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OPEMAM Analysis

PRE-ELECTION ANALYSIS:

KUWAIT / Background to the 2012 National Assembly Elections

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The Kuwaiti National Assembly (NA) is composed of 50 members, elected by universal suffrage, and since 2006 with women participating as both voters and candidates. The NA has been suspended constitutionally (and unconstitutionally) on several occasions since 1963, and did not function on a regular basis until 1992, after the occupation of the country by Iraq and the following restoration of Kuwaiti sovereignty. Disagreement between MPs and Ministers has been constant in Kuwaiti politics and has caused 4 suspensions of the NA and consecutive legislative elections in the last 6 years. The 2012 election is the result of the dissolution of the NA on 7th December 2011, after the Amir's acceptance of the resignation of previous Prime Minister Sheikh Nasser Al-Mohammad Al-Ahmad Al-Sabah and his cabinet on 18th November. The resignation and NA dissolution happened in the middle of popular demands related to several issues magnified by the upheaval in other Arab countries, like the corruption accusation formulated against at least 16 MPs because of irregular multimillion dinar deposits in their banks accounts. Accusations of "foreign backing" and being in the pay of Iran, Qatar or Saudi Arabia have been crisscrossing among MPs every day since then.

On 18th November 2011 the NA was stormed by hundreds of protesters, led by the prominent Popular Action Bloc (opposition) MP Musallam Al-Barrak, amid allegations of corruption involving the PM and lack of economic and political reform. On this occasion pro-governmental MPs and the Ministry of Interior accused "nationals from other GCC countries" of participating in the storming, clearly accusing Saudi Arabia of interfering in local democracy.

The other hot issue before the NA dissolution has been the granting of citizenship rights to more than 104,000 stateless or "bidoun", people who although they were born and have lived in Kuwait for decades, have failed to demonstrate they were in the country before the creation of Kuwait in 1961 (they statistically would represent a serious disequilibrium in elections results in the future). These "bidoun" have been protesting every week since last year despite brutal repression on the part of the police, and a lot of them have been jailed and prosecuted for disturbing the stability of the country. However, the government recently decided to grant citizenship to around 34,000 "bidoun". This decision did not calm the protests, and there are still weekly protests in Kuwait City. Some NA candidates, such as Musallam Al Barrak from the opposition Popular Action Bloc, and the former independent Shiite MP Faisal Al-Duwaisan are demanding the government pursue a more adequate and "not tyrannical" management of the situation.

Some members of the assembly filed a complaint at what they described as the unconstitutionality of the formation of the new cabinet, the appointment of Sheikh Jaber Al-Mubarak Al-Hamad Al-Sabah, and the subsequent calling of elections. They allege that articles 50 and 56 of the constitution detailing the composition of the cabinet and the timetable of the elections were not respected and consequently the calling of elections is void and the former assembly should be reinstated without further elections. The judicial decision on this constitutional point is still pending and is expected to be announced on 29th January.

Electoral regulations and electorate

The electoral law was amended on 16th May 2005 to entitle women to vote and run for political office (Law n° 17/2005), and on 17th July 2006 to reduce the electoral districts from 25 to 5 (Law 42/2006). Electors may cast up to four votes and cannot cast more than one vote for each candidate. There is a big campaign

going on against “vote-buying” and “primary tribal elections”, which although totally illegal occur at every election. Some political blocs ‘trade’ votes with each other, a practice that is facilitated by the existence of close social networks (families, clans and tribes). This allows candidates to have a good idea of their core support, enabling them to ‘trade’ one or two votes of the four available to voters with other candidates in exchange for the votes from the other candidate’s core support.

Table 1 represents the total voters, according to the information from the Interior Ministry. From that, we can see that only a limited percentage of the total population (3,566,437) can participate in the elections. Another important fact is that women represent almost 54% of the electorate.

