POLITICAL DEVELOPMENT IN KUWAIT: CONTINUITY AND CHANGE IN AN ARAB INDEPENDENT GULF STATE

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ABSTRACT

This thesis is primarily concerned with political development in Kuwait since the 1961 Treaty with Britain. It provides a substantial historical introduction in the first two chapters and then examines the drafting of a constitution and the creation of a legislative assembly, the composition and work of the assembly and its committees, relations with the government, and the impact of the assembly on its powers. It discusses the suspension of the National Assembly in 1976 and the elections to the new Assembly of 1981. The argument of the thesis is that in spite of the impact of oil wealth (whose impact on government and society is discussed) political behaviour in Kuwait can only be understood in the context of the continuity of development from the earliest days, particularly in the position of the ruling family within Kuwaiti society, the tradition of shūrā (consultation) and the degree of practical independence which were established before 1961 and have been modified but not abandoned since then. It has therefore been the intention of this thesis to avoid the general preoccupations of 'political modernization', and to examine political development in Kuwait in terms of the existing relations among the main social groups comprising Kuwaiti society. It is thus an examination of how a merchant-city-state has been transformed into a modern constitutional monarchy, and the way in which its main social groups have continued to operate within a new constitutional framework.

POLITICAL DEVELOPMENT IN KUWAIT

CONTINUITY AND CHANGE IN AN ARAB INDEPENDENT GULF STATE

by

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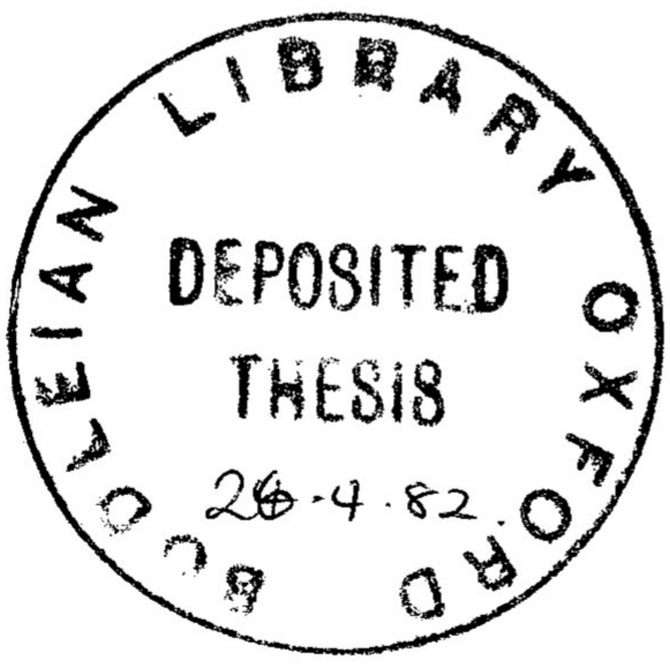

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FREQUENTLY USED ABBREVIATIONS

FI	Great Britain: India Office Library (London): Pol. and Secret Department: Letters from India
FO	Foreign Office
FSI	Foreign Secretary, India
IO	India Office
IOR	India Office Records

NOTE ON TRANSLITERATION

The following system of transliteration has been employed:

ا	a/ā	ض	ḍ
ب	b	ط	ṭ
ت	t	ظ	ẓ
ث	th	ع	ʿ
ج	j	غ	gh
ح	ḥ	ف	f
خ	kh	ق	q
د	d	ك	k
ذ	dh	ل	l
ر	r	م	m
ز	z	ن	n
س	s	ه	h
ش	sh	و	w/ū
ص	ṣ	ى	y/ī
		ء	ʾ
		ة	a/at

Some words and placenames which have by now become Anglicized have been left in that form.

PREFACE

The term 'political development' has not yet been clearly defined in spite of its widespread usage by political scientists. Clearly 'development' suggests something more than change and can be taken to imply change towards some definable end. This end is often taken to be a 'modern' state so that modernization is readily substituted for 'development'. But this merely pushes the problem further back unless 'modernity' is defined. Faced with this problem political scientists have more often than not assumed that a 'modern' state is one closely corresponding to their own model of western democratic society.

Concentrating on the differences between what are assumed to be the distinctive features of a 'traditional' polity and of a 'modern' polity, political modernization is thus held to be movement from one to the other. Approached in this manner, the major aspects of political modernization are generally assumed to be: first, the rationalization of authority (the replacement of traditional, religious, and ethnic political authorities by a single secular, national political authority - the nation state); secondly, the differentiation of new political functions and the development of specialized (legal, military, administrative) structures to perform those functions; thirdly, the increased participation in politics by social groups throughout society; and, fourthly, the distribution of welfare.

Whereas this approach may prove quite useful to an understanding of political development in rapidly changing

societies, particularly in the light of its four major criteria which have indeed been widely applied in this study, this approach runs the risk of inadequacy and distortion in the study of political development. First, as is suggested above, it assumes the direction in which political change theoretically should move and ascribes to a political system the ultimate goals it should pursue. In short, the western concept of an 'industrial, secular, democratic' state becomes the 'ideal type' in such analysis. Secondly, it has the tendency to assume that what is true for the economic and social processes of development is also true for political change. In other words, it assumes that because economic and social modernization is taking place, political modernization must also be taking place (a condition which does not necessarily prevail in most developing countries, including Kuwait). Thirdly, even though it may not be the intention to view this rapid phase of development in those societies as a complete break with the past, this approach through its lack of historical understanding tends to minimize the value and importance of the social, cultural, and religious context within which those societies have always existed and have acquired their distinctive characteristics. It thus ignores the fact that the present attitudes, values, and expectations of the members of those societies are to a great extent a continuation of their past and not a complete break with it.

This study seeks to escape from at least some of these shortcomings. Firstly, the history of Kuwait is examined in detail on the assumption that political development is unintelligible without the historical background. Secondly,

emphasis is laid on the dynamics of change in Kuwaiti society in the light of many variables: oil wealth, monarchical interests, mercantile interests, ethnic solidarity, and sectarianism. All these internal elements which impinge upon the political development of Kuwaiti society are considered together with the impact of external factors including regional trends such as Arab Nationalism and oil politics. Therefore, rather than limiting this study of 'development' to criteria which determine the direction in which Kuwaiti society should move, an attempt is made to show how fluid Kuwaiti society is. In fact, contrary to the expectation that economic growth accompanies the heightened political influence of the merchants at the expense of other social groups within society, this study shows how the massive re-distribution of wealth in Kuwait has minimized social tension, and has created a new centre of power, namely the public bureaucracy, which has itself brought into existence an entirely new element: the Kuwaiti middle class.

Above all, this study attempts to place Kuwaiti society within the context of what was happening not only in Eastern Arabia and the Gulf around the turn of the century, but also within the context of its own Arab and Islamic cultures. The cohesion of Arab social groups which Ibn Khaldūn conceptualized as _ʿaṣabiya_ (solidarity) and the Islamic principle of _shūrā_ (consultation) are essential to the understanding of Kuwaiti society.

Tracing the historical development of all the social groups which make up Kuwaiti society has been of major importance here. For in addition to the ruling family and the merchants who have played a leading role in the development

of Kuwait, two other social groups have contributed substantially to the political complexion of the modern state. These are the mariners (the pearl divers and sailors) and the beduins. The mariners, who had lost their occupation in the 1930s with the decline of the pearling industry, today comprise with the beduins a substantial low-income group in society which has been able since the promulgation of a Constitution in 1962 to articulate their own demands on the state within the framework of a parliamentary government. This thesis thus examines first how all the main social groups within Kuwaiti society have functioned within the merchant-city-state which had existed prior to the discovery of oil, and the way in which they have continued to operate within the new constitutional framework.

Chapter I

HISTORICAL INTRODUCTION

The Formation of Kuwaiti Society (1700-1900)

The Town of Kuwait, the capital of the present state, is situated at the north-western end of the Arabian Gulf about eighty miles south-east of Basra and nearly two hundred and eighty miles north-west of Bahrain. The name Kuwait is the diminutive of the word kūt which was widely used in southern Iraq and Najd to describe a square house built as a fortress. The town lies on the southern shore of Kuwait Bay, about seven miles from its four mile wide entrance. The bay, which is a large inlet of remarkable form some twenty miles in depth and ten miles at its widest point, was once described in a report dated 1845 by an official of the Bombay government as an excellent harbour, capable of containing the navy of Great Britain.[1]

The land surrounding the bay was described in the Bombay government report as a 'salt and sandy desert, of the most

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1 A.B. Kemball, 'Memoranda on the Resources, Localities and Relations of the Tribes Inhabiting the Arabian Shores of the Persian Gulf', in Selections from the Records of the Bombay Government, No. XXIV, New Series (London, 1856), p. 109.

barren and inhospitable description, without a tree or a shrub visible as far as the eye can reach, except a few bushes which mark the wells, of which the water is particularly salt and bad.'[1] Agricultural resources were virtually non-existent except at Jahra village, a small oasis near the foot of Kuwait Bay and twenty miles west of Kuwait town, where desert caravans stopped on their way to and from Basra carrying back rice, wheat, dates, vegetables, and fruits.[2]

The vast sandy plain surrounding Kuwait Bay is part of the Great Arabian desert which extends east of Najd in central Arabia down to the Arabian coast of the Gulf, and north of Najd up to the northern edge of the 'Fertile Crescent' where it becomes the Syrian Desert. To the north-east of Kuwait lies Shaṭṭ al-ʿArab where the two great rivers of the 'Fertile Crescent', the Tigris and the Euphrates meet and flow together into the Gulf and where Basra is only a short distance up the river. To the west is Jabal Shammar to which Kuwait formed a sea outlet and in this respect (as described by one European traveller in 1865) was like Trieste to Austria.[3]

Bound by southern Iraq to the north, Arabia to the west and south and the Arabian Gulf to the east, Kuwait was situated along the trade routes which linked the Mediterranean world with India in the east and Arabia in the south. The town was thus well placed to serve as a sea port for trade with India and as a desert station for caravans carrying goods from southern and eastern Arabia to Syria. The Gulf

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1 Ibid., p. 104.

2 ʿAbd al-ʿAzīz Al-Rashaid, Tārīkh al-Kuwait, 2nd edition (Beirut 1971)(first published 1926), p. 33.

3 W.G. Palgrave, Narrative of a Year's Journey through Central and Eastern Arabia, 2nd edition (London, 1865), p. 386.

trade and the geographical location of Kuwait town with its ideal natural harbour, contributed immensely to the rise of Kuwait as a merchant city-state.

The foundation of Kuwait is the subject of various conflicting reports. The first settlers, however, almost certainly belonged to the ʿUtūb, a group of families said to be derived from the Arab tribe of ʿAniza who emigrated from Najd in central Arabia during the first half of the eighteenth century and settled on the north-western shore of the Arabian Gulf at the place known today as Kuwait.[1] The historian of Kuwait, Al-Rashaid, relates that the Al-Ṣabāḥ and the Al-Khalīfa (the ruling family of Bahrain) belong to a sept of ʿAniza called Jumayla who originally inhabited Hadār in al-Aflāj in Najd before they migrated with other ʿUtbi families to Qatar and then sailed from there to Kuwait.[2] The migration of the ʿUtūb must have been part of the great ʿAniza migration that took place in the early part of the eighteenth century when a continuous drought drove them to move from inner Najd to Zubāra in the Qatar peninsula. From Qatar, the ʿUtbi families seem to have scattered into various parts of the Gulf before they eventually settled at Kuwait.[3] It must have been during this period, estimated at a half century spent on the southern shores of the Gulf, that the ʿUtūb first became seafarers.[4]

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1 They are also referred to as Banī ʿUtba or Banī ʿAttaba which all derive from the Arabic root ʿataba meaning to travel from one place to another. British sources refer to them as Uttoobee and Arabic sources as ʿUtūb which was never the name of an actual sept of ʿAniza.

2 Al-Rashaid, op. cit., p. 33.

3 Yūsuf Bin ʿĪsā Al-Qināʿī, Ṣafaḥāt min Tārīkh al-Kuwait, 4th edition (Kuwait, 1968), p. 9; Al-Rashaid, op. cit., pp. 35-6.

4 Aḥmad Muṣṭafa Abū Ḥākima, History of Eastern Arabia: The Rise and Development of Bahrain and Kuwait (Beirut, 1965), p. 54.

It appears that when the ʿUtūb landed at Kuwait, they found it virtually uninhabited except for some fishermen and a small empty fort said to belong to the strong Arab tribe of Banī Khālid who at that time ruled that area of eastern Arabia extending from Kuwait in the north to Qatar in the south known as al-Ḥasā.[1] Once the ʿUtūb gained the protection of the Amir of the Banī Khālid, they set out to build their independent state in Kuwait, according to one account, in 1716.[2] It seems, however, that the ʿUtūb did not assume complete independence until 1752, after the death of the Banī Khālid amir, Sulaymān Al-Ḥamīd, which weakened the Banī Khālid considerably. Faced with family disputes and the growing Wahābi power in central Arabia, the Banī Khālid were apparently in no position to protect the ʿUtūb against beduin incursions. Consequently, the ʿUtūb decided to build a mud wall around the town in the early 1760s to protect it against outside attacks.[3]

One factor allowing the ʿUtūb to establish an independent settlement in Kuwait during the first half of the eighteenth century, argues a recent work on Kuwait, was the lack of centralized power in Persia to the east, Ottoman Iraq to the north and Arabia to the south. The confusion, unrest, and constant change in the area allowed small communities to live relatively free from external interference.[4] Thus the ʿUtūb were able from the beginning, with the help

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[1] The Kuwaiti historian Al-Qināʿī reports that such a kūt was first built in 1688 by an amir of the Banī Khālid tribe to serve as a store for his supplies. Al-Qināʿī, op. cit., p. 5.

[2] F. Warden, 'Historical Sketch of the Uttoobee Tribe of Arabs etc.', Bombay Selections, p. 362.

[3] Abū Ḥākima, op. cit., p. 57.

[4] Ibid., p. 43.

of the Banī Khālid whose reign was peaceful and favourable to trade, to establish an independent settlement in Kuwait largely free from much external pressure and interference.

One of the historical sketches of the ʿUtūb written by officers of the Bombay government provides a detailed account of how the ʿUtūb first set out to establish their new settlement. The report relates how about 1716 the three principal divisions of the ʿUtūb called the Al-Ṣabāḥ, the Al-Jalāhima, and the Al-Khalīfa,

> urged by motives of interest or ambition, entered into a compact, and took possession of a spot of ground on the north-western shore of the Persian Gulf, called Koweit . . . The three tribes determined to follow the occupation of merchants and agriculturists, and to share the profits equally. In the formation of an administration, it was agreed that the sons of the Bani Sabah should exercise the functions of government, those of Al-Jalahima should superintend and control the maritime, and the Bani Khalifa the mercantile branch of their concerns.[1]

The first fifty years spent on the southern shores of the Gulf near its richest parts in pearl-bearing oysters (around Bahrain) apparently taught the ʿUtūb, who were settled Najdī Arabs and not nomadic beduins,[2] the fact that the settled life of the sea coast required a different kind of political organization from the settled life of the interior. As

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[1] 'Historical Sketch of the Uttoobee Tribe of Arabs etc.', Bombay Selections, p. 362. This account is confirmed by the oral tradition of Al-Jalāhima who are known in Kuwait as Al-Niṣf. Once famous as the best mariners among the ʿUtūb, they are today one of Kuwait's most established merchant families.

[2] The first to make a distinction between 'sedentary' and 'nomadic' beduin Arabs was Ibn Khaldūn who says the beduins 'wander deeper into the desert, because the hilly pastures with their plants and shrubs do not furnish enough subsistence for camels. They must feed on the desert shrubs and drink salty desert water. They must move around the desert regions during the winter, in flight from the harmful cold to the warm desert air . . . As a result, they are the most savage human beings that exist.' Ibn Khaldūn, The Muqaddimah: An Introduction to History, trans. Franz Rosenthal, 2nd edition (Princeton 1967), pp. 251-2.

part of the urban community of Najd, their life had centred around water in the desert. The harshness of desert life had prevented the ʿUtūb from venturing too far from those urban centres, except to join organized caravans engaged in trade. In contrast, the ʿUtūb soon discovered that life on the Gulf coast which was oriented toward the sea with its fish, its pearls, and its trading, required a more mobile existence if they were to achieve the prosperity they desired. Thus they organized themselves into three equal families or groups, one to administer the affairs of the community, another to go to sea in search of pearls, and a third to conduct a sea trade, with all three sharing the profits equally. This early division of labour among members of this small ʿUtbi community, which showed an enterprising spirit and a common belief in the value of team-work, was to have a far reaching effect on the structure of Kuwaiti society until the present time.

Local historians of Kuwait concur, though they are not certain of the date, that Ṣabāḥ bin Jābir, leader of the Al-Ṣabāḥ, was chosen by heads of the other ʿUtbi families of Kuwait to administer justice in their growing town.[1] The only first hand account, however, that exists of the first Shaikh of Kuwait is that of the English traveller, Edward Ives, who visited the Gulf with a group of travellers on their way back to England from India in 1758. This account, frequently quoted by recent studies of the area,[2] is the first instance where Kuwait is mentioned in the report

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[1] Al-Qināʿī, op. cit., p. 9; Rashaid, op. cit., p. 109; Al-Shamlān, Min Tārīkh al-Kuwait (Cairo, 1959), pp. 116-17.

[2] First referred to by J.G. Lorimer in Gazetteer of the Persian Gulf (Calcutta, 1915), p. 1001.

of a European traveller. It appears that when the travellers stopped at Khārij Island (off the Persian coast and directly across the Gulf from Kuwait) a Baron, who was the head of the Dutch settlement there, recommended that they should land at 'Grane'[1] on the Arabian shore, and set out from there over the Great Desert for Aleppo, a route the Baron knew to be frequented by people of trade.[2]

As the travellers approved, a boat was sent to Kuwait to bring the Shaikh and returned two weeks later, with him on board. The Shaikh informed the travellers that the great caravan for Aleppo would pass by Kuwait soon and he would assist them in joining it. The caravan, he went on, would take thirty days in going from Kuwait to Aleppo, and would consist of five thousand camels and a thousand men.[3]

The story ends with a disagreement between the Shaikh, who wanted 2,000 piastres, and the Baron, who offered only half that amount.[4] The Shaikh refused to accept the Baron's offer, a fact which indicates the degree of wealth which the Shaikh and his town had already achieved. This prosperity was apparently due to the ability of the ʿUtūb to utilize the advantageous position of Kuwait along the sea and desert trade route described earlier, and also to their success at pearl fishing for which the ʿUtūb, according to one account by Carsten Niebuhr,[5] had a fleet of 800 small

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1 Kuwait was also known as Grane during that time. This name derived from the Arabic qurain, the diminutive of qarn (horn), possibly in reference to the island of Qurain nearby, or to the shape of Kuwait Bay itself.

2 E. Ives, A Voyage from England to India in the Year 1753 (London, 1773), p. 207.

3 Ibid., p. 222.

4 Ibid.

5 He was the only surviving member of a five-man scientific expedition sent in 1760 by the King of Denmark to Arabia and

ships.[1]

It thus appears that by 1758, Shaikh Ṣabāḥ's authority was well established in Kuwait and its vicinity. It was he who ordered the building of a mud wall around the town in the early 1760s to protect it against beduin incursions when the weakened Banī Khālid could no longer provide protection. By 1765, the Shaikh's power had extended beyond the town to Jahra village (twenty miles to the west) and to the nearby islands of Qurain, Umm al-Naml, and Failaka.[2]

After the death of Ṣabāḥ in 1762 his youngest son, ʿAbd Allāh was elected by the other ʿUtbi families as their leader, mainly for his sense of justice, intelligence, and readiness to consult the jamāʿa (group) on important matters.[3] From then on, the Al-Ṣabāḥ became the established rulers of Kuwait and began a tradition of electing the most suitable family member to rule rather than the eldest.

Four years after ʿAbd Allāh became ruler, the Al-Khalīfa decided to leave Kuwait in 1766 and settle at Zubāra on the southern part of the Arabian shore.[4] The departure of the Al-Khalīfa was attributed by the authors of the historical sketch of the ʿUtūb to the accumulation of wealth which 'rendered the mercantile branch desirous of seceding from the original league, that they might singly enjoy and add

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adjacent countries. On his way back to Europe from India he chose the route through the Gulf and remained there from December 1764 to June 1765. G.N. Niebuhr, The Life of Carsten Niebuhr, English trans. by Robinson, pp. 11-14.

1 G.N. Niebuhr, Description de L'Arabie, faite sur des observations propres et des avis recueillis dans les lieus mêmes (Amsterdam, 1774), p. 295.

2 Ibid.

3 Al-Qināʿī, op. cit., p. 10; Al-Rashaid, op. cit., p. 110; Al-Shamlān, op. cit., p. 118.

4 'Historical Sketch of the Uttoobee Tribe of Arabs etc.', Bombay Selections, p. 362.

to their acquired riches'.[1] Thus, lured by the advantages to the entire ʿUtbi tribe of forming another settlement at Zubāra where they would be near the richest part of the Gulf in pearls, the Al-Khalīfa were permitted to leave Kuwait. Kuwaiti historians give the disputes with Banī Kaʿab, an Arab tribe inhabiting the northern part of the Gulf, as the main reason behind the emigration of the Al-Khalīfa. The latter reportedly refused to adhere to the policy of the Al-Ṣabāḥ of coming to terms with Banī Kaʿab.[2]

Once the Al-Khalīfa breached the original pact by seceding from the earlier league, the Al-Ṣabāḥ soon felt their revenue was diminishing and thus refused to share it with the Al-Jalāhima, whom they ultimately expelled from the port and town of Kuwait.[3] The Al-Ṣabāḥ then remained behind with the other ʿUtbi merchant families who had either accompanied them from Najd or had arrived at Kuwait shortly thereafter. Those Najdī families mentioned by Kuwait historians are Al-Zāyid (known today as Al-Ghānim and Al-Ṣaqar), Al-Khālid, Al-Badir, Al-Rūmī, Al-Qināʿāt, Al-Saif and others.[4]

The economic success of Kuwait continued as those merchant families co-operated with Shaikh ʿAbd Allāh under whose long and mild government the population was very much increased, and the maritime spirit to which it owed its

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1 Ibid., p. 312.

2 Al-Qināʿī, op. cit., p. 11; Al-Rashaid, op. cit., p. 112. Abū Ḥākima, however, relates a different reason given to him by one of the Al-Khalīfa shaikhs that the choice of ʿAbd Allāh, the youngest son of Ṣabāḥ, irritated Khalīfa who planned to succeed Ṣabāḥ. As a result, Khalīfa decided to leave Kuwait. Abū Ḥākima, op. cit., p. 66.

3 'Historical Sketch of the Uttoobee Tribe of Arabs, etc.', Bombay Selections, p. 363.

4 Al-Qināʿī, op. cit., p. 67; Al-Shamlān, op. cit., p. 115.

respectability took its rise.[1] Also, the Persian occupation of Basra in 1775 to 1779 gave the ʿUtbi economy a strong impetus. As a result of that occupation, a great part of the pearl and Indian trade shifted to Kuwait and Zubāra where the Al-Khalīfa were quick to establish themselves and acquire influence and power.[2] A few years later, in 1782, ʿAbd Allāh sent out his fleet, which consisted of six gallivats and a number of armed boats, to assist the Al-Khalīfa in conquering the Bahrain Islands near Zubāra.[3]

Consequently, by 1790, the ʿUtūb were well established in three places on the Gulf: Kuwait, Zubāra, and Bahrain. One account describing the state of affairs of the ʿUtūb at that time states that the ʿUtūb were united under one government at the head of which were Aḥmad Bin Khalīfa, the Shaikh of Bahrain, and ʿAbd Allāh Bin Ṣabāḥ, the Shaikh of Kuwait, who were 'men of established characters'.[4] Under their leadership, the report continues, the ʿUtūb were generally respected and feared in the Gulf and had consequently become the most powerful Arabs that navigate it:

> Their gallivats, and boats are numerous and large, and they have engrossed the whole of the Freight Trade carried on between Muscat and the ports on the Arabian shore of the Persian Gulph, and a principal part of the Freight Trade, carried on between Muscat and Bussora; the Government of Grain, Zebarra and bahreen may in point of respectability strictness and Justice, with propriety be compared, to that of Muscat, and the strangers who visit those ports, as well as the merchants resident there, are on all occasions, most completely protected, both in their

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1 'Navigation of the Gulf of Persia; Manners, Customs, Religion Commerce and Resources of the People Inhabiting its Shores and Islands', Bombay Selections, p. 576.

2 'Historical Sketch of the Uttoobee Tribe of Arabs, etc.', Bombay Selections, p. 363.

3 Ibid., p. 364.

4 'Report on the Commerce of Arabia Bordering on the Persian Gulph' in J.A. Saldanha, Selections from State Papers (Calcutta, 1908), p. 410.

persons and property.[1]

It is thus evident that after the departure of the Al-Khalīfa and the Al-Jalāhima the ʿUtūb of Kuwait continued to enjoy a high degree of prosperity under the leadership of Shaikh ʿAbd Allāh. Although Shaikh ʿAbd Allāh himself never entered into a formal agreement with the other heads of ʿUtbi families who remained in Kuwait, he continued, however, as their chosen leader to exercise the functions of government, leaving the management of commercial and maritime affairs to those other families concerned.

The most important development, however, that took place in Kuwaiti society following the departure of the Al-Khalīfa and the Al-Jalāhima was that the Al-Ṣabāḥ no longer shared the revenue with the merchants as they had done before, but turned their efforts exclusively to the functions of government. In return, the Shaikh collected a small duty of about one per cent on all imports. In doing that, the Al-Ṣabāḥ demonstrated their willingness to forfeit economic for political power. The high value the Al-Ṣabāḥ placed on respect to their authority was manifested, from the very beginning, in Ṣabāḥ's refusal to accept the leadership of the ʿUtūb until the other families had given him their ʿahd (promise) to accept and obey his just decisions.[2]

After the death of Shaikh ʿAbd Allāh in 1812, at the end of a long reign lasting half a century, the Shaikh was succeeded by his son Jābir (1812-59). Like his father, Shaikh Jābir gained the respect of the ʿUtūb and many of the inland tribes. Under his long government the population of

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1 Ibid.

2 Al-Qināʿī, op. cit., p. 9

Kuwait in 1845 was nearly 25,000 inhabitants who possessed 31 bugallows and buteels which traded constantly with India, 50 smaller boats employed in the coasting commerce of the Gulf and about 350 engaged in fishing on the pearl banks.[1]

The ʿUtūb under Shaikh Jābir navigated the Gulf of Persia, the Red Sea coast of Sind, Guzerat and Malabar, and to Bombay. Their imports consisted of piece goods, rice, sugar, timber, spices and cotton from India; coffee from the Red Sea; tobacco and dried fruits from Persia; grain and dates from Basra; cloth, dates, and fish from Bahrain. Their exports were ghee and horses coming from the inland tribes and going on to India, and local dried and salt fish to Baṣra.[2] The only revenue which Shaikh Jābir received came from a small duty of about one per cent which was confined to imports.[3] This amounted, according to an 1845 report, to about 3,000 dollars annually.[4]

It was not until Shaikh Mubārak's rule, around the turn of the century, that heavy taxes were imposed and customs duties were augmented. The nature of the Al-Ṣabāḥ rule and, in particular, their relationship with the other social groups comprising Kuwaiti society, continued to exist undisturbed until the beginning of Shaikh Mubārak's reign. What will be attempted next is a consideration of each of these social groups that made up Kuwait society, namely the ruling family,

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1 'Memoranda on the Resources, Localities etc. of Persian Gulf Tribes', Bombay Selections, p. 109.

2 'Navigation of the Persian Gulf; Manners, Customs etc. of People Inhabiting Persian Gulf Shores', Bombay Selections, p. 576.

3 'Report on the Commerce of Arabia Bordering on the Persian Gulf', Bombay Selections, p. 409.

4 'Memoranda on the Resources, Localities etc. of Persian Gulf Tribes', Bombay Selections, p. 109.

the merchants and the mariners, in addition to the beduins, and the relationships among these groups prior to Shaikh Mubārak's reign.

The first of these groups, the ruling family, had by the end of the nineteenth century become socially recognized as the first family of Kuwait. One of them was chosen by the ruling family as being the most suitable to rule. It was required that he be satisfactory to the people as well as to his own family. This tradition, rooted in the earliest days of Kuwaiti history, helped to make the shaikhs subject to popular pressure, particularly to that of the merchants who have always had a strong voice in electing the ruler.

Ever since the election of Shaikh Ṣabāḥ and, later, of his son ʿAbd Allāh the qualities of being a wise and just man willing to rule in consultation with the jamāʿa (group) had become essential requirements in a potential ruler before the people of Kuwait, and particularly the merchants, were willing to offer him their baiʿa (allegiance). It had become an established rule since Ṣabāḥ's election, that on the day following the announcement by the ruling family of its nominee, the leading merchants of Kuwait would go to offer the new ruler their support. However, before pledging their allegiance to the new ruler,the merchants always obtained his ʿahd first to rule justly and in accordance with the Islamic principle of shūrā (consultation). The election of the ruler was, therefore, never complete without the acceptance and the support of the merchants. It is from his contract with the merchants and not merely from his nomination by the ruling family that the ruler derived his authority to rule.

In describing how Kuwait was governed during this period,

the Kuwaiti historian Al-Rashaid has this to say:

> From the days of Ṣabāḥ the First until the time of Mubārak Al-Ṣabāḥ, al-ḥukm (the rule) continued to be one of shūrā. The ruler consults the notables on the important issues at hand particularly on how to safeguard the country against unexpected outside attacks, and has no choice but to accept their decisions since real authority rested with them and not with the ruler whom they only allowed to be their chief out of courtesy.[1]

In contrast to some other Gulf states (for example Muscat and Oman) the ruling family's assertion of power was thus connected with social precedence rather than religious or financial position. The Shaikh, whether he be the ruler or simply a member of the ruling family, never held a distinctive religious position and no special ceremonial was attached to his office. Moreover, the ruling family during that period had no source of income great enough to distinguish it from the rest of Kuwaiti society.[2] The only income the ruling family had, then, came from the moderate taxes paid by the merchants and also from private sources such as the ownership of date gardens in Iraq.

The main function of the ruler was to arbitrate in all major disputes. The Shaikh ruled according to ʿurf (customary rules) except on cases that came under sharīʿa which the Shaikh sent to the qāḍī (judge) to advise him on a just decision.[3] Thus the ruler had to be readily accessible to the people by holding an open majlis each morning and afternoon at which people were able to present their cases directly

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1 Al-Rashaid, op. cit., p. 90.

2 Al-Rashaid relates how Shaikh Jābir upon discovering once that his son Ṣabāḥ had imposed a tax on shopkeepers without his father's knowledge, reprimanded his son in public saying: 'We [the Al-Ṣabāḥ] owe much to the people of Kuwait and if I had a great fortune at my disposal, I would have looked after the poor and the needy of them until the day they die', ibid., pp. 126-7.

3 Al-Qināʿī, op. cit., p. 31; Al-Rashaid, op. cit., p. 92.

to the Shaikh. The majlis also served as a place for public discussion where people could either speak privately to one another or intervene in the general subject of discussion. The high value set upon modesty contributed to giving the rule an informal and open nature.[1]

It must be said, however, that most disputes were not presented to the ruler himself, but went to certain arbitration committees of experts according to the nature of each case. The merchants had such a committee, the mariners working in the pearling industry also had one and the small traders and shopkeepers had their own.[2] The ruler was asked to intervene only on major disputes or whenever a ruling could not be imposed, since with the use of his men-at-arms he was the only one able to implement those decisions. In performing his functions the ruler is expected to transcend sectional antipathies, and through this transcendence the ruling family was able to provide a focal point around which the people were able to gather.

The merchants, like the ruling family, were a relatively small group which was made up mainly of two smaller groups. The first was that of the wealthy merchants who owned almost all ships engaged in trading and consequently controlled all commerce. The second was the group of small retail merchants and small ṭawāshes[3] which was larger in number but obviously lacked the power and influence of the first.

The vast majority of Kuwaitis at this time worked at sea.[4] They were pearl divers, the ṣā'ibs who pulled the

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1 Al-Qinā'ī, op. cit., p. 57.

2 Ibid., p. 31.

3 The brokers who sailed to buy pearls from the pearl diving ships.

4 Al-Rashaid, op. cit., p. 72.

divers out from the water, the ṭabbābs (the boys serving on deck), and the sailors, in addition to a small number of local fishermen. This group continued to function as Kuwait's labour force until the oil era. Four months of the year (from June until September) the pearl fishers were at sea and the rest of the year they either spent working on merchant ships as sailors, or else they merely waited for the next season.

Like the mariners, the beduins were a mobile group that constantly moved around in the desert in search of pastures. They were always loyal to the Al-Ṣabāḥ who retained them as the men-at-arms to enforce the Shaikhs' decisions and to aid forces made up of townsmen when Kuwait was at war. Thus, while the mariners provided Kuwait's labour force, the beduins formed the armed force needed to uphold law and order and to defend the land, a situation that still prevails today as the beduins make up the majority of both Kuwait's policemen and the army's enlisted men.

These were the constituent elements of which Kuwaiti society was made up. What were the relations between them? At the heart of the society there lay a strong link between the ruling family and the big established merchants of Kuwait. In considering the merchants' relations with the ruling family, it should always be remembered that both the ruling family of Kuwait and its merchants belonged to the same ethnic group and have, therefore, always remained closely linked. The Al-Ṣabāḥ, we have seen, began as leaders of that ethnic group known as the ʿUtūb and had within a short period of time evolved into rulers of a merchant dominated city-state. The merchants, on the other hand, who always

remained at the heart of the economic life of Kuwait continued to play a major role in electing the ruler and in advising him on the important decisions of the day. The relationship between the merchants and the ruling family had always been based on interdependence and mutual respect. The shaikhs provided stability and an almost entirely free port by charging minimal custom duties and the merchants kept the economy alive and subsidized, either directly or indirectly, the ruling family, the mariners, and even the beduins. It was not until Mubārak's reign, which will be considered next, that relations between the two groups became strained.

Apart from a long sea trade and a thriving ship-building industry, the basis for the merchants' strength and prosperity lay in the pearling industry. At this point, therefore, it will be necessary to give a short account of the pearling industry, which until its decline in the 1930s provided the backbone of the Kuwaiti economy.

The pearling industry was organized on a profit-sharing basis and not on wage earning. Every man who performed the same function in a boat took the same share of the money earned from the sale of the pearls obtained by the boat during the four-month season called safar. Therefore, all ṣā'ibs (pullers) took equal shares, all ghaiṣ (divers) took equal shares (twice as much as a puller's), and all ṭabbābs (boys) took equal shares (half of that of a puller's) regardless of their individual superiority or inferiority at their work.

Pearling boats were privately owned and the owner of the boat was usually its captain (nākhodha). If he was not,

he would then provide a captain at his own expense. The boat owner always supplied a loan called a barwa on the season's takings intended to enable each of the men who worked on the boat to buy provisions to keep his family while he was away at sea during the season. Before the season began every man was obliged to sign a contract under which he was bound to the pearling captain for the season and could not alter his obligation even by immediately offering to repay the money. Failure to abide by the contract on the part of the pearl fisher carried with it criminal responsibility.[1]

Once the season was over and each man had returned the loan when he had received his share of the profits, his problems did not end there. Many of the pearl fishers were entirely dependent on the income they received from pearl fishing to keep them for the whole year. As winter drew on, or sometimes immediately after a disappointing season, they would find themselves in need of money. They borrowed the money from the captain of the boat against the proceeds of the next season. Loans of this sort were called rudūd and unlike the barwa loan, they could be cancelled by repayment.

Since pearl fishing was a risky occupation with success or failure depending upon the finding of a few large pearls, debt originally started by rudūd could carry on from season to season without the possibility of full repayment. It was common for pearl fishers to be in debt to their captain for years at a stretch or even for a lifetime. If a debtor died his son had the alternative of going to work in his father's place and inheriting his debts or else allowing his father's

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[1] IOR, R/15/1/234, Abstract of Customary rules in use at Bahrain, Kuwait, Lingeh and the Trucial Coast for the settlement of cases arising out of the Pearling Industry, pp. 6, 7.

property to be seized leaving the family destitute.[1]

The boat owner or captain, on the other hand, was himself obliged to borrow from a merchant so that he could lend to his pearl fishers and supply provisions for the boat. In return, he had to oblige himself to give the first refusal of the pearls to that merchant and not to another. It was thus obvious that the whole pearling industry rested on a structure of debt. Alan Villiers, who spent 1939 sailing with the mariners of Kuwait in their ships, described it best:

> The whole economic structure of the [pearling] industry even more than in ship-owning, was based on debt. Everybody was in debt—the divers to the nakhoda (captain), the nakhoda to the merchant who financed him, the merchant to some other merchant bigger than himself, and the bigger merchant to the Shaikh. Even the broker who came out to buy the pearls was probably heavily in debt to some money-lender who financed him. The whole business was based on debts—debts which were rarely paid because the paying of them was impossible.[2]

Accordingly, with debt as the principal element in the relationship between the merchants and the mariners, interdependence was its main consequence. The creditor lent money because he needed the debtor, the pearl merchant requiring an assured supply of pearls, and the boat owner requiring an assured supply of labour. Such interdependence between the two tended to be not only for a season but of long standing. Each merchant, for example, was expected to assist his own pearlers at such occasions as a marriage or a feast—he was in a way their patron. Until recently every merchant used to hand out great sums of money to the

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1 Ibid., p. 18.

2 Alan Villiers, Sons of Sindbad (London, 1940), p. 303. Villiers here describes the pearling industry during its decline in the late 1930s, but his description applies to its early structure which remained virtually the same with the exception of the merchants' indebtedness to the shaikhs. See Chapter II below.

poor and the needy as zakāt, sitting on wooden benches in front of their shops during the ʿīd.

Consequently, the merchants as the creditors-patrons of the pearl fishers were at the heart of the economic life of Kuwait. The merchants of Kuwait formed a very cohesive group with a strong sense of solidarity. Mutual assistance and confidence within the merchant community has always been of great importance to them. Kuwait's merchants expected each other to carry out contracts which were made only by word of mouth and without witnesses. There is a tradition still alive today that a merchant who is in difficulties should be helped by the rest of the merchant community to save him from failure. Some merchants will give him money and others at least will not press for the payments of their debts. The only cases of merchants who were allowed to go bankrupt involved men who were newly set up as merchants and without established roots in the merchant community of Kuwait.

The relations between the beduins and the other groups that made up Kuwaiti society were of a totally different nature from what has been said so far. Serving as the instruments of force of the shaikhs, the men-at-arms, the beduins, were able only to perform acts which made them unpopular with the people of the town. Hence, they were divided from the people of the town who distrusted the beduins and considered them owing loyalty only to the ruling family. The townspeople looked on the beduins as nomads belonging only to the desert, who as Ibn Khaldūn described them were 'on a level with wild untamable [animals] and dumb beasts of prey',[1] and thus not fit to live in the town. The beduins, for their

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[1] Ibn Khaldūn, op. cit., p. 252.

part, looked with disrespect at townsmen in general and particularly at those who laboured on ships as pearl fishers or sailors, for they despised manual labour of all kinds. The beduins of Kuwait had thus constituted the only group divided from the rest of Kuwaiti society and one that has always managed to remain outside it.

In light of the above discussion, Kuwaiti society will then continue to be viewed not as separate classes in contradiction with one another, but rather as social groups that are socially and economically linked, with a strong sense of solidarity amongst members of each group. Such solidarity as we have seen manifested in the ruling family's success to remain united, in the merchants' assistance scheme among themselves, and in the mariners' way of accepting equal shares of profit without giving due regard to individual merit. The only exception were the beduins who as a group have always remained completely separate from the rest of Kuwaiti society.

Political behaviour in Kuwait should then be viewed in terms of the interaction of these social groups with one another and the degree of conflict or co-operation between the two most powerful groups that make up Kuwaiti society, namely the ruling family and the merchants. The study of political development in Kuwait then becomes, to a great extent, the task of tracing the growth and development of the relationship between the ruling family and the merchants, and its effect on Kuwaiti society as a whole.

Kuwait under Mubārak Al-Ṣabāḥ (1896-1915)

Mubārak, the son of Ṣabāḥ the Second (1859-65), became ruler

of Kuwait on 17 May 1896, after assassinating his two brothers Muḥammad, who had been ruler since 1892, and Jarrāḥ who had been Muḥammad's closest adviser. This incident which was fully described by the two local historians Al-Qinā'ī (who quoted Mubārak's son Jābir) and Al-Rashaid,[1] had in their words shocked Kuwait and deeply saddened its people. For although internal strife was common within the ruling families of eastern Arabia and the Gulf and often resulted in the killing of one or more of their members, it was never the case in Kuwait where the Al-Ṣabāḥ have always managed to live peacefully together. This particular case which involved the killing of one or more members of the Al-Ṣabāḥ by another, remains to this day the only one of its kind in the history of Kuwait.

Mubārak, Al-Rashaid explains, was very different from his two brothers: 'He was proud and ambitious, always ready to go to war to fight Kuwait's enemies in the desert expending all his energy and his money in that vein.'[2] His two brothers were exactly the opposite in character and kept Mubārak at a distance, while attempting to use every opportunity to hinder and obstruct all his activities.[3] To assist them in their rule, Muḥammad and Jarrāḥ chose their wives' maternal relation Yūsuf Al-Ībrāhīm, a wealthy merchant and landholder who was entrusted with the running of the day-to-day affairs of their government and who soon became the rule's most powerful man.

It was not until the two brothers tightened their grip

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1 Al-Qinā'ī, op. cit., pp. 20-2; Al-Rashaid, op. cit., pp. 144-5.

2 Al-Rashaid, op. cit., pp. 138-9.

3 Ibid., pp. 140-3.

on Mubārak financially, Al-Rashaid continues, that the situation between Mubārak and his brothers developed into a crisis. Mubārak delegated a group of prominent merchants to mediate between him and his brother Muḥammad when the latter refused to pay Mubārak's debts or to acknowledge his share in the ruling family's amlāk (property). Several times, the merchants managed to persuade Muḥammad to pay Mubārak's debts (6,060 riyals) and witnessed him give instructions to that effect. On each occasion, however, Yūsuf Al-Ībrāhīm reversed those instructions and refused any dealings with Mubārak causing the merchants finally to give up in despair and inform Mubārak that they could no longer mediate between the two brothers.[1] Consequently Mubārak lost his mind and decided to kill his two brothers in order to take his own revenge.

These were the circumstances that led Mubārak to assassinate his two brothers on the night of 16 May 1896. On the morning after, Mubārak called in Kuwait's prominent merchants and notables and informed them what had taken place. Realizing by then that Mubārak had sooner or later to become ruler, the merchants shook Mubārak's hand in the customary bai'a and granted him their 'support and submission'.[2] Mubārak, in return, gave them his promise ('ahd) to uphold justice, to work for new reforms and never to take a decision except in consultation (shūrā) with them.[3]

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1 The final insult, however, was delivered to Mubārak by his brother Jarrāḥ who one day went to the market and announced loudly to everyone saying,'Do not give my brother Mubārak anything [on credit] for it has been discovered that he is bankrupt and has great debts to pay.' Ibid., p. 144.

2 Ibid., p. 148.

3 Ibid.

During the first ten years of his rule, Al-Qinā'ī reports, Mubārak followed in the footsteps of his ancestors who were known for their modesty and their justice, but it was the example of the Shaikh of al-Muḥammara which brought out his brashness:

> He was even better than his ancestors in the firmness of his rule and in defending the people of Kuwait outside the Kuwait border. To him the strong and the weak were equal before justice, including the Al-Ṣabāḥ who were not allowed to trespass against any of the people. . . . But when he [Mubārak] became a close friend of the ruler of al-Muḥammara, Khaz'al bin Dawūd, his mood changed and he began imitating the latter in committing many injustices and in being arrogant.[1]

Reporting on Kuwait at the end of 1927, the British Political Agent in Kuwait described Mubārak as the man 'who raised Kuwait from a place of little importance to a flourishing principality'. 'Under his strong rule', he continues, 'it became a most attractive place to live in the Arab mind, and the population of the town nearly doubled itself.'[2] Local historians add that Kuwait grew and prospered under Mubārak, encouraging a new wave of immigration from Najd, Persia, Iraq, and al-Ḥasā.[3]

Conditions prevailing in the area during World War I seem to have been quite advantageous to Kuwait, for it appears that trade during that period had developed 'more then ever before and the merchants reaped unaccountable profits and benefits', particularly since Kuwait was one of the countries whose goods could reach Syria, Iraq, and Hijaz which were blockaded at sea.[4] What seems to have given Kuwait's trade

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1 Al-Qinā'ī, op. cit., p. 21.

2 FO 371/13012/8032.

3 Al-Qinā'ī, op. cit., p. 21; Al-Rashaid, op. cit., p. 64.

4 Al-Rashaid, op. cit., p. 65.

more impetus was the establishment in 1901 of the British India Steam Navigation company's agency at Kuwait, which made the place a port of call for their steamers.[1] Consequently, Kuwait's merchants could travel from Kuwait to India once a month as compared with only once or twice a year before.

The pearling industry, which was still the backbone of Kuwait's economy, also experienced its greatest boom during Mubārak's reign. With a fleet of over eight hundred boats, the pearling industry reached its peak in the year 1913 which later became known as sanat attafḥa (the year of superabundance).[2]

The prosperity which the merchants of Kuwait enjoyed during Shaikh Mubārak's rule was to a great extent due to Mubārak's ability to protect the merchants and their merchandise and to maintain peace and security in that part of the Gulf. With a full force of 25,000 tribesmen at his disposal, Shaikh Mubārak never allowed an attack on a Kuwaiti caravan or on any of the various beduin tribes under his protection to go unpunished.[3] Mubārak's battles, however, were never without a price and proved so costly at times that the Shaikh had to invent ways to increase his revenue.

In 1905, as Kuwait's trade was becoming increasingly active, Shaikh Mubārak seized the opportunity to increase all taxation. To the discontent of the merchants, he increased custom duties on all imports entering Kuwait and

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1 This took place two and a half years after Mubārak signed the protection agreement with Britain in 1899. They had first begun to call frequently at Kuwait in April 1866, but their visits were suspended soon after for political reasons.

2 Al-Shamlān, op. cit., p. 151.

3 Al-Rashaid, op. cit., p. 64.

imposed, for the first time, duties on all exports leaving Kuwait by sea or by land.

In 1907, Shaikh Mubārak imposed a tax on property, less than a year after the battle of Aṣṣarīf which he and Ibn Sa'ūd lost to Ibn Rashīd. This was called the thulth (one third) tax which gave Mubārak one third of the value of every property sold or let in Kuwait town.[1] Heavy taxation was a new feature in the administration of Kuwait and constituted a complete departure from the traditionally mild government which Kuwait and its merchants had enjoyed under the Al-Ṣabāḥ for almost a century and a half.

In 1910, Shaikh Mubārak doubled the tax he normally collected from the merchants to finance his war effort, this time immediately after he and Ibn Sa'ūd lost the battle of Hadiya to the chief of the Muntafiq tribe in Iraq, Sa'adūn Pasha Al-Manṣūr. But the merchants were apparently in no mood to accept Mubārak's decision. Upon discovering that the three biggest pearl merchants in Kuwait, Hilāl Al-Muṭairī, Shamlān Ibn 'Alī and Ībrāhīm Al-Muḍaf, refused to abide by his decision to double the tax, Mubārak retaliated by prohibiting all pearl divers from diving that year claiming that 'the enemy is at the gates of Kuwait and has to be shown Kuwait is ready and strong'.[2]

The issue, however, did not end there for when the three pearl merchants went to negotiate the question of the pearl divers with Mubārak, he insulted them personally and refused to listen to their grievance. Consequently, all three decided to emigrate from Kuwait and vowed never to return to it unless

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1 Ibid., p. 220.

2 Ibid., p. 194.

in their own words 'Mubārak regretted what he has done and came to us to apologize'.[1] Thus, two of them, Hilāl Al-Muṭairī (Kuwait's richest man at that time) and Ībrāhīm Al-Muḍaf, went to Bahrain while Shamlān Ibn ʿAlī went to the island of Jinna off the al-Haṣā coast. In fact those three merchants did not return to Kuwait until Mubārak himself invited them back and promised to respect their wishes.

Mubārak, it appears, finally learned that although the merchants seemed to tolerate his autocratic rule which denied them their traditional political role of providing counsel to the ruler, the merchants would not allow such interference by the ruling family in the economic life of Kuwait which they considered to be exclusively their own concern. This major incident in the history of the relations between the ruling family and its merchants demonstrates, once again, the complete solidarity of the merchants as a social group and their ability to use their mobility as a safeguard against any encroachment by the ruling family on what they considered to be their own domain, namely the economy. Above all, this incident demonstrates the indispensability of the merchants, first, to the ruling family and ultimately to Kuwaiti society as a whole; a fact alone responsible for allowing the merchants to maintain their powerful position even under Shaikh Mubārak's strong rule.

Mubārak, we have seen was the first Shaikh of Kuwait to act in defiance of the principle of consultation which had always been at the foundations of his predecessors' rule. His absolute and single-minded rule[2] only succeeded, for the first time, in separating the ruling family politically from the rest of Kuwait society. Mubārak's attempts,

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1 Ibid., p. 196.

2 Ibid., p. 221.

to free the ruling family from its traditional dependence upon the merchants financially, by increasing its fortune through heavy taxation, all failed for the merchants proved too powerful to be coerced by Mubārak. Also, by discouraging others to dress in a certain fashion which Mubārak had reserved exclusively for the ruling family, or from riding horses which he thought was an activity that belonged exclusively to the Al-Ṣabāḥ,[1] Mubārak sought unsuccessfully to establish social barriers between the ruling family and the people of Kuwait; moves that were in complete contradiction with the true nature of Kuwaiti society and which only lasted until the end of Mubārak's rule.

Relations with Britain (1899-1961)

Until the end of the nineteenth century, Kuwait was of no real importance to Great Britain whose main interest in the Gulf was to keep it free from pirates, to increase commerce and to suppress the slave trade. It was not until the first three years of Shaikh Mubārak's rule, 1896-9, that Kuwait's position was radically changed as it became a key area of British influence in the Gulf.[2]

Historians of that period all agree that the man responsible for that change was Mubārak himself who by the use of his clever and shrewd diplomacy was able to take full advantage of the intrusion of European diplomatic conflicts in the Gulf, this time in connection with the construction of a strategic railway in the Ottoman Empire from the Mediterranean to the Gulf. Kuwait was an obvious choice as a railway

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1 Ibid., p. 221.

2 B.C. Busch, Britain and the Persian Gulf, 1894-1914 (Berkeley,1967), pp. 94-113.

terminus. Although none of the many schemes proposed for this project was fully realized before World War I, Mubārak was nevertheless able to use the eagerness of several powers for influence in the Gulf for his own interest. By 1899, Shaikh Mubārak was able to obtain freedom from the effects of Ottoman influence (claimed but never enforced) and to place Kuwait under British protection which left it virtually autonomous and enjoying a large degree of internal freedom. Before considering that agreement, brief mention must be made of British relations with Kuwait prior to 1896.

The recorded history of British relations with Kuwait opens in 1775, when Basra was occupied by the Persians and the British desert mail from the Gulf to Aleppo began to be despatched from Kuwait instead of Zubair, an arrangement that continued until the end of the occupation of Basra in 1779.[1] On two more occasions, Kuwait was again selected by the British as a place of retreat from the Turks. In April 1793, on account of difficulties with Turkish officials, the staff of the British factory at Basra withdrew temporarily to Kuwait and remained there until August 1795.[2] More than a quarter of a century later, for similar reasons, the British Residency in Basra was for a short time removed (in 1821-2) from Basra to Failaka Island which was under the jurisdiction of the Shaikh of Kuwait.[3] The selection of Kuwait by the British as a place of retreat from the Turks, Lorimer

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1 Lorimer, op. cit., p. 1002.

2 Among the staff of the factory was the joint factor, Harford Jones, afterwards Sir Harford Jones Brydges, British Envoy to Persia, who describes the staff's discomfort at Kuwait from the intence heat and the unsuccessful Wahābī attack on Kuwait during the factory's stay there. H.J. Brydges, Wahaubi (London, 1834), pp. 12-16.

