictions on the legislatures continue to be a problem endemic to all.
- Many analysts have argued that high oil prices have been and – in the near future – are likely to be deeply inimical to political reform. The above account demonstrates that such assertions with regards to the Gulf are at least questionable. Significant elections have been held recently in Kuwait and Saudi Arabia, and are imminent in Bahrain, Oman, Qatar and the UAE.
- The impact on political change of economic reforms could be crucial in the future. Gulf states have expressed a desire either to be part of the World Trade Organisation (WTO) or to sign free trade agreements (FTAs) with the United States; the 17-year trade negotiations with the European Union are also outstanding. Such trade commitments will oblige Gulf monarchies to conform to certain international governance and regulatory norms and standards. Oman's trade agreement with the United States, for instance, obliged the country to legalise trade unions. Market liberalisation might, some experts predict, begin to undermine the rentier social contract and constrain the state's political distribution of rents.¹⁹
- Under these regimes, societal sectors that would ordinarily push for reform, namely the middle class, are either too small and weak or have interests aligned with those of the ruling family. Therefore, the middle classes – often created and sustained by the state – are not likely to want to upset the status quo as long as the rulers ensure the maintenance of their privileges. Neither is there a mobilised proletariat clamouring for change, although the issue of rising unemployment could eventually have a destabilising effect on these regimes. The rulers themselves, therefore, have been the main drivers of reform in these countries and it remains to be seen how far they will drive the process, or if they will pursue further reform as a means of self-preservation. Indeed, some analysts have argued that in young countries such as these, the regime's elite – when seen as legitimate – may prove the most effective force of reform. The most likely counterbalance to this will be division and power struggle within the different royal families.
- Although in most instances reforms have been driven from above, pressure from opposition groups is playing an increasing role. Calls for greater legislative powers, fairer districting and the legalisation of political parties are coming from opposition groups such as Al Wefaq in Bahrain and popular movements such as those that led to redistricting in Kuwait and petitioning in Saudi Arabia. Opposition groups are generally weak and divided, but, those that command the most support, undoubtedly, are the moderate Islamists. In recent elections in Kuwait, there was some cooperation between Islamists and liberals; however, it remains to be seen whether these types of arrangements will be replicated in other upcoming elections or whether

¹⁹ Jean-Francois Seznec, 'Industrialization in Saudi Arabia: A New Paradigm', in Bitterlemons-international.org Newsletter 36, vol. 4, 21 September 2006, available at www.bitterlemons-international.org/inside.php?id=613

such alliances will survive the electoral period to help a broader opposition gain influence over political reform.

- External pressure has played a role, not only through alignment to international norms and standards in the economic and financial arena, but also through political pressure, primarily from the United States. Peer pressure from neighbouring countries within the

Arab world has also emerged. While external pressure might lead to minimal or cosmetic reforms – enough to assuage some critics – it will be internal pressure that will allow reforms to be cemented more thoroughly. Moreover, in the context of current counter-terrorism efforts, external pressure for reform is often undercut by competing requests for the adoption of security measures that undermine moves towards greater openness.

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