Table 1: Total voters, Kuwait 2012

District	Males	Females	Total
First	32796	38350	71146
Second	21396	24004	45400
Third	30240	36823	67063
Fourth	45767	57513	103280
Fifth	54797	58610	113407
Total	184996	215300	400296

Tribes are a key element in Kuwaiti politics, although the al-Sabah ruling family have been trying to downplay their role in parliamentary life. In the last 20 years the tribes have been represented by 21-26 MPs in every legislative term, which represents around half of the parliament. The main Kuwaiti tribes are: al-Awazem, al Mutairi, al Ajman, al Rasheedi, al Otaibi, al-Dafir, al-Shamar among others. Beside the fact that the tribes support the al-Sabah ruler, the tribal representatives are conservatives and traditionalists, and often reject reform propositions from the government, like the female vote, which was only approved in 2006 after several previous tries were rejected by tribal representatives.

The political blocs have decades of experience and activity despite the fact they are not formally allowed and recognized. However, in 2009 the Kuwaiti electorate preferred to support independent and tribal candidates instead of those supported by Islamist, Shia or organized political groups.

For the first time in Kuwait's electoral history there will be a monitoring organization observing the poll. The Kuwait Transparency Society, the local branch of Transparency International directed by Salah Al-Ghazali, jointly with the Arab Electoral Network (formed by dozens of Human Rights organizations across Arab countries) will supervise the elections, in 5 centres established by the electoral authorities around the country. The Kuwaiti Lawyer Association has also been also invited to form part of this monitoring mechanism. The authorities have also establish a media centre in which local and foreign journalists, as well as observers will be informed about all the details of the process.

The registration of candidates

The registration process was conducted between the 20th and 30th of December, when all individual candidates (there are no parties allowed) registered at the Interior Ministry. The registration process was gradual and in the 4th and 5th districts the candidates took longer, waiting for tribal

consultations, which paradoxically, even though they are illegal and proscribed by the government, had already taken place!

Around 400 candidates, including 25 women, applied. But as the tribal consultation advanced and serious arguments and accusations between pro and anti-governmental candidates grew, some candidates withdrew their applications. There were also several candidates who were rejected by the Ministry of Interior based on different issues regarding corruption accusations, although the opposition background of most of them makes it clear that the government is determined to avoid the formation of a parliament that could block governmental action. The most well-known and controversial rejection has been that of Faisal Ali Abdullah al-Muslim Al-Otaibi, member of the powerful al-Otaibi tribe and former independent Islamist, opposed to the last government. The rejection of his candidacy is based on the unsolved judicial dispute over the Burgan Bank case. The final decision is still pending, but several candidates and former Members of Parliament, as well as political associations are protesting against the decision. Former MP Waleed Al-Tabtabaei, a prominent Sunni-Salafi opposed to the government withdrew his candidacy in protest. Some organizations like the Islamic Umma Party have called for a boycott, and others like the Salafi Alliance, the Kuwait Progressive Movement, Kuwait Action and the Democratic Forum are debating boycotting and rallying in the streets to protest against the rejections. On 15th January, the Ministry of Interior released a list of 14 rejected candidates, without giving details on the reasons. The name of Faisal al-Muslim was not on the list because he had been disqualified previously by a Ministry of Interior decision. However, just one day later, the Urgent Cases Court decided to nullify that order, reinstating Al-Muslim into the electoral race. The same was done with the pro-governmental candidate Mohammed Al-Juwaihal, who was one of the 14 aforementioned rejected candidates.

After the withdrawal of dozens in the following days, the final list of candidates reached the sum of 286, including 23 women.

Table 2: Candidates by district, Kuwait 2012

District	Applications	Disqualified	Withdrew	Final
First	80	1	17	62
Second	80	0	19	61
Third	84	1	16	67
Fourth	76	0	27	49
Fifth	78	2	29	47
Total	398	4	108	286

There are no official parties recognized, however it is possible to identify the main political tendencies, represented by the Muslim Brotherhood, the Salafists, the Islamist Shia and the Liberals. Formally, all the candidates run as independents.