3 Lorimer, op. cit., p. 1008.

comments, makes it clear that Kuwait 'was not in any real sense a Turkish dependency'.[1]

In 1839, Captain Hennell, the British Political Resident in the Gulf visited Kuwait to discuss with Shaikh Jābir the possibility of establishing a British line of posts across the desert from Kuwait to the Mediterranean. In returning to Bushire the Resident deputed his assistant to visit Failaka Island and to report on its suitability as a site for a British naval and military station to replace Khārij. He reported unfavourably, but was much impressed with the potentialities of Kuwait itself which he thought could well be adapted for certain purposes by the British government.

For the next twenty years, until Shaikh Jābir's death in 1859, friendly communication was maintained with the representative of Britain in the Gulf. Following that, official communication between the Resident and Shaikh Ṣabāḥ, who succeeded his father, appears to have been infrequent, but personal relations continued on an excellent footing. In 1863, Colonel Pelly, the Resident, travelled to Kuwait by land from Basra and was met at Jahra by Mubārak, a son of the ruler, who accompanied him to Kuwait. After spending two days with Shaikh Ṣabāḥ, Colonel Pelly left Kuwait by sea for Turkish territory under arrangements made by the Shaikh. Two years later in the spring of 1865, Colonel Pelly began his famous journey to Riyāḍ from Kuwait, where he spent several weeks making his arrangements and awaiting the permission of the amir of Najd, Faiṣal Ibn Turkī. The commercial success of Kuwait as a thriving port together with

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[1] Ibid., p. 1004.

its suitability as a site for a British telegraphic station or a coal depot were clearly realized by Colonel Pelly who even predicted that 'Khore Abdullah leading up into the Zubair creek might possibly hereafter be preferred by sea-going steamers to the present channels leading up to Basra. . . . From the head of the Zubair creek, a railway might reach the Mediterranean in a direct line of some 800 miles.'[1]

By April 1866, one year after Colonel Pelly's visit to Kuwait, the steamers of the British steam Navigation Company (as mentioned earlier in this chapter) began to call frequently at Kuwait. In the same year Namiq Pasha, the Turkish Governor of Iraq, reports Lorimer, entertained the idea of converting the 'nominal sovereignty' of the Porte over Kuwait into a 'real control'. The visits of British merchant steamers to Kuwait were regarded with extreme jealousy by the Turkish authorities in Iraq who appeared to be collecting statistics to prove that the prosperity of Kuwait was injurious to Basra. Shaikh Ṣabāḥ, continues Lorimer, alarmed at the prospect raised, 'begged that his town might not be made a port of call by British steamers'. The suspension of the service was accordingly recommended by Colonel Kemball, the British Resident at Baghdad, who remarked that 'the prescriptive freedom of Kuwait' (i.e. subject to Ottoman nominal sovereignty) would shortly become a thing of the past.[2]

During the whole period of the rule of Shaikh ʿAbd bin Ṣabāḥ (1866-92) who appears to have maintained close relations with the Turks, direct relations with Kuwait do not appear to have been cultivated by the British authorities

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1 L. Pelly, 'Report on A Journey to Riyadh in Central Arabia' (1865), reprint (Cambridge 1978), pp. 10, 12.

2 Lorimer, op. cit., pp. 1013, 1014.

in the Gulf. Also during the short rule of his brother, Muḥammad bin Ṣabāḥ (1892-6), British relations with Kuwait were still in abeyance as the connection between the Shaikh and the Turkish Government was never clear in the mind of the British authorities.[1] Thus, when Mubārak in March 1897 requested an interview with the British Resident at Bushire in order to ask for British protection over Kuwait, the British government was taken by surprise. The Foreign Office indicated its doubts to the British Ambassador at Constantinople: 'Her Majesty's Government have never admitted that Kuwait is under the protection of the Turkish Government. But since it is practically under Turkish influence, it is doubtful whether we could deny the latter.'[2]

Mubārak's request for British protection was prompted by fears of his principle enemy Yūsuf Al-Ībrāhīm, who had fled with Mubārak's nephews (sons of Muḥammad and Jarrāḥ) to the protection of the then Wali of Baṣra, Ḥamdī Pasha, another of Mubārak's enemies. Determined to use every means possible to drive Mubārak from power, Yūsuf Al-Ībrāhīm with a large force partly drawn from the Persian coast attacked Kuwait on 30 June 1897, but was driven off by the sight of Kuwaiti ships assembled at the port of Kuwait and ready to confront him.[3] Mubārak was also fearful of Turkish support for Yūsuf Al-Ībrāhīm against him.

In September 1897, Mubārak again made his request for

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1 Ibid., pp. 1014, 1016, 1017.

2 FO telegram to Currie, 17 July 1897, R. Bidwell, Foreign Office Confidential Print: Correspondence Respecting Affairs at Koweit 1896-1906, Vol. I, London 1971 (i/11), p. 9.

3 Al-Rashaid, op. cit., pp. 125-30; Hamilton, telegram to Government of India, 23 July 1897, in Bidwell, op. cit. (i/16), p. 14.

British protection, this time to the Extra Assistant to the Resident in the Gulf during the latter's visit to Kuwait, maintaining that the Turks intended to absorb Kuwait. To prevent this, he wished for British protection similar to that enjoyed by Bahrain and the Trucial shaikhs. Major Meade, the Resident, recommended to India to fall in with Shaikh Mubārak's views, and to extend British protection to Kuwait and its ruler:

> Kuwait possesses an excellent harbour, and will, under our protection, undoubtedly become one of the most important places in the Persian Gulf. Apart from the chances of its being the seaport for the projected railway from port Said, which is under consideration and which the possession of Kuwait would enable us to protect, the trade with the interior is already considerable, and will greatly increase.[1]

The Resident did not think that Turkish influence in Kuwait constituted an insurmountable obstacle to the extension of British influence there, as the British had never admitted Turkish authority in Kuwait, the Turks had never entered into formal agreements with the Shaikhs, nor had they exercised sovereign rights at the place.[2] In a private letter to Curzon at the Foreign Office, Meade warned against the danger of letting Kuwait fall into the hands of any other power, particularly since Russia was rumoured to want a coaling station in the Gulf and had her eyes on Kuwait.[3] The Foreign Department in India, however, did not concur with the Resident's views and the Foreign Office proposed not to interfere in the affairs of Kuwait 'more than may be necessary for the maintenance of the general peace in the

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1 Meade to FSI, 25 Sept. 1897, Bidwell, op. cit. (i/23/4), pp. 20, 21.

2 Ibid.

3 Meade to FO, 28 Mar. 1898, ibid (i/23), p. 28.

Persian Gulf'.[1]

By November 1897, no one except Mubārak himself really understood the status of Kuwait, or had a clear idea of what policy Britain should follow.[2] Encouraged by the belief that other powers, particularly Russia, were taking an interest in his affairs, Mubārak persisted. He first won over all the British officers on the spot, then the government of India and later the India office became convinced of the need for a closer and more formal tie with Kuwait and started to press the Foreign Office accordingly.

Two events that occurred in 1898 seem finally to have caused the Foreign Office to change its policy. The first was the attempt by Count Knapsit, nephew of the Russian Ambassador to Vienna who planned a line from the Mediterranean coast to the Gulf at Kuwait, to obtain a railway concession in July-August of that year.[3] The second was the appointment of Lord Curzon, an expert on the Gulf and the protagonist of British expansion there, as Viceroy of India in November of that year. Although it later became evident that Knapsit had little influence and support, the mere idea of a Russian railway to the Gulf was enough to arouse British fears.

Curzon had been concerned with Kuwait even before his arrival in India. In November 1898, after his appointment but still prior to assuming his post, he had prepared a memorandum on the situation. The Viceroy noted the

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1 IO to FO, 28 Sept. 1897, ibid., p. 14.

2 Busch, Britain and the Persian Gulf, 1894-1914, p. 102.

3 The British Embassy in Constantinople privately obtained a copy of the Knapsit petition and further discovered French financial backing for the enterprise. Ibid., p. 105.

considerable increase of German activity in the Gulf and warned against the dangers of a Russian or a Turkish push there which would challenge British supremacy in the Gulf and would turn its waters 'into a sort of mid-Asian Gulf of Pechili'.[1] After dismissing all claims of Turkish sovereignty over Kuwait, he expressed his conclusion:

> For even though Turkey did not assert her authority, she could (and is very likely even now negotiating) to part with her assumed rights to other parties or powers . . . I believe that we still have time to avert any such danger, and the step I recommend is the extension at a convenient and, if possible, an early opportunity of the British Protectorate to Koweit, whose Sheikhs have constantly asked for it for years and welcome it, in the same way as it applied to Bahrain.[2]

With this recommendation from a new but experienced Viceroy in the affairs of the Gulf, and with the Knapsit plan still to consider, the Foreign Office finally gave way in December 1898, stating that it was 'a matter primarily for the consideration of the Government of India . . . It does not appear that there is any foundation, in fact, for a Turkish claim of sovereignty or control over the district.'[3] Early in January 1899, as a new rumour was circulating in Constantinople that the influential Russian Minister of Finance had given his support to the Knapsit plan, the British Prime Minister, Lord Salisbury, acted at once. He immediately decided in favour of an agreement with Kuwait, but with utmost secrecy.

The Viceroy was informed on 6 January of the decision: Lord Salisbury opposed at the moment any declaration of a

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1 Curzon Memorandum (B120), 19 Nov. 1898, Home 2430/98. Extracts given in Busch, op. cit., p. 106.

2 Ibid., pp. 106-7.

3 FO to IO, 5 Dec. 1898, Bidwell, op. cit. (i/36), p. 30.

protectorate, 'but desires to take precautions against any Russian territorial claims which may possibly result from Knapsit's railway concessions.'[1] The Permanent Under-Secretary at Whitehall wrote to the Viceroy that 'we don't want Kuwait, but we don't want anyone else to have it.'[2]

On 23 January 1899, Mubārak's request was granted and a treaty of protection was signed. It stipulated that:

> Shaikh Mubarak-bin-Sheikh Subah, of his own free will and desire, does hereby pledge and bind himself, his heirs and successors, not to receive the Agent or representative of any power or Government at Koweit, or at any other place within the limits of his territory, without the previous sanction of the British Government; and he further binds himself, his heirs and successors, not to cede, sell, lease, mortgage, or give for occupation or for any other purpose, any portion of his territory to the Government or subjects of any other power without the previous consent of Her Majesty's Government for these purposes.[3]

Upon the signing of the Treaty, the Resident, Colonel Meade, handed Shaikh Mubārak a letter which further stipulated that "A most important condition of the execution of this agreement is that it is to be kept absolutely secret, and not divulged or made public in any way without the previous consent of the British Government.'[4] Despite such caution with which the British Government, and in particular the Foreign Office tried to disguise its ambiguous protectorate over Kuwait, the British government was at once prepared to use force in order to prevent Turkish intervention. Before the text of the agreement reached London, news arrived that a Turkish attack on Kuwait was possible and the Viceroy asked permission for the use of force to forbid it. The permission

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1 Hamilton, telegram to Viceroy, 6 Jan. 1899, ibid., p. 33.

2 Godley, private to Curzon, 6 Jan. 1899, Curzon MSS, extract quoted in Busch, op. cit., p. 225.

3 Meade to Government of India, 30 Jan. 1899, Bidwell, op. cit. (i/71/3), p. 50.

4 Ibid. (i/71/4), p. 51.

was granted on 4 February, and the Viceroy was authorized to instruct naval forces to forbid and prevent the attack.[1]

In September 1899, Turkey tried to assert her authority by appointing a harbour master, but Shaikh Mubārak with British backing refused to allow him to land.[2] The British Government immediately warned Turkey against any attempt to establish Turkish authority or customs control at Kuwait.[3] Two years later, the Turks were formally warned against any disturbance of the status quo in Kuwait,[4] and the British government, once again, showed its readiness to use force 'if necessary' to defend Kuwait.[5] During the same month, August 1901, the captain of the Turkish gunboat Zuhaf, who was sent to Kuwait in an attempt to win over Mubarak to the Turkish side, was warned by the commander of H.M.S. Perseus that the landing of Turkish forces at Kuwait would not be permitted.[6] By May, 1904, three months before the arrival of a British agent in Kuwait, the Turks were admitting that 'the Shaikh of Koweit enjoyed a sort of semi-independence'.[7]

Britain also showed itself, on several occasions, prepared to use force to defend Kuwait against Mubārak's enemies. In November 1900, Ibn Rashīd was first warned that no attack on Kuwait was to be allowed,[8] and a year later he was warned again that a British force would assist in

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1 Hamilton to Government of India, 4 Feb. 1899, ibid (i/44), p. 36.

2 O'Conor to Salisbury, 8 Sept. 1899, ibid. (i/111), p. 81.

3 Salisbury to O'Conor, 8 Sept. 1899, ibid. (i/112), p. 82.

4 O'Conor to Lansdowne, 20 Aug. 1901, ibid. (iii/116), p. 77.

5 Lansdowne to O'Conor, 10 Aug. 1901, ibid. (iii/107), p. 73.

6 Captain Pears to Captain Phillips, 25 Aug. 1901, ibid (iii/202/2), p. 120.

7 O'Conor to Lansdowne, 16 May 1904, ibid (vi/48), p. 33.

8 FO to Admiralty, 14 Nov. 1900, ibid. (ii/64), p. 64.

defending Kuwait.[1] In September 1902, Yūsuf Al-Ībrāhīm made a final attempt to overthrow Mubārak. He organized two dhows loaded with armed men and sent another force by land to Kuwait. Mubārak's army beat off an attack by land, while the Royal Navy captured the two dhows with their full load of armed men.[2]

Having ensured British protection against his external enemies, Mubārak by the turn of the century was beginning to feel secure within Kuwait. He therefore set out to realize his long term ambition of challenging the predominance of the amir of Jabal Shammar, Ibn Rashīd, over eastern Arabia. To assist him in that task Mubārak had on his side the former ruler of Riyāḍ who was expelled by Ibn Rashīd, ʿAbd al-Raḥmān Ibn Faiṣal Al-Saʿūd,whom Mubārak welcomed to Kuwait and assisted with arms and money. Mubārak encouraged ʿAbd al-Raḥmān in the summer of 1900 to raid into territory held by Ibn Rashīd and in February 1902, secretly assisted ʿAbd al-Raḥmān's son, ʿAbd al-ʿAzīz (the famous Ibn Saʿūd),to regain Riyāḍ, the former capital of the Saudi family.[3]

The British objected to Mubārak's provocations of Ibn Rashīd and attempted unsuccessfully to restrain him. Shaikh Mubārak knew he was as necessary to the British as they were to him. 'We could scarcely allow the Sheikh to be crushed or deposed, although he has acted against our advice in attacking the Amir of Najd', said the Foreign Secretary in

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1 IO telegram to Hamilton, 26 Sept. 1901, ibid. (iii/181), p. 110.

2 Commander-in-Chief, East Indies Station, telegram to Admiralty, 6 Sept. 1902, ibid., vol. II (iv/176), p. 107.

3 Wratislaw to de Bunsen, 22 Nov. 1900, ibid., Vol. I (ii/92), p. 66, and Mubarak to Kemball, 26 Aug.1902, ibid. Vol. II (iv/232/3), p. 142.

April 1901.[1] The next year Lansdowne expressed the frustrations of the British government with Mubārak:

> We have saddled ourselves with an impossible client in the person of the Sheikh . . . no one knows where his possessions begin and end and our obligations towards him are as ill defined as the boundaries of his principality.[2]

In July 1903, the British Ambassador in Constantinople suggested the appointment of a British officer as Resident in Kuwait 'to keep the Sheikh in order'.[3] The news delighted Mubārak since he himself had asked for one a year earlier. The Indian Office and the Viceroy approved, but the Foreign Office thought periodic visits would be preferable so as not to disturb the Turks.[4] The Ambassador in Constantinople went along with the Foreign Office view and the matter was shelved for a year.

The question of appointing an agent in Kuwait was not resumed until the Viceroy suggested it again after he visited Kuwait in November 1903, during his tour in the Gulf. Shaikh Mubārak made quite a show of the occasion of the first visit of a Viceroy to Kuwait by ordering a small victoria from Bombay to carry the Viceroy into town escorted by two hundred horsemen. Lord Curzon found the Shaikh less reserved than other Gulf rulers, and judged him an expert in intrigue. Above all, the Viceroy was convinced of Mubārak's loyalty.[5] The Viceroy also used his visit to Kuwait to explore possible sites for a railway terminus at Khor ʿAbd Allāh

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1 Landsdowne, telegram to O'Conor, 26 Apr. 1901, ibid., Vol. I (iii/43), p. 29.

2 Memorandum by Lansdowne, 21 Mar. 1902, ibid., Vol. II (iv/95), p. 54.

3 Hamilton to IO, 21 July 1903, ibid. (v/57), p. 44.

4 Lansdowne to O'Conor, 20 Aug. 1903, ibid. (v/72), p. 55.

5 Curzon, private to Brodick, 1 Dec. 1903, Curzon MSS, extract quoted in Busch, op. cit., p. 225.

in the immediate vicinity of Kuwait, and returned convinced that the anchorages below Umm Qaṣr and at Warba Island could be converted into an impregnable harbour.[1]

Curzon became fearful of a German attempt to establish the terminus of the Anatolian Railway on the Gulf. He warned that 'the undivided occupation by a German Railway Company of a potential invulnerable position is not calculated to conduce to the enhancement either of British commercial prosperity or of British political prestige.' Thus, he proposed in February 1904, to establish at the northern end of Bubiyān Island, a post which would command not only the anchorage but also the approaches up the Khor ʿAbd Allāh, in order that Britain may acquire the power to assert her right to participate in all arrangements relative to the prospective terminus of the Anatolian Railway.[2]

In May 1904, when fears of Turkish encroachment were renewed as Turkish troops were reported to be massing in Basra to aid Ibn Rashīd, Curzon's response was immediate. He telegraphed the Secretary of State for India: 'The time has come to post an agent at Kuwait.'[3] Three months later, Captain S.G. Knox arrived in Kuwait and assumed his duties as British Political Agent. Shaikh Mubārak wrote the Resident: 'I at present am paying all honour to Captain Knox, as I thereby see that I will have peace and secure protection of my rights. . . . If I will not get the same, no good will result to me from the stay of Captain Knox.' The

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1 Government of India to IO, Feb. 1904, Bidwell, op. cit., Vol. II (iv/22/incl.), p. 14.

2 Ibid.

3 Viceroy, telegram to Secretary of State for India, 20 May 1904, FO 961/04.

Resident reassured the Shaikh that the British government had arranged to send a representative to live in his territory and to be always at hand to give him advice and help.[1]

By the time Curzon resigned as Viceroy in August 1905, British relations with Kuwait had developed considerably. Shaikh Mubārak was fortunate to have a ready listener in Lord Curzon, who must be given a great share of the credit for this rapid British advance over which the Viceroy found himself constantly at odds with the home authorities. As one author summed this up:

> Had Curzon not been in office it is difficult to visualize the extension of relations in the rapid sequence with which it came: bond, defence measures, agent, steamers, doctor—by 1905, Kuwait was unquestionably in Britain's sphere of interest, even in the Turkish view.[2]

By 1906, the main goal for the British in Kuwait was the railway and its terminus. Britain had already decided that rather than a share of international financing, she desired control of the southern-most section of the line.[3] The agent was instructed to ascertain Mubārak's view on a British lease of a section of the southern shore of Kuwait Bay at Bandar Shuwaikh, one of the possible terminus sites. The Shaikh, the Agent reported on 21 January 1907, welcomed the idea and was quite anxious to complete the bargain in the hope of binding the British closer to his interest. Mubārak was watching the Baghdad Railway closely and remarked to the Agent that it appeared to be wholly in German hands. The Agent further reported that the Shaikh firmly believed that

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1 Mubarak to Cox, 7 Aug., and Cox to Mubarak, 16 Aug. 1904, FO 78/5385.

2 Busch, op. cit., p. 234.

3 O'Conor to Grey, 12 Apr. 1906, FO 406/30.

whatever power held the line from Baghdad to the sea, that power would undoubtedly hold all the Arabs.[1] One week later, after emphasizing that he had refused a German request for those lands and also another request by the Russians for a piece of land on which to build, Shaikh Mubārak informed the Agent that he was willing to lease or sell a 600 by 100 yards plot to the British government whenever they wished to accept it.[2]

Six months later, when the negotiations were resumed, Mubārak had shifted his position and would only accept a yearly rent. Negotiations were delayed by the strained relations existing between the Agent and the Shaikh. Without informing the Agent, Mubārak had sailed from Kuwait on a military expedition to Persia to aid his friend Khaz'al of Muḥammara in the suppression of an uprising by an Arabistan tribe. Knox reacted strongly to being ignored and requested that Britain should either issue a strong remonstrance to Mubārak or withdraw its Representative from Kuwait.[3] The Indian government responded by pointing out that although the Shaikh was several times warned against interference in the interior, he had never given control of his external realtions to Britain.[4]

In further negotiations, Mubārak proved willing to enlarge the area, provided his newly constructed customs house

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1 Knox to Cox, 21 Jan. 1907, Inclosure 4 in IO to FO, 11 Sept. 1907, FO 371/351/8112.

2 Knox to Cox, 27 Jan. 1907, Inclosure 5 in IO to FO, 11 Sept. 1907, FO 371/351/8112.

3 Cox to Minto, 28 July 1907, Inclosure 2 in IO to FO, 25 Sept. 1907, FO 371/351/8112.

4 Minto to Morley, 5 Sept. 1907, Inclosure 1 in IO to FO, 25 Sept. 1907, FO 371/351/8112.

be within the plot's boundaries. The erection of a new building in the centre of a plot of ground under Treaty, reported Knox, 'was a complete surprise to me, for I had left Bunder Shweikh studiously alone for some time, but I believe I received the shock without flinching.' The most obvious inference from this and many other instances of 'Brer Rabbit' diplomacy, continued the Agent, was that Shaikh Mubārak regarded neither verbal nor written promises as binding, whether made to the British government, the Resident in the Gulf, or to a British officer on the spot like himself.[1]

The lease was finally concluded in October 1907. Shaikh Mubārak agreed to the lease of a rectangular plot at Bundar Shuwaikh, 3,750 yards along the sea face by 300 yards in depth, for an annual rent of Rs. 60,000 (£4,000), with the Shaikh reserving a square plot, 150 yards each side, in the centre of the larger plot. Britain would have the right of pre-emption to Shuwaikh Island in the bay and to Khaẓama, subject only to the prior rights of Kuwaiti subjects and reserving to Shaikh Mubārak a square plot, 150 yards each side, on which he could build a house near the British government's building. Before the contract was concluded, Mubārak asked that the British government agree not to collect customs dues within the boundaries of Kuwait, and that Shaikh Mubārak, on his part, would bind himself to collect a maximum of 4 per cent duty (as taken from his own subjects) to be applicable to all British subjects. The British agreed and obtained, in return, pre-emption rights to both Warba and

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1 Knox to Cox, 25 June 1907, Inclosure 8 in IO to FO, 25 Sept. 1907, FO 371/351/8112.

Bubiyān Islands.[1]

Consequently, by 1908, Mubārak was in a strong position and he well knew it. Kuwait was the key to the railroad and Mubārak the key to Kuwait. Mubārak's position in the Gulf and the interior had been considerably strengthened. The Agent noted in July that Mubārak was practically the arbiter of the fortunes of central Arabia; a position that appears to have affected the Agent's personal relations with the Shaikh: 'I cannot disguise from myself the hundred little ways in which Shaikh Mubarak seeks to impress upon me that I must play second fiddle in his town.' Mubārak's main concern with the British, by then, was to solicit their support in his personal disputes with the Turks over his Fāo lands near Shaṭṭ al-ʿArab.[2]

British relations with Kuwait continued on an excellent footing with no major developments until 1913. All during this period the overall question of the railway and of Anglo-Turkish relations were in a process of settlement. On 29 July 1913, an Anglo-Ottoman convention was signed regarding questions in the Gulf area. The Ottoman government recognized the Kuwait boundaries to include the islands of Warba and Bubiyān. It also recognized the validity of the Anglo-Kuwait Agreement of 1899, which was annexed to the convention along with other Anglo-Kuwait agreements and thereby published for the first time.[3] Enumerating the great advantages Shaikh

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1 Knox to Bill, 21 Aug., translation of Shaikh Mubarak's letter, 21 Aug., translation of the Draft Agreement, and Cox telegram to IO, 8 Sept., Inclosures 2, 3, 4 and 6 in IO to FO, 25 Sept. 1907, FO 371/351/8112.

2 Knox to Cox, 8 July 1908, FO 424/219.

3 G.P. Gooch and H. Temperley, British Documents on the Origins of the War, 1898-1914 (London, 1925-38), Vol. X:2, pp. 190-4.

Mubārak derived from this Anglo-Ottoman Treaty, the Agent assured the Shaikh:

> Among them the confirmation of your independence on the basis of this convention, and the formal recognition of your extensive claims. Further, it is not hidden from Your Honour that the sublime Porte undertakes not to interfere in the question of succession or in the internal or external affairs of your administration, and you are aware that there will always be an Agent of the British Government accredited to you at Kuwait.[1]

The question of the Baghdad Railway was not settled until the Anglo-German Agreement of June 1914, which provided that the terminus of the line was to be Basra. Both the Anglo-Ottoman and the Anglo-German agreements, however, were never ratified as World War I broke out putting a quick end to the negotiations. Prior to the outbreak of the War, Britain took a major step to strengthen its position in Kuwait. In October 1913, Shaikh Mubārak gave a written undertaking not to permit the exploitation of oil in his territories by anyone except a person recommended by the British government.[2] Although the ground was known to be promising, the vastness of Kuwaiti oil reserves was totally unknown.

In November 1914, the British government, responding to an offer of assistance from Shaikh Mubārak, requested him to aid in the war effort to 'liberate' Basra from Turkish possession, and assured him that his date gardens in Fāo would remain in the possession of himself and his heirs and be immune from taxation. The most important assurance given to Shaikh Mubārak, however, was that 'the British Government does recognize and admit that the Shaikhdom of Kuwait is an

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1 Cox to Mubarak, 6 July 1913, SF 66/12, 3086/13.

2 C.U. Aitchison, A Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries (Delhi, 1933), XI, 264-5.

independent Government under British protection.'[1] This letter from the Resident to Shaikh Mubārak is generally regarded as the formal recognition of Kuwait as an independent state under British protection and may thus be considered the climax of British policy in Kuwait in the pre-war decades.

Before his death in November 1915, Shaikh Mubārak was thus able to place Kuwait firmly within the British sphere of interest in a short period of time, and to ensure British protection and formal recognition for its independence. In January 1915, an Indian Post Office was finally opened at Kuwait and in February the Viceroy, Lord Hardinge, was the second Viceroy to visit the place. At a time when the Middle East as a whole was passing from Ottoman rule to French or British control, ensuring British protection was a major achievement whatever the shortcomings of Shaikh Mubārak's domestic rule.

Shaikh Mubārak was succeeded by his eldest son Jābir, to whom the Viceroy sent a letter congratulating him on his succession, and assuring him that so long as he acted up to existing arrangements with the British government, he might expect the same support as had been enjoyed by his father.[2]

Just over a year later, in February 1917, Shaikh Jābir died and was succeeded by his brother Sālim, to whom the assurances given by the British government to his predecessor were renewed. However, having discovered in February 1918 that supplies were reaching the Turks in Damascus from Kuwait via the desert, the British government enforced a sea blockade

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1 Ibid., pp. 265-6.

2 Ibid., p. 205.

of Kuwait which lasted until the conclusion of the armistice with Turkey. In July 1918, the Shaikh was warned that the assurances given to him and to his father, and the friendship, protection, and assistance of the British government enjoyed by his father, would be continued only on the condition that he should be personally responsible for, and prevent, all acts in his territory whether committed by his own subjects or by other persons, which might be against the interest of the British government.[1]

Shaikh Sālim died in February 1921, and was succeeded by his nephew Shaikh Aḥmad Al-Jābir who, at the time of his uncle's death, was absent in Najd on a mission to try and improve the relations between Najd and Kuwait. The refusal of Shaikh Sālim to allow an agent of Ibn Sa'ūd to collect customs and transit dues from Najdī merchants in Kuwait who were exporting to Najd had induced Ibn Sa'ūd to place an embargo on trade with Kuwait in 1920, which continued for more than two decades seriously affecting Kuwait's prosperity. The assurances given by the British government to Shaikh Sālim were renewed to his successor.

The question of the frontier between Kuwait and Najd was resolved at the end of 1922, at a conference held at 'Uqair between the British High Commissioner for Iraq, Sir Percy Cox, and Ibn Sa'ūd, at which the Political Agent in Kuwait, Major More, was present. The main business of the conference was to settle the Iraq-Najd frontier line. H.R.P. Dickson, who was present at the conference in a secretarial capacity, describes what happened:

> At a general meeting of the conference, Sir Percy took a red pencil and very carefully drew in on the

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1 Ibid.

map of Arabia a boundary line from the Persian Gulf to Jabal ʿAnaizan, close to the Transjordan frontier. This gave Iraq a large area of territory claimed by Najd. Obviously to placate Ibn Saʿud, he ruthlessly deprived Kuwait of nearly two thirds of its territory and gave it to Najd, his argument being that the power of Ibn Sabah (the desert title of the Shaikh of Kuwait) was much less in the desert than it had been when the Anglo-Turkish Agreement had been drawn up. South and west of Kuwait proper, he drew out two zones, which he declared should be neutral and known as the Kuwait Neutral Zone and the Iraq Neutral Zone.[1]

The agreement between Najd and Kuwait was signed on 2 December 1922 by Dr. Damlūji on behalf of Ibn Saʿūd, and Major More on behalf of the Shaikh of Kuwait. The young Shaikh Aḥmad Al-Jābir, reports Dickson, scarcely a year on the throne, received a blow to his faith in Great Britain from which he never really recovered. 'I was not present at the discussions at ʿUqair, three hundred miles away', the Shaikh was reported to say, 'nor was I kept informed of what was happening there . . . to be robbed of two-thirds of my kingdom without a say in the matter, and to see it given to another was hard indeed.'[2]

Shaikh Aḥmad was informed in April 1923, through the Political Agent, that the British government recognized the Iraq-Kuwait frontiers as claimed by him including the islands of Warba, Bubiyān, Maskān, Failaka, ʿAuha, Kubbar, Qarū, Maqtaʿ, Umm al-Marādim, and other adjacent islets.[3] Two years later, an Order in Council came into effect providing for British jurisdiction over British subjects and foreigners

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1 H.R.P. Dickson, Kuwait and Her Neighbours, 2nd edition (London, 1968), p. 274. Lieutenant Colonel Dickson became Political Agent in Kuwait in 1929 and continued in that post until his retirement from the army in 1936, at which time he became the chief local representative of the Kuwait Oil Company.

2 Ibid., p. 279.

3 Ibid., p. 280.

within the territory of Kuwait.[1]

In December 1933, ten years after having competed for Shaikh Aḥmad's favour, the Anglo-Persian Oil Company and Gulf Oil Corporation agreed to become joint and equal partners in negotiating a Kuwait oil concession agreement through a jointly owned company (Kuwait Oil Company Ltd.) to be formed for that purpose. One year later, on 23 December 1934, the Kuwait Oil Company's concession agreement was signed by Shaikh Aḥmad and by A.H.T. Chisholm and Major Frank Holmes on behalf of the Company, the Political Agent (Lt. Col. H.R.P. Dickson) witnessing their signatures.[2]

In consideration of the exclusive rights granted by the Shaikh to the Company for the exploration and production of petroleum within the state of Kuwait including all islands and territorial waters, the Company undertook to pay the Shaikh and his successors the sum of 475,000 rupees within thirty days after the signature of the Agreement. Also, on each anniversary of the date of signature of the Agreement, until the Company declared that petroleum had been found in commercial quantities, the Company agreed to pay the Shaikh either royalty of three rupees for every English ton (2,240 lbs.) of petroleum produced in Kuwait, or 95,000 rupees, whichever was the greater sum. Furthermore, after petroleum was found in commercial quantities, the Company agreed to pay the Shaikh either royalty, as defined above, or 250,000 rupees whichever was the greater sum.[3]

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1 Aitchison, op. cit., p. 205.

2 A.H.T. Chisholm, The First Kuwait Oil Concession Agreement: A Record of the Negotiations 1911-1934 (London, 1975), pp. 41, 80.

3 Ibid., pp. 242, 243.

Oil was first struck in large quantity at Burgān in Kuwait in February 1938. By April 1942 eight more producing wells were drilled at Burgān, but all operations had to be suspended in July 1942 because of the critical war situation in the Gulf area. Operations were then resumed in 1945 and in June 1946 the first oil exports were made (797,350 tons). The cessation of oil exports from Iran in the summer of 1951 (due to the dispute between the Iranian government and APOC) led to a great increase in demand for oil from Kuwait whose production rose to nearly 28,000,000 tons that year alone.[1] With such expansion in the Kuwait Oil Company's activities bringing with it a corresponding increase in Kuwait's oil revenues and prosperity, the first of several subsequent revisions of the 1934 concession agreement took place in 1951.

Shaikh Aḥmad Al-Jābir died in January 1950 and was succeeded by his cousin Shaikh ʿAbd Allāh Al-Sālim Al-Ṣabāḥ. It was during Shaikh ʿAbd Allāh Al-Sālim's reign that the 1899 Agreement with Britain was terminated on 19 June 1961, 'as being inconsistent with the sovereignty and independence of Kuwait'. The readiness of the British government to assist the government of Kuwait whenever the latter requested such assistance was guaranteed,[2] and the long-term friendship between the two countries was to continue as before.

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1 Ibid., p. 81.

2 Independence Agreement, 19 June 1961, Foreign Affairs Ministry Records, Kuwait.

Chapter II

EARLY DEVELOPMENTS PRIOR TO INDEPENDENCE

The First Consultative Council (1921)

The encroachments of Shaikh Mubārak on the position and privileges of the merchants provided the background to a competition for power between the ruling family and the merchants in the subsequent decades. It is a remarkable feature of the history of Kuwait that the arena for the conflict should be provided by constitutional experiments; and it is scarcely surprising that the first attempt should come shortly after Shaikh Mubārak's death.

When Shaikh Jābir (1916-17) succeeded his father Mubārak in 1916, he immediately set out to mitigate some of the heavy taxes his father had imposed on the townspeople. Shaikh Jābir, who was known to be a modest and just man, first acted by cancelling the one third (thulth) tax which his father had imposed on property, but his early death limited what he could do. His younger brother Sālim succeeded him in 1917 and completed what Shaikh Jābir had initiated by lowering custom duties to 4 per cent on imports and by cancelling the duty on exports which his father had imposed.[1]

Upon the death of Shaikh Sālim in 1921, the leading merchants, tired of the unnecessary war into which they had been led against their will during both Mubārak's and

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[1] Al-Shamlān, op. cit., pp. 181, 184.

Sālim's rule, determined that in future they would have some say in the affairs of the state.[1] They informed members of the Al-Ṣabāḥ family that they would accept as their ruler only one who would assent to a council of advisers, a move which in effect constituted the first organized political movement in Kuwait demanding a return to the situation that prevailed prior to Mubārak's rule.

Al-Qinā'ī, who was first to call for its formation and who later became a member of this council, sheds more light on this development. In a private letter to Shamlān bin 'Alī bin Saif, Al-Qinā'ī explains that at the time of Shaikh Sālim's death on 27 February, his nephew Shaikh Aḥmad Al-Jābir was in Najd trying to arrange a truce between Ibn Sa'ūd and Shaikh Sālim. The following day, the leading merchants and town notables from both the eastern and western half of the town met at the dīwān of the leading merchant Nāṣir Al-Badir and 'agreed to unite and to speak with one voice, and to seek reforms in the country'.[2] The group, meeting that afternoon signed a document handwritten by Al-Qinā'ī himself consisting of five demands:

(1) The reform of the house of Al-Ṣabāḥ so that no differences may occur in appointing the ruler.[3]

(2) The nominees for the office (of ruler) are Shaikh Aḥmad Al-Jābir, Shaikh Ḥamad Al-Mubārak and Shaikh 'Abd Allāh Al-Sālim.

(3) Once the ruling family agree on one of the three, the decision is then presented to the government (the British) for its endorsement.

(4) The appointed ruler becomes the President of a Consultative Council (majlis shūrā)

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1 Al-Qinā'ī, Al-Multaqaṭāt: Ḥikam wa Fiqh wa Adab wa Ṭarā'if (The Collection: Maxims, Jurisprudence, Literature, and Novelties) (Kuwait), p. 124; Dickson, Kuwait and Her Neighbours, p. 257.

2 Dickson, op. cit., p. 257.

3 They had in mind the circumstances of Mubārak's succession.

> (5) Members (of the council) will be elected from the Al-Ṣabāḥ and the people to administer the affairs of the country with justice and fairness.[1]

Al-Qinā'ī reports that when the group met the ruling family (temporarily headed by Shaikh 'Abd Allāh Al-Sālim), they discovered the Al-Ṣabāḥ were 'grateful for this deed'.[2] The choice of ruler fell on Shaikh Aḥmad Al-Jābir who returned from Najd on 29 March and who did not show any opposition to seeking the advice of a consultative council. Consequently, a council of twelve members, six from the eastern part and six from the western part of the town, was duly formed under the presidency of one of the leading merchants, Ḥamad al-Ṣaqar.[3]

It is evident from the signed document that the merchants sought to re-institute the main features of the traditional form of government that existed prior to Mubārak's rule, while attempting at the same time to introduce new and innovative reforms. The document begins by showing great concern for the continued stability of the ruling house of the Al-Ṣabāḥ, and thus re-affirms the legitimacy of the Al-Ṣabāḥ rule. By restricting the nominations for ruler, in the second clause, to a son and to two grandsons of Mubārak, the document endorses the principle of restricting succession to Mubārak's descendants, and further, in the third clause acknowledges the significance of the British government's endorsement of the new ruler. On the other hand, by

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1 Al-Shamlān, op. cit., pp. 194, 195.

2 Ibid., p. 196.

3 The members were: Hilāl Al-Muṭairī, Yūsuf bin 'Īsā Al-Qinā'ī, 'Abd al-Raḥmān Al-Naqīb, Shamlān bin 'Alī bin Saif, Ībrāhīm Al-Muḍaf, 'Abd al-'Azīz Al-Rashaid, Ahmad Al-Ḥumaiḍi, Marzūq Al-Badir, Khalīfa bin Shahīn Al-Ghānim, Aḥmad al-Fahad Al-Khālid, and Misha'ān Al-Khaḍair. Ibid., pp. 199, 200.

requesting the ruling family to decide among the three nominees as ruler, the document seems to be re-asserting the interest of the merchants in the process of choice and thus regaining for them the traditional role they had previously performed in choosing the ruler before Mubarak came to power.

The fourth clause of the document makes the ruler the President of the Consultative Council which, according to the fifth clause, is to be made up of both the ruling family and the people of Kuwait. The merchants appear to have introduced this innovation not merely to institutionalize their traditional advisory role, but mainly to ensure for themselves an active part in the actual running of the affairs of their small city-state. It seems, however, that while the ruling family was willing to restore to the merchants the opportunity to advise the ruler in the administration, it resisted the merchants' extension of their role in government by diminishing the importance of the Council. Thus, the Council was eventually made up only of 'the wealthy elders, who were chosen not elected'[1] (including the three merchants who quarrelled with Mubārak), without the membership of the ruling family. Moreover, the Consultative Council was headed by a leading merchant, and not by the ruler as the document demanded.

Al-Rashaid, who was a member of this Council, describes this significant development as follows:

> During the offer of allegiance (bai'a) of the people of Kuwait to His Highness the Amir, the opportunity was given them to form a council that would look into the affairs of the country and its interests, and would assist the Amir in the administration of its affairs. He gave them his word ('ahd) that he would not decide on any important issue without the Council's approval. The Council was actually formed

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1 Al-Qinā'ī, Al-Multaqaṭāt, p. 20.

> and Ḥamad Al-Ṣaqar was elected its President . . . but the sad truth is that this young creation did not last long, and was doomed to failure before it had a chance to act . . . there were conflicting reports as to who should bear the responsibility for the failure of this venture.[1]

Al-Qinā'ī adds that the ruler continued to hold consultations with the Council on important issues, but those consultations did not prove fruitful due to the many differences among the members. 'Every member was convinced he was right, and no majority rule was enforced'.[2] Consequently the Council rarely met, and in practice Shaikh Aḥmad followed the older method, and ruled in much the same way as his predecessors.[3]

The First Legislative Council (1938)

In 1934, thirteen years after the first attempt to establish a consultative council had failed, a municipal council was established in Kuwait for the first time. Twelve members were elected that year to serve on this municipal council at a meeting held by the leading merchants and notables of Kuwait, an occasion which marked Kuwait's first organized elections. Approximately two hundred men cast their votes secretly for twelve candidates whose names appeared on one list only, a method which soon became the customary one for electing members to serve on the other councils for education, health, and awqāf.[4] What was important at those election, in the words of one observer, 'was the individual's social standing rather than his qualifications or his suitability

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1 Al-Rashaid, op. cit., p. 27

2 Al-Qinā'ī, Al-Multaqaṭāt, p. 20.

3 Dickson, op. cit., p. 258

4 'Abd al-'Azīz Ḥusain, Al-Mujtama' al-'Arabī bil-Kuwait (The Arab Society in Kuwait) (Cairo, 1960), p. 94.

for the Council's membership.'[1] This obviously meant that the merchants could easily dominate those elected councils which they saw as their only means of assuming a greater role in the administration of the state.

In 1936, a Council for Education was elected in the same manner, but a year later it was at odds with the ruler, causing him to dissolve it and to appoint a new one in its place.[2] When a number of members of the Municipal Council resigned in protest against the ruler's action, he responded by issuing a Supreme Order in the early part of 1938 forbidding voters from voting in favour of any of the resigning members who were seeking re-election to the third Municipal Council. As a result, this group of disaffected former members of both councils formed a secret society made up of twelve members known as the 'Nationalist Bloc'. The group used the press in Iraq to air their demands for total reform, and to print political pamphlets which they then distributed in Kuwait.[3]

On 3 April 1938 the Iraqi newspaper Al-Zamān printed the 'Nationalist Bloc's Programme of Reforms', which included demands for new schools (there were only two), a new hospital (there was only the American Mission's Hospital), the organization of the state's economic structure, the closure of doors in the face of all non-Arab immigrants, and the encouragement of Arabs to come to Kuwait. Also, the

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1 Ibid., p. 95.

2 Ibid.

3 Khalid Al-ʿAdsānī, 'Niṣf ʿĀm li al-Ḥukm al-Niābī fī al-Kuwait' (Half a Year of Representative Rule in Kuwait), unpublished manuscript, 1947 (Al-ʿAdsānī was Secretary of the Legislative Council in 1938).

group expressed the desire of the people of Kuwait for co-operation with Iraq in order to fulfil these reforms.[1] While the first part of these demands dealt clearly with internal reforms, the last two had a wider implication. They were aimed against the flow of Persian immigrants to Kuwait and in favour of closer co-operation with Arab Iraq, a move very much encouraged by the Iraqi government.

The Nationalist Bloc continued to function secretly, and attempted to mobilize the population in favour of its reform movement. Al-ʿAdsānī reports that the Political Agent in Kuwait at that time attempted to ascertain the views of the group as to whether it desired to change the rule in Kuwait, but was flatly informed that the group had no such desire whatsoever and was merely seeking to introduce representative government in Kuwait.[2]

In June 1938, the group deputed Muḥammad Thunayyān Al-Ghānim, a leading figure of the established merchant family of Al-Ghānim (a branch of the Najdī clan of Al-Zāyid), ʿAbd Allāh Ḥamad Al-Ṣaqar also from the established merchant family of Al-Ṣaqar (another branch of the Al-Zāyid) and a son of the President of the first Consultative Council, and Sulaiman Al-ʿAdsānī, former Director of the Municipality and head of the Al-ʿAdsānī family (for 150 years, up to 1930, the hereditary Qāḍī family of Kuwait), to deliver the following message to the Shaikh:

> Your Highness,
> The basis upon which the umma (nation) offered you its baiʿa (allegiance) on the first day of your Accession to the Rule was that the Rule between

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1 IOR R/15/1/544, Al-Zamān (Pro-Government), 3 Apr. 1938.

2 Al-ʿAdsānī, op. cit., p. 6. There is no confirmation of this in the British records.

you and itself [the nation] be founded on shūrā (consultation) which Islam had imposed and which was adhered to by the High Khalifs during their golden age. However, the laxity shown by both sides has led to the neglect of this most fundamental principle. Past developments, and the delicate conditions which the country has gone through, have compelled the faithful of your subjects to take the initiative in presenting you with this advice . . . in their desire to reach an understanding with you which may preserve you and the sovereignty and independence of our country . . . with the sole intention of removing the causes of discontent and the improvement of conditions . . .

We thus approach you with the request to form a Legislative Council, to be made up of the people of this country in order to supervise its affairs. And we have deputed the carriers of this message to negotiate with you on this basis.

May the Almighty God help us all to do what is good for this country.

Your Faithful Group[1]

Shaikh Aḥmad Al-Jābir approved the merchants' request for a Legislative Council and elections were immediately held for membership of the new Council in the same manner in which they were previously held for the other councils. This time, Al-ʿAdsānī explains, a committee made up of three highly respected Kuwaitis was formed in order to select the 'suitable Kuwaiti voters' and to invite them to take part in the elections.[2] A list of the electorate was prepared and elections were then held at the dīwān of the Al-Ṣaqar family under the supervision of yet another committee. The result of the elections was that twelve out of the fourteen members elected for the Legislative Council were established merchants and the other two (Shaikh Yūsuf bin ʿĪsā Al-Qināʿī and Sulaimān Al-ʿAdsānī) were highly learned men.[3]

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[1] Ibid., pp. 7, 8.

[2] The committee members were Shaikh Yūsuf bin ʿĪsā Al-Qīnaʿī (called shaikh for being a highly learned man), Aḥmad Al-Ḥumaiḍī, and Muḥammad Thunayyān Al-Ghānim. Ibid., pp. 8, 9.

[3] The Council members were: Muḥammad Thunayyān Al-Ghānim, ʿAbd Allāh Ḥamad Al-Ṣaqar, Shaikh Yūsuf bin ʿĪsā Al-Qināʿī (eldest member in age), Sayid ʿAlī Sayid Sulaimān, Mishaʿān

On the day following the elections, the Legislative Council met at the house of one of its members, ʿAbd Allāh Al-Ṣaqar, and elected the heir apparent, Shaikh ʿAbd Allāh Al-Sālim, cousin of the ruler and son of the former ruler, as President of the Legislative Council. Shaikh ʿAbd Allāh Al-Sālim had earlier informed members of the negotiating team who came to see the ruler of his readiness to support the group in achieving their 'high ideal' of forming a legislative council, apparently out of personal belief in the advantages of consultative rule.[1] Thus, whereas the first council of 1921 failed to win the head of the ruling family as president, the second council proved successful in gaining the heir apparent for its presidency. As president of the new council, Shaikh ʿAbd Allāh Al-Sālim was quite instrumental in persuading the ruler to sign Kuwait's first law governing the powers of the Legislative Council which, in effect, became Kuwait's first Constitution.

The law which was granted by the ruler on 9 July 1938, stated:

> We, the Ruler of Kuwait, in accordance with the resolution passed by the State's Administrative Council, do confirm and sign this law about the powers of the Council, and we have ordered that it may be put into effect.
>
> Article 1. The people are the source of power, as represented by the council of their elected representatives.
>
> Article 2. The Administrative Council has to establish the following laws:-
> (a) The Law of the Budget, viz. the proper control of all the state's income and expenditure and its

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Al-Khudair, ʿAbd al-Laṭīf Al-Thunayyān, Sulaimān Al-ʿAdsānī, Yūsuf Al-Marzūq, Ṣāliḥ ʿUthmān Al-Rashaid, Yūsuf Ṣāliḥ Al-Ḥumaiḍī, Muḥammad Dawūd Al-Marzūq, Sulṭān Al-Kulaib, Mishārī Ḥasan Al-Badir, Khālid ʿAbd al-Laṭīf Al-Ḥamad (the first resigned for private reasons and was replaced by Muḥammad bin Shahīn Al-Ghānim, who was next in line according to the number of votes). Ibid., p. 9.

[1] Al-ʿAdsānī, op. cit., p. 8.

diversion in a just manner, with the exception of the personal properties of the Al-Subah, with which the council has no right to interfere.

(b) The Law of Justice, the purpose of which is to establish the religious and common law in such manner as to insure the proper administration of Justice between the people.

(c) The Law of Public Security, the purpose of which is to insure security within and out of the town (of Kuwait) up to the furthest points of the frontier.

(d) The Law of Education, the purpose of which is to establish Laws for education, that it may proceed in line with that in progressive countries.

(e) The Law of Public Health, the purpose of which is to establish laws of Health which will protect the State and its inhabitants from the dangers of illhealth and diseases of all kinds.

(f) The Law of Improvement, which includes the construction of roads out of the town, the building of jails, the boring of wells, and whatever general improvements are necessary within and out of the town.

(g) The Law of Emergency, the purpose of which is to establish laws which will empower the authorities to take whatever measure is necessary to insure public security in the State, in the event of an emergency.

(h) Whatever law it is found necessary to establish in the interests of the public, it is the right of the Council to establish it.

Article 3. The Administrative Council is the place of reference for all Treaties, Concessions, Monopolies and agreements, both internal and foreign. If any of those (i.e. existing) has to be renewed, it shall not be considered to have become legal unless seen and approved by the Council.

Article 4. As the State has no Court of Appeal, the powers of such a Court will rest temporarily with the Administrative Council until such time as a special court is established for the purpose.

Article 5. The President of the Administrative Council represents the Executing Authority in the State.[1]

It is thus evident that although the document adheres to the basic democratic principle of recognizing the people as the source of all powers, it does not attempt to follow the principle of the separation of powers. In fact it grants the Council Complete legislative power without the need of recourse to any other authority, and also gives it unlimited executive power by making its president the chief executive.

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[1] IOR, L/P's/12/3894A, Translation of the law governing the powers of the Kuwait Council as granted by the Ruler on 9 July 1938.

Moreover, the Council is given fiscal power as well as the power to approve all agreements and international treaties, including the granting of foreign concessions. The document also accords the new Council some degree of judicial power by giving it the responsibility of acting as a temporary appeal court, pending the opening of one. In short, the document appears to take away most of the ruler's powers and to hand them over to the new Council.

With such wide powers granted to it under the new law, the new Council soon appointed a Minister of Finance who received weekly receipts from all government departments, and a Minister of Defence in charge of the Nāyif Fort with its arms and ammunition, and who acted as Commander-in-Chief of the small Kuwaiti force. The Council also appointed a Minister of Works and two Secretaries to act as intermediaries between the ruler and the Council. Furthermore, the Council took over the duties of an appeal court.[1]

Within months of its existence the Council was able to introduce major reforms. It cancelled all export duties which were not previously charged on a fixed scale but at the discretion of customs officials, and the 10 per cent duty paid by Kuwaiti villagers on provisions they purchased from town. It also cancelled import duty on fruit and vegetables, and cancelled the taxes in the meat and fish market and taxes charged to bakers. Moreover, the Council cancelled the pearl fishing tax, and all monopolies including those on aerated-water and intestines and returned the sums paid, making trade free to all. It also reduced heavy rents and

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[1] IOR, R/15/1/548, Names and description of the first elected Kuwait Council 1938, on 15 Nov. 1938.

allowed all members of the public to build shops (the building of new shops had become a monopoly of the ruling family). On the other hand, the Council introduced an improved scale of salaries to all members of the ruling family.[1]

In addition, the Council dispensed with the corrupt Police Force and Petty Court, dismissed its officials and formed a disciplined Police Force. It also dissolved the corrupt Council of Municipality and formed another by free public elections. Corrupt customs officials were also dismissed by the Council which only employed better educated persons according to qualifications in government departments. Moreover, the Council intensified town improvements by the widening of the roads and by opening three government schools, including one for girls (in addition to the two schools in existence), and brought additional teachers from Palestine (the first group of them arrived in 1936). The Council also built a new land customs house, a new building for the port police near it, and laid the foundations of a new building to house the courts, police, and other government departments.[2]

In its efforts to reform the judiciary, the Council first dismissed a corrupt qāḍī and doubled the salary of the qāḍīs, and then appointed a second magistrate to sit with the previous one with a view to preventing corruption in the civil court. The Council also appointed a Petty Court for dealing with civil cases involving amounts up to Rs. 50, and took a decision to appoint an independent Court of Appeal and to bring in a legal expert to organize the courts.[3]

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1 IOR, R/15/1/548, Improvements introduced by the Kuwait Council since its formation.

2 Ibid.

3 Al-ʿAdsānī, op. cit., pp. 18, 19.

Finally, the Council vigorously attempted to stop the flow of foreign immigration by organizing the neglected Passport Department and by providing it with qualified personnel, as well as reinforcing Kuwait's coastal villages and border posts against illegal entries. Al-ʿAdsānī further notes that preparations were made for a census which was to be conducted as a first step toward discriminating between Kuwaiti nationals who moved to Kuwait a long time ago and those who arrived in Kuwait after World War I as 'refugees or mercenaries', and who accounted for almost half of the population in 1938.[1] Al-ʿAdsānī also estimates the general budget for the government during the Council's period as shown in Table 1 (below, p. 64).

By the middle of December 1938, the Political Agent reports, an opposition party to the Council had gathered enough strength to bring about the dissolution of the Council. It consisted of conservatives generally, which included the ruling Al-Ṣabāḥ family and those who had lost monopolies which were cancelled by the Council. It also included the old-established Shiʿa families of Persian origin whose demands for some representation in both the Legislative and Municipal Councils were flatly denied by members of the Legislative Council. Most forceful, continues the Agent, was pressure exerted on the ruler by an increasing number of the public whose deep suspicion was aroused by a threatened 'numbering of the people', or census, and who refused to reveal the number of women in their families.[2]

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1 Ibid., pp. 32, 33.

2 IOR, R/15/1/548 Political Agent to Political Resident in the Persian Gulf, 22 Dec. 1939.

Table 1

Public Revenue in 1938:

	Rs.
Custom duties	150,000
Dues collected on exports of sand and pebbles to Abadan	100,000
Dues collected for the exclusive rights of exporting sand to Iraq	4,000
Dues collected for the concessions of al-Dia' Co., the Ice Co., and the Iraq Automobile Co.	4,500
Zakat from the Kuwait desert, Passports and Court dues plus other dues	4,500
Estimated Total	263,000 (£20,000)

(The royalty of Rs. 95,000 from KOC had not yet been collected.)

Fixed Expenditures for One Year:

Salaries of Ruling Family Members and their dependents	200,000
Salaries of all government employees	40,000
	240,000 (£18,000)

Surplus left for all construction work and emergency expenditures	23,000 (£1,700)

Source: Al-'Adsānī, op. cit., p. 26.

On 16 December 1938 the ruler, encouraged by all these elements, decided to dissolve the Council which had frequently disregarded his wishes. The Shaikh was told by the Agent that it was an internal matter, but that he should risk no failure which might damage the prestige of the Al-Ṣabāḥ. Fortunately for the Shaikh, explains the Agent, once the Council members heard of the Ruler's decision they made the elementary military mistake of withdrawing their posts and shutting themselves up in the citadel with their police and the boys of the Youth League, losing control of the town and their mobility. Soon after, an arbitration team headed by Shaikh 'Abd Allāh Al-Sālim began preparing an arbitration plan.[1]

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[1] Ibid.

In the meantime, the semi-nomad gardeners of the Qāsūr south of Kuwait, who were bitterly opposed to the Council (which had threatened them with punishment should they continue to conceal among their baskets of tomatoes, pitted, unripe, or bad ones) arrived in Kuwait ready to rise in arms against the Council. At the same time an increasing number of beduins continued to arrive at the ruler's palace having thrown off their head-dress in preparation for war. With this 'formidable reinforcement' of the beduins and the persistence of Shaikh ʿAbd Allāh Al-Sālim who kept the negotiations going, reports the Agent, the Council members surrendered the citadel. They were told by the arbitrators that further negotiations would be abortive, but that the Shaikh had agreed to a new election, provided that he retained the right of veto on the new Council's decisions. 'The Shaikh', wrote the Political Agent, 'has established a useful precedent, whereby he can and does dissolve his council. On the other hand the people have established that for good or evil there is to be a Council'. The Agent then concluded that the balance between the Shaikh and the Council was about even.[1]

One month later the Shaikh presented the Council, whose sittings he had suspended, with a new constitution abrogating the old. Its important provision was to give the Shaikh the power of veto over the Council's decisions and, in effect, to transform the Council from a legislative-executive into an advisory one. The Shaikh's draft constitution was divided into four parts: the Nation, the Amir, the Council, and the Judicial. In its preamble, the draft constitution first states that the ruler's Supreme Order of 2 July 1938 (the

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1 Ibid.

old constitution) is cancelled, then goes on to stress that Kuwait is an independent and unseparable unity under the protection of the British government and that the nature of its rule is 'advisory'.[1]

The first part of the draft constitution, entitled the Nation, stipulates that Kuwaiti nationality will be acquired and lost in accordance with a special law, and that there is no difference between Kuwaitis in matters of law before the sharī'a or law courts 'even if they are of various sects'. It also stipulates that the residents of Kuwait should enjoy personal liberty, that places of residence should not be interfered with, and that the right of ownership should be safeguarded. In addition, the draft constitution stipulates that government appointments should be offered to Kuwaitis only and that taxes should be collected from all 'classes' of the nation without distinction.

The second part, entitled the Amir, confirms that the rulership of Kuwait is for the descendants of the late Shaikh Mubārak Al-Ṣabāḥ, and that the heir-apparentship is for the most suitably qualified (al-arshad) senior descendant of the late Shaikh Mubārak Al-Ṣabāḥ. The draft constitution also stipulates that the Amir is the high authority of the country whose person is to be 'protected and not touched', and that he is the commander-in-chief of all the armed forces. It further stipulates that it is the Amir who appoints and dismisses all officials and judges, organizes public departments, declares martial law and the law of emergencies, concludes treaties, declares war, makes peace, and exercises

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1 IOR, R/15/1/548, D.O. No. c/55, Political Agency, Kuwait, to Political Resident, 19 Feb. 1939. Text of the Shaikh's draft constitution.

executory power, having paid due regard to the advice of the Council. It is also stipulated in the draft constitution that it is the Amir who decides to dissolve the Council, suspend it, or adjourn its meetings.

Part three of the draft constitution gives both the Amir and the Council the right to exercise the legislatory power of drawing up rules, regulations, and administrative plans that may be required by the country. Members of the Council who are to be twenty in number should, according to the draft constitution, be honorary members who are not to receive any monetary wages nor hold any governmental appointment. The draft constitution gives the Amir the right to appoint the President of the Council and gives the members the right to elect a Vice-President from amongst them. It prohibits non-Kuwaitis, illiterates, those declared bankrupt, government employees, and ruling family members from becoming members of the Council. The Council is given the right to examine the general budget and to submit advice for the improvement of the sources of income of the country. In addition, the Council is to be consulted by the Amir before granting any concession for the utilization of natural resources.

The principle of the independence of the courts is stated in part four giving the Amir the right, when necessity calls, to appoint two of the members of the Council and two outsiders to be a Supreme Court under his presidency, for dealing with heads of departments and judges charged with offences.

In its final part, the draft constitution stipulates that the decisions of the Council will not be considered

effective until they have been confirmed by the Amir.

By reducing the Council to an advisory role the new constitution took power away from the merchants and made it inevitable that they would find it unacceptable. The existing Council had no interest in voting itself out of existence and therefore, as a body, rejected the new constitution. The Shaikh, acting in a way that earned the approbation of the Political Agent, therefore decided to nominate an Advisory Council, himself selecting its members from among the old Council, former candidates, and wise moderate men, in order to replace the elected Council which as a body had refused the new constitution. This new Advisory Council, wrote the Agent, was 'the best plan for Kuwait; one at which we have aimed'.[1]

On 9 March 1939 the Shaikh decided to renounce all plans for another elected council, and informed the Political Agent of his intention to form a consultative council made up of members from his family and the notables.[2] Soon after, a Consultative Council (majlis al-shūrā) was formed and was made up of four ruling family members and ten notables. Like its predecessor, the first Consultative Council of 1921, the new Consultative Council was gradually abandoned by its members, one by one, until it soon ceased to function at all.[3]

The Shaikh, it thus seems, had won this round with the merchants by regaining all the powers he had lost to them during the Council's period. However, underlying the merchants'

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1 IOR, R/15/548,D.O. No. c/74, Political Agency, Kuwait, to Political Resident, 27 Feb. 1939.

2 IOR, R/15/1/549, D.O. No. c/95, Political Agency, Kuwait, to Political Resident, 12 Mar. 1939.

3 Husain, op. cit., p. 97.

second and truly organized political movement, it must be stressed, was a strong economic basis. Many of the local merchants, reports the Political Agent, were in increasingly poor circumstances and in debt to the Shaikh owing to the Saudi blockade, imposed since 1922, and the drop in the pearl market.[1] Therefore, with great zeal for radical economic reforms, the merchants seem to have attempted too much too soon, and thus only succeeded in alienating the other social groups in Kuwaiti society that were more conservative than the merchants. However, it must be said here that the short-lived experience of the Council in 1938 (which became known as sanat al-majlis – the Council's year) and particularly the various government departments created by the Council, provided the basic administrative framework for Kuwait until constitutional government was finally introduced in 1962 following Kuwait's declaration of independence from Britain.

So far we have dealt with the relations of groups as they had slowly grown over the generations. This slow process of development, however, was radically changed by an important event, the discovery and exploitation of oil.

The Impact of Oil Wealth on Government and Society (1950-1961)

Oil was first discovered in Kuwait in 1932 and its production in commercial quantities began in June 1946.[2] By 1950, Kuwait's production of oil had reached 17 million metric tons, and during the next decade it was followed by a fourfold

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1 IOR, R/15/1/549, Political Agency, Kuwait, to Political Resident, 17 Mar. 1939.

2 See Chapter I.

increase. Consequently, by the time independence was announced in 1961, Kuwait was already producing over 87 million metric tons. The economy, government, and the structure of society were thereby totally transformed. State revenues from oil increased from 16.8 million dollars in 1951 to 168 million dollars the following year, and in 1961 it reached 467.4 million dollars.[1] The sudden increase in wealth had an immediate impact on Kuwaiti society during the first decade which preceded independence. Its effect was felt, first, by the government which received the oil revenues in the form of foreign exchange and, secondly, by Kuwait's citizens who were ultimately the true beneficiaries of the new wealth, because of the way in which the government dispensed the oil wealth.

On 25 February 1950, Shaikh ʿAbd Allāh Al-Sālim Al-Ṣabāḥ became ruler of Kuwait upon the death of his cousin Shaikh Aḥmad Al-Jābir Al-Ṣabāḥ. The discovery of oil and the realization that large new sources of revenue would soon be available induced in the new ruler a desire for a new kind of community. A construction programme which was first started in 1949, largely without plans other than sketches, was speeded up. The immediate result was a tuberculosis hospital, a public security building, and some schools and roads. As revenues increased, a vastly expanded programme was put into effect which resulted in much more construction at inflated costs. The principal fields of investment were street reconstruction, roads, and housing.

In October 1951, the government engaged foreign consultants to prepare a city plan for Kuwait. This actually

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[1] Government of Kuwait data.

became the basic plan under which the city has expanded from the confines of the old walled town to a wide area enveloping the old city. It was basically a street plan born out of expediency, which was later amended in February 1954.[1] Five foreign construction companies were engaged under cost-plus contracts to carry out the main construction projects. The government, however, realizing that this procedure pushed up costs unduly and left much room for abuse, cancelled most of these contracts before completion. And having thus decided that the major task of construction could not simply be left to foreign contractors, the government entrusted the responsibility of planning and executing a development programme to the Public Works Department. The earlier programme was continued with emphasis on outlying communities, airports, and low-income housing.

By 1960, rapid physical changes in the old town had been accomplished, under the direction of the Public Works Department. The first power and water distillation plants came into being during this period and many miles of roads and a considerable number of schools, hospitals, mosques, and public buildings were either completed or were still under construction. In short, a modern city had replaced the old seaport town.

The first immediate effect of the oil boom that got under way in the early 1950s was the increase in population. There was a rapid influx of nearly 100,000 skilled and unskilled workers who were attracted by employment opportunities offered by the oil industry itself, by positions in the

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[1] A proper master plan for Kuwait, which was the result of planning based on land-use data and population density studies was finally begun in 1970. Completion of the final phase of its execution is not expected before 1985.

greatly expanded government service, and by employment in the construction industry and encouraged by the highest money wage-scale in the Middle East which was supplemented by free health, education, and other services of a welfare state. As a result, the population of Kuwait had almost doubled by the mid-1950s. The first census taken in 1957 indicated a total population of 206,473 and the second census in 1961 gave a total population of 321,621. According to the 1957 census the population was divided 55 per cent Kuwaiti and 45 per cent expatriate, and in 1961 50.4 per cent Kuwaiti and 49.6 per cent non-Kuwaiti.[1] The great majority of non-Kuwaitis were Arabs from Jordan and Palestine, Iraq, Lebanon, Syria, Egypt, and Oman, and a number of non-Arabs mainly from Iran, India, and Pakistan.

The second major effect of the oil boom of the 1950s was the rapid expansion in government work, which had left little time for consolidation and which had led to a proliferation of agencies and offices, often instantly created as the need arose. The top administrative and executive positions were reserved for Kuwaiti citizens, who were given the responsibility for final decision making. However, since the indigenous Kuwaiti population lacked specialized professional and vocational training, most of the important positions in the government service below the policy level (i.e. that of Director of Department, equivalent to Under-Secretary when ministries were established) were held by Arabs from Jordan and Palestine, from Egypt and from other Arab countries.

Accurate statistics on the actual number of government employees, or of the breakdown between citizens and

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[1] Statistical Yearbook of Kuwait, Central Statistical Office-Planning Board (Kuwait, 1974), Table 6, p. 18.

expatriates, were not available before 1963. The total for classified employees, according to the data provided by the government that year, appeared to be about 36,300, of which 46 per cent (about 16,700) were Kuwaitis and 54 per cent (about 19,600) were expatriate. As to the qualifications and training of Kuwaitis it appears that in 1963 less than 1 per cent of Kuwaitis in the classified civil service were university graduates, less than 5 per cent had graduated from secondary school, and only 13 per cent from primary school. Nearly 30 per cent were rated illiterates. Government statistics also showed that in 1963 there were about 545 Kuwaiti students studying abroad on government scholarships.[1]

During this period which was marked by great expansion and increased diversification in the machinery of government, both legislative and executive powers of government continued to reside with the ruler. He issued Amiri decrees which constituted the legislation of the state during that time. On 19 July 1954 an Amiri decree was issued calling for the immediate formation of a special committee in order to lay down the framework for internal reform in the country. The 'internal reform' which was proposed by a special committee made up of a number of Kuwaitis and some Arab experts turned out to be nothing more than a change in the number of government departments, a measure that was immediately adopted by the government.[2] However, since

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[1] Civil Service Commission data.

[2] These departments were:

1. Courts
2. Police
3. Health
4. Government property
5. Customs
6. Press and information
7. Civil Service
8. Awqāf
9. Municipality
10. Real Estate Registration
11. Port
12. Public Security
13. Education
14. Orphans

this large number of departments caused a great deal of duplication in the duties and functions of many of them, another Amiri decree was issued on 7 February 1959 calling for the reorganization of the government into ten departments only. The new departments were: Police and Public Security, Public Works and Municipality, Public Health, Finance and Government Property (later changed to Finance and Economy), Electricity Water and Gas, Press and Social Affairs (and Labour, added later), Customs and Ports, Awqāf and Orphans, Telegraph Post and Telephone, and finally, Courts and Education (which later became Justice and Education).

Also in 1959, the highest advisory and deciding body in the country, the Supreme Council, was established. It consisted of the presidents of the departments, who all belonged to the Al-Ṣabāḥ family. The ten members of the Supreme Council met regularly once a week, but the Amir who could preside over its sessions did not often attend. In his absence it had no chairman and became a round-table council, underlying the equal status of its members and reflecting the character of a family council. The Supreme Council reached its decisions by a majority vote.

Another advisory body was also created at that time, which was known as the Organizing Body. It included seven appointed merchants and notables well experienced in government affairs, and three ruling family members drawn from the Supreme Council. The main function of this body was the reform of the administrative machinery of government. It

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15. Finance
16. Public Works
17. Social Affairs
18. Post, Telegraph & Telephone
19, Elec. Water & Gas
20. Construction Council
21. Housing
22. Gov. Secretariat
23. Passports & Nationality
24. Radio and Television

was to offer its advice to the Supreme Council and to discuss its proposals with the latter at regularly held conferences between the two bodies.

The legislative process, during that time, began at the highest departmental level. Every department president had the right to propose legislation, according to the needs of his department. The proposed legislation was first submitted for discussion by the Supreme Council, before it was finally submitted to the Amir for his sanction. Legislative proposals put forward by the Organizing Body were dealt with in the same manner. Once the Supreme Council approved the proposed legislation, it was then submitted to the Amir for his sanction. And once the proposed legislation was sanctioned by the Amir, it became law and was immediately published in the National Gazette (Al-Kuwait al-Yawm, first issue published on 11 November 1954), thus concluding the legislative process.

In 1959/60, the Amir issued a series of laws which had an important bearing on the social and economic life of the country. Among them were the Organization of the Judiciary Law, the Civil and Commercial Court Procedures Law, the Penal Code Law, the Criminal Procedures Law, the Traffic Law, the Maritime Law, the Commercial Companies Law, the Labour Law, the Civil Service Regulations Law, the Nationality Law, the Budget Law, and the Currency Law.

Prior to the promulgation of the Organization of the Judiciary Law (Amiri decree No. 19), in which the courts were given a greater measure of independence, there were three types of courts in Kuwait. One High Executive Court, four Sharī'a Courts, and the Political Agency Court.[1] The

[1] Established in 1925 by the British government, see Ch. I.

High Executive Court was headed by the President of the Courts Department, who was a ruling family member and the Sharī'a Court was headed by the President of the sharī'a judiciary. The four sharī'a courts included one High Court and one Low Court in addition to two Domestic Courts (one for the Sunna and one for the Shī'a), which dealt with cases involving marriage, divorce, inheritance, and wills. The Political Agency Court handled cases involving foreigners. Apart from these courts, there were also the arbitration committees which were formed to arbitrate between members of the same trade whenever disputes of a commercial or financial nature arose.[1]

According to the new law there were to be only two courts: a High Court and a High Court of Appeal. The High Court was to be divided into four parts: private, civil, commercial, and criminal. And the High Court of Appeal was to be divided into two, with one to handle cases appealed by the Private and Civil Courts (of the High Court) and the other to handle cases appealed by the Commercial and Criminal Courts (also of the High Court). Two years after the promulgation of this law the Political Agency's Court was abolished, and the special arbitration committees ceased to function.

The increasing complexity of its task led the government of Kuwait to seek the advice of the International Bank for Reconstruction and Development in 1961, which responded by sending an economic mission to the country. The results of the 1961 mission were not published but were summarized and brought up to date by a second mission which reported in 1965. The report states:

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[1] See Chapter I.

> The 1961 Mission observed that the principal weakness in the central government was a lack of unity and coordination. The authority of the Ruler was certainly all-embracing and this would have made for unity, had it not been that as a result of his exalted position and of the very limited capacity of his secretariat, he was rather isolated from the daily business of government and even from the policy-making centers in the agencies. Below his level of authority, the elements of unity and co-ordination weakened rapidly because of the principle of absolute equality among the members of the Supreme Council. Each was in full charge of one or more separate segments of the administration; there was neither a prime minister nor a party-in-power to bring these segments together.[1]

The 1961 Mission expressed the view that the government and its task had grown to such dimensions that a reconsideration of its structure was imperative. It suggested the creation of the position of full-time chairman of the Supreme Council, an office somewhat analogous to the function of prime minister in other governments. The chairman would have been given the authority to conduct the meetings of the Council, be the chief of the Council's secretariat, and have under his leadership certain institutions of a central importance for co-ordination and integration such as a proposed Planning Board. The other presidents were to remain in full charge of their departments, reconstituted and reduced in number.[2]

The Constitution, promulgated by the ruler in 1962, established the office of Prime Minister, with somewhat the same responsibilities which the 1961 Mission had suggested for the chairman of the Supreme Council, the latter having later been converted into a Council of Ministers.[3] On the

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[1] The Economic Development of Kuwait, Report of a Mission organized by the International Bank for Reconstruction and Development (Baltimore, 1965), pp. 31, 32.

[2] Ibid.

[3] See Chapter III.

other hand, the 1963 Mission confined its work on public administration to the features of the new government organization of particular economic interest such as the Planning Board. With the prime minister as chairman, reported the 1963 Mission, the Planning Board was granted even more extensive powers than the 1961 Mission had suggested, and was beginning to prepare a detailed five-year plan scheduled to begin in 1965/6.[1]

The new oil wealth had an impact not only on the organization of government, but also on the position of all groups within Kuwaiti society and their relations with each other. A most important development of the 1950s was the shift in the primary source of prosperity from the merchants to the ruling family, which dispensed the oil revenue, reaching a total of over 159 million Kuwaiti dinars in 1961.[2] Consequently, the ruling family and particularly its head, the ruler, became more financially powerful. Under the enlightened leadership of Shaikh ʿAbd Allāh al-Sālim Al-Ṣabāḥ (1950-65), who was popular with the people and highly respected for his wisdom and sense of justice, the government followed a deliberate policy of distributing the wealth among its citizens. In addition to the ambitious plans and projects described earlier, and designed to transform Kuwait into a welfare state, the government devised still another means for channelling the counterpart of the oil revenues into the private economy. This was done through the governments's purchases of land from the private sector at highly

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1 In 1978, the Planning Board became a government ministry.

2 Statistical Yearbook of Kuwait, Table 95, p. 147. The Kuwaiti dinar was put into circulation on 1 Apr. 1961. Until then, the Indian rupee was the circulating medium in the Gulf, including Kuwait (KD 1 = $2.8).

inflated prices, to be used for development projects and for resale to private buyers. The 1961 World Bank Mission reported that in 1961 over one third of total government income was spent by the government to acquire land, about 20 per cent was spent on public works, and 20-25 per cent was invested abroad.[1]

The government's land purchases were described by the World Bank Mission as 'a rather indiscriminate and inequitable way of distributing the oil revenues'. The Mission reported that the amount collected by the government on the resale of land compared with the prices paid by the government for land purchases was very small (only 5 per cent of the cost of land acquired by the government was recovered during the period 1955-61). It also reported that the recipients of the large blocs of these funds were relatively few in number and were persons of large financial means who looked for investment abroad. Private landowners, the Mission concluded, benefited more from land purchases than the economy as a whole. It therefore recommended that this method of disbursing public funds to the private sector be replaced by increased government investment in private industry, and by more capital expenditures on public works. But the government increased both its land purchases and its expenditures on public works, while at the same time increasing its investment in private industry. Thus by 1963, the government

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[1] The Economic Development of Kuwait, pp. 88-90. Also in 1961, the Kuwait Fund for Arab Economic Development was established with an authorized capital of KD 50 million which subsequently was increased to KD 100 million. The Fund made loans to Arab countries for specific development projects with a low interest rate varying from 3 to 4 per cent, and with repayment over 10 to 20 years. The Fund's authorized capital was further increased in 1974 to 1,000 million KDs and the Fund was authorized to make loans to all developing countries.

owned a majority share in about half of Kuwait's 22 share companies and was, therefore, in a position to exercise considerable control over the private sector.[1]

Rather than providing the main source of revenue to the state, as in the past, the merchants had thus become by the late 1950s the major beneficiaries of the new wealth in more than one way. Politically, they occupied the centres of power in the newly created government apparatus, and were the first group to benefit financially from the new business opportunities created by the oil boom. Since the government gave preference to its own citizens over foreigners to fill its top executive positions, and since the merchants provided almost the only educated group in the country, most of the positions of director and deputy-director of the vast number of government departments were occupied by members of merchant families. The only exception to this was when suitable Kuwaitis were not available to fill a certain post, in which case preference was then given to other Arabs. Equipped with a business talent and long experience in maritime affairs and commerce, those merchants were given the task of making daily policy-decisions that were not only vital to the government alone, but also to the future of the whole country.

On the other hand, for the first time since the end of the pearling industry in the 1930s and the decline in trade of the 1940s, the Kuwaiti economy was offering unlimited business opportunities that could not be missed. The demand for services and finished products by the government (the largest customer in the state), and the rising demand for

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[1] Ibid., pp. 62, 88-9.

goods and services created by the increase in population, made trade much more attractive to the merchants than ever before. The government, therefore, found that it had no choice but to allow its civil servants to participate actively in commercial and other private activities, without a clear separation between the public duties of the civil servant and his private interests.[1] The justification was that sufficient Kuwaitis of standing and ability could not be attracted to the service of the state if that would have meant divesting themselves of all interest in private business, which in most cases provided the officials concerned with a major source of income. Although this exposed those in key positions to grave temptations, the government hoped that once the number of educated Kuwaitis was enough to widen the strata of society from which officials could be recruited, stricter application of rules against conflicts of interest would then be enforced (a situation that finally prevailed in 1978).

It was not only those members of merchant families who were civil servants that profited, but the whole merchants' group since enormous private fortunes were made during that period as reported by the World Bank Mission by both selling to, and buying from the Government. Large sums were transferred abroad and smaller amounts were accumulated as bank deposits at home. The remainder of these funds went into

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[1] Article 102 of the Civil Service Regulations originally said: 'An official shall not undertake any other job with pay or gratification even outside the official working hours.' An amending article, however, ruled that 'except with the permission of the president of the department an official shall not undertake any other job . . .' Such permission was, of course, never needed since the rule was mainly intended to allow those officials who actively engaged in business for their own account to continue those private activities.

the construction of modern buildings and luxurious houses, into relatively small-scale industrial enterprises and into the importation of expensive consumer goods.[1] The merchants realized very early that they needed their own local bank in order to finance their increasing trade and their anticipated big business contracts with the government. Thus in 1952, a group of merchants established the National Bank to engage in normal banking business. Until then the British Bank of the Middle East was the only commercial bank operating in Kuwait. Its charter precluded the opening of branches of other foreign banks, as does the Kuwait law. No other banks were established prior to the chartering of the wholly government-owned Credit Bank in October 1960, with very broad functions in the fields of industrial, agricultural, and real estate credit.[2]

Among the various defensive measures taken by the government to protect the interests of its own citizens as the country was being flooded with aliens, the most important was the Nationality Law of 1959 and its amendment in 1960. Under this law Kuwaiti citizenship is confined to residents in Kuwait prior to 1920, to their descendants in the male line, and to foreign women upon marriage to Kuwaitis. Naturalization is made possible for Arabs after 10 years, and non-Arabs after 15 years, commencing in both cases from the date of the amending decree. Exceptions are made, however, to the small number of Arabs who have resided in the country

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1 The Economic Development of Kuwait, p. 28.

2 It was through this bank (renamed later the Credit and Savings Bank) that the government has been granting free building sites and loans at very low interest to every citizen who did not own property, and who did not benefit from the Government land purchases.

since 1945 and for non-Arabs before 1930, as well as other Arab nationals who have performed outstanding services to the country, who may all be granted citizenship without a waiting period. Only 50 persons are to be granted citizenship in any one year.

The other legislation which confined certain basic rights and privileges to its citizens, and has been of particular advantage to Kuwaiti merchants since its promulgation in 1960, is the law of Commercial Companies. The law describes the various forms of business organizations that may be established in Kuwait and includes rules for their establishment, operation, and liquidation. According to this law, at least 51 per cent of the share of equity participation in the various forms of enterprise must be in the hands of Kuwaiti citizens. Government permission must be obtained for a non-Kuwaiti to participate in the capital of a share company. This special permission, however, is not to be given if the company is engaging in banking or insurance, which are thus barred to foreigners except for existing establishments (as the British Bank of the Middle East). Non-Kuwaitis or foreign businesses were not allowed to own real property in Kuwait or to engage in business without a Kuwaiti partner, who must have majority control.

Furthermore, the merchants have benefited from a deliberate government policy to ensure highly favourable conditions under which the private sector may operate successfully. The oil revenue in relation to the size of the state made it possible for the government to maintain the same type of open economy to which the Kuwait merchants have always been accustomed. Therefore, in addition to having been highly

favoured by the absence of any significant taxes (other than a nominal 4 per cent duty on imports and exports) and by free education and health services, the private sector of the Kuwaiti economy has also been receiving the services of public utilities at low, non-commercial rates.

Apart from the merchants, the other groups within Kuwaiti society have also benefited from the distribution of the new wealth. By the late 1950s, Kuwait's former pearl divers and sailors had been totally incorporated into the lower ranks of the civil service of the new welfare state. For, in addition to providing its citizens with free education and health services, the government regarded employment in the lower echelons as a means of channelling a certain amount of the wealth to the average citizen. The result was that in 1957 about one out of every three Kuwaiti males was employed by the government, and the majority of them were unskilled workers who were concentrated in the lower grades of the civil service.[1] This group of unskilled workers has also benefited from the lack of a clear-cut separation between the public duty of a civil servant and his private interest, by holding private jobs outside working hours such as taxi driving or engaging in small trades. Moreover, having been classified by the government as a low-income group, the government has considered it its duty to provide these unskilled workers with small modern houses, to become their own property, and with social security benefits including pensions for the aged. This, of course, did not include the very few whose family houses in the old town were

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[1] The ratio was arrived at from figures provided by both the 1957 census, and by the Civil Service Commission.

bought by the government as part of the land purchases scheme, and who were consequently handsomely compensated by the state.

Since the 1950s, the government has followed a policy of urban settlement towards the Kuwait beduins, who until then had remained in their desert encampments and shanty towns outside the old town wall. The Kuwait beduins were granted Kuwaiti nationality and were employed as oil field workers, and also as soldiers and policemen. Classified by the government as unskilled workers, the beduins were considered part of the low-income group and were thus eligible for the new housing provided free by the government; an effort that still goes on today as more and more housing developments continue to be built for the low-income group in the Kuwait city environs.

As mentioned earlier, one of the direct results of the oil wealth was the influx of foreign skilled and unskilled workers to Kuwait, attracted by the lucrative market for labour. It is this heterogeneous group, composed mainly of Arabs from neighbouring countries, which supplied Kuwait with her teachers, doctors, architects, engineers, and administrative and managerial personnel. Although they have affected all aspects of national life in Kuwait, members of this group have remained largely outside the social and political life of Kuwaiti society. This is partly due to the fact that the majority of this group of aliens (about 73 per cent according to the 1957 census) were males, who were transient immigrants without permanent ties with the host country and who were constantly changing. It is also partly due to the insular nature of Kuwaiti society which allowed

itself to be influenced by the social and cultural habits of the newcomers, but at the same time refused the integration of this alien group into its own social fabric. And similarly, although a number of aliens were allowed to influence decision making in Kuwait they have nevertheless not been permitted (except for the small number who were granted Kuwaiti citizenship) to become part of the decision making process itself.

To summarize this process: the advent of oil wealth has changed the economic and social order which existed prior to 1950 among the various groups comprising Kuwaiti society. Strengthened by the new income of the state which released it from its traditional dependence on the merchants for the state revenue, the ruling family was at the apex of both political and economic power in the country. In a word, the ruling family was the state and was, as such, expected to preserve the identity of the old community, distribute the wealth among all its citizens and protect them against the intruding aliens. The merchants, on the other hand, became for the first time dependent on the state for the protection of their commercial interests. And, moreover, since the level of business activity became largely dependent on the flow of public funds to the private sector, the merchants not only sought favours from the state, but contrary to experience elsewhere they also sought government participation in financial and industrial ventures, as well as its protection and guarantee. However, despite this new dependence on the state for the level of its business activity, the private sector, and particularly its financial institutions, have remained firmly in the hands of the merchants themselves.

The group of unskilled workers, who as pearl divers and as sailors had previously depended on the merchants for their livelihood, have become since 1950 dependent on the state for employment and for free housing, health services, and education, as well as other forms of social security benefits. However, as this element together with the beduins made up the low-income group in society which dominated the lower echelon of the civil service and while a handful of educated merchants occupied its higher ranks, an indigenous middle class was growing rather slowly because of the presence of a well qualified and hard working group of aliens that performed all the necessary functions in the state apparatus. This slow growth was also partly due to the loss in the energy and drive which had characterized the old Kuwaiti society and which was a direct result of the comfortable and secure life of the new welfare state.

Nevertheless, by 1960, a growing number of young educated Kuwaitis aspired for major reforms in the country. They wanted the government to annul its protection agreement with Britain and to declare independence, and to announce a constitution based on democratic principles, which would allow the people a share in government and would give them freedom of expression. They also demanded a better organization of the state apparatus and 'its infusion with new blood', as well as proper economic planning for the future.[1] Thus, despite all the benefits of a welfare state, it appears that there still remained in the minds of a growing number of young educated Kuwaitis many hopes and aspirations regarding the future of their already prosperous country.

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[1] ʿAbd al-ʿAzīz Ḥusain, op. cit., pp. 99-100.

Chapter III

THE CONSTITUENT ASSEMBLY AND THE DRAFTING OF THE CONSTITUTION (1961-1962)

On 19 June 1961, the Amir of Kuwait, Shaikh ʿAbd Allāh al-Sālim Al-Ṣabāḥ, announced the termination of the 1899 Agreement with Britain and its replacement with a new treaty. By letters exchanged on Kuwaiti initiative, Kuwait took over its own defence and foreign affairs. The letters stated that the Agreement of 23 January 1899 was terminated for being 'inconsistent with the sovereignty and independence of Kuwait', and stressed the readiness of the British Government to come to the assistance of the Government of Kuwait 'if the latter request such assistance'.[1] The Amir and his advisers were well aware of the strong current of Arab nationalism in the region, which would denounce a defence treaty with Britain as being a 'link with imperialism'. The political cost of becoming the target of such attacks was fully discussed in the Supreme Council, but in the end the Amir decided that Kuwait should not be deterred from entering into a defence agreement since, as a small state, it could not possibly provide adequately for its own defence.[2] On the same day the Amir signed the agreement, he delivered a brief message to the nation in which he expressed his greatest pride in seeing Kuwait move 'from one phase of its history into another' which the treaty represented by giving Kuwait its full independence and sovereignty. The Amir then expressed his admiration for the close co-operation which existed between

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1 Kuwait Foreign Ministry Records, Independence Treaty (in Arabic): Notes Exchanged between H.H. Ruler of Kuwait and Her Majesty's Political Agent in the Gulf, 19 June 1961.

2 Some light is thrown on this episode by the memoirs of Ṭalʿat Al-Ghuṣain who was a member of this Amir's Secretariat at the time. See Khams Jinsiyāt wa al-Waṭan Wahid (Five Nationalities and One Homeland) (Kuwait, 1981), pp. 235-40.

the government 'as represented by officials from the ruling family' and the people, and hoped that such co-operation would continue throughout Kuwait's new prosperous era. He also stressed the determination of the government to strengthen the ties of friendship and brotherhood between Kuwait and its sisterly Arab countries, and declared that Kuwait would soon seek the membership of both the Arab League and the United Nations.[1]

No sooner had Kuwait been proclaimed an independent state than the Iraqi President, ʿAbd al-Karīm Qāsim, claimed that the 1899 treaty had been concluded without the knowledge of the Iraqi authorities, which he alleged had existed legally at the time, and threatened to annex Kuwait.[2] Kuwait responded at once to Qāsim's threat by requesting British assistance to defend its sovereignty, and, consequently, British troops soon landed in Kuwait in July 1961. During the same month, Kuwait became a member of the Arab League and by October of that year the British troops were replaced by a combined Arab League force drawn from the United Arab Republic, Saudi Arabia, Jordan, the Sudan, and Tunisia. The following year, the Arab League force was gradually withdrawn, and by February 1963, immediately after Qāsim was assassinated, it was completely withdrawn. On 7 May 1963 the United Nations Security Council approved Kuwait's application for membership which had been vetoed twice before in 1961 by the Soviet Union (charging that Kuwait's Independence Treaty made it

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1 Text published in Al-Majlis al-Taʾsīsī: al-Aḥkām al-Intiqāliyah li Dawlat al-Kuwait (The Constituent Assembly: Transitional Governing Laws for the State of Kuwait) (Government Printing Press), pp. 28-43.

2 See Martha Dukas, Azmat al-Kuwait: al-ʿAlaqāt al-Kuwaitiya al-ʿIrāqiya 1961-1963 (The Kuwait Crisis: Kuwaiti-Iraqi Relations 1961-3) (Beirut, 1973), pp. 24-5.

subject to foreign domination). On 4 October 1963, Iraq recognized the independence and full sovereignty of Kuwait in an accord signed by both governments in Baghdad, and diplomatic representation between the two countries soon followed.

The first act the Amir performed shortly after independence was declared was to issue an Amiri decree calling for the election of a Constituent Assembly to draft a constitution for Kuwait. On 6 January 1962 the Amir promulgated Law Number 1 which consisted of 38 articles outlining a system of government for Kuwait until a permanent constitution was in effect. The first of the 38 articles of this law called on the Constituent Assembly to draft a constitution regulating the system of government to be based on 'democratic principles taken from the realities and objectives of Kuwait', and to present it to the Amir for his approval within a period of one year.

Many individual and collective freedoms were granted under this law including freedom of expression, creed, belief, press, and association as well as equality before the law. Legislative power was shared by both the Amir and the Assembly as the enactment of laws required passage by the Assembly and sanction by the Amir. Legislative initiative was given to the Council of Ministers and denied (by omission) to members of the Assembly. The Assembly had the right to question public policy and supervise its implementation. Thus every Assembly member was given the right to put questions to ministers regarding matters related to their ministries, but was not given the right either to ask supplementary questions (in the British manner) nor to interpellate

(in the manner of the Fourth French Republic). The Amir was the chief executive assisted by his ministers and had the right to issue laws. The principle of judicial independence was stated without stipulating the appointment of judges or their terms of office.

An electoral law was issued giving the right to vote to all Kuwaiti males over twenty-one years of age, except naturalized Kuwaitis and members of the armed forces and the police. A candidate had to be over thirty years of age and be able to read and write in order to qualify for election in any one of the districts (regardless of his place of residence). Kuwait was divided into ten districts according to population with each district electing two representatives. Elections at every district were to be supervised by a committee made up of a public official appointed by the Chief Justice, a representative of the chief of police, and representatives of the two candidates. The police were barred from entering election centres except at the request of the committee.[1]

Elections for the Constituent Assembly were held on 30 December 1961, and were general, direct, and by secret ballot. There were 11,288 registered voters out of a population of about 170,000 Kuwaitis as seventy three candidates competed for the twenty seats. Half of the members of the newly elected Assembly belonged to the well established merchant families of Kuwait, as Al-Ghānim, Al-Ṣaqar, Al-Niṣf, Al-Ḥumaiḍī, Al-Khālid, Al-Muṭairī, Al-Fawzān and Al-ʿAbd

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[1] Text of Law No. 5 of 1961 concerning the elections of members of the Constituent Assembly amended by Law No. 28 of 1961, Constituent Assembly: Transitional Governing Laws, pp. 28-43.

al-Razzāq. Three were beduin leaders of the established tribes of Shammar, Al-ʿAwāzim and Al-Rashāida. The others were men from middle size families, of good name, and included in the case of Dr. Aḥmad Al-Khaṭīb, a practising physician trained at the American University of Beirut, who had professional qualifications as well. In addition to these three groups, two of those elected were leading members of the Shiʿa community which was for the first time being represented in an elected body.

The ten merchants (of whom three already belonged to the Council of Ministers and had successfully contested the election) constituted the largest elected group in the Assembly. They were outnumbered by the eleven members of the ruling family who were brought into the process of drafting the constitution by the decision to add the Council of Ministers to the Assembly in order to take part in that task, thus raising the number of the Constituent Assembly to thirty-one.[1] While ruling family members were to participate in the deliberations of the Assembly, they decided to

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[1] The members of the Constituent Assembly were: Aḥmad Al-Fawzān, Dr. Aḥmad Al-Khaṭīb (Vice-President), Shaikh Jābir Al-ʿAlī Al-Ṣabāḥ (Minister of Electricity and Water), Shaikh Jābir Al-Aḥmad Al-Ṣabāḥ (Minister of Finance and Economy), Ḥamūd Al-Zaid Al-Khālid (Minister of Justice), Khalīfa Al-Jarī, Shaikh Khālid Al-ʿAbd Allāh Al-Ṣabāḥ (Minister of Customs and Ports), Saʿud Al-ʿAbd al-Razzāq, Sulaimān Al-Ḥaddād, Shaikh Sālim Al-ʿAlī Al-Ṣabāḥ (Minister of Public Works), Shaikh Saʿad Al-ʿAbd Allāh Al-Saḥāḥ (Minister of Interior), Shaikh Ṣabāḥ Al-Aḥmad Al-Ṣabāḥ (Minister of Guidance and Information), Shaikh Ṣabāḥ Al-Sālim Al-Ṣabāḥ (Minister of Foreign Affairs), ʿAbbās Munāwir, ʿAbd al-Razzāq Amān, ʿAbd al-ʿAzīz Al-Ṣaqar (Minister of Public Health), ʿAbd Allāh Al-Lāfī, ʿAbd al-Laṭīf Al-Ghānim (President of the Assembly), ʿAlī Al-Adhina, Shaikh ʿAbd Allāh Al-Jābir Al-Ṣabāḥ (Minister of Education), Mubārak Al-Hasāwī, Muḥammad Maʿrafī, Muḥammad Al-Sudairān, Muḥammad Al-Niṣf (Minister of Social Affairs and Labour), Manṣūr Al-Mazīdī, Shaikh Mubārak Al-Ḥamad Al-Ṣabāḥ (Minister of Awqāf), Shaikh Mubārak ʿAbd Allāh Al-Aḥmad Al-Ṣabāḥ (Minister of Post, Telegraph, and Telephone), Shaikh Muḥammad Al-Aḥmad Al-Ṣabāḥ (Minister of Defence), Nāyif Al-Dabbūs, Yaʿqūb Al-Ḥumaiḍī, and Yūsuf Al-Muṭairī.

abstain from voting on the constitution itself, leaving the exercise of that right to elected members only. The composition of the Assembly clearly reflected the social structure of Kuwaiti society, and as in the case outside the Assembly members of these groups within it strongly identified with other members of their own group and were conscious of how their interests differed from the others. Political behaviour in Kuwait will then continue to be viewed in terms of the interaction of these social groups, this time within the Constituent Assembly itself.

On 20 January 1962 the Amir, Shaikh ʿAbd Allāh Al-Sālim Al-Ṣabāḥ, inaugurated the Constituent Assembly and delivered a brief address to the members in which he underlined the fact that their Assembly represented 'a high degree of progress and development in the history of Kuwait', and urged them to maintain unity in order to perform successfully their 'important mission in the service of the people'. The Amir also emphasized Kuwait's position as an Arab country always ready to work closely with its sisterly Arab countries for the good of the Arab nation and in support of the Arab League.[1] The Assembly replied by expressing the people's deep gratitude to the Amir for his 'sincerity and earnestness' in endeavouring to ensure true progress and prosperity for the people and stressed that history would for ever record his great services to the people. The Assembly also noted that the Amir expressed the true aspirations of the people when he underlined Kuwait's determination to work for Arab solidarity, 'a goal which the Assembly will strive to fulfil'.[2]

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[1] 'The Address of H.H. the Amir at the Inauguration of the Constituent Assembly', in The Constituent Assembly: Transitional Governing Laws, pp. 44, 45.

[2] 'The Reply of the Constituent Assembly to the Amiri Address', ibid., pp. 46. 47.

The first act the Assembly performed was to elect a president and other officers in addition to seven committees, the first of which was charged with the major task of preparing a draft constitution to serve as a basis for discussion in the Assembly. ʿAbd al-Laṭīf Thunayyān Al-Ghānim, a member of the established merchant family of Al-Ghanim, was elected President and Dr. Al-Khaṭīb as Vice-President. The President and three other merchants were then elected members of the Constitution Committee in addition to Shaikh Saʿad Al-ʿAbd Allāh Al-Ṣabāḥ, son of the Amir and Minister of Interior (Kuwait's present Crown Prince and Prime Minister). To assist them in the drafting they had an Egyptian legal expert, ʿUthmān Khalīl, who appears to have played a significant part in the technical work of the document, but who managed throughout the discussions to preserve a detached position. After six months of deliberations the Committee submitted to the Assembly a draft constitution containing 186 Articles divided into five parts: the State and the System of Government, Fundamental Constituents of the Kuwaiti Society, Public Rights and Duties, Powers, and General and Transitional Provisions. It took the Assembly seven long sessions to conclude discussion of the draft constitution which was finally presented to the Amir on 9 November 1962, who immediately approved it without amendment on 12 November 1962.[1]

The draft constitution emphasized first the Arab character of Kuwait and its role as an Arab state 'in the furtherance of Arab nationalism' and underlined its Islamic character by considering Islamic sharīʿa a main source of legislation. It considered Kuwait a hereditary amirate, the succession

[1] For the complete text of the Constitution, see Appendix 1.

to which would be in the descendants of the late Mubārak Al-Ṣabāḥ. The system of government was to be 'democratic, under which sovereignty resides in the people, the source of all powers.' The individual rights of property, capital, and work were considered fundamental constituents of the social structure of the state and of national wealth. Public and private properties were inviolable and general confiscation of the property of any person was prohibited. The national economy was to be based on social justice and on co-operation between public and private activities.

The draft constitution stipulated that the system of government was based on the principle of the separation of powers 'in co-operation with each other'. Legislative power was invested in the Amir and the cabinet and judicial power was invested in the courts. The Amir was the head of state whose person was immune and inviolable and would exercise his powers through his ministers who were collectively and individually responsible to him. He was also to declare defensive war by decree as offensive war was prohibited. The Amir had the right to initiate, sanction, and promulgate laws. No law could be promulgated unless it had been passed by the National Assembly and was sanctioned by the Amir.

The National Assembly would be composed of fifty members (five from each of the ten districts) in addition to those Ministers who were not elected (up to one third of the elected members). Each Assembly member was to be a Kuwaiti by origin, not less than thirty years of age and able to read and write. A member of the National Assembly had the right to initiate bills and to address to the prime minister and the ministers questions and interpellations with regard

to matters falling within their competence. Ministers were made individually responsible to the National Assembly for the affairs of their ministries. Withdrawal of confidence from a minister required an absolute majority of the 50 members constituting the Assembly excluding ministers (not the majority of only those present). If the National Assembly decided, in the same manner, that it could not co-operate with the prime minister the matter would be submitted to the Amir who could either relieve the prime minister of office and appoint a new cabinet, or dissolve parliament.

The draft constitution stated the principle of judicial independence and stipulated that it should be guaranteed by law, which should also state the provisions relating to judges and the conditions of their irremovability. It further stipulated that 'law shall regulate the courts of various kinds and degrees and specify their functions and jurisdictions'. The Public Prosecution Office should supervise the affairs of judicial police, the enforcement of penal laws, the pursuit of offenders and the execution of judgements. The draft constitution also stipulated that the judiciary should have a supreme council which should be regulated and its duties defined by law, and further stated that a council of state should be established by law to assume the functions of administrative jurisdiction which should render legal advice to ministries and public departments and should draft bills and regulations. Furthermore, it stipulated that a constitutional court was to be established by law which should determine its jurisdiction and procedure, and should ensure the right of both the government and the

interested parties to challenge the constitutionality of laws and regulations before this court.

Certain articles in the draft constitution aroused discussion and controversy, which in turn illustrate clearly the division of different groups that made up Kuwaiti society. These were mainly articles that concerned the question of Islamic sharī'a and legislation, the national economy, the freedom to form political parties, and the role of the different powers of government. The question of the link between Islamic sharī'a and legislation came up during discussion of Article 3 when a number of members objected to considering Islamic sharī'a 'a main source of legislation' and demanded that it be considered 'the main source of legislation'. Members of the Constitution Committee assisted by the legal expert pointed out that the text as it stood left the door open to the legislator to incorporate modern laws which had no origin in the sharī'a itself. After much discussion during which several Committee members stressed the incompatibility of the sharī'a's prohibition of interest with the continued functioning of banks, insurance companies, and commercial transactions in general, and also the sharī'a's incompatibility with the penal code, those members withdrew their amendment and Article 3 was passed unchanged.[1]

Articles 16 and 20 regarding the national economy aroused discussion first as Dr. Aḥmad Al-Khaṭīb objected to the use of the term 'capital' in Article 16 which stipulated that 'The individual rights of property, capital and work were considered fundamental constituents of the social structure of the State and of national wealth' since it conveyed, in

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[1] Constituent Assembly Proceedings, No. 19/62, 11 Sept. 1962, pp. 4, 8 and No. 24/62, 24 Oct. 1962, pp. 2, 3.

his opinion, the mistaken notion that Kuwait was a 'capitalist state'. Committee members responded by pointing out how difficult it would be to convey that notion once the term 'capital' was considered within the entire context of that and other articles which mention the social function of capital and which emphasize it was upon the principle of social justice that the national economy was built. As they further emphasized that it was the notion of capital 'in the moderate rather than in the extreme sense' which ought to emerge from those articles concerned, no further discussion took place on that point and Article 16 was passed unchanged.[1]

On the other hand, the leading merchant ʿAbd al-ʿAzīz Al-Ṣaqar[2] objected to Article 20 which stipulated that 'The national economy shall be based on social justice. It is founded on co-operation between public and private activities . . .' on the grounds that the text was 'vague and does not reveal the true nature of the Kuwaiti economy as to whether it is going to be socialist or capitalist, controlled or free'. He argued that since Kuwait had always been a country of commerce, not of industry nor of agriculture, and since the government already enjoyed more than half the ownership of all major Kuwaiti companies 'something it does not need for it is already rich', the government could eventually have ultimate control over the entire commercial life of the country. 'It is therefore essential', he said, 'that the constitution very clearly limit the degree of government involvement in the national economy'.[3]

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1 Ibid., pp. 12, 13.

2 The powerful founder and President of the Kuwait Chamber of Commerce, who became President of the First National Assembly in 1963.

3 Constituent Assembly Proceedings, No. 19/62, 11 Sept. 1962, pp. 10, 14.

The legal expert pointed out in response that the Committee deliberately attempted to give the Kuwaiti economy neither a totally socialist nor a totally capitalist direction. 'It acknowledges, for example,' he said, 'the right to private property, but not at the expense of the public good. It is a free economy which is subject to government control. It is a mixed economy between the public and the private sectors.' As to limiting the degree of involvement in the national economy, the Committee realized, he explained, that all the constitution could do was to determine basic guiding principles and to spell out specific laws. As Al-Ṣaqar proved quite determined to get his demand, a compromise was finally reached by adding the term 'fair' to the final text so as to read, 'The national economy . . . is founded on fair co-operation between public and private activities . . .'[1]

The question of forming political parties was raised during the Assembly's consideration of Article 43 which guaranteed 'freedom to form associations and unions' when a question was put to the legal adviser as to whether or not the text permitted the formation of political parties in Kuwait. The legal adviser explained that the text did originally include the term 'organizations' which clearly meant political parties, but the Committee later decided it would be in the public interest to replace it by the term 'associations' which definitely excluded political parties. Dr. Al-Khaṭīb intervened at that point to ask where then was that 'greater political freedom' which the preamble to the draft constitution had promised and which the Assembly passed despite his objection to it. 'Am I to understand from this

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[1] Ibid., pp. 10,11, and No. 24/62, 24 Oct. 1962, pp. 4, 5.

discussion now', he enquired, 'that Kuwaitis have no political rights?'

The legal adviser replied by pointing out that the right to nominate candidates and stand for election, the right to freedom of expression, association, and demonstration were all political rights which the Kuwaiti citizen enjoyed under the draft constitution. The Assembly President, who was a member of the Committee further emphasized that it was in the public interest that the Committee chose to delete the term 'organizations'. He was then supported by Shaikh Sa'ad, another Committee member, who underlined the wisdom behind the Committee decision not to allow the formation of political parties in light of the events taking place in other countries as a result of party struggle. Al-Khaṭīb then speaking 'for the sake of truth and history', said: 'Political parties are one of the means by which a citizen is able to exercise his political rights. They are the means by which the masses are able to organize in order to ensure their candidates will serve the public interest and not the interest of one or more individuals.' It was a grave error, he told other members, on their part to allow themselves to be influenced by the experience of Arab political parties since they were the worst example for Kuwait to follow.

However, faced with overwhelming opposition in the Assembly against the formation of political parties, Al-Khaṭīb decided to give way rather than carrying his opposition to a useless extreme. But in doing so he reiterated his belief in the importance of political parties, since as he argued 'there is no better way of creating aware citizens'.[1]

At a later stage during discussion of Article 56,

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[1] Ibid., pp. 32-5.

which stipulated that ministers should be appointed from amongst the members of the National Assembly as well as others, Dr. Al-Khaṭīb, commenting on the Committee's approach in defining the role of the different powers of government, said the Committee was so cautious that it had stripped the legislative of any real power. He objected first to the 'undemocratic' way of making unelected ministers members in an elected Assembly and to their large number (up to one third of the 50 elected members). He also objected to the many obstacles put in the legislature's way to ensure the lack of cabinet accountability, and to the link between the fall of government and dissolving the National Assembly. 'If all these articles are to pass', he warned, 'the result will be a rubber-stamp Assembly with actual power completely in the hands of the government.'[1]

The legal expert, called upon by the President to explain the legal aspect of the articles concerned, explained how in choosing a system of government for Kuwait the Committee was aware that there were two main systems before it, one parliamentary and the other presidential, and thus attempted to incorporate what it considered to be the best aspects of both. It first sought to incorporate, he said, the concept of cabinet responsibility before parliament by making the cabinet responsible before the Amir and the National Assembly. The Amir as the head of state was a symbol of respect who remained above responsibility and exercised his powers through his ministers.[2] The Committee, the legal expert further explained,

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[1] Constituent Assembly Proceedings, No. 20/62, 18 Sept. 1962, pp. 6-9.

[2] Ibid., p. 12.

then gave members of the Assembly the right to question the prime minister and his ministers. Mindful, however, of what it considered to be the pitfalls of the parliamentary system, the Committee put certain restraints on them. 'It did that', he emphasized, in the hope of ensuring greater stability, a main feature of the presidential system, and in the hope of preserving national unity during the country's first constitutional experience.' Thus, he explained, it required an absolute majority of the 50 members constituting the Assembly excluding ministers (a minimum of 26 votes) to withdraw confidence from a minister. It also made every minister individually responsible rather than opt for collective cabinet responsibility which, he said, often caused parliamentary parties to concentrate on how to gain power before all else, and allowed unelected ministers to become members of the National Assembly.[1] The Committee's argument was not tightly drawn but it perhaps reflected a desire to avoid the instability of governments (as under the Third and Fourth French Republics). Certainly it overlooked the role of the majority party in sustaining the government in power, as in Britain. But given the antipathy of the Committee to political parties in general the looseness of the argument is perhaps not surprising.

Turning to another topic which Al-Khaṭīb insisted had to be tackled candidly, he addressed himself to the delicate question of the monarchy in suggesting that Kuwait could perhaps emulate the example of the United Kingdom where the monarch as the head of state was a symbol of respect who commanded loyalty and remained above all differences and conflicts. He argued that under the draft constitution which made it possible for ruling family members to become cabinet ministers liable to accountability or even to withdrawal of confidence by the Assembly, it would be difficult to guarantee that symbol of

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1 Ibid., p. 12.

respect its inviolability. 'Thus,' he said, 'in order for any democratic experience to be successful it is necessary for members to have the complete freedom to criticize any minister in exercise of their duty of holding a constant check on the performance of every minister in office.'[1]

Shaikh Sa'ad, addressing the floor, said members heard both the legal expert give the Committee's views and Dr. Al-Khaṭīb express his own personal views which he thought 'dangerous in that he wanted to prevent the ruling family from taking any part in the government'. He then called on members to express their own views as to whether it was necessary in order to maintain stability in the country for Article 56 to be adopted or not, expressing his readiness to request a full debate and a vote on that particular article. The President, emphasizing that he was speaking as a member of the Committee, responded by saying the Committee had decided from the outset that a country like Kuwait, with a geographic location and material position that might be tempting to others, needed above all to ensure its own stability. 'It is important at this evolutionary stage', he said, 'to preserve what we have rather than to risk losing everything. And while preserving our traditions and customs it is equally important to guide the people gradually toward the type of democracy Dr. Al-Khaṭīb desires and which can only be found in highly developed countries with a history and political tradition not less than two hundred years old.'[2]

The President went on to say that when the Committee considered other constitutional experiences in the Middle East such as that of Egypt, Iraq, Syria, or Jordan it found

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1 Ibid., pp. 8-9.

2 Ibid., pp. 13-15.

them all to be quite unstable. The only country, however, they discovered which was comparable to Kuwait was Libya since it had a long and established ruling family and its people were close to al-badāwah (beduin life) as a considerable proportion of the population of Kuwait was. 'However, as soon as they began implementing the parliamentary system there in full,' he said, 'criticism mounted to such an extent that the High Court had to rule against the holder of the highest political office there for having contravened the Constitution. On the other hand it also asked for the imprisonment of a member of the ruling family to safeguard the new order. All these events, as we have heard the latest news, have culminated in a revolution.' All because, he emphasized, the parliamentary system was implemented in full rather than being gradually introduced.[1]

Proceeding with his statement, the President pointed out that when the Committee considered the cultural level and the degree of political awareness prevailing in the country, the Committee discovered that what Kuwait had was an educated but inexperienced few, no more than 260 university graduates, who had already been taken up by the Civil Service, or others with some experience but no education 'enough to enable them to distinguish between the constitution, civil law, or an Amiri decree'. Thus, he said, as a group entrusted by the Assembly to draw the guidelines of the constitution, the Constitution Committee saw fit not to deceive the Assembly by delineating the structure of an ideal democratic state, but rather to present it with one reflecting the true nature and structure of Kuwaiti society

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[1] Ibid., pp. 15-16.

taking into account the type of rule it had enjoyed for many years.[1]

As Al-Khaṭīb once again reiterated his views against Article 56, another merchant who was also a member of the Committee spoke in support of the article echoing the view that it held an equilibrium among all sides. The President then acted briskly by calling for a show of hands of all those against the article. When Al-Khaṭīb and only two other members raised their hands the President at once declared Article 56 of the draft constitution adopted, and ignored a protest made by a member of Al-Khaṭīb's group that Al-Khaṭīb had not requested a vote and was merely commenting on the article under discussion.[2]

At a very late stage in the debate when Article 101 which required an absolute majority of the members of the Assembly to withdraw confidence from a minister was reconsidered, an objection was raised. A ruling family member put forth a proposal demanding that the withdrawal of confidence from a minister must require a two-third majority rather than merely an absolute majority of voting members. The proposal drew a strong reaction from the merchants who immediately appealed to the ruling family members to observe the Amir's wish and refrain from the type of open discussion 'that might endanger national unity and leave an article which was amply discussed in the Committee as it was agreed upon there'.[3]

Speaking this time to the ruling family members, the President said members had to comprehend fully the fact that

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1 Ibid., p. 15.

2 Ibid., pp. 18-19.

3 Constituent Assembly Proceedings, No. 21/62, 25 Sept. 1962, pp. 22-3.

their constitution was unique and that since the system of government was neither parliamentary nor presidential, the Committee had to devise an unusual combination of checks and balances. 'Thus, when it gave the government excessive powers, as Dr. Al-Khaṭīb observed earlier,' he said, 'it had to balance that by giving the Assembly the right to withdraw confidence from a minister. It further made every minister directly responsible to the Assembly so as to guard against having what Dr. Al-Khaṭīb called a rubber-stamp Assembly.' Therefore, he continued, in order that the constitution may function properly Article 101 had to remain unchanged since it had a pivotal role and tampering with it would mean having to amend other articles accordingly. 'Had it not been for Article 101,' he finally declared, 'we [the merchants] would not have granted other articles our approval.' He then put Article 101 to a vote and as there were none against, declared it passed by the Assembly.[1]

The course which these discussions took illustrate very clearly the distinguishing features of Kuwaiti society. Again and again in these discussions we have seen the merchants skilfully steering a middle way between the ruling family and the radicals. In fact, to a great extent, the compromise which had finally been accepted by the Assembly had already been worked out in private sessions between the ruling family and the merchants as we shall soon indicate. The merchants attempted to use persuasion first with both groups, but once persuasion proved fruitless they showed no reluctance to resort to their power as the largest voting bloc in the Assembly.

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[1] Ibid., p. 25.

We can clearly observe the merchants pursuing this approach when Al-Khaṭīb objected to the excessive powers granted to the executive under Article 56 of the draft constitution. The President sought first to persuade him to accept the article as the only compromise possible meaning, of course, the least terms the ruling family would be prepared to accept. But, once he failed, we saw how quickly the President put the article to a vote ensuring its passage through the Assembly and ignoring the protest against his behaviour from a member of Al-Khaṭīb's group. Similarly, when the ruling family members attempted to change Article 101 against the combined will of the merchants, the President openly told them that the article was there mainly to guard against what Al-Khaṭīb referred to as a rubber-stamp Assembly. His mention of Al-Khaṭīb there was mainly intended as a reminder to the ruling family that there were others who still considered the government had been given far more powers than it actually deserved. When that, however, failed to deter the ruling family members from their intention to amend the article, the President once again put the article to a vote ensuring its unanimous adoption by the Assembly.

The clear reference by the President, in the Assembly, to the deliberations of the Committee underlines the significance the merchants attached to those discussions, for it was behind the closed doors of the Committee that the four merchants who were Committee members had been able openly to confront Shaikh Sa'ad, the Amir's son and fifth member of the Committee, with the delicate question of defining the powers of government particularly as it related to those of the ruling family. It was not until then that the debate

in the Assembly, which had seemed as one of the Committee versus the floor, gave a strong indication that another debate and, perhaps, a more important one had already taken place inside the Committee itself between the group of merchants on one side and the ruling family on the other.

The confidential records of the Constitution Committee reveal that there were three main issues that had sharply divided the two sides in the Committee. First was the question of whether cabinet ministers could be chosen from outside the membership of the Assembly in addition to those from it and be given the right to vote in the Assembly. Shaikh Sa'ad was obviously in favour of bringing ministers from outside the National Assembly and giving them the right to vote, and of limiting the cabinet to a maximum of twenty ministers, instead of fifteen, but the merchants were against it.[1] Secondly there was the question of linking cabinet resignation to the beginning of every legislative term of the National Assembly which the merchants demanded but which Shaikh Sa'ad opposed.[2] And finally, but most importantly, was whether a vote of confidence in a minister was to require an absolute majority as the merchants demanded, or a two-third majority as Shaikh Sa'ad strongly urged.[3]

As discussion inside the Committee reached a deadlock the President sought, with the permission of the Committee, the advice of the Amir who promised to discuss the matter with his son and expressed his earnest desire 'to remove all

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1 Confidential Records of the Constituent Assembly: Proceedings of the Constitution Committee, No. 10, 2 June 1962, pp. 12-16, No. 11, 5 June 1962, pp. 12-15, No. 13, 16 June 1962, pp. 4-11, and No. 14, 23 June 1962, pp. 2, 3.

2 Ibid., No. 10, pp. 16-20, and No. 13, pp. 1-4.

3 Ibid., No. 15, 30 June 1962, pp. 16-18.

obstacles from the Committee's way in order that it may attend to its main task of serving the national interest as one united body'. Consequently, Shaikh Sa'ad agreed to limit the cabinet to only sixteen ministers (not more than one third of Assembly membership) instead of twenty as he had originally demanded, and accepted the principle of cabinet resignation at the beginning of every legislative term of the National Assembly. The merchants, in return, accepted the principle of allowing ministers to be chosen from outside the Assembly and of giving them the right to vote (except on a vote of confidence), and they also agreed to limit the cabinet to sixteen (not more than one third of Assembly membership) instead of fifteen as they had originally demanded.[1]

It was against this background that the merchants reacted strongly after hearing the ruling family members raise the issue of the two-third majority rule concerning a vote of confidence in a minister, once again on the floor of the Assembly, since they trusted the issue was settled once and for all in the Committee itself. That is the reason behind the President's stern warning to them against tampering with that article or else the merchants would withdraw the concessions they made to the ruling family inside the Committee. It must be said, however, that the ruling family members chose to act in that manner at that late stage because they apparently feared that the deadlock in the Committee and the intervention by the Amir had compelled the ruling family to give way on a number of issues they considered vital to its own interest, and thus viewed their discussion

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[1] Ibid., No. 17, 30 Aug. 1962, pp. 1-7.

on the floor of the Assembly as their last opportunity to remedy the situation.

It is for the same reason that the merchants exerted all their effort to secure passage of the draft constituion by the Assembly because, in their view, it contained the best formula under which the ruling family would be compelled to share its power with the new Assembly, or as they saw it, with the merchants themselves who expected to be the most powerful contenders for the leadership of subsequent Assemblies (a prediction that did not come true). Thus, they resisted all attempts, whether by Al-Khaṭīb or by members of the ruling family themselves, to change any part of the formula arrived at with the ruling family in the privacy of the Committee chamber. Nevertheless, their aim was not to strip the ruling family of its power, but rather to seek the embodiment of the special relationship they had always enjoyed with it into the new constitutional framework.

Thus, with that in mind, the merchants did their utmost to keep other groups in the Assembly outside their privileged relationship with the ruling family by denying them access to positions of power in the Assembly. They moved from the outset to keep such members as Al-Khaṭīb and his group from occupying the important office of President of the Assembly by voting in a merchant instead and by only allowing Al-Khaṭīb to become Vice-President (the President as a result was never absent). They also blocked his membership in the Constitution Committee by electing four merchants and a ruling family member. Consequently, Al-Khaṭīb was deprived of the opportunity of, in a sense, spoiling whatever arrangements the merchants had expected to conclude with the ruling family

and was only allowed membership in less important committees where he was kept safely away from the main task of drawing up the constitution.

Aware of the position he and his group were forced into, Al-Khaṭīb protested openly to the President the inadequate time given in the Assembly to discussing the draft constitution, and criticized the Constitution Committee for failing to present to the Assembly a report on its work. 'It would have been possible for members', he said, 'to learn from the report the main controversial issues and the type of discussion that took place inside the Committee, which should, in turn, serve as a basis for discussion in the Assembly.' The President replied by saying that Dr. Al-Khaṭīb himself was made aware of the details and the problems that had arisen, and in particular of the fact that the President had submitted certain issues to the Amir and had consulted 'certain brothers' (other leading merchants) in the Assembly, while keeping other members informed. Those members, he continued, asked to go over the draft constitution merely as a formality and not to question any of its basic principles which they had already approved outside the Assembly, 'something which always happens in parliaments as major issues are settled behind the scenes and among leaders of the different blocs.'[1] The President was, in other words, telling Al-Khaṭīb bluntly that since the leaders of the two main groups in the Assembly (the ruling family and the merchants) approved the draft constitution outside the Assembly and in line with what he considered as customary parliamentary practices, Al-Khaṭīb and his group would be well advised to

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[1] Constituent Assembly Proceedings, No. 21/62, 25 Sept. 1962, pp. 4, 5.

accept their lack of power to induce any changes in the draft constitution as one of the inescapable hard facts of parliamentary life.

The merchants' attempt to keep others outside that privileged relationship was directed beyond those in the Assembly to include a small number of Arabs, mostly high ranking civil servants with a minimum of ten years of service in the government, who were granted Kuwaiti nationality in recognition of their services to the country. A number of merchants, at one point, demanded that the qualifications required in a minister stipulated in Article 125, namely that he be a Kuwaiti by origin, be extended beyond Ministers to include the posts of Under-Secretary and Assistant Under-Secretary. When the legal adviser explained that the constitution could only mention high political posts, they responded by arguing that the problem was essentially political in that Kuwaitis had already become outnumbered in their own country and 'one day soon they will constitute a minority of not more than one third of Kuwait's residents.' Thus, they concluded, it was worthy of being stated 'in the heart of the constitution'.[1]

Persisting in their demand, and threatening more than once to walk out of the Assembly unless that question was settled once and for all, the merchants eventually succeeded in pressuring the government into promising the introduction of a bill to the Assembly containing a civil law spelling out these qualifications within a period of two weeks. Shaikh Jābir Al-Aḥmad, Minister of Finance (present Amir of Kuwait) made that promise verbally to the Assembly as the merchants

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[1] Constituent Assembly Proceedings, No. 24/62, 24 Oct. 1962, pp. 10-12.

proved quite determined to disrupt the all important discussion on the draft constitution unless their demands on that single issue were met.[1] Thus, the merchants also succeeded in keeping those naturalized Kuwaitis from gaining access to positions of power, this time in the government, and in securing those positions to the younger and better educated members of their families.

Furthermore, the merchants were adamant in denying naturalized citizens the right to vote or to be nominated as deputies in the National Assembly to the extent that they at one point reproached Shaikh Sa'ad and the government, behind the closed doors of the Committee, for having granted an increasing number of Arabs Kuwaiti nationality. They told Shaikh Sa'd that 'We [the merchants] and you [the ruling family] have lived together over the years understanding and trusting one another and it is not in the interest of either side to allow ourselves to be swept aside by outside currents'. Shaikh Sa'ad responded by reminding them of the strong sentiment and movement toward unity in the Arab world which no one could defy, and said 'it would be unjust to offer those people nationality and then to deprive them of their rights.' However, he had no choice in the end but to go along with the decision of the majority in the Committee to leave the question of granting naturalized citizens the right to vote to be determined by the electoral law, while recommending in the explanatory memorandum to the constitution that they be granted that right after a period of ten years.[2]

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[1] Confidential Records of the Constituent Assembly: Proceedings of the Constitution Committee, No. 21, 22 Oct. 1962, pp. 4, 5.

[2] Ibid.

Having all along urged the ruling family to share its power with the Assembly, the merchants were unwavering in their solidarity against any attempt by the government to share the merchants' economic power. This is clearly evidenced in the earlier part of the debate by the firm stand the leading merchant, ʿAbd al-ʿAzīz Al-Ṣaqar, took on the floor of the Assembly against 'unfair' government involvement in the commercial life of the country. He confirmed the merchants' fears that with government shares in Kuwaiti companies increasing as its oil revenues accumulated, year after year, the government could eventually have ultimate control over the entire commercial life of the country, a situation quite different from the one the merchants were normally accustomed to. Their overriding concern, therefore, was to ensure a minimum degree of government involvement in the private sector which would enable them to maintain their long and hitherto uncontested domination of commercial business in the country.

Another of the merchants' aims was to ensure that the collection of state revenues and their expenditure by the government was subject to check by the Assembly. This was evidenced by another stand Al-Ṣaqar had taken in the Assembly against Article 151 concerning the establishment of a financial control and audit commission to assist the government and the Assembly in controlling the collection of state revenues and the disbursement of its expenditures to be attached to the Council of Ministers. He proposed that the commission be attached to the National Assembly instead of the Council of Ministers which naturally angered the ruling family which could do no more than voice its opposition to the proposal.

Once again, the merchants demonstrated their ability to have their way as the proposal finally passed with 14 votes in favour, 3 against (beduins) and one abstention.[1]

When it was time, however, for the Assembly to consider the new Municipality Law, the situation was quite different. Since the Law was obviously not part of the constitution, the ruling family members were consequently in a position to vote on any of its parts. Thus, when the merchant ʿAbd al-ʿAzīz Al-Ṣaqar proposed that members of the Municipal Council be elected from only one list of candidates rather than being individually elected from all the ten electoral districts (in order to ensure that enough qualified members were elected from the city and not from the surrounding towns and villages), the proposal was defeated by 22 votes against 5 votes in favour. It was one of the very few incidents in which the hard-core merchants were defeated on the floor of the Assembly by the combined votes of all the other groups in the Assembly. Furthermore, when the Assembly voted on whether to increase the membership of the Municipal Council from 12 elected members to 15 elected members, as the merchants demanded, or to 14 members (4 appointed and 10 elected), as the ruling family proposed, the latter's proposal won by 14 votes in favour to 13 against. This time the ruling family, with the help of the beduins, won against the combined votes of the merchants and Al-Khaṭīb's group, who both wanted the Municipal Council to continue to be totally composed of elected members only, as it had always been in the past.[2]

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1 Constituent Assembly Proceedings, No. 24/62, 24 Oct. 1962, pp. 29-32.

2 Constituent Assembly Proceedings, No. 11/62, 1 May 1962, pp. 5-6.

Whether in the Constitution Committee or in the Assembly itself, the ruling family resisted giving way on many issues which it feared would endanger its hitherto successful rule and would make it increasingly difficult for its members to avoid verbal attacks in the Assembly as cabinet ministers. But despite its opposition to certain articles the ruling family did give way on such articles in the end out of its obligation to fulfil the Amir's desire to conclude agreement on the constitution without strong differences that might endanger stability and national unity in the country. Like the merchants, the ruling family sought the type of constitution that would enable it to maintain a powerful position within the new political order, and one which would ensure that the power of deputies would not exceed certain limits. But unlike the merchants, the ruling family lacked the power to vote on the constitution and, thus, could not affect any changes in the draft constitution once it was on the floor of the Assembly. Moreover, the ruling family was only able to count on the votes of three beduin leaders whose co-operation, as it later discovered, could not always be taken for granted.

Although the other two voting groups of Al-Khaṭīb and the beduins were too weak to challenge the power of the merchants in the Assembly, they were nevertheless given the opportunity to be represented in an elected council for the first time. As a result, Al-Khaṭīb's performance in the Assembly and the respect he was accorded by all as a man of principles paved the way for him for becoming the spokesman of the unofficial opposition in the subsequent Assemblies. The beduins, on the other hand, discovered for better or for worse, as we shall see later, their newly acquired power. As

for the Shī'a who were also for the first time represented in an elected council, the experience of having two representatives in the Assembly marked the beginning of a whole new effort of political organization.

In conclusion, we have seen how the merchants were the most significant element influencing the shape of the new political order in Kuwait. With a president himself a merchant aided by a clear majority in both the Assembly and the Committee, the merchants were able to influence the course of events and their final outcome in both chambers. In the Committee, they were in fact able to negotiate with the ruling family on behalf of the entire Assembly through the fifth Committee member, Shaikh Sa'ad, and when that failed they proved they could directly consult the Amir himself. Constituting more than half of the Assembly, the merchants were the single most powerful voting group that decided which articles the Assembly would ultimately adopt.

It must finally be emphasized that what contributed most to holding all the groups together was the genuine respect and the high regard in which the members held the Amir, Shaikh 'Abd Allāh Al-Sālim whom they all regarded as a wise and just man, and above all as a genuine democrat who had himself been President of the short-lived Legislative Council of 1938. The success of the Assembly within its limited powers, the experience gained, the moderate demands of the merchants and the pressure exerted by Al-Khaṭīb's group for radical reform all paved the way for a new political order. Whether in drafting, debating, or approving the articles of the constitution, the Assembly developed both the formal practice of parliamentary discussion and compromise, and the informal process of negotiations behind the scenes, which together form the political environment in which constitutional government can thrive.

Chapter IV

THE EXECUTIVE AND THE NATIONAL ASSEMBLY IN THE NEW POLITICAL ORDER (1962-1971)

The Growth of the Public Bureaucracy

The new Constitution had as much of an impact on government[1] and society in Kuwait as did oil a decade before. Its implications not only concerned the position of the main social groups within Kuwaiti society, but also the relations among them. The political order which had been based on a legitimacy by tradition, defined by Max Weber as 'a belief in the legitimacy of what has always existed', was transformed into a new type of legitimacy established in a manner which is recognized to be 'legal'. This legality, as Weber explains, may derive from 'a voluntary agreement of the interested parties on the relevant terms',[2] which in this case is the constitution. By promulgating the Constitution, the ruling family which had ruled until then by tradition had in fact legitimized its own rule in a rational-legal sense, and had thus become the ruling family of a 'modern' constitutional monarchy.

Whereas political institutions have generally emerged out of the increased interaction and disagreement among social forces and the gradual development of procedures and

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1 Throughout this study the concept of government will be used to mean either the ruling family, the bureaucracy, the complex of political interests expressed in the Executive, or all of them together.

2 S.N. Eisenstadt (ed.), Max Weber on Charisma and Institution Building (Chicago, 1968), p. 12.

organizational devices for resolving those disagreements, in Kuwait a conscious constitution-making effort, as discussed earlier, appears to have taken place as a result of the far-sighted vision and the determination of one man, Shaikh ʿAbd Allāh Al-Sālim. His frequent visits to India, which continued until his final days, had an impact on Shaikh ʿAbd Allāh who was described by the Kuwaiti historian ʿAbd al-ʿAzīz Al-Rashaid during his thirties as 'a generous and wise man with extraordinary intelligence and wit, who is a leading thinker and an established poet . . . despite his young age, he is considered an authority on Kuwait's history'.[1] He grew more and more convinced of the virtues of democracy and its suitability to Kuwaiti society, particularly in view of its rapidly changing conditions. Shaikh ʿAbd Allāh Al-Sālim's determination to give Kuwait a democratic rule in which 'the citizens are provided with more political freedom, equality and social justice',[2] must therefore be seen as a response to the rapid social-economic changes which threatened to undermine the earlier basis of community for it had become evident by 1961, as discussed earlier,[3] that the evolution of the state was lagging behind the evolution of society. In short, Kuwait was being transformed within only a decade from a 'community' into a semblance of a 'society'.[4]

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1 Al-Rashaid, op. cit., p. 266

2 See preamble to the Constitution in Appendix 1.

3 See Chapter II.

4 'Community' is used here in the same sense Ferdinand Tönnies uses Gemeinschaft to mean 'a group of individuals which form an association which acts as a unit inwardly or outwardly and is conceived as real organic life'. The term 'society' is also used in the same sense as Tönnies uses Gesellschaft to mean 'an artificial construction of an aggregate of human beings which superficially resembles the Gemeinschaft in so far as the individuals live and dwell together'. In the Gemeinschaft the individuals remain

Thus, in an attempt to maintain 'the unity and stability of the country', the Constitution institutionalized shūrā in a much wider sense. The Constitution directly implied that the ruling family which had previously enjoyed absolute legislative and executive powers in the Supreme Council had to share those powers with both the National Assembly and the new executive. The latter was to comprise ruling family members as well as the people. Until then, the most important step taken in associating the people more closely with government had been the appointment of three prominent merchants in the cabinet which immediately followed independence. The Constitution also institutionalized the state benefits which the ruling family had put into effect under the leadership of Shaikh ʿAbd Allāh Al-Sālim in an attempt to redistribute the wealth among the people. Thus, by the early 1960s, Kuwait had clearly become a modern welfare state where every citizen was guaranteed employment (under Article 41 of the Constitution). It is the institutionalization of both these two principles, shūrā and the right of every citizen to work, which have had a profound impact on both government and society in Kuwait.

The impact of the institutionalization of shūrā by the establishment of an elected Assembly, will form the main subject of the rest of this study. However, it is necessary first briefly to consider the impact of the government's employment policy (which had its roots in the 1950s) on state administration and society during

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essentially united in spite of all separating factors, whereas in the Gesellschaft they are essentially separated in spite of uniting factors. See Ferdinand Tonnies, Community and Society: Gemeinschaft und Gesellschaft, tr. and ed. Charles P. Loomis (New York, 1963), pp. 33-102.

the second decade which followed the advent of oil. Its immediate result was the rise of an enormous public bureaucracy which, as will be indicated later, proved too difficult to be brought under control by the legislative, or even by the executive which had created it.

Max Weber saw a natural connection between bureaucracy and mass democracy in contrast to the democratic self-government of small homogeneous units. More specifically, Weber explains, it is the demand for equality before the law which gives rise to the principal characteristic of bureaucracy, namely the abstract regularity of the execution of authority.[1] The rise of a public bureaucracy in Kuwait can be explained in these terms, but the scale of the increase is the direct result of only one of the factors mentioned by Weber as giving rise to bureaucracy, namely the 'policy of social welfare'.[2] Not only does the bureaucracy administer welfare programmes, but it is itself a network through which welfare is distributed in a way Weber could not have imagined. The rapid growth of the Kuwaiti civil service has therefore not merely been due to the increasing employment of foreign skilled and unskilled workers needed to man the expanding public services, but has also been the result of the government's policy of Kuwaitization. This meant the government has had to continue to employ unqualified Kuwaitis whose office duties would have to be performed by expatriates. Thus by 1972, only one decade after the Constitution had been promulgated, the total number of classified government employees had almost tripled from 36,300 in 1963 to 89,937

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1 Eisenstadt, op. cit., p. 70.

2 See Max Weber, Essays in Sociology, tr. and ed. H.H. Gerth and C. Wright Mills (London, 1948), pp. 204-14.

in 1972. Kuwaitis still continued to form a minority (39%), while expatriates continued to form the majority of government employees (61%).[1]

Such government policies have thus tended to drive the Kuwaiti civil service simultaneously toward and away from the specific structural arrangements of democracy. Therefore, the public bureaucracy in Kuwait has evolved novel combinations of institutions and behaviour to such an extent that a direct application of the Weberian 'ideal type' of bureaucracy,[2] would tend to reflect the opposite to the classical characteristics of bureaucracy. It will be discovered, first, that the specialized administrative roles are occupied by generalists; secondly, that recruitment is based on ascription rather than achievement; thirdly, that placement and promotion are based on particularistic rather than universalistic criteria; fourthly, that salaried professional administrators who should view their work as a career tend, directly or indirectly, to exploit their position socially or economically;[3] and, finally that administrative

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[1] Statistical Yearbook of Kuwait, Table No. 8, p. 19 and Table No. 40, p. 71.

[2] Weber considers this form of bureaucracy 'superior to any other form in precision, in stability, in the stringency of its discipline', which is employed by the 'pure type' of authority: the rational-legal. See Max Weber, The Theory of Social and Economic Organization (being Part I of Wirtschaft und Gesellschaft), ed. Talcott Parsons (London, 1947), pp. 305-12.

[3] Those in the higher income bracket (who are already wealthy as members of merchant families) tend to exploit their position socially by viewing it in terms of the new professional status they can add to their social prestige which already comes from their wealth, while those of low-income exploit their positions economically by viewing it as an additional way of earning a living apart from their part-time jobs (such as driving taxis). Both, in effect, consider office holding a usual exchange of services for equivalents, as is the case with free labour contracts, in much the same way Weber had characterized the position of officials in the non-bureaucratic organizations of the Middle Ages. (See Eisenstadt, op. cit., p. 69.)

decision making which ought to take place within a rational context of hierarchy, respectability and discipline is carried out within a framework of fragmented hierarchy,unsystematic reporting and accounting, and little enforced discipline.[1]

However, the most profound impact the public bureaucracy has had on Kuwaiti society has been to have brought into existence a new social class. Within a short period of time a new middle class has emerged in Kuwait deriving its wealth not from owning property but from performing a service. It comprises teachers, engineers, lawyers, and bureaucratic functionaries. Although its members tend to be more career oriented than the other social groups within Kuwaiti society, they are occupied with their new wealth and how to dispose of it. Thus, they become frustrated when their consumption norms begin to rise faster than their income. The way such norms are conditioned may be understood in terms of Thornstein Veblen's explanation of how the norms of 'reputability' in any organized community are set by the 'leisure class' that stands at the head of the social structure.[2] It is in this sense that the new Kuwaiti middle class attempts to emulate the merchants' example who have accumulated enormous fortunes, in its pursuit of leisure (exemplified in annual travel abroad during the hot summer months) and its indulgence in the 'conspicuous consumption' of goods which exceed its own financial means.

Members of this new social class, however, are aware of the new type of status which derives from their steady

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1 These conclusions have been reached after a close examination of relevant data provided by the Ministry of Planning on manpower in Kuwait, which is not avilable for publication.

2 See Thornstein Veblen, The Theory of the Leisure Class: An Economic Study of Institutions (New York, 1902), pp. 68-102.

income, their literacy, and their nearness to political power which comes from the power of the bureaucracy itself. They are politically a new phenomenon close to a new form of power in society, who often see themselves as powerful instruments of social change. In their role as leaders of social transformation, they have inevitably come in conflict with the traditional power of the merchants who have continued to provide that leadership within Kuwaiti society for generations.

The first major outburst of this conflict of interests between these two social groups took place two years after the Constitution had been promulgated. In its attempt to apply shūrā to the executive, the ruling family sought to widen the democratic base by including in the cabinet members of the merchant element in society, which had led the early attempts to establish a legislative council, as well as members of the emerging middle class. Thus, in March 1964, the Government announced a cabinet reshuffle in which two leading middle class deputies, who had been among the government's most outspoken critics in the Assembly, were given cabinet posts in place of two ruling family members. Those deputies were Khālid Al-Masʿūd, a former schoolmaster of beduin origin and Sayyid Yūsuf Al-Rifāʿī who enjoyed a religious reputation. Despite this first opening of the executive to members of the new middle class, representatives of this rising group within both the executive and the Assembly were determined to replace completely the powerful merchants in the cabinet. To that end, they were ready to use every means available to them.

Thus, following the announcement of a new cabinet on

6 December 1964, which reflected a balance only between the ruling family and the merchants, representatives of the new middle class in the Assembly decided to challenge this cabinet on the grounds that its make-up violated the constitutional provision against conflicts of interest. This action on their part set off a major constitutional crisis in the country which crippled both branches of government for an entire month. Charging that some members of the new cabinet were engaged in business enterprises and were thus disqualified from serving in accordance with Article 131 of the Constitution, they succeeded in preventing the ministers from taking the oath of office which traditionally follows the formation of a new cabinet. Led by Minister Khālid Al-Mas'ūd himself, a total of twenty-six deputies mostly of middle class and beduin background who were all united in their opposition to the powerful merchants, walked out of the Assembly depriving it of a quorum. This incident which was equivalent to a parliamentary vote of no confidence (which according to Article 101 of the Constitution may be applied to individual ministers only) caused the eventual resignation of that cabinet. Moreover, the manner in which those deputies decided to bring about a cabinet change also caused the resignation of the Assembly's Speaker, the leading merchant 'Abd al-'Azīz Al-Ṣaqar, in protest against what he described as 'unconstitutional methods' practised by that group of members.[1]

The Amir responded to this opposition to his cabinet from the middle class deputies and their beduin supporters

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[1] Al-Kuwait al-Yaum: al-Jarīda al-Rasmiyya (Kuwait Today: The National Gazette), Appendix No. 88, 15 Dec. 1964, pp. 40-52. This contains the proceedings of the National Assembly which will hereafter be referred to as Assembly Proceedings.

in the Assembly by deciding to make concessions to this parliamentary majority instead of dissolving the newly formed Assembly (a right granted to the Amir under Article 107 of the Constitution). The Amir was aiming for the preservation of the National Assembly as a newly created institution, which he believed should continue to function at all costs even if it meant disturbing the ruling family's strong ties with the Kuwaiti merchants. Thus, the Amir accepted the resignation of that cabinet and requested the Prime Minister to form another from which he excluded the five merchants who were allegedly disqualified from serving in the former cabinet. On 3 January 1965, a new cabinet was announced which for the first time included five ministers from the new Kuwaiti middle class and only three merchant family members who were not actively engaged in commercial activities. The number of ruling family members, which had been reduced in the former cabinet from eight to five, remained the same in the new cabinet as the ruling family retained the sensitive portfolios of Interior, Defence, Finance and Industry, Foreign Affairs, and Guidance and Information. The five middle class representatives were given the portfolios of State, Social Affairs and Labour, Post-Telegraph and Telephone, and Awqāf and Justice, while the three merchant family members were given the portfolios of Public Works, Health, and Electricity-Water.

During a heated debate which took place immediately after the new cabinet had been sworn in, the Minister of Education, Khālid Al-Mas'ūd, was accused by some members of having 'manufactured' the crisis in order to defy the government, and to fulfil his own political ambition of

bringing about a new cabinet dominated by close associates of his.[1] Al-Mas'ūd replied by saying he had previously informed the government that he would act in solidarity with that parliamentary block 'because I refuse to support a group [the merchants]', he said, 'who have subjugated us before, and who have exported all the capital out of the country for safe deposit abroad'. Then in defiance of all those who accused him of having been behind the crisis, he told the Assembly, 'yes, I have been behind the crisis, and I will remain behind it until the simple worker and the car driver are given the highest cabinet posts, and until this group is capable of defending itself'.[2]

The new government's programme, which was presented to the Assembly by the Crown Prince and Prime Minister Shaikh Ṣabāḥ Al-Sālim Al-Ṣabāḥ, reflected the needs of the low-income group in society whose cause the middle-class representatives had championed. The government promised to provide 'in the nearest future' more housing for the low-income group, and to give full attention to the affairs of the villages and the surrounding desert. The government also promised to raise social allowances to low-ranking government employees and workers, and declared its determination to solve the problems of the bureaucracy 'in all its forms'.[3]

The First National Assembly and the Emergence of a New Opposition

The constitutional crisis and its outcome indicate to what extent the composition of Kuwaiti society and the relations

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1 Assembly Proceedings, No. 88, 5 Jan. 1965, pp. 55-8.

2 Ibid., p. 60.

3 Ibid., pp. 64-5.

among its constituent elements have been shaped by the rapid growth of an enormous bureaucracy. The new political order which had emerged with the promulgation of the Constitution had enabled a new element, the Kuwaiti middle class, and the Kuwait beduins to be well represented in the Assembly where they may take part in the legislative process. Representatives of the new middle class had also been able to force their way into the cabinet, with the support of the beduins who as part of a low-income group saw in those representatives the temporary satisfaction of their interests, and thus to break up that traditional link which had always existed between the ruling family and the merchants. Another faction in the newly created Assembly, however, preferred to remain in the legislature where it could, in the opinion of its members, be more effective in its role as the parliamentary opposition.

Elections for the newly elected National Assembly were held on 23 January 1963 as 205 candidates competed for the 50 seats, and 16,889 Kuwaiti men participated in the voting.[1] The way Kuwait was divided into 10 districts was largely responsible for the outcome of the election.[2] A majority of twenty deputies who belonged to the new middle class were

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[1] According to the new electoral law (No. 35 of 1963) the right to vote was only granted to Kuwaiti men over twenty-one years of age (except those who had been naturalized).

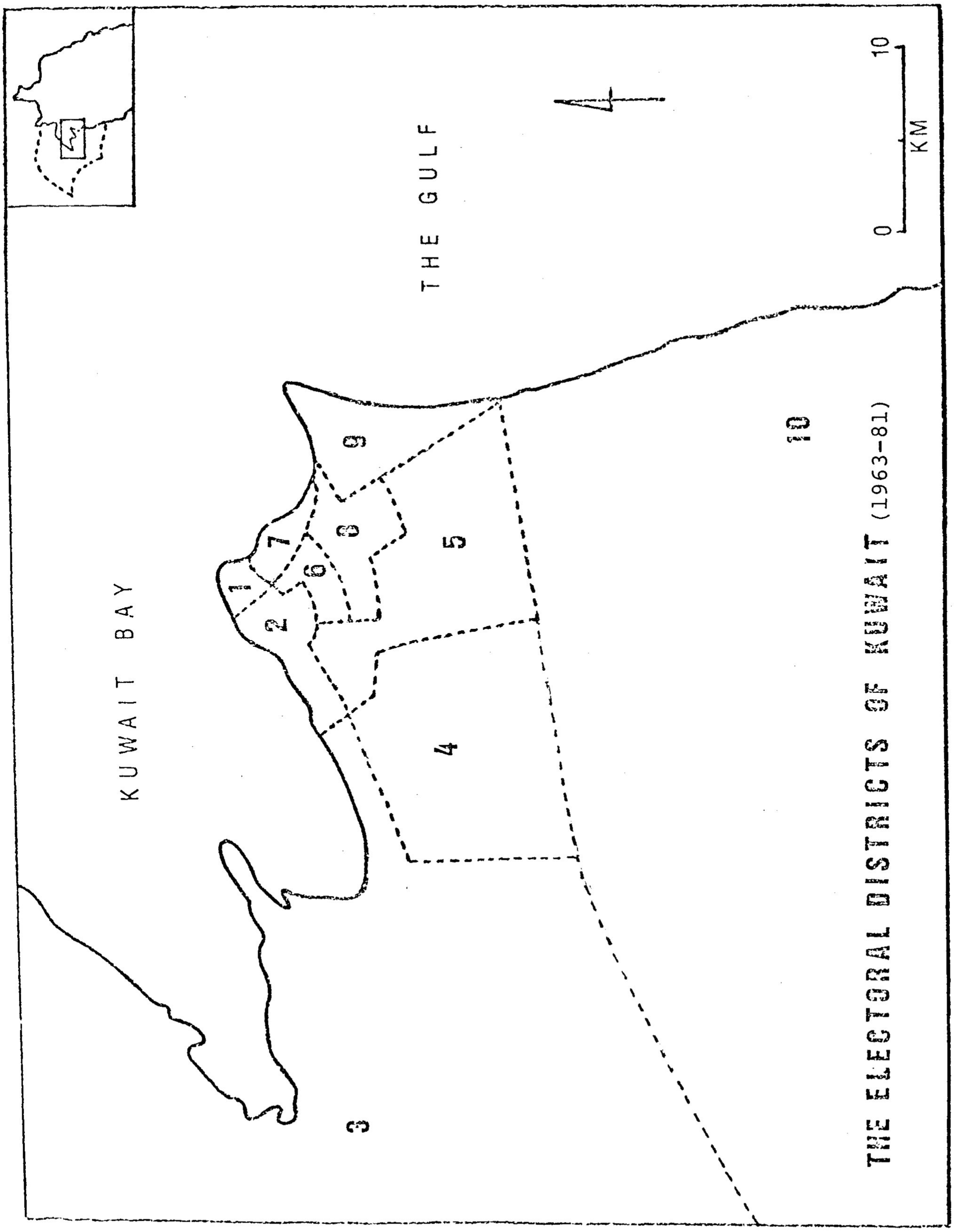
Al-Majlis at-Ta'sīsī: Dustūr Dawlat al-Kuwait wa Qānūn al-Intikhāb (The Constituent Assembly: The Constitution of the State of Kuwait and the Electoral Law) (Kuwait, 1963), p. 87.

[2] Kuwait city comprised five districts, two of which (Nos. 1 and 2) included the old town, while the other three districts (Nos. 6, 7, and 8) included the suburbs south of the old town wall. The surrounding area south and south-west of Kuwait city comprised the other five districts, three of which (nos. 4, 5, and 9) included the area immediately outside the new suburbs, while each of the other two districts constituted a remote desert area, one to the west (No. 3) and another to the south (No. 10).

elected from districts Nos. 5, 6, 7, and 8, which included the suburbs surrounding the old town,where the majority of the Kuwaiti urban population lived.

The beduins, who constituted only one fifth of the Kuwaiti population occupied about one third (15) of the Assembly seats. This was due to the beduin migration from the surrounding desert to the towns and villages peripheral to Kuwait city which had begun in the fifties and had continued throughout the sixties as a result of new employment opportunities in the oil fields, the army, and the police. Thus, the beduins in 1962 constituted a controlling majority in four of the five districts surrounding Kuwait city. In district No. 9 (al-Sālimiyya) which had always been the residence of the ʿAwāzim tribe, the beduins were able to win all five seats, and the same in district No. 4 where the Rashāida and Muṭair tribes had moved in recent years. The beduins also won three seats in district No. 3 (al-Jahra) which had for a long time been the summer residence of the three tribes of Shammar, ʿAjmān, and ʿAniza. In district No. 10 (al-Aḥmadī) which included the oil fields and the major oil port where part of the ʿAjmān and ʿAwāzim tribes had sought employment in recent years, the beduins won two of the five seats.

The merchants, who comprised only a fifth of the new Assembly (10 deputies), won all five seats from district No. 2 (Qibla) which constituted the western part of the old town where the majority of the old established merchant families of Najdī origin had always lived. The other five merchants were elected from districts Nos. 6 and 7. The Shīʿa, who comprised one tenth of the new Assembly won four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THE ELECTORAL DISTRICTS OF KUWAIT (1963-81)

seats in district No. 1 (Sharq), which constituted the eastern part of the old town where the majority of the residents have been Kuwaitis of Persian origin who adhere to the Shī'ī faith. They also won one seat in district No. 7 where a considerable number of residents of the eastern part of the old town, particularly the prominent Shī'ī merchant familites of Kuwait, had moved in recent years.

No sooner had the Assembly begun its meetings than a group of eight deputies began to assume the role of the opposition. Half of those members who were all well qualified professional men belonged to the new middle class, and the other half belonged to merchant families. The young merchant family members included a former Constituent Assembly member, Ya'qūb Al-Ḥumaiḍī, who had been a strong supporter of Dr. Aḥmad Al-Khaṭīb's views during the debate on the draft constitution, and two well-educated merchant family members, Jāsim Al-Qatāmī and 'Abd al-Razzāq Al-Khālid, who had been educated in Egypt. The fourth, Sulaimān Al-Muṭawa' who belonged to the established Al-Qinā'āt family of Kuwait, was a qualified lawyer who had also studied in Egypt. These deputies, together with the middle class members, comprised a group which was less than a political party. They were individuals who in spite of their different social backgrounds had come together because they agreed on certain matters, notably Arab nationalism. There was one in particular whose ideas were strongly nationalist. He was Dr. Aḥmad Al-Khaṭīb whom we have seen earlier advocating radical reforms in the Constituent Assembly. The rise to importance of Al-Khaṭīb, who only came from a middle size family of good name, illustrates the changes in Kuwaiti society. His influence came not from his social background,

but from his education and from being the first Kuwaiti politician to belong to an Arab political movement, and, thus, to be the one to bring Kuwait into the age of ideologies.

Dr. Aḥmad Al-Khaṭīb acquired his ideas at the American University of Beirut, where the intellectual climate had been in the late 1940s one of disillusionment with the general Arab situation following the creation of the State of Israel, the defeat of the Arab armies, and the expulsion of the Arab population of Palestine. To the Arabs, the loss of Palestine as Fayez Sayegh notes, 'was the indictment of a whole generation . . . it was a judgement on values cherished for thirty years, on premises of thought considered axiomatic since the end of the First World War, on age-old traditions and systems of social organization; in short on an entire mode of existence'.[1] During the debate which had developed among Arab intellectuals on the reasons for the Arab failure in defending Palestine, an important contribution was made by the publication in 1948 of a book entitled The Meaning of the Disaster (Maʿnā al-Nakba) whose author, American University Professor Qustantine Zurayq, in the words of Albert Hourani 'had come to maturity in the classical period of nationalism between the wars'. Zurayq advocated, as Hourani notes, 'a fundamental change in the Arab way of life. This involved the creation of a unified State, and economic and social development'. That process, Zurayq believed, required an intellectual change through which Arabs had to learn to accept the modern world's 'material techniques, its secularism, its methods of scientific thought, and its moral values'.[2] Such a task, according to

[1] Fayez Z. Sayegh, Arab Unity: Hope and Reality (New York, 1958), pp. 160-1.

[2] Albert Hourani, Arabic Thought in the Liberal Age (London, 1970), p. 354.

Zurayq should be carried out by an intellectual élite 'organized and united through political parties and cohesive organizations, committed to a common and pure doctrine'.[1]

At his regular seminars held at the American University of Beirut since 1947 on the origins and development of Arab nationalist thought, Zurayq made no attempt to organize his students politically. This task was left to a group of students headed by George Ḥabash, a Palestinian medical student who had become politically active immediately after the loss of Palestine in 1948. In 1950, to the surprise of the Communists and the Syrian Nationalists, Ḥabash succeeded in getting elected president of Al-ʿUrwa al-Wuthqā (The Firm Tie), which was a student literary society founded in 1918. One of his colleagues, Aḥmad al-Khaṭīb, a medical student from Kuwait and a classmate of another member of their group, Wadīʿ Ḥaddād, was elected vice-president. A fourth colleague who was a politics student from Syria and who had been very active with Ḥabash since 1948, Hānī Al-Hindī, had become with Ḥabash in 1949 editors of the periodical Al-ʿUrwa.[2] The group took over Al-ʿUrwa al-Wuthqā and used it for the political purpose of mobilizing the whole Arab nation in its struggle for Palestine. These founding members of the Arab Nationalist Movement thought of themselves as forming a political Movement rather than a party because they disapproved of all existing parties including al-Baʿath, which they considered part of the pre-disaster era.

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1 Qustantin Zurayq, Maʿnā al-Nakba (The Meaning of the Disaster) (Beirut, 1948), p. 55.

2 Bāsil Al-Kubaisī, another leading member who had later joined the movement, explains that Dr. Zurayq was quite close to the founding members of the movement since he acted as adviser to the Executive Committee of Al-ʿUrwa during the academic year 1950-1. 'There is no doubt', he writes, 'that his influence upon the nationalist Arab youth during that period was formidable'. However, Al-Kubaisī states that there is no evidence to suggest that Zurayq's role went beyond providing 'moral authority' to the movement's founders. See Bāsil Al-Kubaisī, Ḥarakat Al-Qawmiyyīn al-ʿArab (The Arab Nationalist Movement) (Beirut, 1974), pp.106-8.

Throughout the sixties the movement advocated a romantic notion of Arab unity rather than class struggle, and thus appealed mainly to bourgeois elements who as Arab nationalists were vaguely expected to lead the way toward Arab unity. In the early sixties, the movement became closely identified with Nasserism, in the belief that Nasserism at that time represented the most progressive sector of Arab Nationalism, particularly the union with Syria in 1958 (despite its breakup in 1961 which they blamed Syria for) and the emergence in Egypt of the Arab Socialist Union in December 1962. Although Al-Khaṭīb played a leading part in one trend within the movement (together with Dr. George Ḥabash, Hānī Al-Hindī, Bāsil Al-Kubaisī, and Dr. Wadī' Ḥaddād) which was not enthusiastic in 1962 about dissolving the movement into the wider but unorganized Nasserist tide that dominated Arab affairs at the time,[1] he nevertheless identified with Nasser's socialist policies.

It was within this context that Al-Khaṭīb who had founded the Kuwait branch of the Arab Nationalist Movement in 1952-3, was more committed than his merchant colleagues to a brand of socialist Arab nationalist ideas which he and the other three middle class deputies supported as active members of the Arab nationalist movement. In May 1955, Al-Khaṭīb and a number of his supporters had met the Amir, Shaikh 'Abd Allāh Al-Sālim al-Ṣabāḥ, and submitted to him a petition requesting the promulgation of a democratic constitution and the institution of a representative assembly. In 1962, his role as a radical reformer in the Constituent Assembly was in line with his views as an Arab nationalist committed to the progress and development of Arab society. Once elected to the first National Assembly in 1963, Al-Khaṭīb together with his colleagues sought to pressure the government to part with two main elements of

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[1] See Tareq Ismail, The Arab Left (Syracuse, 1976), pp. 65-6.

its foreign Policy, reliance on Britain for military protection and neutrality in Arab affairs in favour of a more active pan-Arab policy and stronger support to the new Arab republican regimes in the area. In an attempt to free Kuwait from the economic domination of the foreign oil companies, the group was prepared to do battle with the government to achieve that purpose. Moreover, the eight members were determined to tackle the country's major problem of how to control and reform the rapidly growing public bureaucracy, which in their view had hindered true social progress and development in Kuwait and had been at the root of society's main ills.

The way they set out to accomplish these goals showed remarkable sophistication on the part of those deputies in handling democracy. Represented by capable and outspoken members inside the Assembly Committees[1] and voting as one bloc on the floor of the Assembly, the nationalist members of this small group succeeded in gaining the support of the majority in the Assembly on those three major issues. That majority, as we have seen earlier, comprised the bulk of the middle class representatives and the beduin deputies, which continued to be led by the former deputy Khālid Al-Masʿūd well after he had joined the cabinet. It was not long, however, before this small group of nationalists, who represented the most progressive element in Kuwaiti society at the time discovered that they could not stand in the way of the political conservatism of that majority in the Assembly, when it came to delicate internal political issues concerning

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[1] The Assembly has eight annual standing committees on Foreign Affairs, Internal Affairs and Defence, Petitions and Complaints, Health-Social and Labour Affairs, Finance and Economics, Legislative and Legal Affairs, Public Utilities, and Education-Culture and Guidance.

the freedom of the press, the freedom to hold public meetings and processions or to form associations. Before turning to that development, which occurred towards the end of the Assembly's first legislative term, what will be considered first is this group's initial success in the Assembly on those three major issues: the government's foreign policy, the economic domination of the foreign oil companies, and the growth of the public bureaucracy.

In March 1963, Al-Khaṭīb and his colleagues succeeded in pressuring the government into recognizing the new republican regime in Yemen. At the same time that group won unanimous support in the Assembly for a resolution deploring French atomic tests in Algeria and requesting the government to assist Algeria in its attempts to nullify the military restrictions imposed on it by the Evian Agreement with France.[1] The following month, those deputies urged the government, first, to enter immediately into negotiations with Britain in order to annul the Anglo-Kuwaiti treaty of 1961, and, secondly, to start immediate negotiations with the governments of Egypt, Syria, and Iraq, who were considering the creation of a united Arab state, with a view to becoming the fourth region in the proposed union. The nationalist members praised those Arab countries who 'willingly relinquished their own independence in order to fulfil Arab aspirations for unity, democracy, socialism, and the restoration of Arab rights in Palestine'.[2] The government replied by declaring that while the 1899 Agreement put Kuwait under complete British protection and gave Britain full control

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1 Assembly Proceedings, No. 3, 12 Mar. 1963, pp. 3-4, 43.

2 Assembly Proceedings, No. 7, 9 Apr. 1963, pp. 13-15.

of its external affairs, 'the 1961 Treaty does not in any way infringe on the sovereignty of Kuwait, nor does it permit British interference in any of Kuwait's affairs'. However, encouraged by stability in the region particularly after Qāsim's assassination, and by the growing recognition of Kuwait's independence, the government promised to reconsider the treaty in the future.[1]

Responding to the second request, the government reasserted its often declared position that Arab unity was inevitable, but expressed the need 'to watch the attempt being made at creating a unified Arab State and to weigh carefully any step in that direction'. Dr. Aḥmad Al-Khaṭīb, the most outspoken of the nationalist members, expressed the hope that conditions in the region would eventually enable the government to 'either amend or annul its treaty with Britain',[2] and declared the satisfaction of the group with the second part of the government's reply which, he said, 'has left the subject of joining the proposed union open to future discussion'.[3] The immediate reply by the government to the proposal and its promise to consider the demands of its sponsors reflected its immediate recognition of the importance of this small group of deputies who seemed determined to assume the role of the opposition in the new Assembly.

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1 Assembly Proceedings, No. 8, 16 Apr. 1963, pp. 3-4.

2 In a memorandum to the United Kingdom Ambassador in Kuwait dated 13 May 1968, the Minister of Foreign Affairs of Kuwait requested on behalf of his government the termination of its 1961 treaty with Britain 'in view of Kuwait's success in handling its international relations, which render the provisions of the treaty of 19 July 1961, unsuitable'. Kuwait Foreign Affairs Ministry Records (in Arabic).

3 Assembly Proceedings No. 8, 16 Apr. 1963, p. 4.

The opposition group's opportunity to challenge the dominant position of the oil companies came in 1965, when the government requested the Assembly to ratify the new oil concession agreement signed by the government and the oil companies. On 23 January 1965 the Assembly considered a report submitted by a joint committee of both the Finance and Economics Committee and the Legislative Affairs Committee on a government bill containing the Agreement of the Expensing of Royalties recently signed by the government and the oil companies, which had been introduced in the Assembly only four days earlier. In an explanatory note attached to the bill, the government explained it could not have introduced the bill any earlier due to the political crisis in the country during which the Assembly meetings were suspended. The government requested the Assembly to ratify the agreement as soon as possible because, it said, the laws in the oil companies' home countries required them to close their accounts at the end of the previous year, 1964. However, the government informed the Assembly that the oil companies had been given a maximum extension until 26 January 1965, in the hope that the agreement would have been ratified by then.[1]

Justifying the terms of the new agreement, the government stated that as a member of OPEC (the Organization of Petroleum Exporting Countries), Kuwait had accepted the same method of expensing royalties adopted by the other members, namely that the oil companies would treat the item of royalty as an element of cost to be added to the actual cost before the net income was divided in half (rather than

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[1] Assembly Proceedings, No. 89, 23 Jan. 1965, pp. 56-65.

discounting royalty from the 50 per cent income tax as before). Thus, the government continued, it had agreed to a discount of 8.5 per cent off the posted price for 1964, which would gradually decrease to 6.5 by 1965, in exchange for expensing royalties at 12.5 per cent off the posted price. Consequently, the government continued, the state would realize an additional income of KD 10 million for the previous year, 1964, in addition to KD 12 million for 1965 and KD 13 million for 1966. The new Agreement also contained a clause regarding arbitration, which stipulated that disputes between the parties concerned should be referred to two arbitrators, each appointed by one of the disputing parties, in addition to a third arbitrator to be agreed upon by the first two. However, in case the two disputing parties failed to appoint an arbitrator, the President of the International Court of Justice would then be requested to appoint one, provided he was not a national of Kuwait, the United Kingdom, the Commonwealth countries, or the United States of America.[1]

The lawyer Sulaimān Al-Muṭawaʿ bitterly attacked the terms of the new agreement as being 'very dangerous and constituting a new concession favourable to the oil companies'. Dr. Aḥmad Al-Khaṭīb protested against the way in which the Assembly was requested to consider, 'within only a few days, a complex agreement dealing with the vital question of oil, which is being put to the people's representatives for the first time in Kuwait's history and one which must have taken the oil companies months of preparation.' Furthermore, Yaʿqūb Al-Ḥumaiḍī refused to accept the excuse given by

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1 Ibid.

the oil companies concerning British tax laws, pointing out that countries everywhere in the world provided individuals and companies a maximum period of five years to settle their taxes. The real reason behind such action by the oil companies, Jāsim Al-Qatāmī argued, was to pressure the Assembly into ratifying that agreement before it had ample time to study it, thereby lending constitutional legitimacy to all the previous concessions so cleverly embodied in that agreement.

Those deputies further pointed out that British Petroleum Company had largely accepted, in its recent agreement for North Sea oil, the method of expensing royalties without discount off the posted price. They rightly argued that it was in Kuwait's interest to accept the agreement, but without the discount off the posted price, since the discounts nullified the desirable effects of the actual expensing of royalties. Moreover, they exposed the oil companies' method of using two prices, posted and actual, by pointing out the companies were part of one major cartel, and that in effect K.O.C. (Kuwait Oil Company) was selling itself or the parent companies (B.P. and Gulf) at a discount. 'This has nothing whatever to do with Kuwait', Dr. Aḥmad Al-Khaṭīb argued, 'which in fact is sharing profit with the oil companies at the least profitable production phase of their entire operations'. Therefore, the deputies demanded that the enormous profit made by K.O.C. from marketing oil products in Kuwait, which largely came from selling bunker fuel to oil tankers, should instead be realized by the new Kuwaiti National Petroleum Company.[1]

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[1] Ibid., pp. 65-81.

Al-Khaṭīb's group introduced a proposal demanding that the Assembly be given a period of two months in order to study 'scientifically and objectively the Agreement on the Expensing of Royalties in order to enable it truly to preserve the people's wealth'. The proposal was immediately passed by a majority of 27 votes in favour to 13 votes against. Expressing the government's view, the Minister of Finance and Industry acknowledged the value of 'such objective discussions aimed at the interest of the country', and told the Assembly it was never the intention of the government to request the Assembly to ratify any agreement it was not convinced of, or before it had ample time to study it from all angles.[1]

The third issue with which the opposition was concerned was that of the reform of the public bureaucracy, and here members of this group were instrumental in setting up several special Assembly commissions charged with examining different aspects of the bureaucracy. The first of these commissions was set up in April 1963, 'to study conditions in the state apparatus, with a view to introducing necessary reforms for its proper functioning', as a result of a proposal put forth by Al-Khaṭīb and his colleagues. In reply to the proposal, the government acknowledged that there was 'duplication in certain aspects of government functions and inefficiency in some government bodies', which it said was due to Kuwait's rapid economic and social development. The government informed the Assembly that it had already sought the advice of 'international experts [the World Bank] on how properly to organize the state apparatus', and announced its

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[1] Ibid., pp. 84-5.

intention to establish a statistical office to be attached to the Planning Board. Although Al-Khaṭīb noted the 'positive stand' taken by the government on this issue and acknowledged that 'problems in administration are bound to arise as a result of Kuwait's rapid expansion', he and his colleagues managed to convince the Assembly of the necessity of such a commission which was needed to assist the foreign experts in locating where corruption lay.[1]

Several months later, those same deputies further proposed that this commission be given the right of investigation and of calling witnesses without which, they argued, the commission could not perform its function of 'purging the state apparatus properly'.[2] The Committee on Legislative and Legal Affairs to which the proposal was referred and which had among its members Sulaimān Al-Muṭawaʿ, the only lawyer who was a member of Al-Khaṭīb's group, recommended to the Assembly that such a 'purging commission' did in fact need such powers, which in turn required independent legislation. It also recommended that a commission with such powers should include representatives from the three branches of government.[3] Having no choice but to comply with the Committee's recommendation which seemed to have the Assembly's complete support, the government immediately submitted to the Assembly the necessary legislation which gave all the Assembly's fact-finding commissions the right to call witnesses. It also stipulated that the commission on the reform of the state apparatus should be chaired by the Minister of Justice

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1 Assembly Proceedings, No. 7, 9 Apr. 1963, pp. 8-9.

2 Assembly Proceedings, No. 36, 10 Dec. 1963, pp. 47-50.

3 Assembly Proceedings, No. 37, 17 Dec. 1963, pp. 25-27.

and that it should have the Attorney General as a member.[1]

Members of Al-Khaṭīb's group were also instrumental in setting up another committee to study the problem of redundancy in the civil service. This time the initiative came from the Assembly's Committee on Finance and Economics, which included two of Al-Khaṭīb's colleagues, following its consideration of the government's budget for the fiscal year 1962/3. The Committee noted in May 1963 that the number of civil servants had then reached 64,764 employees thus constituting 20 per cent of the total population of Kuwait, which the committee stressed was a high ratio 'even when considering the special circumstances of Kuwait'. Since a considerably large number of employees were redundant, particularly in the administrative areas, the Committee warned that the heavy burden those employees exerted on the state budget was bound to cause a financial crisis to the government in the years to come. 'Redundancy', the Committee argued, 'is the direct cause of an unsound employment policy which regards employment as a form of social assistance by the government, without giving due consideration to the proper qualifications of those employed in the civil service.' The Committee therefore recommended that a joint committee composed of representatives from both the executive and the legislative branches of government be set up to study ways and means of reducing redundancy in the civil service.[2]

Speaking on behalf of the government, the Head of the Civil Service Commission, Ḥamad Al-ʿĪsā, an outspoken trained lawyer and a member of the established Kuwaiti family of

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1 Assembly Proceedings, No. 41, 31 Dec. 1963, pp. 34-9.

2 Assembly Proceedings, No. 13, 26 May 1963, pp. 3-5.

Al-Qinā'āt noted that Kuwait had unique circumstances. Redundancy in the civil service, he argued, was the by-product of four main factors: first, the absence of industrial, agricultural, or even commercial sectors in Kuwait large enough to absorb all the unemployed in society, who as a result had to turn to the government for employment; secondly, the numerous public services offered by the state such as free health and education, social assistance, electricity, and water, which all required manpower; thirdly, the construction boom which had taken place within a very short period of time and which had caused the government to multiply its own effort of supervising all its new construction projects at once; and finally, the sudden increase in wealth in Kuwait which had not been accompanied by a corresponding development in the educational level and training of the indigenous population, and which had resulted in the presence of a great number of Kuwaiti employees who were almost totally illiterate (only 0.5 per cent were properly qualified) and had thus compelled the government to employ a corresponding number of non-Kuwaitis to perform the duties of their unqualified Kuwaiti counterparts.[1] Despite the government's acknowledgement that the main cause of redundancy in the civil service had been its own employment policy (which the Constitution itself had institutionalized), Al-Khaṭīb and his group succeeded in convincing the Assembly of the need for setting up such a joint commission to examine the question of redundancy in the civil service.

Whereas the interests of Al-Khaṭīb and his colleagues seemed to coincide with those of the middle class and beduin

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[1] Assembly Proceedings, No. 13, 26 May 1963, pp. 5-15.

deputies in regard to the urgent need to control and reform the public bureaucracy, their interests appeared to diverge on other issues. Al-Khaṭīb and his 'progressive' colleagues viewed themselves as legislators fighting for far-reaching reforms in the exercise of their right to check the power of the executive, while the middle class and beduin deputies viewed the government as the source of all their welfare benefits and were therefore only prepared to press the government for more personal demands. More conscious of the social divisions which have always existed within Kuwaiti society, representatives of the middle class and the beduins also perceived their role in the Assembly in terms of restoring the economic rights of the low-income group in society which, as Khālid Al-Mas'ūd always emphasized, had long been exploited by the merchants. To those two groups of deputies, it was the power of the merchants rather than the government which needed to be checked.

This is evidenced by the role played by Khālid Al-Mas'ūd and another former schoolmaster, 'Abd al-Bāqī Al-Nūrī, who as the most outspoken members of the Assembly's Petitions and Complaints Committee were responsible for several recommendations made by the committee in favour of the low-income group. In March 1963, the Committee succeeded in persuading the government to delay the enforcement of a new regulation prohibiting government employees from driving taxis. Al-Mas'ūd made a strong plea on behalf of low-ranking government employees who, he said, 'are in a bad financial state, and who still owe the merchants the value of their automobiles'.[1] The following year, he and other leading

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[1] Assembly Proceedings, No. 3, 5 Mar. 1963, pp. 17-21.

middle class deputies succeeded in persuading the Assembly to recommend to the government that employees of the lower ranks of the civil service be completely exempted from that regulation 'because driving a taxi is their only means of meeting their basic living needs'.[1] The Petitions and Complaints Committee also recommended in March 1963 that all Kuwaitis who were daily workers should all be paid monthly salaries, and that their pension be guaranteed. The Committee explained it was making that recommendation 'in order to protect the rights of that forgotten group of mariners who have played an effective role in the country's economy prior to the discovery of oil'.[2] In May, the Assembly unanimously approved the Committee's recommendation and referred it to the government as a desirable resolution.[3]

As a result of the government's land purchases programme, many Kuwaiti families of low income had to leave their homes in the old town and to seek new accommodation elsewhere. However, faced with the high cost of living in Kuwait and the resulting shortage of low-income housing, those citizens had no official body to complain to but the Assembly. Thus, in April 1963, after many petitions had been referred to the Petitions and Complaints Committee for sufficient low-income housing, Al-Masʿūd and his colleauges used their influence again within the Committee, this time to persuade the Assembly to set up a special committee to follow up the question of providing sufficient low-income housing (provided free by the government). Although the government questioned the wisdom of adding yet another committee to the already

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1 Assembly Proceedings, No. 48, 4 Feb. 1964, p. 20.

2 Assembly Proceedings, No. 3, 12 Mar. 1963, pp. 6-8.

3 Assembly Proceedings, No. 13, 28 May 1963, pp. 34-7.

established standing committees of the Assembly, the leading middle class deputies in the Assembly, Khālid Al-Masʿūd, ʿAbd al-Bāqī Al-Nūrī, and Khālid Al-Muḍaf succeeded in winning the Assembly's approval to set up that committee.[1]

The divergence of views between Al-Khaṭīb's group and the middle class deputies led by Al-Masʿūd is evidenced in a special debate held in December 1963 to discuss rising inflation in the price of food stuffs in response to a request made by the middle class deputies. Al-Masʿūd launched a scathing attack on the merchants who he charged were making 'preposterous amounts of profit at the expense of the poor majority of Kuwaitis who have been most severely affected by the unprecedented rise in the cost of living'. Arguing that according to the Constitution the economy was to be based on social justice and on fair co-operation between the public and the private sectors of the economy, Al-Masʿūd demanded that the government intervene by imposing a ceiling on prices 'in order to ensure social justice and equality to all groups within Kuwaiti society'. Otherwise, he continued, the government should raise the standard of living of that 'impoverished majority by doubling their income or by substantially increasing the assistance it offers them'. Al-Khaṭīb replied by saying 'instead of discussing social justice in terms of raising government assistance to that most affected group in society, that group should be advised to define its own objections, and to organize in order to achieve them'. Only then, he asserted, would that majority within Kuwaiti society be able to obtain the legislation necessary to ensure its own welfare.[2]

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1 Assembly Proceedings, No. 5, 2 Apr. 1963, pp. 14-21.

2 Assembly Proceedings, No. 38, 21 Dec. 1963, pp. 2-4, 17-18.

The Arab nationalists also differed with the middle class deputies on how to disburse Kuwait's national wealth. This became most evident at one point when Khālid Al-Masʿūd and his colleagues Khālid Al-Muḍaf and ʿAbd al-Bāqī Al-Nūrī strongly urged the adoption of a recommendation made by the Public Utilities Committee to apply the sum of lO million Kuwaiti dinars to the assessment of houses which lay within the government land purchases scheme, but whose owners had not yet been compensated. When the government declared that due to its many commitments toward the other Arab states the amount would have to be taken from the general reserve, Khālid Al-Muḍaf said that despite his belief in nationalist commitments 'Kuwait must be forgiven if it cannot meet those commitments'. Al-Khaṭīb replied at that point by saying 'in order to solve the problems of the poor in Kuwait we should not deny our Arabism'. Al-Muḍaf countered by arguing that attempts to improve the conditions of the poor in Kuwait should be taken as part of improving conditions in the Arab homeland and not be misconstrued as an attack on Kuwait's nationalist commitments. 'We all believe in nationalism', he declared, 'and such belief is not confined to Al-Khaṭīb alone, and does not necessarily mean that one has to belong to an organized political movement'.[1]

In addition to their differences with the middle class deputies, the gap between Al-Khaṭīb's group and the beduin deputies may clearly be seen in a debate on a government bill regarding the municipality when a controversy arose over one article in the bill which concerned elections. The

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[1] Assembly Proceedings, No. 46, 21 Jan. 1964, pp. 12-22.

government bill stipulated that Kuwait should be divided into five electoral districts, while the middle class and the beduin deputies recommended its division into ten districts, and Al-Khaṭīb's group proposed that Kuwait be considered as a single district. One member of Al-Khaṭīb's group who belonged to a merchant family, ʿAbd al-Razzāq Al-Khālid, argued that by regarding Kuwait as one electoral district, members of the Municipal Council would be less subject to 'petty demands by their constituents, and would thus be able to give their full attention to the proper planning and organization of Kuwait city'. Another merchant of Al-Khaṭīb's group, Jāsim Al-Qatāmī, said 'a real division exists between those who represent the city and those who represent the villages as evidenced by the many proposals introduced by village deputies in favour of their villages, which we [the opposition members] have always supported.' However, he argued that it was mainly to guard against such a division in the Municipal Council 'between ḥaḍar and badū (settled population and beduin) which is not in the interest of the country as a whole', that the opposition group introduced their proposal of regarding Kuwait as one electoral district.[1]

Subsequently, those two nationalist members were subjected to an angry rebuke by the leading beduin deputies in the Assembly who deplored what they considered as 'discrediting accusations and bias' against village deputies. The beduin deputy ʿAbbās Munāwir, a former Constituent Assembly member, said he regretted hearing such talk about village and ḥaḍar deputies especially when it came from a competent

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[1] Assembly Proceedings, No. 47, 28 Jan. 1964, pp. 13-17.

deputy. ʿAbd Allāh Al-Lāfī, strongly objected to 'such discrimination against the beduins who have never been allowed on any of the previous councils, and who intend to be represented on every council from now on'. Another beduin deputy, Maḍhī Al-Nazzāl, expressed his disappointment at hearing 'such regional bias coming from knowledgeable and aware members whom we consider part of the group of nationalist youth in the Assembly which is most faithful to Arabism'.[1] By having adopted such a stand, those two opposition members who belonged to merchant families had in fact succeeded in widening the gap between the nationalists' group and the beduin members in the Assembly, since their views must have seemed to the beduins to coincide with those expressed by the merchants in the Constituent Assembly during discussion of the Municipality Law two years before.[2]

Despite basic differences with the two major groups in the Assembly, the middle class and the beduin deputies, Al-Khaṭīb and his colleagues had been able to gain the support of those two groups in their attempt, first, to refuse ratification by the Assembly of the royalty expensing agreement which the government had signed with the foreign oil companies, and, secondly, in their effort to control and reform the public bureaucracy. However, when the middle class representatives proceeded to support certain measures which restrained some civil liberties, the nationalist deputies strongly protested against such measures which signalled the Assembly's slide toward political conservatism. The first of these measures took the form of an article in

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1 Ibid., pp. 19-20.

2 See Chapter III.

the Assembly's rules of procedure designed to regulate press reporting of the Assembly debates. The initiative came in April 1964 from the Assembly's committee in charge of drafting the Assembly's rules of procedure which recommended the adoption of an article stipulating that the press should be 'honest in reporting and summarizing the Assembly debates', and also that every member had the right to request in writing, through the Speaker, the correction of any part of the debates which had been incorrectly reported. The article further obliged the newspaper concerned to publish the member's request for correction 'immediately and without comment'. Having failed through their one representative in the committee on the rules of procedure to stop the article from reaching the floor, several nationalist deputies argued in the Assembly against the article saying it interfered with the work of the press which was regulated by a special law regarding the press and publication in general. However, the middle class deputies complained that on many previous occasions members had had to go through a long procedure in order to correct what some newspapers had incorrectly reported them to have said in the Assembly, and, therefore, insisted on the adoption of the article concerned, which was passed by the Assembly with a narrow majority of 24 votes in favour to 21 against, while the government on the whole abstained from voting.[1]

On 27 April 1963, the government introduced a bill in the Assembly regarding public meetings, processions, and association, which stipulated that everyone who was organizing a public meeting should obtain permission from the governor

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[1] Assembly Proceedings, No. 9, 23 Apr. 1963, pp. 21-3.

of the district in which the meeting was to be held. The bill gave the governor of each of Kuwait's three governorates the right to prevent a public meeting which may 'disturb security or public order, or may damage Kuwait's relations with friendly states'. A public meeting, according to this law, was defined as any meeting held to discuss a general topic which people join or could join without a personal invitation, whether the meeting was held at a public or a private place. The new law also gave the police the right to attend public meetings in the 'limited capacity required to preserve law and order'.[1]

Dr. Aḥmad Al-Khaṭīb attacked the new law on two grounds, first, that it contravened Article 44 of the Constitution, which guaranteed the right of private assembly 'without permission or prior notification', and which prohibited the police from attending such private meetings, and, secondly, that the new law would destroy the old social tradition of holding an open house dīwān at which Kuwaitis received people without previous invitation, and where many general topics were normally discussed. The lawyer Sulaimān Al-Muṭawaʿ further protested against the new law which he said was 'far removed from the spirit of the Constitution and the type of democratic life Kuwait is enjoying at this time'.[2]

Although the opposition deputies succeeded in the end in adding a clause to the first article of this law, which clearly stated that private dīwāns held at private homes were not to be considered public meetings, they were unable to win a similar exemption for meetings held at schools. They also

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1 Assembly Proceedings, No. 10, 27 Apr. 1963, pp. 5-7.

2 Ibid., pp. 8-15.

failed in an attempt to amend the new law so as to give a governor the right to stop a meeting only if it proved it could disturb peace and security 'while it was being held' and not before. Moreover, the opposition failed in another attempt to delete the clause 'or may damage Kuwait's relations with friendly states', on the grounds that it limited the freedom of expression in the country. 'People ought to be free', Al-Khaṭīb declared, 'to express their own opinion toward any state they wish whether it is friendly or unfriendly to their own government'.[1]

The opposition's troubles did not end there, for as we have seen earlier, the middle class representatives had succeeded by causing a crisis in December 1964 in replacing a considerable number of merchants in the cabinet. In 1965, their aim was to cause the replacement of those merchant family members who held key positions in the civil service by members of their own new Kuwaiti middle class. Thus, in June 1965, the middle class ministers led by Khālid Al-Mas'ūd succeeded in persuading the government to amend the Civil Service Law (Amiri Decree No. 7 of 1960) so as to make it admissible to the cabinet (instead of the Supreme Council as before) to dismiss a civil servant 'for reasons connected with the public good', and to refer him to a disciplinary board in order to consider depriving him of part of or all of his pension and compensation. The new law also made it inadmissible for anyone dismissed in this manner to hold another post in the civil service, or in any of the public institutions or organizations, or to nominate himself to the membership of the National Assembly or to any other local

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[1] Assembly Proceedings No. 11, 14 May 1963, pp. 6-37.

organization within five years of his dismissal. Introducing the bill in the Assembly, the government stressed, first, that the amendment had come in response to the Assembly's wish to uproot corruption in the state apparatus and that it had introduced those measures 'in order to overcome all the obstacles which may stand in the way of such a purge', and,secondly, that those measures were taken from the Law of Administrative Reform according to which the Assembly had set up its own 'purging committee'. The government also emphasized that the reason it did not resort to a court of law regarding such cases, was mainly due to the fact that those cases concerned the government's own relations with its own employees and not with ordinary citizens.[1]

The opposition members were mainly concerned with the interpretation of the term 'the public good', which they feared could be stretched to include civil servants whose 'progressive' views may be found to contradict those held by cabinet members. Speaking on behalf of the opposition group, deputy Jāsim Al-Qatāmī said: 'whatever differences may exist between social groups outside or inside the Assembly, they should not be allowed to diminish the value of the democratic life and popular gains which the Constitution has fulfilled'. He further expressed his group's regrets at witnessing such an attempt at reinstating a law which was issued prior to Kuwait's constitutional era, 'which should have been abolished altogether', and warned that the law could have grave consequences 'to all the youth who constitute a major progressive force in the state apparatus'. Al-Qatāmī finally declared that he and his colleagues failed

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1 Assembly Proceedings, No. 114, 22 June 1965, pp. 21-4.

to see how the right to dismiss civil servants could be given to such a political body as the cabinet 'while there is already a special Assembly committee set up specifically for that purpose which includes the Justice Minister, the Attorney General, and eight Assemblymen, whose decisions have to be unanimous in an effort to ensure that justice is being served'. In an attempt to allay the nationalists' fears, Minister Khālid Al-Masʿūd declared that the amendment was only 'a temporary measure designed to rid the state apparatus of a group of corrupt civil servants who have accumulated wealth at the people's expense . . . and in order to make way for those capable employees who have long been ignored'.[1] What in fact Al-Masʿūd was bluntly stating was that the measure was intended to rid the civil service of those wealthy merchants in order to make room for the middle class employees who should replace them.

Despite Al-Masʿūd's assurances that it was the merchant civil servants who were the main target behind the new law, the nationalist deputies had reason to suspect that such a law could easily be used against the 'progressive' elements in the civil service, since the political conservatism of both the middle class and the government were evidenced by the simultaneous introduction of two other amendments concerning the Press and Publication Law and the Clubs and Associations Law. If adopted, the new amendments, from the point of view of the nationalists, could restrain the freedom of expression of their own weekly Al-Ṭalīʿa and their cultural club, Nādī al-Istiqlāl (Independence Club), where they held their meetings and discussions, and also of Jamʿiyyat

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1 Ibid., pp. 32-7.

al-Khirrījīn (the Graduates Society) where Kuwaiti university graduates actively engaged in discussions and seminars on current affairs of a political nature.

The government's proposed amendment to the Press and Publications Law came in response to a request from the Assembly to the government to suspend publication of two newsmagazines pending a court ruling in a public case against them. On 6 April 1965, the Assembly received a telegram from an influential religious group known as the Association for Social Reform demanding that the Assembly take 'the necessary measures and recommendations to ban the publication of two newsmagazines for having printed articles ridiculing Islam, the religion of the state'. A number of conservative deputies blamed the government, first, for having allowed such assaults on religion in the press, and, secondly, for not having taken the necessary measures to ban those two magazines from publication. The government responded by emphasizing that there was no press censorship in Kuwait in the first place, and that all it could do was to enforce the existing Press and Publications Law (No. 3 of 1961) according to which the government could refer the two newspapers to the courts in order that justice may take its course. However, the government added that if the Assembly regarded the existing Press and Publications Law as too lenient, it still had an opportunity to amend that law since the government was planning to introduce another version of it to the Assembly.[1]

Nevertheless, the Assembly passed a resolution requesting the government to 'urgently adopt severe measures against the two magazines'.[2] Therefore, the government immediately

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[1] Assembly Proceedings, No. 101, 6 Apr. 1965, pp. 5-12.

[2] Ibid., p. 21.

suspended the publication of the two magazines, pending a court ruling in the case against them.[1] Moreover, the government proposed as an 'urgent temporary measure pending the issuance of a new law', that the existing Press and Publications Law be amended in order to give the Minister of Guidance and Information the right to suspend the publication of any newspaper for a maximum period of one year 'once it has been proven that it has violated any of the provisions already stipulated under Law No. 3 of 1961'. Those provisions included criticizing the person of the Amir, disturbing relations between Kuwait and other Arab or friendly countries, endangering social values, inciting the violent breakdown of the social and economic order in the country, or denigrating a religious faith. Members of Al-Khaṭīb's group bitterly opposed the Assembly resolution on the grounds that it was 'unconstitutional since it meant infringement by the legislature upon the power of the judiciary, whose independence is guaranteed by the Constitution'. They also attacked the government for introducing such an amendment restricting the freedom of expression, which they emphasized was also guaranteed under the Constitution.[2]

It was at the same meeting, held on 22 June 1965, that the government proposed amending the existing law regarding clubs and public welfare associations (Law No. 24 of 1962) so as to prohibit 'interference in politics or allusion to it' by such clubs and associations. The deputy Jāsim Al-Qatāmī, speaking on behalf of Al-Khaṭīb's group, declared that although the opposition had accepted the fact that there

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1 Assembly Proceedings, No. 102, 20 Apr. 1965, p. 4.

2 Assembly Proceedings, No. 114, 22 June, 1965, pp. 16-17.

were to be no political parties or political clubs in the country, it refused to comprehend how it might be possible to tackle any social or economic question without alluding to politics. 'It would be impossible for example', he explained, 'to discuss the question of dispensing royalties and the oil companies without being led into discussing imperialism and its role in the area'. The middle class representatives in both the cabinet and the Assembly held the opposite view that those clubs were mainly social or sporting organizations and that they should remain as such without confusing their main goals and functions with other activities. 'Politics', they maintained, 'should only be discussed either in the press or in the Assembly'. The Assembly's conservative mood was best summed up by one member who stated that 'such clubs have sown the seeds of discord between workers and management, employees and merchants, and even among members of the same family'. He said that wherever one went, whether in the sūq or the dīwāns (the market or social gatherings), one heard the same complaint against democracy. 'Discord has spread to all aspects of life', he declared, 'and the people are fed up with the Assembly and with democracy'.[1]

On 26 June 1965, shortly before voting in the Assembly on the three amendments had begun, the eight members of Al-Khaṭīb's faction joined by three supporters walked out of the Assembly in protest against the new laws charging they had 'discredited democracy'. The eight deputies planned to resign their parliamentary seats at the beginning of the Assembly's following session; however, struck by the death of the Amir, Shaikh ʿAbd Allāh Al-Sālim Al-Ṣabāḥ on 23 November

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[1] Ibid., pp. 75-8.

1965, they decided to wait. The new cabinet formed by the new Prime Minister, Shaikh Jābir Al-Aḥmad Al-Ṣabāḥ, and approved by the new Amir, Shaikh Sabāh Al-Sālim Al-Ṣabāḥ, on 4 December 1965, failed to satisfy the opposition members who had hoped for a change since it included all the members of the former cabinet. The only changes announced by the government were the addition of one ruling family member to the cabinet who was given the portfolio of Commerce and Industry, and the change in the Ministry of Finance and Industry which became known as the Finance and Oil Ministry in an effort to underline the government's concern with developing the country's main source of wealth.[1]

Thus, on 7 December 1965, Al-Khaṭīb and his colleagues submitted their resignations to the Assembly,[2] charging that there had been a major effort to 'diminish democracy' which had started with the imposition of the Public Assembly and Processions Law and culminated in the adoption of the three government amendments to the Press and Publications Law, the Clubs and Associations Law, and the Civil Service Law. In their letter of resignation, which was discussed by the Assembly in their absence, the group blamed both the government and the parliamentary majority for having adopted such measures which 'suppress the people's freedom to express their views'. They accused Al-Masʿūd and his group of having introduced some of those measures as part of their plan to use them in pressuring 'certain faithful elements in the civil service into resigning, in order that they may replace them

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1 Assembly Proceedings, No. 115, 26 June 1965, pp. 33-9.

2 The eight members were Dr. Aḥmad Al-Khaṭīb, Jāsim Al-Qatāmī, Yaʿqūb Al-Ḥumaiḍī, Sāmī Al-Munayyis, Sulaimān Al-Muṭawaʿ, ʿAbd al-Razzāq Al-Khālid, ʿAlī Al-ʿUmar, and Rāshid Al-Tawhīd.

by their own supporters'. What the group had in mind was a group of high ranking officials in the Ministry of Education who belonged to merchant families and enjoyed a respectable reputation, who as a result of pressure from the Education Minister, Khālid Al-Mas'ūd, were all forced to resign their posts, and were consequently transferred to other government ministries. Al-Khaṭīb and his colleagues also accused the parliamentary majority of having ignored its 'responsibility to the people by voting in such constraining laws', and claimed that the gap between the government and its supporters in the Assembly on the one hand, and the masses on the other, had become so wide that the Assembly had been transformed into a 'non-democratic institution enacting laws which are not in conformity with the will of the people'. That is the reason why, they concluded, 'we are forced to return the trust to the people, the source of all powers by submitting our resignation to the Assembly'.[1]

This desperate act resorted to by the opposition members, once their efforts to block the passage of these laws through the Assembly proved fruitless, failed to induce any compromise from either the government or the Assembly, which those members might have hoped for. For although the Prime Minister joined the Assembly's Speaker in appealing to the resigning members to retract their resignations, despite what he described as their unjust attack on the government, the government must have been relieved to see those members who had most radically opposed its policies voluntarily leave the Assembly. Members of the middle class majority, on the other hand, took the line that there was no cause for those

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[1] Assembly Proceedings, No. 130, 21 Dec. 1965, pp. 2-5.

members who constituted a minority group in the Assembly to resign, 'since democracy is based on the will of the majority and since Islamaic sharīʿa itself provides that God supports the collective will (yadu Allāh maʿa al-jamāʿa)'. They accused the resigning members of attempting to 'impose the views of a small minority in parliament on the will of the majority', drawing attention to the prevailing situation in Britain at the same time 'where the majority rules by a difference of only one vote'. Those members also reproached their resigning colleagues for having accused them of blind support to the government by pointing out certain questions over which they had opposed the government, while the minority group had itself supported it. As to the government amendments recently adopted by the Assembly, they emphasized that it was the Assembly itself which had demanded their introduction by the government 'out of its own conviction that these laws are needed to preserve society'. The strongest reply, however, came from Khālid Al-Masʿūd who charged that the main political aim behind the resignation of those members was to force him out of the government. Al-Masʿūd reproached the resigning members for their attack on a government which, he said, 'has been put in office by the majority of the people through their representatives in parliament'. He defended the record of the parliamentary majority for having stood in solidarity with that minority group in the Assembly against the government on many issues 'which served the people's interest', particularly the agreement on dispensing royalties with the oil companies. However, despite his differences with the resigning members, Al-Masʿūd emphasized that he still held them in high regard 'because

I have never doubted their sincerity and readiness to exert all their energies in the interest of the country'.[1]

The only members who truly regretted seeing those deputies resign were the leading merchants in the Assembly and the few supporters of the group who had joined their walk-out in protest against those laws, but who refused to join in the resignation because of its timing. The merchants were obviously happy with the stand taken by the resigning members against the policies of the Education Minister, Khālid Al-Masʿūd, who had openly declared his determination to force the merchants out of both the cabinet and the civil service. The former Speaker, ʿAbd al-ʿAzīz Al-Ṣaqar, warned the government against those policies 'which are based on discriminating between one Kuwaiti and another, since they can lead to the dismemberment of Kuwaiti society, which has always been known for its one family spirit'. He also told the Assembly that it was in the national interest that those members should continue to serve as deputies 'since they constitute the Assembly's most capable element, whose loss would surely leave a huge gap behind'. A supporter of Al-Khaṭīb's group further reminded members that their Legislative Assembly had come into existence after a history of several consultative and other councils, which were all based on the Islamic principle of shūrā (consultation). 'Therefore', he argued, 'in order that the Assembly may continue to function properly, it must have an opposition which is central to its contemporary role and one without which no parliament in the world can ever function.'[2] The Assembly

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1 Ibid., pp. 12-41.

2 Ibid., pp. 5-12.

finally responded by taking a unanimous decision calling on the resigning members to retract their resignations and to return to the Assembly no later than its following meeting.[1] However, when the resigning members did not respond to the Assembly's wish, their resignations were approved at the following Assembly meeting held on 28 December 1965.[2]

The resignation of the radical opposition group from the Assembly toward the end of its first legislative term thus indicates to what extent those nationalist members had become isolated in the Assembly. For on the one hand, the presence within this group of strong merchant elements seemed to make it more difficult to win the support of either the beduins or the new middle class representatives in the Assembly, despite the group's sincere efforts to ensure social justice for the low-income group in society. Also, the 'progressive' views expressed by Dr. Aḥmad Al-Khatīb in the Assembly seemed further to alienate the conservative elements within both of these groups and in the government, who feared his brand of socialism and viewed it as a revolutionary ideology imported from outside to sow the seeds of discord at home. On the other hand, while Al-Mas'ūd and his colleagues were willing to co-operate with the government in order to achieve their political aims, Al-Khaṭīb's group shunned any dealings with the government and sought to achieve their political objectives by relying mainly on public opinon, which they attempted to mobilize through the Assembly debates and through their weekly publication Al-Ṭalī'a (The Vanguard). However, as we have seen, the acceptance of their resignations

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1 Ibid., pp. 43-5.

2 Assembly Proceedings, No. 131, 28 Dec. 1965, pp. 3, 4.

by the Assembly, though reluctantly, and the election of new deputies to replace them despite a low turn out,[1] eliminated any hope those members may have had for an immediate compromise from the Assembly. But in view of the fact that there was only one session before another general election was due to be held for the Assembly's second legislative term, their resignations must also be seen as part of their new campaign for the coming election upon which they pinned their highest hopes.

The Second National Assembly in the Absence of the Opposition

The general election for the National Assembly's second legislative term was held on 25 January 1967, as 222 candidates competed for the fifty seats and 27,297 Kuwaiti men registered to vote. Once the results were announced declaring only two nationalists as winners, a total of 38 candidates protested against them. Among those who protested were six of the declared winners, including the former Speaker of the Assembly, ʿAbd al-ʿAzīz Al-Ṣaqar, and the two nationalists; and since they did not recognize the validity of the elections their seats were declared vacant. In a statement published in the press on 28 January 1967, which was addressed to the people, those candidates accused the government of having 'interfered in the election . . . in order to prevent

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[1] According to the National Assembly Records, the total number of votes the resigning members had received at the first general election was 6,024 compared with 1,430 votes received by the deputies who replaced them. Also, while Dr. Aḥmad Al-Khaṭīb had received 937 votes from electoral district No. 8 during the first general election, the publisher of Al-Raʾy al-ʿĀmm (Public Opinion) daily newspaper, ʿAbd al-ʿAzīz Al-Misaʿīd, received only 175 votes from the same district during the by-election.

the success of a large number of sincere nationalist candidates' who had nominated themselves for membership of the Second National Assembly. Therefore, they declared the election null and void and urged the people 'to remain calm in order to preserve the public interest and the one family spirit which we believe in and work for'.[1] Moreover, Khālid Al-Masʿūd, who had been declared as a winner from the fifth district, resigned as Minister of Education in protest against those election results the validity of which he refused to recognize including his own victory.

However, despite that protest, the newly elected Assembly held its first meeting on 7 February 1967, as those seats which were vacated by the winners who refused to recognize the validity of the election were filled by the candidates who succeeded them in the polls in their respective districts. Twenty-three of those present belonged to the middle class (from the suburban districts, Nos. 5, 6, and 8), and nineteen were beduins (compared with fifteen in the First Assembly), who had dominated all the five districts peripheral to Kuwait city (3, 4, 5, 9, and 10). There were eight Shīʿa deputies (compared with five in the First Assembly), half of whom were elected from the traditionally Shīʿī quarter in the old town (district No. 1) and the other half were elected from a new suburban area dominated by former residents of the old Shīʿī quarter (district No. 7).[2]

The cabinet which was also sworn in that day included only three new ministers: Shaikh ʿAbd Allāh Al-Jābir Al-Ṣabāḥ who was a ruling family member was given the portfolio of

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[1] Akhbār al-Kuwait (The Kuwait News) daily newspaper, No. 1452, 28 Jan. 1967, p. 1.

[2] National Assembly Records, General Election Returns, Jan. 1967.

Commerce, ʿAbd al-Raḥmān Al-ʿAtīqī who was a member of an established Kuwaiti family was given the important portfolio of Finance and Oil, and the former member of Al-Masʿūd's group, Khālid Al-Muḍaf, was given the portfolio of Social Affairs and Labour.

With the absence from the new Assembly of the merchants who provided leadership in both the Constituent and the National Assemblies, and also with the absence of those educated and capable nationalist members of the opposition who despite their inability to lead the First National Assembly had nevertheless provided it with a sense of direction, the work of the Second National Assembly proceeded in a slow and disorderly fashion. Overwhelmingly dominated by beduin representatives and ordinary middle class deputies with little professional training, most of the Assembly's time was taken up by prolonged discussions of very few bills introduced by the government. Every individual deputy, particularly those who were elected for the first time, insisted on expressing his own personal views on almost every topic under discussion, views which were most often at odds with those held by other members. With such diversity of views expressed in the absence of any form of organization or leadership in the Assembly, the task of reaching majority decisions on important issues under discussion thus became almost impossible.

Therefore, the Assembly was unable to pass many impending bills during its second legislative term which was held between 7 February 1967 and 6 February 1971, apart from the Personal Statute Law and the Police Law in December 1967,[1]

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[1] Assembly Proceedings, no. 24 (Second Legislative Term), 12 Dec. 1967, pp. 70-120; Assembly Proceedings, No. 25, 16 Dec. 1967, pp. 60-90.

and the Penal Code in November 1969.[1] Ironically, however, the only decision which was taken with little discussion was the ratification of the government's agreement with the oil companies on dispensing royalties with the oil companies which the previous Assembly had debated without giving it its approval. The only other measures which were approved by the Assembly without any difficulty were those concerning financial aid to Arab countries seriously affected by the 1967 Arab-Israeli War, and to the Palestine Resistance Movement.

Members of the Second Assembly were mainly concerned with improving local conditions in their own districts as evidenced by the numerous proposals they put forward demanding public services and utilities for their respective districts. This main concern with urban affairs and the lack of a consensus among members is best illustrated by the unending debates which the Assembly held to discuss a government bill containing a new municipality law, which continued to be discussed throughout the Assembly's entire second legislative term without ever being approved. The way the Assembly delayed this and other important bills disturbed both the government and the public.

Having dissolved the Municipal Council on 19 May 1966 with the intention of amending the existing Municipality Law (No. 11 of 1964), the government introduced a bill to the Assembly on 16 June 1967 containing the new municipality law which stipulated that each of Kuwait's three governorates ought to have its own municipal council. Those local councils were to be composed of nine members all appointed by the government upon the recommendation of the Minister

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[1] Assembly Proceedings, No. 87, 1 Nov. 1969, pp. 145-212.

for Municipal Affairs, a new post to be created by the government. A special joint committee set up to study the bill, which was made up of both the Public Utilities and the Legal-Legislative Affairs Committees, submitted to the Assembly a new bill which it formulated after one and a half years of consultation with the government. The principle of having three municipalities in Kuwait to be under the supervision of a government minister was retained in the new bill, but it was stipulated that a majority of more than one half the members of these councils must be elected. The committee explained this was done in line with Articles 133 and 156 of the Constitution which ensured the independence of municipal self-governing bodies under the direction and supervision of the government.[1]

In addition, the Committee attached three other proposals submitted by three individual members, which were not only at odds with the Committee's proposal but were also entirely different from each other. Although the first approved of having three local councils it provided that as many as two thirds of their members must be elected, in addition to a central council to be elected from among the members of those local councils, who should elect the head of the central municipality. The second, however, proposed only one municipal council for Kuwait, two thirds of it to be chosen by the government from a list of candidates nominated by the National Assembly while the remaining third was to consist of professionals appointed by the government. The head of the municipality, according to this proposal, was to be similarly elected by the council members. Although

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1 Assembly Proceedings, No. 49, 5 Nov. 1968, pp. 70-90.

the third also proposed one municipal council for Kuwait it demanded that more than one half of its members be elected, and while it also demanded the establishment of a central committee, it allowed it to be headed by the Minister for Municipal Affairs.[1]

This diversity of views was further accentuated during the debate which followed. First, several members were opposed to the committee on the grounds that it had changed very little in the government's bill after such a long period, and attacked it for having 'contradicted itself by first citing the constitutional provision guaranteeing the independence of municipal bodies, then accepting the authority of the government over these bodies through a government minister'. Secondly, a group of other members argued that municipal councils ought to be totally composed of elected members only, 'bearing in mind this was the case in Kuwait in all the other councils which preceded the Constitution . . . and is still the case in most other countries of the world'. Other views were also expressed in favour of municipal councils being composed of both elected and appointed members along the lines suggested by some of the proposed bills.[2]

The government was dissatisfied with the multiplicity of views expressed by members and their mishandling of this important bill. The Minister of State, Sayyid Yūsuf Al-Rifāʿī told the Assembly that the new bill as recommended to the Assembly by the Committee did not in any way resemble the one the government had introduced earlier 'since it has undergone a total transformation, and as a result the bill

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1 Ibid., pp. 90-107.

2 Assembly Proceedings, No. 50, 9 Nov. 1968, pp. 2-31.

now before us represents mainly the views of the honourable Committee and the honourable Assembly'. He also argued that in Kuwait, contrary to the case in most other countries, it was the government who financed the municipality rather than the people and, thus, had the right under the Constitution to appoint members to the municipal councils and to direct and supervise them.[1] Over a year later, while the Assembly was still debating yet another amended version of that bill, the Minister of State emphasized that the government had conceded on almost all the points its original bill had contained out of its concern to speed up the passage of that bill through the Assembly. However, he said the government insisted on keeping only one provision which stipulated that the president of the municipal council be a government minister 'in order to guard against any internal divisions which may take place within the Council, in light of its experience with the previous Council which has prompted the government to dissolve it'. He finally declared that if the Assembly insisted on denying the government its right to supervise the municipality, there would be no justification for the new law and the Assembly should instead take the responsibility of upholding the existing law with all its consequences.[2]

The feeling outside the Assembly was that the government had itself to blame for the situation which prevailed inside. It was generally thought that the attitude of the Second Assembly was the direct result of a lack of firmness shown by the government in its handling of the 1965 crisis. By

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1 Ibid., pp. 5, 19.

2 Assembly Proceedings, No. 93, 17 Jan. 1970, pp. 65, 96.

having given in to pressure from a large bloc in the Assembly, it was argued, the government had not only alienated the enlightened elements in the country, but had also encouraged an incompetent and recalcitrant Assembly. The government was also criticized for not having provided the necessary leadership in the new Assembly, and for having done very little to direct its work. In fact the government had done almost nothing to solve any of the major issues which the First Assembly attempted so earnestly to confront, such as the control and reform of the bureaucracy and its employment policy, and the power of the oil companies.

This view was best summed up by ʿAbd Allāh Bishāra, himself a high government official and an observer of Kuwaiti political affairs,[1] when he wrote in 1968:

> The government inside the National Assembly is lost without leadership to guide it, leaving the defence of its policies to individual ministers . . . it is a cabinet without initiative which awaits the ripening of problems instead of settling them at an early stage . . . it is a cabinet of several sides. Some of its members are moved by their own political ambitions, while others feel that the circumstances which had brought them to power may not recur. Others still will remain by force of the social conditions.
>
> Nevertheless, I imagine this cabinet with all of what it has will be able to function if provided with firmness and initiative. For what Kuwait needs most today is firmness and clear-sightedness . . . the situation is going to deteriorate further if divine providence does not come to aid the government with an injection of firmness to remove its symptoms of feebleness and tepidness.[2]

Feelings outside also ran high against the Assembly, as the majority of its members were too often seen moving briskly from one government ministry to another, openly soliciting personal favours from high ranking civil servants

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1 Kuwait's Permanent Representative to the United Nations from 1971 until 1981.

2 Al-Yaqẓa (The Awakening) weekly newspaper, 4 Apr. 1968, pp. 2, 3.

on behalf of their constituents. However, the blame was again put on the government for having encouraged what had already become a recognizable social phenomenon in Kuwait by continuing to make it possible for those members of the Assembly to exploit their parliamentary position in the service of their own political interest. Commenting on this phenomenon ʿAbd Allāh Bishāra writes in the same article:

> Strangely enough, the rendering of favours to their constituents by the deputies is always done through the government. The promises of employment, of low-income housing, of land purchases, and of all other favours are all rendered through the good offices of the government which is suffering from such methods practised by those deputies, without doing anything to stop them.[1]

As general discontent and apathy continued to spread through society which was most clearly evidenced by an almost complete boycott of the Assembly and its debates by the national press, the Crown Prince and Prime Minister took an unusual step. On the evening of 24 June 1970, Shaikh Jābir Al-Aḥmad, a man known for his reticence, took the initiative to speak directly to the people on television and radio in order to announce a new programme for his government. The programme of the government was normally addressed to the National Assembly following the formation of a new cabinet, In explaining what had prompted him to make such an unprecedented move, the Crown Prince said:

> Having heard the views of many of you, I became convinced there is a general feeling that it is high time we reconsider the path we are taking, and draw up a specific domestic policy stemming from our experiences and circumstances under which the government will exercise all its powers without hesitation.[2]

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1 Ibid., p. 3.

2 Middle East News Agency, No. 4815, 25 June 1970.

Then in a direct attack on members of the Second Assembly he emphasized that it was not the parliamentary system of government as defined by the Constitution which should be blamed for the prevailing situation, but rather the behaviour of those who had exceeded its proper bounds. Shaikh Jābir Al-Aḥmad said:

> Unfortunately, the Constitution and the freedoms it provides for, have been exploited by unscrupulous people who do not believe in the national interest and who have tried to turn freedom into chaos, aimed at subverting our values and beliefs, and at sowing the seeds of discord among us . . . this does not mean that the parliamentary system is unsound or that it is unsuitable for our age. It only means that some have misunderstood it.[1]

He also attacked the press for 'slandering families and individuals and showing indifference to religion and morals'. Above all, he objected to the way it had been criticizing the heads and officials of other Arab countries, which he warned 'is harmful to our friendly relations with our brothers'. All these matters, he said, could not be ignored since they harm the national interest.[2]

Shaikh Jābir Al-Aḥmad also underlined the urgent need to amend several important laws, and to reform the entire state apparatus and its employment policy. Redundancy, he declared, was the direct result of a tendency by many to regard employment 'as an aim in itself and as a way of indulgence in favouritism'. The policy of employment, he stressed, should take into consideration the fact that 'it is only a means of rendering national services and that its responsibilities should only be assumed by those who can carry them out faithfully'. Workers and junior employees must be granted

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1 Ibid.

2 Ibid., p. 4.

their full rights, which he said must be granted under one integrated law for all government employees.[1]

Turning to the economy, the Crown Prince said Kuwait had witnessed changing economic conditions by having switched in the recent past from dependence on the pearling industry and the Gulf trade to a new phase of complete dependence on government spending in the wake of the discovery of oil. 'It is not reasonable', he warned, 'that our economy should be completely dependent upon government expenditure'. Such expenditure, he continued, should proceed in accordance with a well considered plan which could reconcile the various government commitments and the requirement of public projects. Moreover, he called on the private sector 'which has not performed its duty properly', to invest some of its capital employed abroad in national projects. At the same time, he also called on the oil companies to participate in those national economic projects by investing some of their profits in local industries, as part of the duty required of them toward the country's economy. Those demands, he declared, were vital to the Kuwaiti people.[2]

However, most significantly, the Crown Prince expressed the eagerness of his government to see the merchants, once again, resume their effective participation in the affairs of government. He declared:

> There are many citizens who have participated in the building of Kuwait with their own hands and funds, but have chosen to stay away from legislative assemblies for certain reasons . . . while the public good requires their presence in those assemblies in order to benefit from their experience, competence, and sincere devotion to their homeland.[3]

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1 Ibid., pp. 7, 8.

2 Ibid., pp. 8-10.

3 Ibid., p. 6.

Such an unprecedented speech by the Crown Prince and Prime Minister months before the new Assembly elections were due to begin, signalled the government's intention to start a new era of active participation in the new Assembly, which it obviously hoped would include those 'competent' elements from the merchant group. By having taken the initiative to speak directly to the people right before the Assembly was due to adjourn for its summer recess, Shaikh Jābir succeeded in moving debate of the major issues confronting Kuwait society from the Assembly hall to the people outside. The statement was generally welcomed by all social groups within society and remained for some time as the main topic of discussion at Kuwait's social gatherings (the dīwāns) at all levels of the social ladder, and on the front pages of its national press.

The first to welcome the statement were the merchants, who considered it 'a new beginning' and expressed their readiness to participate in government affairs once again. The former Speaker of the First Assembly and the President of Kuwait's Chamber of Commerce, ʿAbd al-ʿAzīz Al-Ṣaqar, described the statement as a 'realistic appraisal of the political, economic, administrative, and social conditions in Kuwait', which he said included an accurate analysis of the country's problems and of the obstacles which lay ahead.[1] Another leading merchant, Ḥamūd Al-Niṣf, who had been a member of both the Constituent and National Assemblies welcomed the statement more specifically as an 'indulgence in self-criticism on the part of the government, which must be interpreted as a good sign'. He also declared that 'those

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[1] Al-Hadaf (The Goal), weekly newspaper, 26 June 1970, p. 4.

citizens' whom the Crown Prince referred to in his statement 'would not hesitate to answer the call to perform their duty toward their country, whenever the opportunity presented itself.'[1]

Khālid Al-Masʿūd, who was not only speaking as the President of Kuwait's Teachers Association, but also as a member of the Kuwaiti middle class acknowledged that the statement took into consideration the major problems confronting all groups within society. But he warned that if the Crown Prince was referring only to a certain group in society (the merchants) when he spoke of those citizens who have built Kuwait, he would be totally against the statement. 'There are many citizens who have sacrificed their lives and funds for Kuwait', he argued, 'but who lack the competence to lead. However, their sons have become qualified for responsible positions . . . but they were unfortunately kept out of positions of leadership in the country'.[2]

Although Dr. Aḥmad Al-Khaṭīb refused to comment on the statement,[3] his group's weekly newspaper Al-Ṭalīʿa was suspicious of the government's move, which it interpreted as part of an overall policy of preparing the Arab people for a peaceful solution to the Arab-Israeli conflict in the aftermath of the Arab defeat in the 1967 war against Israel.[4]

However, the lawyer Rāshid Al-Farhān, a former member of the opposition who had joined Al-Khaṭīb's group in their walk-out of the Assembly in 1965 but not in their

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1 Al-Risāla (The Message), weekly newspaper, 28 June 1970, pp. 6, 7.

2 Al-Risāla (The Message), 5 July 1970, p. 6.

3 Ibid.

4 Al-Ṭalīʿa (The Vanguard), weekly newspaper, 1 July 1970, p. 2.

resignation, expressed the view that the statement had underlined 'only generally the many blunders which the opposition had spelt out to the government in detail during its days in the Assembly'. He argued that since the Second Assembly constituted one of those blunders 'not to speak of the government', the first step that ought to be taken, then, was the dismissal of the cabinet and the dissolution of the National Assembly. 'If the government truly wanted to apply democracy', he declared, 'then the new cabinet should include the faithful elements in society, which have no personal interest and no particular inclinations'.[1]

The way the statement continued to be debated in the press with the active participation of all groups within Kuwaiti society, overshadowing all Arab and international events, demonstrated beyond expectation the eagerness of the Kuwaiti people to discuss publicly the various aspects of political, social, and economic life in their own country. The debate even provided a platform from which new groups were heard from for the first time, namely Kuwaiti workers and Kuwaiti women. The General Labour Union of Kuwait issued a statement in which they expressed their eagerness to participate 'in an active way in the discussion of any solutions which concern workers'. Moreover, the statement declared that 'the voice of the working class must be heard on the solutions to all the problems which the country is facing'. The Labour Union also took the occasion to attack the oil companies for having previously rejected a law issued by the government in 1968 concerning the rights of workers, which had originally been proposed by the General

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[1] Al-Risāla, 28 June, 1970, p. 7.

Labour Union, and demanded the introduction of new legislation guaranteeing the rights of the workers.[1] On the other hand, several Kuwaiti women criticized the way the statement by the Crown Prince ignored women's rights, and in particular their right to vote, but they nevertheless supported his programme 'because it signals a new era'.[2]

The view of the young leftists in Kuwait was best summed up by the young leftist commentator Aḥmad Al-Diyyīn when he wrote:

> It is evident that there is a contradition in the substance of the statement . . . a contradiction between the bourgeois democratic solutions it has presented as exemplified in the liberal call for the 'sound' implementation of the democratic system of government . . . the commitment to encourage and develop local industry, the modernization of the state apparatus and purging it from the hegemony of certain backward elements . . . a contradiction between all this, on the one hand, and what seemed to be a negative criticism of the freedom of the press in the statement, and the hint of the possibility of limiting its freedom, which is already limited as it is.[3]

Echoing the view which Al-Khaṭīb and his colleagues had constantly expressed in the Assembly vis-à-vis the foreign oil companies, Al-Diyyīn continued:

> There is also another contradiction between the statement's appeal to the foreign oil companies to invest their profits in national economic projects and to participate with local capital in local industries, and the bourgeois programme which requires the establishment of a self-reliant national industry capable of disengaging itself, in the future, from the international capitalist market and from subordination to it. There is no doubt that the participation of foreign capital in local industry, particularly through the oil companies, most certainly means its increased control over our national economy, and, consequently, its increased control over

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1 Al-Siyāsa (Politics), daily newspaper, 13 July, 1970, p. 4.

2 Al-Hadaf, 26 June 1970, p. 3; Al-Siyāsa, 7 July 1970, p. 5.

3 Al-Siyāsa, 30 June 1970, p. 5.

our political and social conditions.[1]

So far we have been able to distinguish between two types of political groupings of Kuwait's National Assembly, the middle class and beduin representatives, on the one hand, and Al-Khaṭīb's nationalist opposition group on the other. The first, as we have seen, had indulged in simple petitioning ranging from that of an individual to that of a whole constituency, and had also succeeded in usurping a considerable share of executive power. Al-Khaṭīb and his colleagues, as we have seen in the First Assembly, had on the other hand concentrated their efforts on the formation of a political group which participated in and attempted to influence central political decisions. Thus, whereas Al-Khaṭīb and his colleagues had sought to influence or determine policy by articulating their demands as specific political issues, the others sought to acquire personal benefits. We have also seen how that had caused a total failure on the part of the Assembly to make important policy decisions, and how this together with the deteriorating situation within the public bureaucracy had eventually led to the intervention of the ruling family in order to put the house in order. However, as Kuwaiti society with all its constituent elements was involved in a national debate on how to remedy the situation, Al-Khaṭīb and his 'progressive' colleagues, as we shall soon discover, had already decided on the specific demands which they planned to put to the new Assembly, namely the formulation of a national oil policy based on liberating Kuwait from the domination of the foreign oil companies over its own national oil resources.

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[1] Ibid.

Chapter V

THE NATIONAL ASSEMBLY AND THE DEVELOPMENT OF A NATIONAL OIL POLICY (1971-1975)

The Emergence of Oil Politics (1960-1972)

From the beginning of the century until the middle seventies Western interests, mainly British and American, remained in control of vast oil reserves in the Middle East through a series of long-term concessions concluded with the local governments in the area with the active support and involvement of their own Western powers. This system of concessions had its beginnings in Persia in the early years of the century before it spread over to the neighbouring countries of Iraq, Saudi Arabia, Kuwait, and the Gulf States in the twenties and thirties. The attempts made by the Western powers to secure the rights to exploit the oil resources of those Middle Eastern states for their respective companies involved the powers themselves in long major struggles during the early part of the century. While the story of this struggle is discussed in great detail elsewhere,[1] what concerns us most here is another struggle, namely that between the oil producing countries of the Third World and the Western concessionary oil companies. For by 1960, the oil producing countries had

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[1] Banjamin Shwadran, The Middle East, Oil and the Great Powers, 3rd edition (New York, 1974), Chapters 9, 10, 11, 20, 21; Stephen Hemsley Longrigg, Oil in the Middle East: Its Discovery and Development, 3rd edn. (London, ,968), Ch. 1, 2; Raymond F. Mikesell and Hollis B. Chenery, Arabian Oil: America's Stake in the Middle East (Chapel Hill, N.C., 1949), Ch. 4; Leonard M. Fanning, Foreign Oil and the Free World (New York, 1954), Ch. 5.

succeeded in forming a united front in their effort to emancipate themselves from the last forms of Western domination which manifested itself most vividly in the absolute power the major oil companies held over the oil resources of those countries.

All the concessions which were mostly concluded in the inter-war period were obviously designed first and foremost to satisfy the interests of the concessionary oil companies and those of their Western industrialized home countries with little concern for the interests and welfare of the host governments and their peoples. The areas of the concessions were excessively large and were of an extremely long duration.[1] The concessionary companies not only unilaterally set the prices of crude oil, both posted (for tax purposes) and the actual prices at which the oil was sold to affiliates or third parties, but also determined how much oil would be produced and where it would be exported. All these sovereign powers of decision making on vital areas were conceded by the host governments in return for mere royalty payments paid at a very low fixed rate on every barrel of oil produced.[2]

All the concessions were concentrated in the hands of eight major oil companies which had all become major powers themselves in the oil industry before the 1920s. Each of these

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[1] In Kuwait, Bahrain, and Qatar, it embraced the whole country. In Iraq and Kuwait the original concessions were to last for 75 years, and Kuwait's revised agreement of 1951 even extended the Kuwait Oil Company's concession for 92 years - the longest on record.

[2] Royalties were paid on a fixed rate per ton of crude oil produced, about $\frac{1}{8}$ of the supposed value of Middle East crude at the time. Iran, Iraq, and Saudi Arabia were guaranteed payments in relation to gold (22 cents a barrel), whereas Kuwait was to receive payment in Indian rupees (13 cents a barrel). After the sterling devaluation of 1949, Kuwait received only 9 cents on every barrel produced. See Zuhayr Mikdashi, The Financial Analysis of the Middle East Oil Concessions: 1901-1965 (New York, 1966), Chapters 1-4.

companies controlled not only its own production, but also transportation, distribution, and marketing. Their world-wide integration together with their size enabled them to exercise 'natural monopoly' over the oil industry.[1] By the middle of the 1950s those major companies produced over half of the world's crude oil and were in control of 85 to 90 per cent of production, refinery, and marketing facilities in the non-communist world outside the United States.[2]

In 1945, Venezuela was able to implement the principle of an equal division of the oil industry's profits between the government and the oil companies. Thus, with the example set by Venezuela, the oil producing countries of the Middle East began pressuring the major oil companies for a larger share of the profits at the end of World War II as prices generally rose, lowering the value of fixed royalties. The oil companies soon realized that by extending the same 50-50 profit sharing arrangement to the Middle East they might gain a good deal of credit and more favourable terms than would otherwise be the case. Therefore, the 50-50 profit sharing arrangement was extended to Saudi Arabia and Iraq in 1950 and to Kuwait in 1951.

In the late 1950s, when market pressure on the price of oil mounted, the oil companies showed no hesitation in deciding who should bear the cost of the impending reduction in income from crude oil sales. They unilaterally and without

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[1] M.A. Adelman, The World Petroleum Market (Baltimore, 1972), p. 21.

[2] Helmut J. Frank, Crude Oil Prices in the Middle East (New York, 1966), p. 129; Edith Penrose, The Growth of Firms, Middle East Oil and other Essays (London, 1971), p. 140. Also see idem, The Large International Firm in Developing Countries: The International Petroleum Industry (London, 1968), pp. 87-149; Shwadran, op. cit., pp. 142-5, 237, 248, 301-7, 431-43; Sampson, op. cit., pp. 32-57; Lenczowski, op. cit., pp. 9-25.

consultation with the producer governments reduced posted prices in 1959 and again in 1960, thereby inflicting a revenue loss of some 15 per cent on the government concerned.[1] In terms of price, the Middle East producing countries thus began the 1960s with their posted prices around 7 per cent lower than they had been in 1953. Kuwait crude was down from $1.72 a barrel in 1953 to $1.59 a barrel in August 1960.[2] In response to the oil companies' move, the oil producing countries established the Organization of Petroleum Exporting Countries which were soon to become their own governmental counter force to the powerful oil companies.

On 10 September 1960, the delegates from the five oil producing countries of Iran, Iraq, Kuwait, Saudi Arabia, and Venezuela decided to form a permanent organization called the Organization of the Petroleum Exporting Countries (OPEC) for the purpose of holding regular consultations among the member states with a view to 'co-ordinating and unifying' their policies.[3] The conference passed a resolution calling for the restoration of prices to previous levels and for consultations by the companies with the member states regarding price fluctuation and warning that retaliation by the companies against any of the member states would be met by complete solidarity.[4]

Two years later, OPEC called on member countries to enter

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1 'Radical Changes in the International Oil Industry during the Past Decade', paper presented by OPEC at the Fourth Arab Petroleum Congress, Beirut, 5-12 Nov. 1963.

2 Kuwait Oil Company's Annual Reports.

3 Eight other states later joined OPEC: Qatar in 1961, Indonesia in 1962, Libya in 1963, Abu Dhabi (the United Arab Emirates) in 1969, Algeria in 1970, Nigeria in 1972, Ecuador and Gabon in 1973.

4 OPEC Official Resolutions and Press Releases: 1960-1980 (hereinafter OPEC Resolutions), a collection of documents published by OPEC (Oxford, 1980), No. I, 1, pp. 1-2.

into negotiations with the oil companies 'with a view to ensuring that oil produced in Member Countries shall be paid for on the basis of posted prices not lower than those which applied prior to August 1960'. It also called on member states to formulate a long-term price policy, an important element of which would be the linking of crude oil prices to an index of prices of goods which member states need to import.[1]

The demand for the restoration of posted prices to their pre-August 1960 level soon faded out of OPEC's agenda as the Organization's attention was focused on developing a new method for achieving the desired increase in the unit oil revenue of Middle East governments. After much deliberation, OPEC finally chose the method of expensing royalties which meant that royalty payments (generally 12.5 per cent of the posted price) should in future be 'expensed', that is to say treated as a cost item rather than being fully credited against income tax liability as was the prevailing practice in the Middle East.

It was over this issue of royalties expensing that the solidarity of the Organization was first tested. Disagreements which had developed between the members over this issue were openly stated in a resolution adopted at OPEC's seventh conference held in the Indonesian capital Djakarta in November 1964. It was declared that the representatives of Iran, Kuwait, Libya, Qatar, and Saudi Arabia considered that the companies' latest offers 'met the minimum requirements' laid down by OPEC's previous meetings. Iraq, on the other hand, rejected the offer on the grounds that it did not meet the said minimum requirements, and because it constituted 'a clear infringement on its sovereignty and restricts its freedom of

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[1] OPEC Resolutions, IV.32 and IV.33, pp. 20-1.

action in the achievement of higher common objectives of the Organization'. Threatened by these major differences which could split the Organization, a formula was devised whereby 'the acceptance or rejection of the royalty settlement should be left to the Member Countries concerned'.[1] The OPEC members' agreement to disagree without threatening the main functioning of their young organization gave the first signs of flexibility and pragmatism which were to mark OPEC's great strength and success in the coming years.

Immediately following the Djakarta conference, Iran, Saudi Arabia, and Qaṭar ratified their royalty expensing agreements. In Kuwait, as discussed earlier, the first National Assembly refused ratification of the agreement in 1964, but the second National Assembly ratified it in May 1967 with its financial effect retroactive to 1 January 1964.[2] In Iraq, the expensing of royalties joined the long list of unresolved issues with the oil companies. In Libya, the royalty settlement was not signed before 1966 due to a major dispute with the independent oil companies, which had been calculating their taxes on realized prices rather than posted prices.

In June 1968, OPEC decided to seek the acquisition of 'reasonable participation" in the ownership of the concession holding companies.[3]

Soon after, OPEC approved its own regulation for the conservation of petroleum resources,[4] which was based on rules already applied in the United States, Canada, and Venezuela.

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1 OPEC Resolutions, VII.49, pp. 33-4.

2 See Chapter IV.

3 OPEC Resolutions, XVI.90, pp. 80-2.

4 OPEC Resolutions, XVII.93, p. 85.

The first OPEC member to implement the regulation was the revolutionary government of Colonel Mu'ammar Al-Gaddāfī, which took over power in Libya in September 1969. In February 1970, the Libyan government initiated a series of restrictions on production in various oil fields in an attempt to force the oil companies to accept an increase in the posted price of 44 cents per barrel. By October, all the foreign oil companies had accepted a settlement calling for a 30 cent increase in posted price (from $2.23 to $2.53) and an increase in the rate of income tax from 50 per cent to 58 per cent.[1] Their governments had refused to back any confrontation tactics which some of the companies, namely Shell supported by B.P. and Mobil, were contemplating at the time.[2]

In the Gulf, the Companies agreed to raise the posted price of Gulf heavy crude by 9 cents a barrel and to raise its tax rate to 55 per cent. In December of 1970, OPEC's new strategy was that each particular region within the organization would negotiate separately under a loose overall OPEC co-ordination, in order to attain 55 per cent as the minimum rate of income tax, and to introduce a 'uniform general increase' in posted prices in all member countries 'to reflect the general improvement in the international petroleum market'.[3]

The first to implement the Caracas resolutions was again

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[1] Taki Rifa'i, The Pricing of Crude Oil (New York, 1974), p. 99.

[2] Hearings before the Sub-Committee on Multinational Corporations of the Committee on Foreign Relations, United States Senate, 93rd Congress, First and Second Sessions, on Multinational Petroleum Companies and Foreign Policy (hereafter Multinational Corporations Hearings), 1973-4 (James Aitkin's Testimony), Part 5, pp. 6, 12-13, letter of Companies' Attorney (John Meloy) to Church Committee, Part 8, pp. 777-9, and letter from Sir David Barran of Shell to Senator Frank Church, also Part 8, pp. 771-3.

[3] OPEC Resolutions, XXI.120, p. 99.

Libya, which handed the oil companies on 3 January 1971 a list of demands most important of which was an increase of 69 cents a barrel in the posted price. Meanwhile in Tehran, the Gulf OPEC states named a three-man Ministerial Committee to lead the negotiations which had been scheduled to begin on 12 January according to OPEC's timetable. The Committee included the three Oil Ministers of Saudi Arabia, Iran, and Iraq. Under pressure from OPEC, the oil companies agreed on 14 February to increase the posted prices of crude oil from the six Gulf countries by 35 to 40 cents a barrel according to gravity, and to stabilize the income tax rate at 55 per cent.

On 24 February, Algeria announced nationalization of 51 per cent of French oil interests in the Sahara. The following month, after very tough negotiations the Libyans were able to obtain better terms from the oil companies than the Gulf States. On 20 March, the Libyans obtained 20 cents a barrel more on posted price than they would have done under a straight application of the Tehran agreement - a 35 per cent increase in their posted price. They also accepted the same tax rate of 55 per cent agreed upon in Tehran which amounted to a 56 per cent increase in their government's take.

On the other hand, the Gulf States were able to score another success. After the 1971 devaluation of the dollar, the oil companies agreed in January 1972 to restore purchasing power to the Gulf States by providing an immediate increase of 8.49 per cent in the posted prices of the various crude oils. The settlement also included provisions for further adjustments in producing countries' oil revenues between then and 1975.[1]

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[1] OPEC Resolutions, Press Release No. 4-72, pp. 117-18.

After the conclusion of the Tehran and Tripoli five-year price agreements the top issue on OPEC's list of priorities was the implementation of one of the main goals set by OPEC in 1968, namely participation. Following Algeria's example, Libya was prepared to accept nothing less than immediate 51 per cent majority control, while Nigeria favoured an initial target of 35 per cent. Venezuela with its share of profits already over 80 per cent was awaiting the expiry of its existing concession by 1983, and Indonesia was operating under its own production-sharing arrangments. The Gulf producers (Saudi Arabia, Iran, Iraq, Kuwait, the United Arab Emirates, and Qatar) were in favour of an initial target of 20 per cent to be subject to progression towards ultimate 51 per cent majority control. On 1 June 1972, the government of Iraq decided to nationalize the northern oilfields operated by IPC. Also that June, Iran decided to pursue a new deal with the consortium on its own, the finalization of which would await the outcome of the Gulf participation talks.

In October 1972, a draft agreement was reached between the Saudi Oil Minister who was negotiating on behalf of four Gulf producers (Saudi Arabia, Kuwait, Bahrain, and the U.A.E.) and the companies which provided for 25 per cent initial government participation in the existing concession with effect from 1 January 1973. After a period of stability for five years, it would then rise by 5 per cent every year until it became 50 per cent in 1981. On 1 January 1982 it would become 51 per cent. On compensation, the four Gulf producers (Saudi Arabia, Kuwait, Qatar, and the United Arab Emirates) agreed to pay for acquisition of their governments' shareholdings on the basis of 'updated book value', which gave the companies two or three times more than they would have obtained

under strict net book value. Kuwait alone, for example, had to pay $150 million for its shareholdings in the Kuwait Oil Company. The Gulf producers also agreed to allow the companies to buy back the bulk of the government's entitlements of crude for the first four years, partly at the market price and partly at a small discount off the market price. Furthermore, the share of total production to be marketed directly by the governments would rise from 2.5 per cent in 1973 to 7.5 per cent in 1976.[1]

On 27 October 1972, a communiqué was issued by OPEC at an Extraordinary Conference held in Riyaḍ, Saudi Arabia, congratulating the four Gulf States which intended to become parties to the Participation Agreement.[2] On 21 December 1972 Saudi Arabia, Kuwait, Abu Dhabi, and Qatar signed the Participation Agreement with their respective oil companies. Kuwait, the only constitutional monarchy among them, had to await the outcome of its debate by parliament, the Kuwait National Assembly. In considering this most significant debate by Kuwait's National Assembly which the oil participation agreement had touched off one thing should become evident, namely the difference between the official policies followed by the oil producing governments of the area and the attempts made by the nationalist opposition deputies at awakening the political consciousness of their people with regard to the political nature of imperialism.

The National Assembly and the 1972 Participation Agreement

The general election for the National Assembly's third legislative term was held on 10 February, 1971 as 40,649 Kuwaiti

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[1] Full text of the Kuwait Oil Participation Agreement is published in the Kuwait National Assembly Proceedings, Third Legislative Term, No. 108, 30 Jan. 1973, pp. 37-50.

[2] OPEC Resolutions, Press Release No. 12-72, p. 126.

men registered to vote[1] (compared with 27,297 men in 1967). The way Kuwait was divided into ten electoral districts determined once again the results of the election and confirmed that the overwhelming majority of Kuwaitis voted according to their own ethnic and religious bonds. This is most evidenced in the way less than half of the Assembly Members (22 deputies) were beduins who were elected from the five districts peripheral to Kuwait City, where the beduins had formed a complete majority. First, in district No. 3 (al-Jahra) four out of five seats were won by the ʿAjmān, Muṭair, and ʿAniza tribes; secondly, in district No. 4 (al-Farwāniya) all five seats were won by the Muṭair and Rashāida tribes; thirdly, in district No. 5 (Khaiṭān) three out of five seats were won by the ʿAtaiba and ʿAjmān tribes; fourthly, in district No. 9 (al-Sālmiya) all five seats were won by the ʿAwāzim tribe. This is also evidenced in the way the Shīʿa were again able to win four out of five seats from the traditionally Shīʿī quarter in the old town (district No. 1 - Sharq), and also in the way the Shīʿa were able to win only two seats (compared with four in the previous election) from district No. 7, where a good number of Kuwait's established Shīʿī families had moved in recent years. Their failure there was due to the successful effort on the part of three established Sunnī families (al-Muḍaf, al-Rūmī, and al-Rowḍān), who had moved there from the western part of the old town, and who had decided to combine their effort in order to ensure that the substantial Sunnī vote in that district went to their own three candidates.

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[1] According to National Assembly records, the breakdown of registered voters per district was as follows:

No. 1 (Sharq)	: 3,139	No. 6 (al-Qādisiya)	: 3,073
No. 2 (Qibla)	: 1,433	No. 7 (al-Dasma)	: 2,912
No. 3 (al-Shuwaikh)	: 5,312	No. 8 (Hawallī)	: 2,489
No. 4 (al-Shāmiya)	: 6,502	No. 9 (al-Sālimiya)	: 3,553
No. 5 (Khaiṭān)	: 4,709	No.10 (al-Aḥmadī)	: 7,527

Although about half of the newly elected Assemblymen continued to be drawn from the emerging Kuwaiti middle class, there was one important change which had taken place in the 1971 general election, namely the absence for the first time of Kuwait's leading merchants from this representative body. Apart from a handful of young educated members of merchant families who were elected from the traditional merchants' quarter of the old town (district No. 2 - Qibla), the established merchants seemed to prefer to stay away from the Assembly in particular and from Kuwaiti politics in general. This is clearly evidenced in the way the former National Assembly speaker, the leading merchant ʿAbd al-ʿAzīz al-Ṣaqar, preferred to remain as president of Kuwait's Chamber of Commerce rather than to contest the election. This move signalled a new desire on the part of Kuwait's leading merchants to concentrate mainly on their own commercial interests rather than involve themselves in parliamentary politics which, in their view, seemed to have led them into undesirable conflicts of interests with the ruling family (such as the 1964 constitutional crisis and the 1967 general election). From there on, the leading merchants seemed no longer interested in political leadership as such and preferred to concentrate instead on their traditional domain, namely the private sector of the economy whose freedom the ruling family had always guaranteed.

One group, however, thought differently. This was the 'progressive democrats' which was made up of professional men not belonging to merchant families, who believed that to stay away from the elections would have been a 'negative act' in itself since the general election provided a rare opportunity for them to make the masses more aware of the crucial national issues in the country. That they hoped to achieve by putting

forth a political programme which they thought could serve as a basis for discussion, and as a beginning for a meaningful dialogue between the progressive democratic candidates and the electorate. The political programme concentrated on the three national issues of democracy, oil, and education. It also addressed itself to the Arab question of Palestine and to Arab unity. Having followed such a course of action, the 'progressive democrats' were successful in winning four seats to the third National Assembly, two from each of the only two districts where no ethnic majority was dominant (districts Nos. 6 and 8).

Despite their small number in the Assembly, the 'progressive democrats' were determined, together with other young professional men who were newly elected to the National Assembly, to pressure the government into adopting a more aggressive national oil policy aimed at ensuring Kuwait's complete control over its oil industry within the shortest time possible. The Assembly debates on the participation issue and their outcome stand out as a major instance of the Assembly's most fruitful confrontation with the government. They clearly demonstrate the Assembly's ability to influence decision making in Kuwait particularly on the vital question of Kuwait's oil policy.

The group of deputies which led the Assembly in its drive toward the formulation of a national oil policy included Dr. Aḥmad Al-Khaṭīb and three other members of his group of 'progressive Democrats': Sāmī Al-Munayyis, the editor of the group's journal Al-Ṭalīʿa, ʿAbd Allāh al-Naibārī, a trained economist who had studied at Oxford, and Aḥmad Al-Nafīsī, a graduate of the American University of Beirut in politics. Three competent young merchant family members also played a leading role in the Assembly's debates on the participation issue. Those were ʿAlī Al-Ghānim, an American-educated engineer who was former director of the Shuʿaiba industrial complex (established by

the government to develop energy and petrochemical industries), and two other American-educated engineers, ʿAbd al-Muṭṭalib Al-Kāzimī and Sālim al-Marzūq.

As early as 20 February 1971, ten days after the third Assembly was elected, those members demanded that the government discontinue its plans for a joint venture with the oil companies (B.P. and Gulf) for the exploitation of natural gas and 'enter into negotiations with the companies in order to ensure that it [the government] will have the sole rights for natural gas investment and utilization'.[1] One year later, the Finance and Oil Minister, ʿAbd al-Raḥmān Al-ʿAtīqī, informed the Assembly that the government had in fact been able to reach an agreement with the oil companies giving the government of Kuwait 'the right to acquire any amount of natural gas produced from crude oil extracted from fields falling within the concession area of (B.P.-Kuwait) and (Gulf-Kuwait), for the purpose of using it either in Kuwait or for export'.[2]

On 15 February 1972, a number of those deputies proposed limiting the level of oil production in Kuwait to 3 million barrels a day. This is how they put their argument to the government:

> In view of the fact that oil constitutes the main source of income and the life-blood of this homeland,
> And in view of the fact that its amount is limited,
> Also, in view of the fact that the oil companies, becoming aware of their uncertain future in the area once the oil producing countries have begun to discuss participation and partial nationalization, have continued to increase oil production in an unlimited

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1 National Assembly Proceedings, Third Legislative Term (hereafter Assembly Proceedings), No. 3, 20 Feb. 1971, p. 44.

2 Assembly Proceedings, No. 108, 30 Jan. 1973, p. 57.

> way thereby shortening the life of our oil,
> We find it our duty to propose limiting the level of oil production to 3 million barrels a day, in order to prevent the depletion of our oil resources within the next few years.[1]

Such a proposal at that stage showed a high degree of awareness by the deputies of the important aspects of the oil question and particularly of OPEC's continuing battle with the oil companies to attain the legitimate rights of its member countries over their natural resources. Therefore, when the government presented the 1972 participation agreement for discussion in the Assembly, those deputies were more than prepared to handle its economic, legal and political implications for Kuwait and the Gulf countries. But first, the deputies seized the opportunity to demand the formulation of a national oil policy.

In a long speech, deputy ʿAbd Allāh Al-Naibārī argued the need for such a policy at that 'historic juncture'. He explained that the oil concessions were granted during the inter-war period when conditions were entirely in favour of the big powers, which through their imperialist policies were able to exploit the natural resources of the small states of the third world to their own advantage. 'In fact', he told the Assembly, 'seven major oil companies were able to reap enormous profits without paying much attention to the rights, the needs, or the future of the peoples of the area.' It was high time, he said, that a national oil policy was drawn up to regain those rights and privileges. Such a policy, he stressed, should be based, first, on taking full advantage of the existing world demand for energy by attaining complete control over the production, transportation,

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[1] Assembly Proceedings, No. 53, 15 Feb. 1972, p. 43.

and marketing of Kuwait's oil. He noted the fact that the seven major oil companies had been able to acquire their international power only after having been able to control oil 'through a pipe which runs from the oil well to the automobile tank'. Secondly, he emphasized that such a policy should be aimed at integrating the oil industry into the whole economy of the country rather than keeping it as an 'isolated pocket' with little or no direct benefit to the local economy. Thirdly, Al-Naibārī argued that Kuwait's oil policy should be based on producing only enough oil to satisfy Kuwait's national needs. 'The surplus', he said, 'should not be deposited in foreign banks, but should instead be saved in the ground'.[1]

Taking up the economic aspects of the Participation Agreement, the deputies showed very clear understanding of its implications for Kuwait and the other Gulf states. ʿAbd Allāh Al-Naibārī pointed out that the agreement did not achieve the potential financial gains which could have been realized under existing conditions in the oil market. He calculated that the agreement had achieved a mere 7 per cent increase in the national income, which he emphasized was less than the 10 per cent increase which had been realized by each of the three previous agreements reached with the oil companies through OPEC, namely the royalty expensing agreement of 1967, the Tehran agreement of 1971, and the Geneva agreement of 1972. Moreover, he criticized the agreement for not having guaranteed the Kuwait National Petroleum Company its share of oil, and for having set the high figure of $150 million as compensation to the companies.[2]

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[1] Assembly Proceedings, No. 108, 30 Jan. 1973, pp. 63-75.

[2] Assembly Proceedings, No. 108, 30 Jan. 1973, p. 70.

Instead of requesting compensation, Dr. Aḥmad Al-Khaṭīb added, the oil companies should perhaps be compensating Kuwait for: (1) the tiny margin of profit Kuwait used to receive in the past when it had no choice but to accept the companies' terms; (2) the loss incurred on Kuwait due to the currency devaluations when prices were based on British sterling and the American dollar; (3) the loss incurred on Kuwait when the oil companies lowered the price of oil without consulting the oil producing countries; and (4) the loss of natural gas which the companies continued to burn for over a quarter of a century, knowing full well it was against their own laws in the United States of which Kuwait was unaware.[1]

Pointing to other deficiencies in the agreement, the deputies argued that in order that the agreement may ensure Kuwaiti control over oil production, transportation, and marketing, participation should be based on nothing less than 50 per cent. Deputy ʿAlī Al-Ghānim insisted that it would have been possible for Kuwait to get more than 25 per cent, because the agreement took into account only prevailing conditions in Saudi Arabia alone. He pointed out that since Saudi Arabia's declared policy was to increase oil production up to a target of 10 million barrels a day, the Saudi Oil Minister who was negotiating on behalf of the Gulf states was careful not to get more oil than what his country was capable of marketing. But Kuwait's situation, he said, was entirely different since Kuwait intended to limit rather than to increase production.[2] Deputy ʿAbd al-Muṭṭalib

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[1] Assembly Proceedings, No. 110, 13 Feb. 1973, p. 25.

[2] Assembly Proceedings, No. 108, 30 Jan. 1973, pp. 55-7.

Al-Kāzimī argued that the oil companies should accept 50 per cent participation 'because they know better than anyone else that the amount of profits they are reaping are phenomenal'.[1]

Deputy Sālim Al-Marzūq emphasized that Kuwait should not miss that 'golden opportunity' to demand 50 per cent participation in pursuit of its own legitimate rights which the oil companies had accepted in principle. Kuwait, he said, should take immediate advantage of the prevailing shortage of oil in the West by dictating its own terms. 'Why wait', he enquired, 'while others like Algeria and Iraq have already implemented partial nationalization?' The government, he added, should use the Assembly's stand on this issue as a weapon in its negotiations with the oil companies.[2] Highlighting the fact that the balance between supply and demand had been tipped during the last two to three years, deputy Aḥmad Al-Nafīsī noted that the United States had for the first time become an importer of oil, and that it would continue to depend on Middle East oil for 50 per cent of its energy needs for the next 15 years.[3] The deputies were arguing that by giving Kuwait only 25 per cent participation in the Kuwait Oil Company, the foreign oil companies were guaranteeing the West a regular flow of oil at low prices, while robbing Kuwait of its only opportunity of achieving majority control of its own oil industry.

The former Attorney General, Badir Al-ʿAjīl took up the legal aspects of the Participation Agreement. First, he pointed out that the agreement bound the government to sign a separate implementation agreement to decide upon certain

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1 Ibid., pp. 60-7.

2 Ibid., pp. 61-3.

3 Assembly Proceedings, No. 109, 6 Feb. 1973, p. 50.

questions which had deliberately been left vague. Thus, if Kuwait were to sign the agreement as it stood, he said, it would in fact be putting itself in a powerless position in the future to dictate any terms regarding the production, destination, or even the price of its own oil. Secondly, deputy Al-ʿAjīl noted that 'crude oil' according to the agreement also included natural gas, which in turn implied that the government's 25 per cent participation should also apply to the ownership of 25 per cent of its own natural gas. 'This', he delcared, 'would obviously be contrary to the Assembly's stand when it recommended to the government that natural gas should only be exploited by the government alone'. Therefore, by signing the agreement, Al-ʿAjīl argued, the state would be retracting a right which it had already attained regarding the exploitation of its natural gas.[1]

The former Attorney General finally warned that the agreement's terms which allocate to each country 25 per cent of the oil 'available' in that country, actually restricted the government's right to set its own oil production level. The companies, he explained, had in fact very cleverly put the oil producing government in a position whereby if it limited production it would be working against its own interests. He told the Assembly the vagueness of these provisions could be settled only if the government issued an explanatory note on the agreement, and if it made available to the Assembly the proceedings of all its negotiations with the oil companies. 'Without these documents', he concluded, 'any further discussion of the agreement would be meaningless.'[2]

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1 Assembly Proceedings, No. 109, 6 Feb. 1973, pp. 52-6.

2 Ibid., p. 56.

The response of the Finance and Oil Minister ʿAbd al-Raḥmān Al-ʿAtiqī to the deputies' comments was quite firm. Addressing himself first to the demand for a national oil policy, he said he wished OPEC would adopt an oil policy within the same framework which had been set by Al-Naibārī and others, but until then he stressed he would not be prepared to discuss that topic in the Assembly. He told the members that all Kuwait could do was 'to support the collective effort of the Gulf states which act as one bloc within the framework and the support of OPEC.' As to the deputies' criticisms of the Participation Agreement, which he said was a separate matter, he declared: 'this is an age of blocs, not of individual initiatives. It is out of the question for us to insist on 51 per cent while others want to start at a lower margin.'[1]

The Minister's tough response disappointed and disturbed the Assembly. Deputy Sāmī Al-Munayyis expressed his colleagues' regrets at hearing the Finance and Oil Minister's uncompromising views in the Assembly. He said the important question was not whether the participation agreement was adopted or rejected, but whether 'the people of Kuwait, their Assembly and their government' were altogether capable of formulating an oil policy for Kuwait. 'How can we be requested to ratify the agreement', he enquired, 'if we are told we cannot draw up a national oil policy?'[2] The former Minister, Khālid Al-Masʿūd, went as far as to challenge the Finance and Oil Minister that if the government were to hold a referendum on the Participation Agreement, it would

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1 Assembly Proceedings, No. 109, 6 Feb. 1973, pp. 46-7.

2 Assembly Proceedings, No. 110, 13 Feb. 1973, p. 24.

discover that 90 per cent of the people were against it. Furthermore, deputy Al-Mas'ūd reminded the government that since Kuwait was the only democratic state in the area, it was then the responsibility of Kuwait's Assembly 'to safeguard the interests and the welfare of all the people in the area'.[1]

The political aspects of the agreement were taken up by Dr. Aḥmad Al-Khaṭīb, who thought they were more 'dangerous' than its economic implications. Emphasizing that the agreement should be seen as part of American foreign policy in the area which was aimed at securing the uninterrupted flow of oil into the United States and Western Europe, Al-Khaṭīb said:

> The only strategic importance of the region lies in oil and oil alone. The era of military bases, of the parading of fleets, or of hegemony is over.
>
> What America needs most today is oil, enough oil to satisfy its own needs and those of its Western allies and it wants it at reasonable prices in order to ensure Western industrial growth and development. In addition, the US wishes to see the oil producing countries keep the funds they receive for their oil in safe deposit there in America.
>
> This is the main aim of American foreign policy in the region and all the recent movements in the area, be it the takeover of the Arab Islands in the Gulf [by Iran], or the talk about alliances by some neighbouring countries, are all aimed at one thing alone: the safeguarding of this vital interest to the West.[2]

Al-Khaṭīb went on to say that while America had every right to decide its own foreign policy in order to safeguard its own interests, so did the oil producing countries. He thus pointed out that it was essential for Kuwait to draw up an independent policy to safeguard its own interests and those of the Arab nation. The main aims of that policy, he stressed,

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1 Assembly Proceedings, No. 109, 6 Feb. 1973, p. 67.

2 Assembly Proceedings, No. 110, 13 Feb. 1973, pp. 25-6.

should be the take over of the oil industry and the use of the 'oil weapon' against the enemy Israel and those who support it with armaments and economic aid as the United States. The government, he demanded, should take the initiative to decide on its own policy rather than to continue to cash in on what other oil producing countries had obtained, or what the Assembly itself had demanded. He enquired: 'Why should Kuwait align itself with the weak? Does OPEC only comprise Abu Dhabi, Qatar and Saudi Arabia?' Al-Khaṭīb insisted that the government should follow the example of the other OPEC members who were demanding more than 25 per cent participation.[1]

Following that point further, ʿAbd Allāh Al-Naibārī noted that other OPEC members as Algeria, Libya, Nigeria, Venezuela, and Iraq had actually followed the sort of policies which were sure to bring in better results than those included in the Gulf states' participation agreement. 'Algeria for example', he said, 'has gained 50 per cent ownership and has actual control of 75 per cent of its production, Nigeria has obtained over 30 per cent while Libya has begun its negotiations with the companies with the aim of attaining 50 per cent ownership'. As for Iraq, Al-Naibārī said it had set an example for all other OPEC members by having offered the oil companies the right amount of compensation which they had to accept only a few days earlier. Therefore, Al-Naibārī said the government must realize that it had committed a grave error by having delegated the Saudi Oil Minister to negotiate on its behalf instead of aligning itself with those member countries which constituted a majority within OPEC.

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[1] Assembly Proceedings, No. 110, 13 Feb. 1973, pp. 27-8.

Deputy ʿAbd Allāh Al-Naibārī finally remarked that he failed to see how the government would follow such a course in view of the fact that Kuwait followed a distinctly different approach to foreign relations, particularly on the question of liberation from Western economic domination and on the issue of political liberation in the Arab homeland.[1]

The events which soon followed in May and June of 1973 not only reflected the soundness of the deputies' arguments and their clear understanding of the main issues involved, but also caused a change of heart on the part of the government. In May, Iran which did not face a participation issue since the act of nationalization of 1951 was never repealed, finalized its own deal with the consortium which it had signed only two months earlier. As a result, the National Iranian Oil Company took 100 per cent control of the oil industry, while the consortium undertook to provide operational services and to buy the bulk of the crude for payments equal to those in other Gulf states. In June, Libya nationalized the assets of the independent Bunker Hunt Company, and two months later the main independent companies in Libya (Occidental, Continental, Marathon, and Amerada-Hess) agreed under pressure to Libya's terms of a 51 per cent government participation deal.

Furthermore, on 1 June 1973 a new agreement was signed in Geneva between eight OPEC members and the international oil companies which agreed to raise immediately the posted price of crude oil from Iran, Iraq, Abu Dhabi, Qatar, Kuwait, Saudi Arabia, Libya, and Nigeria by 6.1 per cent making a total increase of 11.9 per cent since the February 1973

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1 Assembly Proceedings, No. 115, 6 Mar. 1973, pp. 33-6.

dollar devaluation. The agreement also set a new formula under which posted prices would reflect more fully and rapidly any changes in the dollar's value.[1]

Overtaken by events and unable to withstand the Assembly's pressures the Kuwait government announced on 30 June 1973 its decision to suspend the 1972 Participation Agreement. Four days later, at the close of the Assembly's third annual session, the Crown Prince and Prime Minister Shaikh Jābir Al-Aḥmad Al-Ṣabāḥ acknowledged the role the Assembly had played in influencing the government's decision when he said:

> We note the constructive discussions your honourable Assembly has held over the question of oil participation, which were aimed at realizing the public good by safeguarding our natural resources and their proper investment. In light of these discussions, and as a result of basic changes which have taken place in the world's oil situation, we have decided to take the initiative in reconsidering the content of that agreement.[2]

The government had clearly become convinced within six months of the date on which it had signed the agreement with the oil companies that the agreement did not adequately serve the national interest of Kuwait.

In response to the government's announcement which was first made on 30 June, the Assembly used its budget debate held on that same day to remind the government of other oil related recommendations made by the Assembly which had not been heeded by the government. First, a number of deputies warned against following the same secret method of negotiations with the oil companies which the government had adopted in the past, and insisted that the government should seek the advice of Arab oil experts in setting up guidelines for a new

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1 OPEC Resolutions, Press Release No. 11-73, pp. 133-4.

2 Assembly Proceedings, No. 143, 4 July 1973, p. 67.

agreement. They also insisted that the proceedings of the negotiations should be kept open to the public.[1] Secondly, Dr. Aḥmad Al-Khaṭīb reminded the government that when the Assembly requested limiting oil production to 3 million barrels a day, it had done that with the aim of 'lengthening the life of Kuwait's oil by producing only enough to meet Kuwait's own financial needs'. But since it was evident from the surplus of funds in the budget that Kuwait did not need to continue to produce that much oil, Al-Khaṭīb and other deputies argued that the level of oil production should be further decreased to 2 or 1.5 million barrels a day.[2]

Furthermore, some deputies reminded the government that the Assembly had presented it in 1971 with a proposal for exploiting natural gas through both the National Petroleum Company and the Company for Chemical Industry, but no concrete steps had so far been taken and gas continued to be flared by the companies. That and other unwise policies, as ʿAlī Al-Ghānim calculated, had resulted in a total loss of 600 million Kuwaiti dinars: 400-500 million dinars due to the burning of natural gas, 60-70 million dinars due to sterling devaluation, and 48 million dinars due to dollar devaluation. In view of the government's laxity on such important matters, the deputies proposed the establishment of a Ministry of Oil separate from the Ministry of Finance to be solely responsible for oil affairs.[3]

The latter part of 1973 was marked by more significant economic as well as political developments which gave the oil question a new dimension. By August of that year, a call to

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1 Assembly Proceedings, No. 140, 30 June, 1973, pp. 15-20.

2 Ibid., pp. 14-21.

3 Ibid., pp. 19-23.

revise the Tehran Agreement which had been voiced since March by Algeria, Iraq, and Libiya had gathered considerable momentum within OPEC. Those members argued that with world inflation running at 7 to 8 per cent, the 2.5 per cent oil price escalation factor agreed upon at Tehran a year earlier had been outstripped. They further pointed out that the demand for oil had resulted in a substantial increase in the oil companies' profit margins far beyond the underlying assumptions of the Tehran accord.[1] Following intensive consultations with the Gulf producers, Saudi Arabia, Kuwait, and eventually Iran were convinced that the agreement needed to be revised.

The Saudi Oil Minister, Aḥmad Zakī Yamānī, publicly declared that the agreement was in need of 'extensive revision' and warned that if the oil companies refused to co-operate OPEC would act unilaterally in line with its June 1968 Declaratory Statement on Petroleum Policy which gave member governments an 'unequivocal right to determine posted or tax reference prices in such a manner as to prevent any deterioration in their relationship to the prices of manufactured goods traded internationally'. What was needed, he declared, was a sizable increase in posted prices and an upgrading of the escalation factor in the Tehran agreement in order to reflect more realistically the prevailing rate of worldwide inflation.[2] In September 1973, OPEC decided: 'that the Member Countries concerned shall negotiate, individually or collectively, with the oil companies with a view to revising

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[1] Profit margins rose from 35 cents a barrel in 1972 (realized from a price of $1.90 a barrel) to one dollar a barrel in 1973 (realized from a price of $3.00 a barrel).

[2] Middle East Economic Survey, 7 Sept. 1973.

the Tehran, Tripoli and Lagos agreements in the light of the prevailing conditions'.[1] Talks between the Gulf states and the companies were set to open in Vienna on 8 October.

Two days earlier, Egypt and Syria had launched the 1973 war against Israel in an attempt to liberate Arab land occupied by Israel since June 1967. Although the war did not have a direct effect on the negotiations, it however strengthened the political will of the Arab Oil Ministers who grew impatient with the oil companies' offers of merely modifying the Tehran agreement by insignificant increases in posted prices. The Gulf ministers, including Iran's, flatly rejected the companies' first two offers of increasing the posted price by 8 per cent and 15 per cent, which were made on 8 and 9 October consecutively. The ministers then made a counter-proposal for an immediate 100 per cent increase in posted prices coupled with a mechanism for keeping posted prices 40 per cent above realized prices at all times. Having been granted a 48-hour recess by the OPEC ministers for further consultations, the companies sought the opinion of a number of leading oil consuming governments and organizations (Britain, the Netherlands, Germany, Italy, Belgium, France, Spain, Japan, the United States, the EEC, and the OECD) as to whether the companies should improve their price offer to a point acceptable to OPEC. Almost all the governments contacted advised against raising the offer any further.[2] On 12 October, the companies reported that a further two weeks would be required for consultations. As a result, OPEC ministers decided to meet in Kuwait on

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1 OPEC Resolutions, XXXV.160, p. 139

2 Report on Multinational Oil Corporations and US Foreign Policy to the Committee on Foreign Relations, United States Senate, 92nd Congress, Second Session, by the Sub-Committee on Multinational Oil Corporations, January 1975, p. 149.

16 October 'to consider further the matter and decide on a course of action to be taken collectively in line with previous OPEC resolutions with a view to determining the true value of crude oil produced by the OPEC Member Countries bordering the Gulf.'[1]

Meeting in Kuwait on 18 October, the six Gulf ministers of OPEC (Iran, Iraq, Kuwait, Saudi Arabia, Qatar, and Abu Dhabi) announced the raising of the posted price of (Arabian Light) Gulf crude by 70 per cent to $5.1 a barrel. The ministers explained that the new posted price was based on recent actual market prices in the Gulf as well as in other areas. They declared:

> From this day on, actual market prices will determine the level of corresponding posted prices, keeping the same relationship between the two prices (posted and actual) as existed in 1971 before the Tehran agreement. The correction for changing posted prices upwards or downwards will take place when the actual market prices of crude oil exceed or drop below the corresponding level of the new announced prices by one per cent.[2]

On 17 October, the oil companies declared that if those decisions were confirmed they were bound to have a far-reaching effect on consumer countries' economies. 'The companies', they announced, 'regret that their efforts in the negotiations have not made it possible to avoid this situation.'[3]

Also on 17 October, the Oil Ministers of the ten Arab countries comprising the Organization of Arab Petroleum

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[1] Communiqué issued by the OPEC member countries on 12 Oct. 1973, copy obtained from AOPEC Headquarters in Kuwait. Also published in Middle East Economic Survey (MEES), 19 Oct. 1973.

[2] Communiqué issued by OPEC member countries on 16 Oct. 1973, copy obtained from OAPEC Headquarters in Kuwait. Also published in MEES, 19 Oct. 1973.

[3] Statement issued in London on 17 Oct. by the International Oil Companies, published in MEES, 19 Oct. 1973.

Exporting Countries (AOPEC)—Saudi Arabia, Kuwait, Iraq, Libya, Algeria, Egypt, Syria, Abu Dhabi, Bahrain, and Qatar—met in Kuwait to consider ways and means of employing the 'oil weapon' in support of the Arab war effort to liberate the occupied Arab territories.[1] The Arab Oil Ministers declared:

> Before and during the present war, the United States has been active in supplying Israel with all the means of power which have served to exacerbate its arrogance and enable it to challenge the legitimate rights of others and the unequivocal principles of the public international law.
>
> In 1967, Israel was instrumental in closing the Suez Canal and burdening the European economy with the consequences of this action. In the current war, it hit East Mediterranean oil export terminals, causing Europe another shortfall in supplies. This is the third such occurrence resulting from Israel's disregard of our legitimate rights with US backing and support. The Arabs have therefore been induced to take a decision to discontinue their economic sacrifices in producing quantities of their wasting oil assets in excess of what would be justified by domestic economic considerations, unless the international community hastens to rectify matters by compelling Israel to withdraw from our occupied territory, as well as letting the US know the heavy price which the big industrial countries are having to pay as a result of America's blind and unlimited support for Israel.[2]

The Oil Ministers of the ten countries, except Iraq, agreed to cut their oil production by a minimum of 5 per cent each month until such time as 'total evacuation of Israeli forces from all Arab territories occupied during the June 1967 War is completed, and the legitimate rights of the Palestinian people are restored'.[3] Iraq, on the other hand, advocated

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[1] The Oil Ministers met under the title of Arab Ministers, rather than the OAPEC Council of Ministers, while assuming their political role in regard to the use of the 'oil weapon'.

[2] Communiqué issued in Kuwait by the Conference of the Oil Ministers of 10 Arab Countries, on 17 October, copy obtained from OAPEC Headquarters in Kuwait. Also published in MEES, 19 Oct. 1973.

[3] Ibid.

the nationalization of oil and other economic interests in the Arab world belonging to the United States and other hostile powers, and the withdrawal of Arab funds deposited in such states. It immediately nationalized the remaining American and Dutch equity holdings in the Basra Petroleum Company, but at the same time declined to cut production in the belief that friendly and neutral states should continue to be supplied with their full oil requirements.

On 19 October, President Nixon announced the granting of $2.2 billion in military aid for Israel. The following day, Saudi Arabia which had earlier convinced the majority of delegates at the 17 October meeting who wanted to impose an immediate oil embargo against the United States to give the Americans a little more time, announced an immediate ban on all oil exports to the United States. The other Arab oil producers immediately followed suit. The Netherlands was also placed on the list following the pro-Israeli and anti-Arab stand adopted by its government during the war, in addition to Portugal after it had become known that its airports had been used by the United States during its massive airlift of military supplies to Israel. Rhodesia and South Africa were also placed on the list for their close identification with Israel. By December, the oil consuming countries were divided into four categories: Most Favoured, Preferred, Neutral, and Embargoed.

The price and cutback measures which brought home to Western governments and people the potential strength of the Arab oil producers had a similar impact on the Arabs themselves, particularly on the oil producing Arab countries. Kuwait's Crown Prince and Prime Minister, who as former

Minister of Finance and Industry had become known as a serious and clever statesman became fully convinced that the time had come for Kuwait to take the lead in openly confronting the oil companies and their Western governments on the question of the legitimate rights of the oil producing countries. In February 1974, Shaikh Jābir Al-Aḥmad addressed a conference held in Kuwait to discuss the investment policies of the Arab oil producing countries. In reply to the outcry in the West against the recent increase in the price of oil, the Crown Prince said:

> We believe that this outcry has no economic justification, particularly since oil has not been the only raw material whose price has risen. We have all recently witnessed an increase in the price of most industrial and agricultural goods, as well as foodstuffs, without hearing a similar outcry.
>
> An objective comparison between the increases in the price of crude oil and those in other raw materials is enough to show that the present price of crude oil is reasonable. We only need to point here . . . that the price of crude oil in Oklahoma in 1920 was $5.25. The purchasing power of that amount would be equivalent to $15-$20 today.
>
> The reasonable increases that the producing countries have obtained are not in fact responsible for the heavy burden that individuals have to endure in the oil consuming countries. It is the high taxes imposed by their governments and the enormous profits reaped by the oil companies which have increased their burden. This is evidenced by the profits published recently by the oil companies which show a substantial increase for the year 1973.[1]

The Crown Prince's strong views seemed to echo those which had been expressed for some time by members of the National Assembly. In November 1973, five months after the government had announced the suspension of the 1972 Participation Agreement, the government requested the retraction of the agreement bill from the Assembly in preparation for new negotiations for another participation agreement with the oil companies. Several deputies responded to the government's

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[1] Al-Siyāsa, daily newspaper, 24 Feb. 1974.

request by demanding that the government issue a statement explaining the reasons behind its recession of the bill which its Oil Minister had adamantly defended in the past. The deputies wanted the Oil Minister to acknowledge his wrong stand on the issue and the soundness of the deputies' views.[1]

The developments of 1973 had all been in favour of the oil producing countries. The October War and the resulting energy crisis, the ever-increasing demand for oil, the rising prices, and the nationalizations by Libya, Iraq, and Iran, had not only strengthened Kuwait's position with the oil companies, but had also enabled the deputies to make new demands on their government. Assemblymen wanted the government to avoid the mistakes of the past agreement by co-operating with the Assembly in setting the guidelines for a new oil policy before signing a new agreement with the oil companies. ʿAbd Allāh Al-Naibārī emphasized the need for such an approach which he said should enable 'the people, the deputies, and the government to face the oil companies as one unified bloc.'[2]

The most important demand, however, was for the nationalization of the equity holdings of Gulf Oil and British Petroleum in the Kuwait Oil Company. In light of the recent developments, Assemblymen emphasized that their previous demand for 51 per cent participation was no longer valid. 'If it is the government's intention to get 60 per cent participation', ʿAlī Al-Ghānim announced, 'we openly declare that we will never accept 60 per cent participation'.

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1 Assembly Proceedings, No. 149, 20 Nov. 1973, pp. 16-34.

2 Ibid., p. 17.

ʿAbd Allāh Al-Naibārī said Kuwait's aim at that stage should be complete control over its oil wealth, a control which he stressed 'should not be in form but in substance, and along the same lines it has been achieved in the brotherly states of Algeria, Libya, and Iraq'.[1] Several deputies further justified nationalization in light of the support that Israel had received from the United States and Europe.[2] As to compensation, deputy Aḥmad Al-Nafīsī insisted that it should be calculated on 'net book value' rather than 'market value' as the previous $150 million amount was calculated.[3]

Furthermore, the deputies reiterated their previous demand of decreasing oil production below the 3 million barrels a day ceiling which they had proposed nine months earlier. They wanted the 5 per cent monthly cuts imposed during the October War to continue until Kuwait's crude oil production was brought down to 1.5 million barrels a day. Assemblymen argued it had become necessary to impose a lower ceiling on production than before for several reasons. First, because they said oil had proven to be an effective political weapon against the United States which must continue to be punished for its unending support to Israel.[4] Secondly, because they insisted that production levels should be based on the state's public expenditure and investment needs before any other consideration. As ʿAbd Allāh Al-Naibārī calculated, the state's previous budget of 500 million Kuwaiti dinars (with 400 million for public spending and 100 million for

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1 Assembly Proceedings, No. 149, 20 Nov. 1973, pp. 15-17.

2 Ibid., pp. 19-29; Assembly Proceedings, No. 151, 27 Nov. 1973, pp. 41-46.

3 Assembly Proceedings, No. 151, 27 Nov. 1973, p. 39.

4 Assembly Proceedings, No. 149, 2¼ Nov. 1973, p. 19.

investment) could be realized from a production of only 1.5 million barrels a day.[1] Thirdly, as Sālim Al-Marzūq pointed out, the doubling of prices within the last year had proved the deputies' earlier predictions that 'a barrel of oil underground is worth more than a barrel above'.[2] And finally, the deputies noted that production must be decreased because oil should not be used as a mere source of energy, but rather as a raw material containing a multitude of highly valuable elements. The government and other oil producing states, they suggested, should take part in a serious effort through OPEC and the United Nations to find alternative sources of energy.[3]

The need to increase the price of crude oil remained a major Assembly demand. Deputies argued that in light of the fact that some countries, particularly Libya, were selling oil at $9 a barrel, Kuwait's price should be no less than $10. ʿAbd al-Muṭṭalib Al-Kāzimī explained that a one dollar increase in the price of a barrel of oil should still be considered quite a minor increase 'if one considers that one barrel is equivalent to over 40 American gallons'.[4] Sālim Al-Marzūq pointed out that Western consuming countries had themselves acknowledged that the reason they had continued to use oil extravagantly was due to the fact that it was a cheap source of energy. 'Therefore', he declared, 'we must now compensate for what we have lost over the past thirty years by raising our prices'.[5] On the other hand the deputies

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1 Ibid.

2 Ibid., p. 20.

3 Assembly Proceedings, No. 151, 27 Nov. 1973, p. 151.

4 Assembly Proceedings, No. 149, 20 Nov. 1973, p. 29.

5 Ibid.

called on the government to seek, with other oil producing countries, to mitigate the effects of the oil price rises upon the developing countries by establishing a special fund for that purpose.[1]

Finally, Assemblymen impressed upon the government the importance of expanding its activities beyond the restricted function of producing crude oil to include the manufacture of petroleum products as well as the transportation and marketing of its own crude oil. Emphasizing the need for the government to enter the oil industry itself, ʿAbd Allāh Al-Naibārī suggested that the government should as a first step attain full control over the companies' refineries and build more in Kuwait and other Arab and Islamic countries.[2] ʿAbd al-Muṭṭalib Al-Kāzimī proposed immediate nationalization of the refineries of the Kuwait Oil Company and the gas-liquifying plant and putting them under the control of the Kuwait National Petroleum Company.[3] Aḥmad Al-Nafīsī suggested that the government should seek to transform petroleum into electricity or even protein as it had recently been accomplished in the Soviet Union.[4]

As to the benefits which the government may derive from controlling the transportation of its crude oil, the deputies argued that it would not only increase the government's revenue but would also open up many opportunities for employment. ʿAbd Allāh Al-Naibārī noted the potential profit in the transportation of oil by reminding the government that the cost of transporting one barrel of oil from the Gulf to Europe

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1 Ibid.

2 Assembly Proceedings, No. 149, 20 Nov.1973, p. 17.

3 Ibid., p. 29.

4 Assembly Proceedings, No. 151, 27 Nov. 1973, p. 39.

was $7, while the price of one barrel of Gulf crude at that time was only $5. Also, in addition to providing the government with an excellent opportunity for investing Kuwaiti funds, he indicated that the field of transportation would also provide young Kuwaitis who were graduates of technical colleges and intermediate schools with appropriate jobs.[1] ʿAbd al-Muṭṭalib Al-Kāzimī insisted that the government should pressure the oil companies not to transport oil other than on Kuwaiti ships.[2] As to the advantages of marketing its own oil, the deputies observed that the government should be encouraged by the way in which representatives from different parts of the world converged on Kuwait immediately after the government had signed the Participation Agreement, expressing their readiness to buy any amount of crude Kuwait was ready to dispense with. Al-Kāzimī drew the government's attention to what had recently taken place at an oil auction held in Tunis where a barrel of crude oil was sold at $12.65, in order to show the government how high it could sell its own oil.[3]

Although this small group of deputies, as we have seen, had shown a high degree of technical knowledge and keen awareness of regional and international economic as well as political developments, the government decided only to listen without venturing to reply. Assemblymen lamented this fact, including the former Minister of State, Sayyid Yūsuf Al-Rifāʿī who protested at the way in which the government, despite the deputies' request for a statement, had chosen to remain silent.

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1 Assembly Proceedings, No. 149, 20 Nov. 1973, p. 18.

2 Assembly Proceedings, No. 151, 27 Nov. 1973, p. 36.

3 Ibid., p. 38.

'It is as though the government was listening to people in the market place or on the tower of Babel,' he said, 'whoever wants to speak may speak . . . but as to the constructive role the government should play in accordance with collegiate or constitutional duties, nothing of the sort seems to matter, for the government is in fact deaf.'[1]

In replying to deputy Al-Rifā'ī, the Acting Minister of State said the government had not in fact presented the Assembly as yet with anything which needed to be supported by a statement. 'The government has requested the retraction of the agreement bill as a result of its conviction', he said, 'which stems from the honourable member's own conviction that conditions have changed'. He informed the Assembly that the government had therefore begun new negotiations with the oil companies, but that it had not as yet arrived at any results. Once a new agreement was reached, the Minister assured the Assembly that it would immediately be submitted to it. What the government could not openly declare at that stage was the fact that it had already decided to use the Assembly's opposition to the agreement as a lever with the oil companies, exactly as the deputies had themselves demanded. Therefore, it had in fact become government policy not to interfere with the expression of views against the agreement inside the Assembly in the hope that the louder the Assembly's opposition to the agreement was voiced, the stronger the government's position vis-à-vis the oil companies would become.

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[1] Assembly Proceedings, No. 151, 27 Nov. 1973, p. 40.

The National Assembly and the 1974 Participation Agreement

On 29 January 1974, the Kuwaiti government signed a new participation agreement with both the British Petroleum Company and Gulf Oil Corporation, which gave the government 60 per cent ownership in the Kuwait Oil Company. The new concise agreement containing only eight articles,[1] was presented for discussion in the Assembly on 19 February 1974. Although the agreement reflected part of the demands made by the Assembly, it still fell short of attaining Kuwait's full national sovereignty over its own oil resources. Therefore, the deputies again felt that more could have been achieved in view of new regional and international developments. Failing to ensure the government full control over the production, transportation, and marketing of Kuwait's oil, the 1974 Participation Agreement aroused more controversy and discussion.

ʿAbd Allāh Al-Naibārī indicated that the government had demanded nothing from the oil companies in return for the agreement it had given them. He pointed out that Libya, for example, had at least guaranteed in its agreement with Occidental that a certain percentage of the company's profit would be used to develop agriculture there.[2] ʿAlī Al-Ghānim further observed that the financial yield of the agreement would in fact be only 42 per cent instead of 60 per cent. He based his calculations on the price at which oil had been sold at an auction recently held in Kuwait, where the oil companies had monopolized the bidding and had thus managed to keep the prices as low as $8 a barrel—$3-4 lower than

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1 See Appendix 3 for the full text of the articles.

2 Assembly Proceedings, No. 172, 5 Mar. 1974, pp. 17-21.

what it should have been.[1] ʿAbd al-Laṭīf Al-Kāzimī noted that although the new agreement was an improvement over the 'puzzles' of the last one, it nevertheless still contained traps which must closely be detected.[1]

The deputies objected to Article 1 of the agreement which stipulated that 60 per cent participation should begin to take effect on 1 January 1974. ʿAbd al-Laṭīf Al-Kāzimī argued that participation should start on 1 January 1973 (instead of 1 January 1974) because that was the date on which the previous agreement was supposed to commence. 'The enormous profits which the companies have reaped during the past year are part of our wealth', he declared, 'and we must take our share of it according to whatever percentage is eventually agreed upon concerning participation'.[3] As to Article 2 which stated that the government should pay the companies $112 million as compensation, deputy ʿAbd Allāh Al-Naibārī argued that although that amount was calculated according to the 'net book value' and was consequently less than the previous amount of $150, it was nevertheless still too high. Basing himself on information revealed at the Multinational Oil Corporation Hearings which were being held at the time by the United States Congress, Al-Naibārī observed that the total amount of profit that the six major American oil companies had realized in 1973 alone had been $5,224 million. That amount, he argued, showed an $1,800 million increase in profits from 1972, which was in no way commensurate with the rate of decrease in the amount of compensation to be paid by Kuwait from $150 million to

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1 Ibid., p. 14.

2 Assembly Proceedings, No. 169, 19 Feb. 1974, p. 36.

3 Ibid.

$112 million.[1]

Article 4 of the agreement also aroused discussion in the Assembly. It stipulated that each party would 'set and define' every year its own needs for crude oil for use in Kuwait or for export from the original percentage of production that each was allowed. More significantly, the article stated that 'whatever remains of the share of each party will be sold to the other party according to commercial prices'. Commenting on the first part of the article, ʿAbd al-Laṭīf Al-Kāzimī said it clearly prohibited the government from exercising full control over production. 'This is completely unacceptable', he declared, 'because we may need to save our product in the ground as a security for the future rather than to market it now'.[2] As to the second part of Article 4, ʿAlī Al-Ghānim indicated that it had robbed the government of its right to sell its share of the oil to whoever it wished. 'If the agreement is designed to ensure actual national control over oil in this country', he stated, 'then the agreement must unequivocally state that the national sector is completely free to dispense with its own share of the oil as it wishes'.[3] Explaining the companies' motives behind Article 4, ʿAbd Allāh Al-Naibārī further observed that once the oil companies had guaranteed that the government would resell them its remaining oil, they immediately made sure that commercial prices were kept as low as $8 a barrel. The only way the major companies were able to ensure that, he explained, was by threatening the smaller independent companies with cutting their oil supplies should they disagree

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1 Assembly Proceedings, No. 170, 26 Feb. 1974, p. 17.

2 Assembly Proceedings, No. 169, 19 Feb. 1974, p. 36.

3 Assembly Proceedings, No. 172, 5 Mar. 1974, p. 14.

with them on prices. Therefore, by reselling its 60 per cent share of the oil, Al-Naibārī calculated that the government would be allowing the companies to make an extra $1,800 million over and above their 1973 profit of $1,800 million. 'How can the Assembly be expected to sanction this amount now', he enquired, 'when it had previously refused to accept $1,500 million in profit [for the companies] under the 1972 agreement,'[1]

Article 5 stipulated that the parties would form a joint administrative committee comprising four members, two appointed by the government and the other two appointed by the two companies. The administrative committee, whose decisions were to be reached by a majority of 75 per cent voting, was given the responsibility of deciding all the major policy and administrative questions. Article 5 also stated that the management of the oil operations would be assumed by a Kuwaiti incorporated company with 60 per cent of the capital owned by the government and the other 40 per cent by the two companies. Commenting on this article, ʿAlī Al-Ghānim said he failed to understand why the government which owned 60 per cent of the assets of the new company should waive its own right to control it by accepting 75 per cent voting. 'Why do we put obstacles in the way of our national control over our national resources?' he enquired. 'Is it to protect the oil companies?'[2] ʿAbd al-Laṭīf Al-Kāzimī proposed that the committee should be composed of five members, three appointed by the government and the other two appointed by the companies, and that the decision of such a committee should

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1 Ibid., p. 18.

2 Assembly Proceedings, No. 172, 5 Mar. 1974, p. 4.

then be taken by a majority.[1]

Taking up Article 7, which stated that relations between the government and the two companies would be 'reconsidered before the end of 1979', ʿAbd Allāh Al-Naibārī said that the article as it stood gave the misleading impression that the companies' concession would end in 1979, as a number of oil journals had actually reported. But in fact, he explained, all that was meant by the article was that negotiations would be resumed in 1979, without specifying an end to the concession. Thus, he concluded, although the agreement had started with 60 per cent participation instead of the 50 per cent requested by the Assembly, it gave no indication of any progression toward 100 per cent ownership.[2] The 1974 Participation Agreement as the deputies argued had obviously failed to ensure eventual control by the Kuwaiti government over the production, transportation, and marketing of its oil. It had in fact restricted the government's right to limit production, to set the price of its crude oil, to dispense with its share of it as it wished, or even to set the general guidelines for decision making. Therefore the Assembly decided to refer the agreement to its Committee on Finance and Economics for closer examination.

On 13 April 1974 the Committee recommended that nationalization of the oil companies should be attained by 1979, and that until then, policy and administrative decisions of the joint company should be taken by a 75 per cent majority vote on the condition that the right to vote should be based on the percentage of ownership in the company. The committee

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1 Assembly Proceedings, No. 169, 19 Feb. 1974, p. 37.

2 Assembly Proceedings, No. 170, 26 Feb. 1974, p. 17.

also recommended that the official language of the agreement should be Arabic and that any judiciary proceedings regarding implementation should be handled by Kuwaiti courts.[1]

The committee chairman, ʿAbd al-Muṭṭalib Al-Kāzimī, explained that these recommendations constituted a 'bare minimum' of the committee's demands which, he said, the government should strive to attain through new negotiations with the oil companies 'within the shortest time possible'.[2] The Committee member ʿAlī Al-Ghānim said although he was still not convinced that the government could not have achieved more during its negotiations with the oil companies than the terms of its recent agreement, he explained that he had supported the Committee's recommendations 'because we wanted to arrive at a compromise and decided to accept a minimum solution'.[3] Another Committee member, ʿAbd Allāh Al-Naibārī, explained that the Committee's recommendations should also be understood as an attempt to accommodate the views of those members who feared the consequences which immediate nationalization might entail. The Committee, he continued, had therefore succeeded in transforming the agreement into one based on 'actual participation and gradual nationalization, thus constituting a period of transition from foreign to complete national control'.[4] It was evident that the deputies were willing to compromise on their demand for immediate nationalization so long as the government would guarantee its eventual implementation in 1979. However, in

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1 Assembly Proceedings, No. 182, 12 Apr. 1974, pp. 29-31.

2 Assembly Proceedings, No. 184, 20 Apr. 1974, pp. 48-9.

3 Assembly Proceedings, No. 182, 13 Apr. 1974, p. 4.

4 Assembly Proceedings, No. 187, 4 May 1974, p. 8.

the meantime, the deputies insisted that the government should seek to take over all the utilities and export facilities belonging to the oil companies.

The Participation Agreement and its debate in the Assembly had caught the public's attention in Kuwait to such an extent that the government was compelled to explain its position on the whole issue of participation. In a statement read in the Assembly by the Finance and Oil Minister, ʿAbd al-Raḥmān Al-ʿAtīqī on 20 April 1974, the government said it believed that the most effective way for it to play a direct role in the exploitation of the national wealth was to take a controlling interest in the oil industry, while retaining full access to the essential expertise and technology that only the oil companies could provide. 'It would be totally unwise', the government declared, 'to expose the national wealth to the risks of our complete lack of experience, particularly that the state's responsibility had so far not gone beyond the general supervision of oil affairs.' Arguing against immediate nationalization, the government warned that international repercussions had to be taken into account, first, in view of Kuwait's assets abroad, and secondly, because of the tense situation in the area. Apart from subjecting Kuwait's assets abroad to reprisals by the West, the government did not rule out Western military intervention if Kuwait were suddenly to nationalize. 'A great deal of thought is required', the government emphasized, 'on the part of every Arab oil producing country before reaching such a decision'. Emphasizing the importance of the role which the Assembly could play at that stage, the government finally declared that the executive had performed its duty in

negotiating that agreement with the oil companies, and that it was up to the Assembly itself 'to pass judgement upon this deed in its capacity as the representative of the people'.[1]

A number of deputies, particularly ʿAlī Al-Ghānim and ʿAbd Allāh Al-Naibārī (who had appeared on several televised debates with the Finance and Oil Minister Al-ʿAtīqī), refused to accept any part of the government's argument against immediate nationalization. They both emphasized that in view of the recent success achieved by the (60 per cent government owned) Kuwait National Petroleum Company in its handling of petroleum industrialization and marketing, the government should be more than capable with the help of KNPC successfully to take over, modernize, and even enlarge the old oil refineries belonging to the oil companies. The two deputies further insisted that a new agreement 'must unequivocally state that it is nationalization and not renegotiations' that had to be reached by 1979. The country's oil industry, they stressed, had to be integrated in the national economy of Kuwait as soon as possible.[2]

In view of such opposition to the agreement, twenty members decided to abstain from voting when the 1974 Participation Agreement was put to a vote in the Assembly on 14 May 1974. The agreement was adopted by a majority of 31 votes in favour to 2 against and 20 abstentions.[3] The outspoken opponents of the agreement, except the chairman of the Finance and Economics Committee, ʿAbd al-Muṭṭalib Al-Kāzimī, abstained from voting. Although those deputies desired immediate nationalization of the oil industry, they nevertheless did not want

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1 Assembly Proceedings, No. 184, 20 Apr. 1974, pp. 42-8.

2 Assembly Proceedings, No. 187, 4 May 1974, pp. 3-8.

3 Assembly Proceedings, No. 190, 14 May 1974, p. 13.

to stand in the way of Kuwait's immediate attainment of 60 per cent of its own national wealth. They were generally satisfied with the way the Assembly had been given more than an ample chance to express its views on the issue. 'The outcome should in fact be considered a victory for Kuwait', declared Dr. Aḥmad Al-Khaṭīb, 'and what is even more important is the sound democratic way in which every member was given the freedom to express his own views on such a vital issue'.[1] On the other hand, Minister Al-ʿAtīqī thanked those who voted for the agreement as well as those who did not vote for it, because he said they had by their stand 'proven our ability to liberate ourselves from our fear complex and to express the dictates of our conscience'. As to the recommendations of those who voted for the agreement, the minister said the government would be 'grateful' to follow up those recommendations and to extract 'the maximum of our rights'.[2] No one realized at that point that the government had already made up its mind to negotiate the 100 per cent takeover of the Kuwait Oil Company,

The Government Takeover of the Kuwait Oil Company

In December 1975, the Kuwaiti government reached agreement with British Petroleum and Gulf Oil for a 100 per cent take-over of the Kuwait Oil Company. The speed with which the government concluded the agreement not only surprised the Assembly, but also the other oil producing countries of the Gulf. Subsequently, Qatar followed suit with the Qatar Petroleum Company and Shell in 1976, and Saudi Arabia completed

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1 Ibid., p. 16.

2 Ibid., pp. 15-16.

negotiations for 100 per cent ownership of Aramco in 1977. In 1975, Iraq also completed its nationalization of the Basra oilfields, and Venezuela formally nationalized its oil industry on 1 January 1976. Other OPEC countries, however, preferred to retain their concessionary companies as equity holders: participation patterns remained 60-40 in Abu Dhabi, 51-49 in Libya, and 55-45 in Nigeria.

The Kuwaiti leadership had become convinced after the events of 1973 that it would in fact be to Kuwait's advantage to assume full control over its own natural resources. Its only disagreement with the Assembly, however, was over timing. Given Kuwait's vulnerability as outlined by the government's statement, the government did not favour immediate nationalization and preferred to reach agreement on a 100 per cent takeover of the Kuwait Oil Company only through negotiations with BP and Gulf. Therefore, the government sought to use the opposition to the agreement in the Assembly to give it the political muscle it needed in dealing with the oil companies. The government could clearly be seen pursuing this policy when it declined to defend strongly the terms of the 1974 agreement in the same way it had defended the 1972 agreement, for which it had even used young educated Kuwaitis who supported the agreement at the time to lobby the Assembly. In fact during the 1974 debates, the government seemed to welcome the deputies' opposition to the agreement because it knew full well that it was necessary to mobilize public opinion against both the agreement and the oil companies. A slight hint of the government's thinking at the time came after the Assembly had voted on the agreement, when Minister Al-ʿAtīqī was heard thanking those deputies who did not vote

for the agreement for having expressed what their 'conscience dictates', and telling those who supported it that the government would be 'grateful' to pursue their demands. The way the Assembly had approved the agreement, with such a high number of abstentions, had evidently given the government the guarded approval it was seeking from it. Thus, by that time what had been a legislative-executive conflict had turned out to be two complementary activities.

Another factor which seemed to have influenced the government's decision to follow an independent course of action with the oil companies was the realization on its part by mid-1973 that it had been indeed a mistake, as in fact the Assembly had pointed out, for Kuwait to have delegated Saudi Arabia to negotiate with the oil companies on its behalf. The government had always recognized the fact alluded to by Assemblymen that although the two neighbouring Arab countries had a common destiny, their governments had nevertheless followed two different economic and political policies. Economically, Saudi Arabia had been increasing its own oil production in order to meet the future needs of the Western industrialized countries, particularly the United States, while Kuwait had been attempting to decrease its production to secure its own economic needs and those of its future generations. Moreover, Kuwait in contrast to Saudi Arabia had since 1961 sought a policy of non-alignment (notwithstanding the defence treaty with Britain from 1961 to 1968) which was entirely in keeping with Kuwaiti history and corresponded to the instincts of Kuwaitis as a trading people geographically situated amongst rival powers. In the modern world of super-power interest in the Middle East, it could even be more strongly argued

that the only safeguard was non-alignment in the sense of maintaining good relations with both the super-powers and their regional partners.

In addition, Kuwait looked upon itself as a democratic government with democratic institutions, and had always resented the tendency by outside observers to identify Kuwait completely with other Gulf states. The Kuwaiti government was thus more determined than ever to be one step ahead of its neighbours, and even ahead of its own Assembly, by asserting its own independence in attaining its full sovereign rights over its natural resources.

This is not to minimize, however, the major influence the Kuwaiti National Assembly had been able to exert on the government for adopting a national oil policy for Kuwait. We have seen how the Assembly had first begun to play a major role in deciding a national oil policy for Kuwait ten years earlier, when a small group of nationalist deputies who understood the many intricate aspects of the oil industry and the devious ways of the oil companies had been able to mobilize the Assembly against the 1972 agreement. As in 1964, this group was again made up of young educated members (in their 30s and 40s) who all shared strong anti-Western feelings, and who included among them members of Al-Khaṭīb's 'progressive' element as well as members of the traditional merchant element in Kuwaiti society. Together, the two elements not only succeeded in appealing to the Kuwaiti intelligentsia but also managed to get through to the government.

The soundness of the deputies' arguments and proposals was not only confirmed by developments abroad but also by their adoption by the government at home. The $10.36 price

of a barrel of Kuwaiti crude in January 1975 had exactly tripled by July 1980. In 1975 the government decreased oil production to 2 million barrels a day, and by 1981 it had furthur decreased it to 1.3 million barrels a day. Furthermore, in 1975 the government also decided in favour of a 100 per cent takeover of the Kuwait National Petroleum Company after handsomely compensating its Kuwaiti shareholders. On the other hand, the government decided in its new crude contracts of 1980 with BP and Gulf to discontinue the 15 cents discount the companies had been allowed on each barrel, in accordance with the first five-year contracts which they had signed with the government immediately after the 1975 takeover. Above all, the main acknowledgement of the soundness of the deputies' proposals came in 1975 when the government decided to divide the Ministry of Finance and Oil into two ministries, one headed by ʿAbd al-Raḥmān Al-ʿAtīqī and the other for oil headed by ʿAbd al-Muṭṭalib Al-Kāzimī, one of the outspoken deputies who had served as chairman of the Assembly's Finance and Economics Committee.

Chapter VI

THE SUSPENSION OF THE NATIONAL ASSEMBLY IN 1976

So far we have been discussing the impact of the institutionalization of shūrā on both society and government in Kuwait during the three uninterrupted legislative terms of the National Assembly. Looking on this twelve year period, three major facts emerge: first, whereas the new political order allowed all the social groups within Kuwaiti society to be represented in the Assembly, that order appeared to be deepening the divisions among those groups; secondly, with the exception of the Assembly's united stand on the issue of a national oil policy for Kuwait, the members of the Assembly were too concerned with the short-term material benefits of their own constituents; and finally, the government grew more and more impatient with what it considered to be an ineffective Assembly in view of its long delays in considering important government bills.

The divisions among the constituent elements comprising Kuwaiti society appeared to be deepening during this twelve year period of a representative Assembly partly because of the way the country was divided into ten constituencies which, as we have seen, resulted in assuring each of the different elements (the new middle class, the beduins, the merchants, and the Shī'a) partial or total control of one or more of the ten constituencies. This situation, to some extent, exists in all parliamentary systems, but in Kuwait it was carried to extremes. It was obvious from the beginning that candidates would nominate

themselves only in those districts in which the majority of residents belonged to the candidate's own social, ethnic, or religious background. The election campaign which normally got under way about two months before the election date usually began with each candidate visiting the open majālis or dīwāniyāt (evening gatherings) of the established families of his district where he would make himself and his views better known to those present at those gatherings. Candidates would then use their own family dīwāniya, or would set up tents as their campaign centres where voters would gather every evening to meet informally with their candidates. Throughout the elections, those campaigns did not prove to be anything more than big social occasions at which supporters would gather to show their support and solidarity with their candidate. However, during the 1975 campaign there were signs that at some of these gatherings more political discussions were taking place as candidates were pressed to present their own political plans and programmes. For the first time in Kuwait, there was a slight hint that the Kuwaiti voter was perhaps not there merely to socialize or to show his support while enjoying a good meal, but rather to discuss the candidate's own stands and views.

But despite this new development, which the nationalist opposition candidates highly encouraged by having themselves announced their own political programmes, the results of the 1975 general election confirmed once again that in the end the Kuwaiti voter voted according to his own social, ethnic, and religious bonds. Thus, the beduins took over all the five districts peripheral to Kuwait City (districts Nos. 3, 4, 5, 9, and 10) where they had become a majority. The Shī'a won all five seats from their traditional eastern quarter of the old town (district No. 1) in addition to all the seats from suburban

district adjacent to it (district No. 7). Five merchant family members won all the seats from their traditional western quarter of the old town (district No. 2), while the middle class deputies who included the nationalist opposition element were elected from the only two districts where no particular ethnic or religious minority was dominant (districts Nos. 6 and 8).

With each of the different elements comprising Kuwaiti society taking partial or total control of one or more districts it was virtually impossible for an outsider to win in any of those districts. Thus, it would have been difficult, for example, for anyone who did not belong to the beduin tribe of al-ʿAwāzim to be elected from district No. 9 (al-Sālimiya), and for anyone who was not a merchant family member (or member of a Kuwaiti family of Najdī origin) to be elected from the western part of the old town (district No. 2 - Qibla), or for that matter for anyone who was not a Shīʿī to be elected from the eastern part of the old town (district No. 1 - Sharq).[1]

What made the problem more acute was that, since Article 4 of the electoral law which stipulated that 'every citizen shall exercise his right to vote in the electoral district in which he resides'[2] had not been strictly enforced, many candidates were able to move supporters from one district to another where they stood a better chance of winning. This practice which was followed mostly by the leading beduin tribes of Kuwait (ʿAjmān, Muṭair, ʿAniza, Shammar, ʿAwāzim, and Rashāida), was resented by the rest of Kuwaiti society who viewed it as an expression of group solidarity which belonged to the past and which could only serve to

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1 Only one Sunnī was able to succeed twice in being elected from Sharq, former Minister of State Sayyid Yūsuf al-Rifāʿī, due to his religious reputation and popular support there, but he eventually moved to another district in the 1975 election together with his own supporters.

2 See Appendix 2.

deepen divisions among members of one 'homeland'. Even some among the beduin element itself refused to accept such methods. It had become customary for those leading tribes to hold primary elections in order to determine the tribe's five nominees who would then stand in one or more districts depending on the density of population of their own tribe. But in 1974, when the two beduin tribes of Rashāida and Muṭair attempted to hold their customary primary elections in district No. 4, members of those tribes who resided in that district refused to take part in those elections because, in the words of one voter from that district, 'such primaries have created rancour, multiplied differences and divided members of the same tribe, all because of competition for those representative seats from each tribe'.[1]

Expressing the strong resentment which the other elements in society felt against such solidarity among the beduins, the owner-publisher of Al-Ra'y al-ʿĀmm daily newspaper, ʿAbd al-ʿAzīz Al-Misāʿīd, who had been a member of both assemblies, wrote during the 1975 election campaign under the title 'A Tribe in the Space Age' saying:

> The tribe has become something of the past. We want to build a homeland not tribes. The tribe had provided a frame of reference, shelter and identity to the Arabs in the days when they had no clear notion of what a homeland meant. However, today the homeland has become the meeting place of all its citizens, be they of one tribe or another.
>
> Kuwait is a small country and therefore is not capable of withstanding such pressures which even large countries cannot endure. We should all learn that loyalty should only be to the homeland and not to a tribe, a congregation, or a family. Such loyalties have dissolved in this era, and he who supports them is contributing to making his homeland an aggregate of factions and groups.
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> In Kuwait we are one tribe, the Kuwaiti tribe

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1 Al-Yaqẓa, 2 Dec. 1974, p. 10.

> only. And this is what should be taught at schools, at homes and everywhere.[1]

Another owner-publisher of a daily newspaper, Muḥammad Misāʿīd Al-Ṣāliḥ, a young lawyer from the established Kuwait family of Al-Qināʿāt known for his progressive views, was among the very few Kuwaitis who took a different view of beduin solidarity. Having attended the 1975 primary elections of the ʿAjmān tribe at the invitation of a friend, who was also a lawyer and a member of the tribe, Al-Ṣāliḥ wrote in his daily newspaper Al-Waṭan (the Homeland):

> The fact is that a tribe is like any other organized body. It has the educated and the uneducated, the aware and the naive. . . particularly as we see more lawyers, engineers, and teachers among us who belong to these tribes.
>
> Those who have monopolized politics and commerce for many years, who classify themselves as the people within the [town] wall (ahālī dākhil al-sūr) and who fear tribal control over Kuwait's parliamentary system, must come down from their ivory towers in order to witness change in Kuwait. There are new forces which have imposed themselves on the reality of political life in Kuwait. These forces cannot be ignored, for to ignore them is to deny reality. . . The ʿAjmān tribe, as deputy Khālid Al-Masʿūd says, is a party demanding social justice.[2]

This debate over the deepening of divisions within Kuwaiti society which had developed during the 1975 general election had in fact been part of another one which had begun earlier on during the previous general election four years before. In 1971 a symposium was held at the Kuwaiti Teachers Association on evaluating Kuwait's 'democratic experiment' at which the former Attorney General, deputy Badir Al-ʿAjīl, had called for the establishment of political parties in fulfilment of the two basic principles of democracy: 'freedom of expression and freedom of political

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1 Al-Raʾy al-ʿĀmm, 14 Dec. 1974.

2 Al-Waṭan, 5 Dec. 1974.

activity, which can only be properly practised through political parties'.[1] Until then, the only organized political group in Kuwait had been Al-Khaṭīb's 'Progressive Democrats', which had grown up following the second Arab defeat against Israel in June 1967. At that time Ḥabash and his comrades had declared their adoption of Marxism-Leninism after they had become convinced that the petty bourgeoisie had abandoned all of its progressive roles and had consequently become a counter-revolutionary force that was 'stiffling the struggle and aspirations of the masses'.[2] In 1969, the Ḥabash wing formed the Popular Front for the Liberation of Palestine which instantly became the armed wing of the Arab Nationalist Movement, while in Kuwait Al-Khaṭīb formed the 'Progressive Democrats' which from then on has always represented the 'left' in Kuwaiti politics. Although the immediate political environment in which Al-Khaṭīb and Ḥabash operated were different, Al-Khaṭīb did not change his views on Arab nationalism and continued to feel affinity with Ḥabash. In fact, he fought the Arab nationalist cause on Kuwaiti issues, and thus never lost the more general Arab support, even though his immediate constituency was Kuwaiti.

In December 1970, the 'Progressive Democrats' announced an election programme outlining their stand on matters of national interest such as democracy, economics, and education, and also their stand on the Arabian Gulf, Palestine, Arab Unity, and foreign policy in general. Regarding the first, the programme made the following demands:

> (1) The abolition of all non-democratic laws, particularly the Press, Assembly, and Public Appointment Laws.

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1 Al-Nahḍa, 29 Apr. 1972.

2 See Ismael, op. cit., pp. 68-9.

(2) The spreading of democracy in the community to guarantee freedom of expression of opinion, freedom of trade-union activity, the power of the people, and amendment of the Law of Assembly and Associations.

(3) The non-suspension of the newspapers by the Administration, the guaranteeing of freedom of the press, and a resort to the judicature in the event of contraventions of the law.

(4) The non-interference of the Executive in the conduct of parliamentary elections, the guaranteeing of the freedom and impartiality of the elections, and the formation of a constitutional court to investigate charges and contraventions.

(5) Giving women full rights and permitting them to vote and stand as candidates . . .[1]

In order to confront the 'unjust practices of the foreign monopolistic oil companies' and to protect the national oil wealth, the programme declared that the following demands must be met:

(1) The strengthening of the National Petroleum Company . . . encouraging the setting up of a national industry and the expansion of its activities which should include the extraction, transportation, and marketing of oil.

(2) The establishment of new factories for refining and manufacture of oil derivatives, the setting up of a petro-chemical industry, and the establishment of a centre for oil studies . . .[2]

This group's election programme amounted to a party political announcement, and it was this together with a statement issued in 1971 by the Chamber of Commerce in defence of the position taken by the merchants on the question of inflation, which appears to have sparked the original debate over the divisions within society and the need for political parties in Kuwait. Expressing the view of many Kuwaitis the independent weekly Al-Yaqẓa argued in

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[1] The Political Programme of the People's Deputies 'The Progressive Democrats', published in Al-Ṭalīʿa, 8 Dec. 1970.

[2] Ibid.

1971 under the title 'The New Party in Kuwait', that the structure of Kuwaiti society did not lend itself to the concept of class struggle in the Marxist sense since no gap existed among its social groups which could be explained in terms of 'class'. 'Kuwait is a unique society', Al-Yaqẓa wrote, 'because the world has not known a state where the employees sector constitutes the only type of "class" within it.' The paper warned that the 'artificial ideological struggle' may threaten the unity of the country by giving the impression that citizens had to choose between 'conservatism and extremism'. The people of Kuwait, Al-Yaqẓa claimed, refuse to support either the 'extreme leftism' of the 'transformed nationalists', or the narrow outlook of the 'capitalist alliance', because the Kuwaiti people refuse to choose between 'theories which have been engendered by the experiences of societies that are completely different from Kuwait's'.[1]

By May 1972, the debate seemed to have escalated to such an extent that the weekly Al-Nahḍa conducted a month-long survey of a cross-section of the population on whether political parties were desirable in Kuwait or not. The government's view was expressed by Shaikh Sa'ad Al-'Abd Allāh the Interior and Defence Minister, who said he opposed the establishment of political parties in Kuwait because intellectual and ideological struggles in his opinion too often lead to conflicts among members of the same society and at times turn into violence. Expressing the merchants' view, 'Abd Allāh Al-Ghānim, the Minister of Electricity, said Arabs had suffered a great deal at the hands of political parties,

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[1] Al-Yaqẓa, 25 Oct.1971.

and until such time as Kuwaitis develop enough awareness and capability to handle political parties, he thought 'this subject should be left aside'.[1]

While the ruling family and the merchants echoed the same views which they had expressed in the Constitutent Assembly a decade earlier,[2] a growing number of young educated Kuwaitis felt political parties were a necessity. Their view was summed up by the Oxford educated Director-General of the Planning Board, Aḥmad Al-Du'aij who argued that one of the essential requirements of parliamentary democracy was the presence of political parties. 'The popular notion in Kuwait that we are all one family is outdated', Al-Du'aij declared,

> because we in Kuwait today comprise classes and groups with immense disparities in their income, their standard of living, and their interests . . . the development of the modern Arab necessitates his ridding himself of this type of tribal thinking from which the 'one family' slogan has sprung, so that he may enter the sphere of refining his character and bringing out his individual talents.[3]

Expressing the view of Al-Khaṭīb's 'Progressive Democrats', deputy Aḥmad Al-Nafīsī said he was in favour of permitting political parties to exist in Kuwait because that would transform the work of the Assembly from 'a dialogue among individuals who are subject to self-interest to a debate based on well-prepared programmes'. He also argued that political parties would have a positive effect on the nature of the general elections themselves since every party would be held accountable to its own programme. Above all, he declared, the most significant impact political parties

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1 Al-Naḥḍa, 6 May 1972.

2 See Chapter III.

3 Al-Naḥḍa, 6 May 1972.

would have on life in Kuwait in general would be the mobilization of the masses for politically organized action.[1]

The outspoken middle class deputy, Khālid Al-Mas'ūd, responded to the question of establishing political parties in Kuwait by arguing that the recent statement published by the Chamber of Commerce on inflation amounted to a party political announcement which, in his view, necessitated the establishment of a political party to protect the interests of the poor. 'Why should one group alone determine the destiny of all the others?', he declared: 'We refuse to accept this principle, and the view of those in the Chamber of Commerce who only defend their own interests without taking into account the interests of the poor.' Al-Mas'ūd also said he was in favour of the existence of political parties in Kuwait not only because they would guarantee that important questions would be handled on well-studied bases, but also because political parties would protect the future of their own deputies morally and financially.[2]

Most significant, however, was the growing impatience expressed by the Crown Prince with the ongoing debate in the press on political parties and the constant talk about social divisions within Kuwaiti society. On 25 May the Crown Prince used the occasion of opening a new plant at the Shu'aiba industrial complex to express his views on the subject. Shaikh Jābir said:

> It is most painful to hear nowadays strange tones which injure our national unity and which attempt to spread dissension among the ranks of our one people, with the aim of dismembering it into dissenting groups and fighting parties . . . This is a merchant, that is a labourer, and the other

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1 Ibid.

2 Al-Nahḍa, 13 May 1972.

> is an employee . . . this one is a rightist and the other is a leftist . . . let us put an end to all these names and divisions which only serve to tear society apart and destroy its unity and solidarity. Our people have experienced the bitterness and sweetness of life together, as one family bound by firm ties of compassion and mutual responsibility. One fact should never escape anyone's mind, namely that this country Kuwait has been built and defended by the entire Kuwaiti people as represented in its three main groups: the beduins, the labourers, and the merchants.[1]

Despite the Crown Prince's strong words, two years later a number of well-educated Kuwaitis, some of whom occupied important positions in the civil service, announced the establishment of a new political grouping called the 'Liberal Democrats'. Led by the former head of the Civil Service Commission, the outspoken lawyer Ḥamad Al-ʿĪsā, the Director-General of the Planning Board, Aḥmad Al-Duʿaij, and the even more outspoken Kuwait University professor ʿAbd Allāh Al-Nafīsī, the group declared only months before the fourth general election was due to be held that they were forming a 'grouping not a party'. They explained their action as a response to one fact which had become evident after three legislative terms of the National Assembly, namely that Assemblymen had proven only to represent the interests of the social groups to which they belonged. Therefore, they declared they were forming a political grouping 'with the sole purpose of serving the public interest of the nation as a whole'.[2] Al-Khaṭīb's group was reported to have responded to the formation of this new group by calling it the 'government's new party' because of the number of high-ranking civil servants who belonged to it, while others explained its formation as an outlet for those who refused

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1 Ṣawt al-Khalīj, 25 May 1972

2 Al-Waṭan, 11 May 1974

to accept social divisions within Kuwaiti society.[1] Following the complete failure of this group's candidates to win a significant number of votes at the 1975 general election, the group disintegrated and little of it was heard afterwards.

Although the new election reflected the main social and ethnic divisions within Kuwaiti society as it had done before, sectarian differences had for the first time come out in the open in Kuwait. The one district in which sectarian differences were openly at work was district No. 7, where in 1971 three established Sunnī families had succeeded in combining their votes in order to win three seats from that district. In 1975, when those three Sunnī families failed to strike another agreement, five Shī'ī candidates were able to seize the opportunity of winning all five seats from that district by openly soliciting the strong Shī'ī vote present there.

Commenting on the 1975 election results, the Bahraini weekly Ṣadā al-Usbū', which had followed the elections closely, sounded a warning to the people and government of Kuwait when it wrote:

> Two new political trends have emerged at this election that are both significant and dangerous . . . Whereas the former representative assemblies had been characterized by moderate elements (despite the presence of the opposition within them), this new Assembly is going to be very much like a horse drawn by more than one rein. It is the first time that sectarianism has emerged in such a serious way within Kuwaiti society . . . And when matters take on such a sectarian form, the question is bound to take a wider dimension the likes of which Kuwait has not experienced before, particularly in view of the existing contradictions within Kuwaiti society . . . Therefore to say Kuwait is going to encounter unlimited political problems is not only probable, but inevitable.[2]

Thus, as parliamentary life in Kuwait appeared to have deepened divisions within society and seemed to have reduced the national Assembly to an aggregate of individuals and

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1 Al-Siyāsa, 14 May 1974.

2 Ṣadā al-Usbū'.

groups who viewed political activity in terms of short-term material goals to the extent of delaying the consideration of important bills, the government eventually decided to act. The Amir, for the first time since the promulgation of the Constitution, announced the intention of his government to amend the Constitution and to suspend the National Assembly. Addressing the nation on television on 29 August 1976, the Amir Shaikh Ṣabāḥ Al-Sālim Al-Ṣabāḥ said:

> I speak to you today with a heart and soul full of sadness and pain as conditions have deteriorated in our beloved country to an extent I have never imagined possible . . . Therefore, I find myself forced in view of these difficult conditions to issue an order to amend the constitution . . . in order that freedom may continue to exist in our country with more steadfastness and stability, and in order that it may be enjoyed by all our people.[1]

The Amiri Order which was issued on the same day stipulated: first, that Articles 56 (paragraph 3), 107, 174, and 181 of the 1962 Constitution would be suspended; secondly, that the National Assembly would be dissolved and that the Amir and the Council of Ministers would take over the powers assigned to it under the Constitution; thirdly, that laws would be issued as Amiri decrees; fourthly, that a committee of experienced and prominent citizens would be set up to consider amending the Constitution so as to avoid the 'defects which its implementation has shown and to provide for sound democratic rule, and to safeguard national unity and stability', and, finally, that following submission of the committee's proposals to the Council of Ministers and to the Amir, the amended Constitution would then either be put to the voters in a referendum or to the next National Assembly within a maximum period of four years. Paragraph 3 of Article 56 of the Constitution which was

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[1] See full text in Journal of the Gulf and Arabian Peninsula Studies published by Kuwait University, II, No. 8 (Oct. 1976), 189-90.

suspended stipulated that the number of Ministers should not exceed fifteen, one third of the number of members of the Assembly. Article 107 which was also suspended stipulated that in the event of dissolution of the Assembly elections should be held within a period of two months, while Article 174 stipulated that either the Amir or one third of the members of the Assembly should have the right to propose the revision of the Constitution. Article 181 stipulated that no provision of the Constitution might be suspended except when martial law was in force, and that under no circumstances should the Assembly meetings be suspended. Another Amiri Order was also issued on the same day giving the Council of Ministers the right to suspend a newspaper up to a period of two years once it had been proven that it served foreign interests or that its policy was in contradiction with the national interest.

In his address to the nation which followed that of the Amir, the Crown Prince and Prime Minister reminded everyone that he had several times before warned against the dangers of the 'unsound practices of our democratic experience', but that the situation had continued, and what was needed was a breathing space to detect and correct what had gone wrong without endangering democracy whose roots were deeply rooted in Kuwait's Arab traditions and the Islamic principle of shūrā. At that phase of national development, the Crown Prince said, everyone had to ask himself what his own concept of democracy was, 'Is it to take without giving', he enquired, 'or to be committed and to give freely?' Shaikh Jābir finally declared that the type of democracy Kuwait should aim for must be:

> A democracy which seeks to narrow social differences among citizens, and which guarantees equal opportunity to all . . .
>
> A democracy which does not discriminate among a city, a suburb, a village, or an island in public utilities, projects or services . . .
>
> A democracy which would reform the State apparatus . . .
>
> A democracy which would result in a representative Assembly which represents all groups of the people . . .
>
> A democracy in which an Assembly member is the deputy of all the people and represents the entire homeland, who is not restricted to a group or sect to which he belongs. One who works for the good of all the people regardless of the wishes of his constituents, basing his views on research and serious study, and rising above defamation and avoiding the exploitation of his position for his own personal interests . . .[1]

In his letter of resignation to the Amir, the Prime Minister, Crown Prince Shaikh Jābir Al-Aḥmad, explained that his government was resigning because it had become very difficult for its members, less than two years after it had been formed, to continue to perform its functions properly. He said this was due to the lack of co-operation between the two powers of government which was caused by a number of factors: first, long delays by the Assembly in considering many government bills of vital importance to the whole country; secondly, the wasting of the Assembly's time over issues of no value which the government did not approve of; and, finally, the baseless attacks and accusations against Ministers and government officials which had become the major concern of many Assembly members. Such lack of co-operation, Shaikh Jābir declared, could not have been tolerated by the government much longer, particularly in view of the 'delicate situation in the area and in the Arab world as a whole which requires speed in deciding on vital matters, and in issuing the legislation necessary to

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[1] Ibid., pp. 195-6.

protect the security and economy of this country'.[1]

Although the Crown Prince and Prime Minister on several occasions before, beginning with the statement he made in June 1970, had sounded the government's alarm at seeing conditions deteriorate in both the Assembly and the public bureaucracy, the announcement by the Amir of the decision to amend the Constitution and to dissolve the Assembly took everyone in Kuwait by surprise. Most significantly, however, there was no outcry in response to the action taken by the Amir. This should not perhaps surprise us for two reasons: first, by the mid-seventies the Assembly's public standing appears to have suffered drastically on account of the conduct of its individual members and its lack of effectiveness as a legislative body (despite its firm stand on the oil question) and, secondly, because all the social groups within Kuwaiti society seemed to be well provided for by the government and thus many Kuwaitis appeared to consider the Assembly and its work superfluous to their own lives.

The prevailing attitude of the people and the press towards the Assembly was summed up by an article which appeared in the daily newspaper Al-Siyāsa on the eve of the 1975 general election when it stated:

> It has become evident that the last Assembly, as many of its members admit, had not fulfilled any of the citizens' hopes and aspirations, since many of its meetings had ended up either in personal quarrels or in the lack of a quorum, or in the walk out of its members. Moreover, as many of the accomplished results had been due to the government's efforts, people are saying that the government should decide laws without the need for recourse to the Assembly. That is why the people have lost interest in the Assembly.[2]

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1 Al-Qabas, daily newspaper, 1 Sept. 1976.

2 Al-Siyāsa, 20 Dec. 1974.

In fact members of the Assembly themselves, including the Speaker, had for some time been voicing the same views against their own Assembly and against the conduct of their fellow deputies. The Assembly Speaker, Khālid Al-Ghunaim, said in a press interview published in November 1973 that there were four types of deputies in the Assembly: 'a group which is enthusiastic and intends to work hard and to produce results seriously and faithfully, another one which seeks to benefit from its position, a third which came to pursue certain political and partisan aims, and a fourth which came to benefit from the prestige of this position'.[1] The outspoken deputy Khālid Al-Masʿūd said he admitted the fact that 'the National Assembly in Kuwait has proven under its present make-up that it cannot be as effective as the individual in Kuwait expects it to be . . . the Assembly has not provided any services of value to the people'.[2]

The fact that the main social groups within Kuwaiti society were well provided for by the government explained their lack of response to the suspension of the National Assembly. The reasons for this may clearly be seen through a quick glance at the position of each of them during the second decade which followed the promulgation of the Constitution. First, the new Kuwaiti middle class, as indicated earlier, was made up of salaried professionals who derived their own financial and social standing from the power of the public bureaucracy itself, and, consequently, resented the Assembly's many attempts to exercise control

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1 Ṣawt al-Khalīj, 11 Nov. 1973.

2 Al-Qabas, 1 Sept. 1976.

over it. Secondly, the position of the beduin element as part of the low-income group in society made it eligible to receive generous benefits from the government, whom it considered the source of its welfare. And finally, the merchant element which had realized by then that it could not continue to provide leadership in the National Assembly in the same way it had led the Constituent Assembly a decade earlier, decided to abandon that traditional role of leadership and to concentrate mainly on its own domain of commercial activity, whose freedom the government had always guaranteed.

The only sign of disapproval came from the 'progressive' element in Kuwait society which pointed out that it would be unfair to judge Kuwait's democratic experience in terms of the negative aspects inherent in the composition of the National Assembly, particularly in view of the presence of a huge number of beduin representatives within its ranks.[1] The beduin deputies had specifically been blamed by the press for the Assembly's delays in deciding on important government bills because of their method of bargaining with the government. As one paper put it a year earlier: 'the beduin deputies say to the government if you do not approve our interests, we will not approve your projects'.[2] What made matters worse was that their demands, as evidenced by their insistence on equating the price of land purchased in their desert areas with property bought in the city by the government, were completely illogical. However, Al-Ṭalīʿa argued that the government had itself to blame for that

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1 Al-Ṭalīʿa, 5 Sept. 1975.

2 Al-Risāla, 22 Nov. 1975.

situation since, as Dr. Aḥmad al-Khaṭīb had pointed out a year earlier during a debate on 'Kuwait's democratic experiment' held at Kuwait University, the government had itself encouraged the phenomenon of linking citizens and deputies to their own personal interests by having allowed candidates to move voters from one electoral district to another during a general election in order to ensure their own victory.[1]

Commenting on the decision to suspend the National Assembly, Al-Ṭalīʿa argued on 31 August 1976 that no one could consider the suspension of constitutional life in Kuwait without acknowledging the fact that it was the democratic experiment itself that Kuwait had lived throughout the past fourteen years, 'despite all its negative aspects and imperfection', which was mainly responsible for the prominent position Kuwait had achieved on both the Arab and the international levels.

Al-Ṭalīʿa also said:

> The justifications given for the recent decisions, such as the ineffectiveness of the National Assembly and the lack of understanding between it and the Executive Power, contradict the contents of all the speeches delivered by the Executive at the beginning and end of every session. However, we cannot ignore the fact that a great deal of what was wrong with the last Assembly was due to certain practices which the government had itself followed.[2]
>
> Although we acknowledge the fact that the conditions through which our Arab nation is passing are indeed 'delicate', we are not of the opinion that the best way to face these conditions is by stopping democratic process, or by cancelling the democratic gains of our people. On the contrary, we believe that these conditions compel us to build the strongest national unity possible. This is because any building with strong foundation is never affected by outside winds.[3]

On the same day the Amir announced the suspension of the

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1 Al-Risāla, 14 Mar. 1974.

2 What Al-Ṭalīʿa had in mind was again the way the government had allowed the movement of voters from one electoral district to another.

3 Al-Ṭalīʿa, 31 Aug. 1976.

National Assembly, another 'progressive' newspaper, Al-Waṭan published a special evening edition in which it criticized that move. Al-Waṭan objected to the Amir's decision to suspend certain provisions of the Constitution on the grounds that it meant changing the Constitution 'from a supreme law which enjoys a special inviolable position, to an ordinary one subject to be cancelled or amended by another law'.[1]

Writing under the title 'Gulf Democracies, Where to?', Al-Waṭan went on to connect what was happening in Kuwait with what had already taken place in other Gulf states. The newspaper noted that only a year earlier the government had resigned in Bahrain and the National Assembly had been dissolved. It also noted that at the same time, the idea of electing a Constituent Assembly to draft a constitution in the United Arab Emirates had been discarded in favour of appointing a special committee to be given that task. Although that committee had already drafted a constitution, Al-Waṭan added, it had still not been put into effect. Al-Waṭan then warned: 'And today in Kuwait . . . the nation's sovereignty and its democracy are losing ground, and the supremacy of the Constitution is shrinking . . . where to next?'[2]

Several professional and cultural organizations also expressed their disapproval of the government's decision to suspend the National Assembly by issuing a joint statement addressed to the people of Kuwait. The statement was signed by the General Labour Union of Kuwait, The Literary Society, The Lawyers Association, The Journalists Association, Independence Cultural Club, The Teachers Association, and the National Student Union of Kuwait. Emphasizing that these

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1 Al-Waṭan, 29 Aug. 1976.

2 Ibid.

organizations had always criticized the wrong practices followed by some former members of the dissolved assembly and other preceding assemblies 'such as their frequent indulgence in verbal attacks, quarrels, and loss of Assembly time', the statement said there were other important facts which need not be forgotten at this stage. First, the statement argued, that the distinguished position Kuwait had enjoyed on both the Arab and the international levels could not have been achieved without democracy and constitutional rule, which had gained Kuwait the respect of all. Secondly, that Kuwait had always been able to enjoy internal stability and security due to one fact alone, namely that its people had always had the freedom and the right to share in administering the affairs of their society. Thirdly, that one of the greatest achievements of the Arab nation had been fulfilled through democracy, namely the liberation of oil wealth from the monopolistic oil companies which had not only benefited Kuwait alone but also the other Arab oil producing countries.[1]

The statement finally argued that the desired reform of the Constitution should have been attempted through democratic means, and that it should have concerned itself with the main causes behind the lack of existence of an ideal democratic life in Kuwait, namely the movement of voters from one district to another and the 'sectarian, tribal, and ethnic' tendencies among the people. The statement concluded by underlining the importance of always adhering to the Islamic principle of shūrā, and by declaring that its signatories would only follow legitimate means in attempting to regain legitimacy and

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[1] Statement Published by The Popular Organizations of Kuwait regarding the National Assembly and the Suspension of the Constitution and Article 35 of the Press Law.

constitutional rule in Kuwait.[1]

Several months later, eighteen former deputies of the dissolved Assembly signed a letter addressed to the Prime Minister regarding the Amir's decision to dissolve the National Assembly and to suspend certain provisions of the Constitution. The signatories included seven deputies who had either been members or supporters of the Arab Nationalist Movement, six beduin deputies, four Shī'ī deputies, and one independent young member of a merchant family.[2] Noting that although the letter had not been intended to defend the former assemblies or to deny the existence of certain 'negative aspects' which had characterized its democratic practices such as its inability to quickly consider all the items on its agenda, the letter went on to argue that it was only fair to acknowledge that the dissolved Assembly had been able to legislate a great number of laws during its last session. It pointed out that during that one session the Assembly had been able to adopt 60 bills, to make 52 recommendations, and to present 23 desired proposals to the government in addition to two proposals.[3]

The letter further underlined the fact that Kuwait had always been characterized by a strong bond of 'love and understanding between the ruler and the ruled', which had been strengthened by the promulgation of the Constitution and the

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1 Ibid.

2 The signatories were Dr. Aḥmad Al-Khaṭīb, Jāsim Al-Qatāmī, ʿAbd Allāh Al-Naibārī, Sāmī Munayis, Khālid Al-Masʿūd, Rāshid Al-Fathān, Muḥammad al-Rashaid, Sālim Al-Marzūq, Khālid Khalaf, Saʿad Ṭāmī, ʿĪsā Bahman, Badir Al-Jābrī, ʿAbd Allāh al-Wazzān, Maraikhān Saʿad, Ḥusain Maʿarfī, Hādī Huwaila, and Khalaf Al-ʿUtaibī.

3 Unpublished Letter addressed to the Prime Minister and Signed by Eighteen Former Members of the Fourth Elected National Assembly.

coming of a parliamentary life which had itself proven to be a true embodiment of the Islamic rule of shūrā. The eighteen former deputies objected to the way the Executive chose to apply Article 107 of the Constitution which gave it the right to dissolve the National Assembly, but which also stipulated that new elections had to be held within a period of two months. Therefore, the deputies argued that Article 107 of the Constitution should have been applied in full. The deputies then emphasized the importance of the National Assembly in having played 'a leading role in maintaining national unity and in curbing tribalism and sectarianism'.[1]

Three years later, another letter was addressed to the Prime Minister which was signed by a greater number of former members of previous assemblies. This time the deputies urged the government for an early return of parliamentary life in Kuwait. Apart from this unpublished letter, no other similar statements or discussions appear to have been circulated or published before the return of parliamentary life in Kuwait as promised in 1981, in view of the amended version of the Press and Publication Law. The amended version which was announced immediately following the decision to suspend the National Assembly gave both the Council of Ministers and the Minister of Information the right to suspend the publication of any newspaper that publishes anything which 'contradicts the national interest'.[2] A new version to which all the previous statements had strongly objected.

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1 Ibid.

2 Amendment to Article 35 of the Press and Publications Law.

CONCLUSION

We have seen how by having institutionalized shūrā in a wider democratic sense fourteen years earlier, the ruling family in Kuwait had to share its powers with both the new executive and the new legislature. In the executive, the ruling family was able to strike a balance between the old and the new dominant social forces in Kuwaiti society, the merchants and the new middle class, while preserving for itself the sensitive portfolios of the Interior, Foreign Affairs, Defence, and Oil. However, sharing its powers with a legislative assembly proved to be a more difficult task to handle in view of two important facts: first, the Assembly was often too divided to act, and secondly, except for the opposition group Assemblymen were almost totally preoccupied with pursuing short-term material goals without consideration for any broad public interest. Therefore, once it became convinced that the existing political order was unable to adapt to social and economic changes and to deal with major policy problems, the ruling family decided to amend that political order. And until such amendment was accomplished (within the given four-year period) the only institution capable of stepping in and saving the situation was obviously the independent executive.

The political order in Kuwait, like other political orders in the third world, was faced with the problem of dealing with rapid change. The government in Kuwait pre-occupied as it was with the problem of stability, particularly in light of its politically unstable Middle Eastern environment, thought it

best to deal with unexpected changes by amending the Constitution. It is evident, however, that what needed to be changed was not Kuwait's political institutions, but the attitudes and values of its own citizens. The people, whether bureaucrats, ordinary citizens or elected representatives, had to learn to transform their attitudes and values from those of a 'community', into those of a 'society'. This process, as many educated Kuwaitis already knew, is a consequence of literacy, education and a nurtured awareness of the true value of representative institutions. It may be suggested that one important step in the drive to create a democratic political order should be to direct the educational system toward the task of acquainting people more with democratic values and democratic roles. Moreover, the bureaucracy itself should set an example by democratizing its own sphere, and by exercising self-restraint in the use of its powers and capacities. Above all, the bureaucracy should be forced to adhere to the organizational patterns and norms expected of a democratic bureaucracy, namely universality, rationality, hierarchy, discipline, and responsibility.

On the other hand, individual voters should learn that their elected representatives are there not to ensure their own material goals, but to serve the 'public interest' at large. Also, every deputy must become aware that the institutional interests of the Legislative Assembly differ from his own interests as an individual. While both voters and elected deputies have to learn that the 'public interest' is the interest of public institutions, the government should be reminded that the 'public interest' is something

created and brought into existence by the institutionalization of government organization. Thus, by having suspended the Assembly, the government had in effect deprived it as an organization of the opportunity to adapt itself to changes in its environment, and, consequently, to become more institutionalized. For it is through institutionalization alone that its leaders and members come to value it for its own sake as it develops a life of its own quite apart from the specific functions it performs.

The government should also be reminded that the Kuwaiti Constitution, which was the outcome of a process of compromise in which all social groups in Kuwaiti society had participated, did in fact provide a most suitable framework for democratic government in Kuwait. For, as we have seen earlier, preoccupied with the problem of stability the Constituent Assembly had set the guidelines for a democratic political order by devising a formula based on institutions drawn from both parliamentary and presidential systems, and adapted to suit Kuwait's local conditions. The fact that the political order in Kuwait was suffering from the 'deadlock of democracy' should not in any way diminish the value of the Constitution or the inventiveness of its founders, since it merely indicates that during the second decade which followed the promulgation of the Constitution it was society which was lagging behind the evolution of the state.

As promised, less than four years after the suspension of the Assembly was declared, the government announced in February 1980 the setting up of a special committee to propose amendments to the Constitution. The thirty-five

who were all appointed,[1] represented all the social groups within Kuwaiti society, including the increasing number of educated Kuwaitis which was reflected by the presence of four Ph.D. holders. The Committee also included two former nationalist deputies who belonged to merchant families, and who had resigned their National Assembly seats in December 1965 along with Dr. Aḥmad Al-Khaṭīb.[2] One of them, ʿAbd al-Razzāq Al-Khālid, was elected president of the Committee. Also, in line with what had been announced in August 1976, the Committee was expected to submit its proposals to the government within six months. In August 1980, the proposed amendments, which were not made public, were submitted to the Council of Ministers.

On 15 December 1980, the government announced a new amendment to the Electoral Law of 1962.[3] No explanation was given apart from the obvious fact that the new amendments would reduce the electorate in every district to an average of only 1,600 registered voters. On 17 December, the amended version of the 1962 Electoral Law became Law No. 99 of 1980 upon its signature by the Amir. The government also announced that the new general election would be held on 23 February 1981.

The general election for the fifth National Assembly proved to be the liveliest in Kuwait since the first election,

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1 Dr. ʿAbd Allāh M. ʿAbd Allāh, Fahid Al-Baḥar, Muḥammad Al-Barrāk, ʿAbd al-Razzāq Al-Baṣīr, Nāyif Al-Dabbūs, Fahid Al-Duwairī, Muḥammad Al-Gaḥṣ, Falaḥ Al-Ḥajraf, Manṣūr Ḥayatī, Ḥabīb Ḥayātī, ʿAbd al-Raḥmān Al-Hawil, Yaʿqūb Al-Ḥumaiḍī, Badir Al-ʿĪsā, ʿAbd Allāh Al-ʿĪsā, ʿAlī Al-Jassār, Rashid Al-Jusairī, ʿAbd al-Razzāq Al-Khālid, ʿAbd al-ʿAzīz Al-Khālid, Ībrāhīm Khuraibiṭ, Zaid Al-Kāzimī, ʿAbd al-Ṣamad Maʿrafī, Sālim Al-Muḍaf, ʿAbbās Munāwir, ʿAbd al-ʿAzīz Al-Misaʿīd, Ḥamad Al-Mishārī, Saʿad Al-Nahiḍ, Jāsim Al-Nisf, Dr. Ṭāriq Razūqī, Dr. ʿĀdil Al-Tabtabāʿī, Muḥammad Al-ʿUṣaimī, ʿAbd Allāh Al-Wazzān, Muḥammad Al-Wazzān, Jumʿa Yasīn; Al-Qabas, 1 Feb. 1980.

2 See Chapter IV.

3 For the Electoral Law of 1962, see Appendix 2.

which had been held less than two decades earlier. As many as 447 candidates competed for the 50 seats, while 80 per cent of the 41,676 registered voters participated in the voting. Whereas the new Assembly reflected the main social groups in society, the type of deputies who were elected indicated a significant change from the previous Assemblies; first, over one half of the members (deputies) were elected to the Assembly for the first time; secondly, only one deputy had been a member of the Constituent Assembly, only two had served in all previous Assemblies, while 22 had served in one or more Assemblies; thirdly, one third of the members were university graduates (seven among them held higher degrees); fourthly, almost half the members were former civil servants; and finally and most significantly, the average age of the members was 43 years, with only two over 60 years of age and as many as 18 deputies in their thirties.

These young well-educated deputies came from all the different social groups in Kuwaiti society: the merchants (whose number was reduced to a handful), the middle class, and the beduins. Thus, among the twenty beduin deputies elected to the Assembly, three of the most prominent beduin leaders were conspicuously absent. Two of them, ʿAbbās Munāwir and Ghannām Al-Jumhur, had continued for almost two decades to represent the beduins, since their election to the Constituent Assembly. The fact that they were replaced by younger and better educated members of their tribes, as in the case of Kuwait University professor Dr. Khālid Al-Wasmī, indicated a strong desire for change in Kuwait even among its most traditional element—the Kuwait beduins. But in spite of this desire for change which was clearly shown by the beduin voters, many were still apprehensive

about the role that the beduin deputies might play in the Assembly, in view of the solidarity they had always shown inside and outside the Assembly chamber.

Thus Dr. ʿAbd Allāh Al-Nafīsī, a Cambridge University graduate and a close observer of Kuwaiti politics, wrote in the daily Al-Waṭan on 2 March 1981 addressing the new beduin deputies:

> Yesterday we used to be tribes. This is a fact. But today we are a state. This is another fact. The step between the tribe and the state is a long one, or this is how it should be. Yesterday it used to be the values of the tribe which prevailed: solidarity . . . pride . . . victory . . . and loyalty.
>
> Today we are a state, and, therefore, within the framework of the Constitution and the Law we do not need all that, because the Constitution and the Law concentrate power in the hands of one central authority whose first responsibility is the protection of the individual. The State phase is the phase of regulating by law the relationship between the government and the citizen . . .
>
> Therefore, it is necessary for the beduin deputies to behave, during the coming term, as citizens of a state and not as members of a tribe.[1]

Another new development which the election results seemed to indicate was that although the number of Shīʿī deputies was significantly reduced (since the new divisions gave them control over two districts only), the new Shīʿī deputies represented the young educated and religious element within the Shīʿa community of Kuwait as opposed to the former leadership of the Shīʿī merchants. At the same time a group of young well-educated Kuwaitis who represented the religious organization Jamʿiyat al-Iṣlāḥ al-Ijtimāʿī (the Society for Social Reform), won five Assembly seats. This was the first time in Kuwait that members of this religious organization had openly contested an election. It appears that by the early 1970s, Jamʿiyat al-Iṣlāḥ had decided to work for its own representation in the Assembly,

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[1] Al-Waṭan, 2 Mar. 1981.

and had thus stepped up its political activities which culminated in the highly organized 1981 election campaign. But some observers point out that by having ensured its own representation in the new Assembly, the society had in fact limited its own ability to apply direct pressure on either the government or the Assembly as it used to before. These observers argue that the society will from now on be expected to rely on its own deputies, who do not stand much of a chance as a minority of five, in convincing their fellow deputies of their point of view. Moreover, it is also argued that by having entered the political arena, the society has opened itself to criticisms and attacks from the other forces in Kuwaiti society, particularly the 'progressive' element, which is liable to weaken its position and to cost it the next election.

Finally, apart from the new changes in Kuwait which the 1981 general election seems to reflect, one unanticipated result surprised everyone. This was the failure of Dr. Aḥmad Al-Khaṭīb and his 'progressive' colleagues to win any of the seats they contested. Some Kuwaiti observers ventured to point out at this early stage that this was due to the lack of political activity on the part of that 'progressive' group which had so far enjoyed wide popular support in the country, during the four-year period in which the Assembly was suspended. This, they add, happened at a time during which the religious element was busy mobilizing popular support in preparation for the new election.

At a symposium held at Kuwait University on 12 April 1981 to evaluate the results of the recent election, a leading 'progressive democrat', ʿAbd Allāh Al-Naibārī, gave that

group's own analysis of that election's results.[1] He enumerated several causes for the failure of the nationalist candidates to win in any of the districts in which they had stood. First, Al-Naibārī explained that the nationalist movement was suffering from what he called an 'organizational crisis', which he described as 'a lack of strong organizational ties among the several groups and elements within this wide current'. Secondly, the reduction in the size of the electorate in each district to a very small number had, in his opinion, strengthened the great influence of 'sectarian, clanish, and tribal bonds', and had brought out into the open what he called 'electoral zakāt'. Within such a small electorate, Al-Naibārī argued that it had also become easier for candidates who belonged to what he called ḥizb al-sulṭa (the authorities' party)[2] to gain more supporters. They were able to achieve that, he continued, with the use of vast potentialities at their disposal particularly the help and support of the merchants who, despite the leading role they had previously played in the development of democratic life in Kuwait before and after the advent of oil wealth, they had began to fear Kuwait's democratic experiment.

Thirdly, Al-Naibārī emphasized the fact that it was for the first time during an election that the nationalist movement had encountered such fierce competition as the one which had come from the organized religious element in Kuwaiti society. Contrary to the thinking of the nationalist movement which had expected the religious group to either support the nationalist candidates or be neutral towards them in those

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1 Published in Al-Ṭalīʿa, 15 Apr. 1981.

2 What he meant by this was all those who supported the government including the great number of former civil servants who stood for election.

districts in which none of the religious candidates was standing for election, Al-Naibārī said, the latter worked with all their power to stop the nationalists from winning even in those districts. The religious group, he added, went as far as to co-operate with the government and the rightist element among the merchants in order to achieve that purpose. Finally, and most significantly, Al-Naibārī noted a most important fact of political life in Kuwait and one which has been emphasized throughout this study, namely that the Kuwaiti citizen had always paid too much attention to his own daily life and his own personal needs at the expense of other more important national issues and causes. This attitude, he argued, had developed because of the vast liquidity which the Kuwaiti citizen had been able to gain from the oil wealth. Obviously, the Kuwaiti citizen cared only for the type of candidates who would fulfil his own personal needs at the expense of the more important national causes.

APPENDIX 1

THE CONSTITUTION
OF
THE STATE OF KUWAIT

In the name of Allah, the Beneficent, the Merciful,

We, ABDULLAH al-SALIM al-SABAH

AMIR of the State of Kuwait,

Being desirous of consummating the means of democratic rule for our dear Country; and,

Having faith in the role of this Country in the furtherance of Arab nationalism and the promotion of world peace and human civilisation; and,

Striving towards a better future in which the Country enjoys greater prosperity and higher international standing, and in which also the citizens are provided with more political freedom, equality and social justice; a future which upholds the traditions inherent in the Arab nature by enhancing the dignity of the individual, safeguarding public interest, and applying consultative rule yet maintaining the unity and stability of the Country; and,

Having considered Law Number 1 of 1962 concerning the system of Government during the period of transition; and,

Upon the resolution of the Constituent Assembly;

Do hereby approve this Constitution and promulgate it.

PART I
THE STATE AND THE SYSTEM OF GOVERNMENT

Article 1

Kuwait is an Arab State, independent and fully sovereign. Neither its sovereignty nor any part of its territory may be relinquished.

The people of Kuwait is a part of the Arab Nation.

Article 2

The religion of the State is Islam, and the Islamic Sharia shall be a main source of legislation.

Article 3

The official language of the State is Arabic.

Article 4

Kuwait is a hereditary Amirate, the succession to which shall be in the descendants of the late Mubarak al-Sabah.

The Heir Apparent shall be designated within one year, at the latest, from the date of accession of the Amir.

His designation shall be effected by an Amiri Order upon the nomination of the Amir and the approval of the National Assembly which shall be signified by a majority vote of its members in a special sitting.

In case no designation is achieved in accordance with the foregoing procedure, the Amir shall nominate at least three of the descendants of the late Mubarak al-Sabah of whom the National Assembly shall pledge allegiance to one as Heir Apparent.

The Heir Apparent shall have attained his majority, be of sound mind and a legitimate son of Muslim parents.

A special law promulgated within one year from the date of coming into force of this Constitution shall lay down the other rules of succession in the Amirate. The said law shall be of a constitutional nature and therefore shall be capable of amendment only by the procedure prescribed for amendment of the Constitution.

Article 5

The flag, emblem, badges, decorations and National Anthem of the State shall be specified by law.

Article 6

The System of Government in Kuwait shall be democratic, under which sovereignty resides in the people, the source of all powers. Sovereignty shall be exercised in the manner specified in this Constitution.

PART II

FUNDAMENTAL CONSTITUENTS OF THE KUWAITI SOCIETY

Article 7

Justice, Liberty and Equality are the pillars of Society; co-operation and mutual help are the firmest bonds between citizens.

Article 8

The State safeguards the pillars of Society and ensures security, tranquility and equal opportunities for citizens.

Article 9

The family is the corner-stone of Society. It is founded on religion, morality and patriotism. Law shall preserve the integrity of the family, strengthen its ties and protect under its auspices motherhood and childhood.

Article 10

The State cares for the young and protects them from exploitation and from moral, physical and spiritual neglect.

Article 11

The State ensures aid for citizens in old age, sickness or inability to work. It also provides them with services of social security, social aid and medical care.

Article 12

The State safeguards the heritage of Islam and of the Arabs and contributes to the furtherance of human civilisation.

Article 13

Education is a fundamental requisite for the progress of society, assured and promoted by the State.

Article 14

The State shall promote science, letters and the arts and encourage scientific research therein.

Article 15

The State cares for public health and for means of prevention and treatment of diseases and epidemics.

Article 16

Property, capital and work are fundamental constituents of the social structure of the State and of the national wealth. They are all individual rights with a social function as regulated by law.

Article 17

Public property is inviolable and its protection is the duty of every citizen.

Article 18

Private property is inviolable. No one shall be prevented from disposing of his property except within the limits of law. No property shall be expropriated except for the public benefit in the circumstances and manner specified by law, and on condition that just compensation is paid.

Inheritance is a right governed by the Islamic Sharia.

Article 19

General confiscation of the property of any person shall be prohibited. Confiscation of particular property as a penalty may not be inflicted except by a court judgment in the circumstances specified by law.

Article 20

The national economy shall be based on social justice. It is founded on fair co-operation between public and private activities. Its aim shall be economic development, increase of productivity, improvement of the standard of living and achievement of prosperity for citizens, all within the limits of law.

Article 21

Natural resources and all revenues therefrom are the property of the State. It shall ensure their preservation and proper exploitation due regard being given to the requirements of State security and the national economy.

Article 22

Relations between employers and employees and between landlords and tenants shall be regulated by law on economic principles, due regard being given to the rules of social justice.

Article 23

The State shall encourage both co-operative activities and savings, and supervise the system of credit.

Article 24

Social justice shall be the basis of taxes and public imposts.

Article 25

The State shall ensure the solidarity of society in shouldering burdens resulting from public disasters and calamities and provide compensation for war damages or injuries received by any person as a result of the discharge of his military duties.

Article 26

Public office is a national service entrusted to those who hold it. Public officials, in the exercise of their duties, shall aim at the public interest.

Aliens may not hold public offices except in the cases specified by law.

PART III

PUBLIC RIGHTS AND DUTIES

Article 27

Kuwaiti nationality shall be defined by law. No deprivation or withdrawal of nationality may be effected except within the limits prescribed by law.

Article 28

No Kuwaiti may be deported from Kuwait or prevented from returning thereto.

Article 29

All people are equal in human dignity, and in public rights and duties before the law, without distinction as to race, origin, language or religion.

Article 30

Personal liberty is guaranteed.

Article 31

No person shall be arrested, detained, searched or compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the provisions of law.

No person shall be subjected to torture or to degrading treatment.

Article 32

No crime and no penalty may be established except by virtue of law, and no penalty may be imposed except for offences committed after the relevant law has come into force.

Article 33

Penalty is personal.

Article 34

An accused person is presumed innocent until proved guilty in a legal trial at which the necessary guarantees for the exercise of the right of defence are secured.

The infliction of physical or moral injury on an accused person is prohibited.

Article 35

Freedom of belief is absolute. The State protects the freedom of practising religion in accordance with established customs, provided that it does not conflict with public policy or morals.

Article 36

Freedom of opinion and of scientific research shall be guaranteed. Every person shall have the right to express and propagate his opinion verbally, in writing or otherwise, in accordance with the conditions and procedures specified by law.

Article 37

Freedom of the press, printing and publishing shall be guaranteed in accordance with the conditions and manner specified by law.

Article 38

Places of residence shall be inviolable. They may not be entered without the permission of their occupants except in the circumstances and manner specified by law.

Article 39

Freedom of communication by post, telegraph and telephone and the secrecy thereof shall be guaranteed; accordingly, censorship of communications and disclosure of their contents shall not be permitted except in the circumstances and manner specified by law.

Article 40

Education is a right for Kuwaitis, guaranteed by the State in accordance with law and within the limits of public policy and morals. Education in its preliminary stages shall be compulsory and free in accordance with law.

Law shall lay down the necessary plan to eliminate illiteracy.

The State shall devote particular care to the physical, moral and mental development of youth.

Article 41

Every Kuwaiti has the right to work and to choose the type of his work.

Work is a duty of every citizen necessitated by personal dignity and public good. The State shall endeavour to make it available to citizens and to make its terms equitable.

Article 42

There shall be no forced labour except in the cases specified by law for national emergency and with just remuneration.

Article 43

Freedom to form associations and unions on a national basis and by peaceful means shall be guaranteed in accordance with the conditions and manner specified by law. No one may be compelled to join any association or union.

Article 44

Individuals shall have the right of private assembly without permission or prior notification, and the police may not attend such private meetings.

Public meetings, processions and gatherings shall be permitted in accordance with the conditions and manner specified by law, provided that their purpose and means are peaceful and not contrary to morals.

Article 45

Every individual shall have the right to address the public authorities in writing over his signature. Only duly constituted organisations and bodies corporate shall have the right to address the authorities collectively.

Article 46

Extradition of political refugees is prohibited.

Article 47

National defence is a sacred duty, and military service is an honour for citizens which shall be regulated by law.

Article 48

Payment of taxes and public imposts is a duty in accordance with law which shall regulate exemption of small incomes from taxes in such a way as to maintain the minimum standard of living.

Article 49

Observance of public order and respect for public morals are a duty incumbent upon all inhabitants of Kuwait.

PART IV

POWERS

Chapter I - General Provisions

Article 50

The system of Government is based on the principle of separation of powers functioning in co-operation with each other in accordance with the provisions of the Constitution. None of these powers may relinquish all or part of its competence specified in this Constitution.

Article 51

Legislative power shall be vested in the Amir and the National Assembly in accordance with the Constitution.

Article 52

Executive power shall be vested in the Amir, the Cabinet and the Ministers, in the manner specified by the Constitution.

Article 53

Judicial power shall be vested in the Courts, which shall exercise it in the name of the Amir within the limits of the Constitution.

Chapter II - The Head of State

Article 54

The Amir is the head of the State. His person shall be immune and inviolable.

Article 55

The Amir shall exercise his powers through his Ministers.

Article 56

The Amir shall, after the traditional consultations, appoint the Prime Minister and relieve him of office. The Amir shall also appoint Ministers and relieve them of office upon the recommendation of the Prime Minister.

Ministers shall be appointed from amongst the members of the National Assembly and from others.

The number of Ministers in all shall not exceed one-third of the number of the members of the National Assembly.

Article 57

The Cabinet shall be re-constituted in the manner specified in the preceding Article at the beginning of every legislative term of the National Assembly.

Article 58

The Prime Minister and the Ministers shall be collectively responsible to the Amir for the general policy of the State. Every Minister shall also be individually responsible to the Amir for the affairs of his ministry.

Article 59

The Law referred to in Article 4 of this Constitution shall specify the conditions under which the Amir shall exercise his constitutional powers.

Article 60

Before assuming his powers the Amir shall take the following oath at a special sitting of the National Assembly :

< I swear by Almighty God to respect the Constitution and the laws of the State, to defend the liberties, interest and properties of the people and to safeguard the independence and territorial integrity of the Country.>

Article 61

In the event of his absence outside the Country and the inability of the Heir Apparent to act as Deputy for him, the Amir shall appoint, by an Amiri Order, a Deputy who shall exercise his powers during his absence. The said Amiri Order may include a specified arrangement for the exercise of the said powers on behalf of the Amir, or a limitation of their scope.

Article 62

The Amir's Deputy shall satisfy the qualifications laid down in Article 82 of this Constitution. If he is a Minister or a member of the National Assembly he shall not take part in the ministerial functions or in the work of the Assembly during the period in which he is acting as Deputy for the Amir.

Article 63

Before assuming his powers the Amir's Deputy shall, at a special sitting of the National Assembly, take the oath mentioned in Article 60 of this Constitution with the following phrase added thereto :

< and be loyal to the Amir. >

Article 64

The provisions of Article 131 of this Constitution shall apply to the Amir's Deputy.

Article 65

The Amir shall have the right to initiate, sanction and promulgate laws. Promulgation of laws shall take place within thirty days from the date of their submission by the National Assembly to the Amir. This period shall be reduced to seven days in case of urgency. Such urgency shall be decided upon by a majority vote of the members constituting the National Assembly.

Official holidays shall not be counted in computing the promulgation period.

If the period of promulgation expires without the Head of State demanding reconsideration, the bill shall be considered as having been sanctioned and shall be promulgated.

Article 66

Reference of a bill for reconsideration shall be by a decree stating the grounds thereof. If the National Assembly confirms the bill by a two-thirds majority vote of its members the Amir shall sanction and promulgate the bill within thirty days from its submission to him. If the bill does not receive the said majority, it shall not be reconsidered during the same session. If the National Assembly, in another session, confirms the same bill by a majority vote of its members, the Amir shall sanction and promulgate the bill as law within thirty days from its submission to him.

Article 67

The Amir is the Supreme Commander of the Armed Forces. He appoints and dismisses officers in accordance with law.

Article 68

The Amir shall declare defensive war by decree. Offensive war is prohibited.

Article 69

The Amir shall proclaim Martial Law in the cases of necessity determined by law and in accordance with the procedure specified therein. The proclamation of Martial Law shall be by decree. Such decree shall be referred to the National Assembly within the fifteen days following its issue, for a decision of the future of Martial Law. If the proclamation takes place during the period the National Assembly is dissolved it shall be referred to the new Assembly at its first sitting.

Martial Law may not continue unless a decision to that effect is made by a majority vote of the members constituting the Assembly.

In all cases the matter shall be referred to the National Assembly in accordance with the foregoing procedure, every three months.

Article 70

The Amir shall conclude treaties by decree and shall transmit them immediately to the National Assembly with the appropriate statement. A treaty shall have the force of law after it is signed, ratified and published in the Official Gazette.

However, treaties of peace and alliance; treaties concerning the territory of the State, its natural resources or sovereign rights, or public or private rights of citizens; treaties of commerce, navigation and residence; and treaties which entail additional expenditure not provided for in the budget, or which involve amendment of the laws of Kuwait; shall come into force only when made by a law.

In no case may treaties incluce secret provisions contradicting those declared.

Article 71

Should necessity arise for urgent measures to be taken while the National Assembly is not in session or is dissolved, the Amir may issue decrees in respect thereof which shall have the force of law, provided that they shall not be contrary to the Constitution or to the appropriations included in the budget law.

Such decrees shall be referred to the National Assembly within the fifteen days following their issue if the Assembly is in being. If it is dissolved or its legislative term has expired such decrees shall be referred to the next Assembly at its first sitting. If they are not thus referred they shall retrospectively cease to have the force of law, without the necessity of any decision to that effect. If they are referred and the Assembly does not confirm them, they shall restrospectively cease to have the force of law, unless the Assembly approves their validity for the preceding period or settles in some other way the effects arising therefrom.

Article 72

The Amir shall, by decree, issue the regulations necessary for the execution of laws without amending or suspending such laws or making any exemption from their execution. A law may prescribe a less formal instrument than a decree for the issue of the regulations necessary for its execution.

Article 73

The Amir shall, by decree, issue regulations for public order and health, and regulations necessary for the organisation of public services and administration, not conflicting with any law.

Article 74

The Amir shall appoint and dismiss civil and military officials and diplomatic representatives to foreign countries in accordance with law. He shall also accept credentials of the representatives of foreign countries.

Article 75

The Amir may, by decree, grant a pardon or commute a sentence. However, general amnesty shall not be granted except by a law and then only in respect of offences committed prior to the proposal of the amnesty.

Article 76

The Amir shall confer Orders of Honour in accordance with law.

Article 77

Coins shall be minted in the name of the Amir in accordance with law.

Article 78

Upon the accession of the Head of State his annual emoluments shall be fixed by a law for the duration of his reign.

Chapter III - Legislative Power

Article 79

No law may be promulgated unless it has been passed by the National Assembly and sanctioned by the Amir.

Article 80

The National Assembly shall be composed of fifty members elected directly by universal suffrage and secret ballot in accordance with the provisions prescribed by the electoral law.

Ministers who are not elected members of the National Assembly shall be considered ex-officio members thereof.

Article 81

Electoral constituencies shall be determined by law.

Article 82

A member of the National Assembly shall :

(a) be a Kuwaiti by origin in accordance with law.

(b) be qualified as an elector in accordance with the electoral law.

(c) be not less than thirty calendar years of age on the day of election.

(d) be able to read and write Arabic well.

Article 83

The term of the National Assembly shall be four calendar years commencing with the day of its first sitting. Elections for the new Assembly shall take place within the sixty days preceding the expiry of the said term, due regard being given to the provisions of Article 107.

Members whose term of office expires may be re-elected.

The term of the Assembly may not be extended except for necessity in time of war and by a law.

Article 84

If, for any reason, a seat in the National Assembly becomes vacant before the end of the term, the vacancy shall be filled by election within two months from the date on which the Assembly declares the vacancy. The mandate of the new member shall last until the end of that of his predecessor.

If the vacancy occurs within six months prior to the expiry of the legislative term of the Assembly no successor shall be elected.

Article 85

The National Assembly shall have an annual session of not less than eight months. The said session may not be prorogued before the budget is approved.

Article 86

The Assembly shall start its ordinary session during the month of October of every year upon a convocation by the Amir. If the decree of convocation is not issued before the first of the said month, the time for the meeting shall be deemed to be 9 am on the third Saturday of that month. If such day happens to be an official holiday, the Assembly shall meet on the morning of the first day thereafter.

Article 87

Notwithstanding the provisions of the preceding two Articles the Amir shall summon the National Assembly to hold its first meeting within two weeks of the end of the general election. If the decree of convocation is not issued within the said period, the Assembly shall be deemed to have been convoked for the morning of the day following these two weeks, due regard being given to the relevant provision of the preceding Article.

If the date of the meeting of the Assembly falls after the annual date mentioned in Article 86 of the Constitution, the term of the session specified in Article 85 shall be reduced by the difference between the said two dates.

Article 88

The National Assembly shall, by decree, be called to an extraordinary session if the Amir deems it necessary, or upon the demand of the majority of the members of the Assembly.

In an extraordinary session the Assembly may not consider matters other than those for which it has been convened except with the consent of the Cabinet.

Article 89

The Amir shall announce the prorogation of ordinary and extraordinary sessions.

Article 90

Every meeting held by the Assembly at a time or place other than that assigned for its meeting shall be invalid, and resolutions passed thereat shall, by virtue of law, be void.

Article 91

Before assuming his duties in the Assembly or in its committees, a member of the National Assembly shall take the following oath before the Assembly in a public sitting :

> < I swear by Almighty God to be faithful to the Country and to the Amir, to respect the Constitution and the laws of the State, to defend the liberties, interests and properties of the people and to discharge my duties honestly and truthfully. >

Article 92

The National Assembly shall elect at its first sitting and for the duration of its term a President and a Deputy President from amongst its members. If either office becomes vacant the Assembly shall elect a successor for the remainder of its term.

In all cases election shall be by an absolute majority vote of the members present. If this majority vote is not attained in the first ballot, another election shall be held between the two candidates receiving the highest number of votes. If more than one candidate receives an equal number of votes in the second place, all such candidates shall participate in the second ballot. In this case the candidate who receives the greatest number of votes shall be elected. If there is a tie in this last ballot, the choice shall be by lot.

The oldest member shall preside over the first sitting until the President is elected.

Article 93

The Assembly shall form, within the first week of its annual session, the committees necessary for its functions. These committees may discharge their duties during the recess of the Assembly with a view to submitting their recommendations to it when it meets.

Article 94

Sittings of the National Assembly shall be public, though they may be held in secret upon the request of the Government, the President of the Assembly or ten of its members. The debate on such request shall be held in secret.

Article 95

The National Assembly shall decide upon the validity of the election of its members. No election may be declared invalid except by a majority vote of the members constituting the Assembly. This jurisdiction may, by law, be entrusted to a judicial body.

Article 96

The National Assembly shall be the competent authority to accept resignation of its members.

Article 97

For the meeting of the National Assembly to be valid more than half of its members must be present. Resolutions shall be passed by an absolute majority vote of the members present, except in cases where a special majority is required. When votes are equally divided, the motion shall be deemed to be rejected.

Article 98

Immediately upon its formation, every Cabinet shall present its programme to the National Assembly. The Assembly may make comments with regard to such a programme.

Article 99

Every member of the National Assembly may put to the Prime Minister and to Ministers questions with a view to clarifying matters falling within their competence. The questioner alone shall have the right to comment once upon the answer.

Article 100

Every member of the National Assembly may address to the Prime Minister and to Ministers interpellations with regard to matters falling within their competence.

The debate on such an interpellation shall not take place until at least eight days have elapsed after its presentation, except in case of urgency and with the consent of the Minister concerned.

Subject to the provisions of Article 101 and 102 of the Constitution, an interpellation may lead to the question of no-confidence being put to the Assembly.

Article 101

Every Minister shall be responsible to the National Assembly for the affairs of his ministry. If the Assembly passes a vote of no-confidence

against a Minister, he shall be considered to have resigned his office as from the date of the vote of no-confidence and shall immediately submit his formal resignation. The question of confidence in a Minister may not be raised except upon his request or upon a demand signed by ten members, following a debate on an interpellation addressed to him. The Assembly may not make its decision upon such a request before the lapse of seven days from the presentation thereof.

Withdrawal of confidence from a Minister shall be by a majority vote of the members constituting the Assembly excluding Ministers. Ministers shall not participate in the vote of confidence.

Article 102

The Prime Minister shall not hold any portfolio; nor shall the question of confidence in him be raised before the National Assembly.

Nevertheless, if the National Assembly decides, in the manner specified in the preceding Article, that it cannot co-operate with the Prime Minister, the matter shall be submitted to the Head of State. In such a case the Amir may either relieve the Prime Minister of office and appoint a new Cabinet or dissolve the National Assembly.

In the event of dissolution, if the new Assembly decides by the above-mentioned majority vote that it cannot co-operate with the said Prime Minister, he shall be considered to have resigned as from the date of the decision of the Assembly in this respect, and a new Cabinet shall be formed.

Article 103

If, for any reason, the Prime Minister or a Minister vacates his office, he shall continue to discharge the urgent business thereof until his successor is appointed.

Article 104

The Amir shall open the annual session of the National Assembly whereupon he shall deliver an Amiri Speech reviewing the situation of the country and the important public matters which happened during the preceding year, and outlining the projects and reforms the Government plans to undertake during the coming year.

The Amir may depute the Prime Minister to open the Assembly or to deliver the Amiri Speech.

Article 105

The National Assembly shall choose, from amongst its members, a committee to draft the reply to the Amiri Speech which will embody the comments and wishes of the Assembly. After the said reply has been approved by the Assembly, it shall be submitted to the Amir.

Article 106

The Amir may, by a decree, adjourn the meeting of the National Assembly for a period not exceeding one month. Adjournment may be repeated during the same session with the consent of the Assembly and then once only. A period of adjournment shall not be counted in computing the duration of the session.

Article 107

The Amir may dissolve the National Assembly by a decree in which the reasons for dissolution shall be indicated. However, dissolution of the Assembly may not be repeated for the same reasons.

In the event of dissolution, elections for the new Assembly shall be held within a period not exceeding two months from the date of dissolution.

If the elections are not held within the said period the dissolved Assembly shall be restored to its full constitutional authority and shall meet immediately as if the dissolution had not taken place. The Assembly shall then continue functioning until the new Assembly is elected.

Article 108

A member of the Assembly represents the whole nation. He shall safeguard the public interest and shall not be subject to any authority in the discharge of his duties in the Assembly or in its committees.

Article 109

A member of the Assembly shall have the right to initiate bills.

No bill initiated by a member and rejected by the National Assembly may be re-introduced during the same session.

Article 110

A member of the National Assembly shall be free to express any views or opinions in the Assembly or in its committees. Under no circumstances shall he be held liable in respect thereof.

Article 111

Except in cases of flagrante delicto, no measures of inquiry, search, arrest, detention or any other penal measure may be taken against a member while the Assembly is in session, except with the authorisation of the Assembly. The Assembly shall be notified of any penal measure that may be taken during its session in accordance with the foregoing provision. The Assembly shall always at its first meeting be notified of any such measure taken against any of its members while it was not sitting. In all cases, if the Assembly does not give a decision regarding a request for autho-isation within one month from the date of its receipt, permission shall be deemed to have been given.

Article 112

Upon a request signed by five members, any subject of general interest may be put to the National Assembly for discussion with a view to securing clarification of the Government's policy and to exchanging views thereon. All other members shall also have the right to participate in the discussion.

Article 113

The National Assembly may express to the Government wishes re-garding public matters. If the Government cannot comply with these wishes, it shall state to the Assembly the reasons thereof. The Assembly may comment once on the Government's statement.

Article 114

The National Assembly shall at all times have the right to set up committees of inquiry or to delegate one or more of its members to investigate any matter within its competence. Ministers and all Government officials must produce testimonials, documents and statements requested from them.

Article 115

The Assembly shall set up, among its annual standing committees, a special committee to deal with petitions and complaints submitted to the Assembly by citizens. The committee shall seek explanation thereon from the competent authorities and shall inform the person concerned of the result.

A member of the National Assembly may not interfere with the work of either the Judicial or the Executive Power.

Article 116

The Prime Minister and Minsiters shall be given the floor whenever they ask for it. They may call for assistance upon any senior officials or depute them to speak on their behalf. The Assembly may ask for a Minister to be present whenever a matter relating to his ministry is under discussion. The Cabinet shall be represented in the sittings of the Assembly by the Prime Minister or by some Ministers.

Article 117

The National Assembly shall lay down its standing orders which shall include the procedure of the Assembly and its committees, and the rules pertaining to discussion, voting, questions, interpellation and all other functions prescribed in the Constitution. The standing orders shall prescribe the sanctions to be imposed on any member who violates order or absents himself from the meetings of the Assembly or the committees without a legitimate excuse.

Article 118

The maintenance of order in the National Assembly shall be the responsibility of its President. The Assembly shall have a special guard under the authority of the President of the Assembly.

No armed forces may enter the Assembly or be stationed close to its gates unless so requested by the President.

Article 119

The remuneration of the President of the National Assembly, the Deputy President and the Members shall be fixed by law. In the event of a modification of the said remuneration, such modification shall not take effect until the next legislative term.

Article 120

Membership of the National Assembly shall be incompatible with public office except in the cases where compatibility is permitted in accordance with the Constitution. In such cases the right to the remuneration for membership and the right to the salary of the public office shall not be cumulated.

The law shall specify other cases of incompatibility.

Article 121

During his mandate a member of the National Assembly shall not be appointed on the board of directors of a company, nor shall he participate in concessions granted by the Government or by public bodies.

Further, during the said mandate, he shall not buy or rent any property of the State, nor shall he let, sell or barter any of his property to the Government, except by public auction or tender, or in compliance with the system of compulsory acquisition.

Article 122

During their mandate, members of the National Assembly with the exception of those occupying a public office not incompatible with the membership of the National Assembly, may not be awarded decorations.

Chapter IV - The Executive Power

Section I - The Cabinet

Article 123

The Council of Ministers shall have control over the departments of the State. It shall formulate the general policy of the Government, pursue its execution and supervise the conduct of work in Government departments.

Article 124

A law shall determine the remuneration of the Prime Minister and the Ministers.

All other provisions regarding Ministers shall apply to the Prime Minister unless otherwise stated.

Article 125

A Minister shall satisfy the qualifications laid down in Article 82 of this Constitution.

Article 126

Before assuming office the Prime Minister and Ministers shall take before the Amir the Oath specified in Article 91 of this Constitution.

Article 127

The Prime Minister shall preside over the meetings of the Council of Ministers and supervise the co-ordination of work among the various ministries.

Article 128

Deliberations of the Council of Ministers shall be secret. Resolutions shall be passed only when the majority of its members are present and with the approval of the majority of those present. In case of an equal division of votes the side on which the Prime Minister has voted shall prevail.

Unless they resign, the minority shall abide by the opinion of the majority.

Resolutions of the Council of Ministers shall be submitted to the Amir for approval in cases where the issue of a decree is required.

Article 129

The resignation of the Prime Minister or his removal from office shall involve the resignation or removal of all other Ministers.

Article 130

Every Minister shall supervise the affairs of his ministry and shall execute therein the general policy of the Government. He shall also formulate directives for the ministry and supervise their execution.

Article 131

While in office, a Minister shall not hold any other public office or practise, even indirectly, any profession or undertake any industrial, commercial or financial business. Further, he shall not participate in any concession granted by the Government or by public bodies or cumulate the ministerial post with membership of the board of directors of any company.

Further, during the said period, a Minister shall not buy or take or hire any property of the State even by public auction, nor shall he let, sell or barter any of his property to the Government.

Article 132

A special law shall define the offences which may be committed by Ministers in the performance of their duties, and shall specify the procedure for their indictment and trial and the competent authority for the said trial, without affecting the application of other laws to their ordinary acts or offences and to the civil liability arising therefrom.

Article 133

Law shall regulate general and municipal self-governing bodies in such a way as to ensure their independence under the direction and supervision of the Government.

Section II - Financial Affairs

Article 134

No general tax may be established, amended or abolished except by a law. No one may be exempted, wholly or partially, from the payment of such taxes except in the cases specified by law. No one may be required to pay any other tax, fee or imposition except within the limits of law.

Article 135

Law shall prescribe rules for the collection of public funds and the procedure for their expenditure.

Article 136

Public loans shall be concluded by a law. The Government may grant or guarantee a loan by a law, or within the limits of the funds appropriated for the said purpose in the budget.

Article 137

General and local self-governing bodies may grant or guarantee loans according to law.

Article 138

Law shall lay down rules for the protection of State properties, their administration, the conditions of their disposal, and the limits within which any of these properties may be relinquished.

Article 139

The financial year shall be fixed by law.

Article 140

The Government shall draw up the annual budget, comprising the revenue and expenditure of the State, and submit it to the National Assembly, for examination and approval, at least two months before the end of each current financial year.

Article 141

The budget shall be discussed in the National Assembly Part by Part. None of the public revenues may be allocated for a specific purpose except by law.

Article 142

Law may appropriate specific funds for more than one year if the nature of the expenditure so requires, provided that each budget shall include the funds allocated for that year, or alternatively, an extra-ordinary budget covering more than one financial year shall be drawn up.

Article 143

The budget law may not include any provisions establishing a new tax, increasing an existing tax, amending an existing law, or evading the issue of a special law on a matter in respect of which the Constitution provides that a law should be issued.

Article 144

The budget shall be issued by a law.

Article 145

If the budget law has not been promulgated before the beginning of the financial year, the preceding budget shall be applied until the new one is issued and revenues shall be collected and disbursements made in accordance with laws in force at the end of the preceding year.

However, if the National Assembly has approved one or more Parts of the new budget, they shall be put into effect.

Article 146

Any expenditure not included in the budget, or in excess of the budget appropriations, as well as the transfer of any fund from one Part of the budget to another, shall be effected by law.

Article 147

In no case shall the maximum estimate of expenditure, included in the budget law or the laws amending it, be exceeded.

Article 148

Law shall specify the general budgets, both independent and annexed, to which the provisions regarding the budget of the State shall be applied.

Article 149

The final accounts of the financial administration of the State for the preceding year shall be submitted, within four months following the end of the said year, to the National Assembly for consideration and approval.

Article 150

The Government shall submit to the National Assembly, at least once during each ordinary session, a statement upon the financial position of the State.

Article 151

A financial control and audit commission shall be established by a law, which shall ensure its independence. The commission shall be attached to the National Assembly and shall assist the Government and the National Assembly in controlling the collection of the State revenues and the disbursement of its expenditures within the limits of the budget. The commission shall submit to both the Government and the National Assembly an annual report on its activities and its observations.

Article 152

No concession for exploitation of either a natural resource or a public service may be granted except by a law and for a limited period. In this respect the preparatory measures shall facilitate the operations of prospecting and exploration and ensure publicity and competition.

Article 153

No monopoly shall be granted except by a law and for a limited period.

Article 154

Law shall regulate currency and banking and determine standards, weights and measures.

Article 155

Law shall regulate salaries, pensions, compensation, subsidies and gratuities which are a charge on the State treasury.

Article 156

Law shall lay down provisions relating to the budgets and the final accounts of local bodies and authorities which have a public legal personality.

Section III - Military Affairs

Article 157

Peace is the aim of the State, and the safeguard of the integrity of the Country, which is part of the integrity of the Greater Arab World, is a trust devolving upon every citizen.

Article 158

Military service shall be regulated by law.

Article 159

The State alone shall establish armed forces and public security bodies, and that in accordance with law.

Article 160

Mobilisation, general or partial, shall be regulated by law.

Article 161

A Supreme Defence Council shall be set up to conduct affairs relating to defence, to the safeguard of the integrity of the Country and to the supervision of the armed forces, in accordance with law.

Chapter V

Judicial Power

Article 162

The honour of the Judiciary and the integrity and impartiality of judges are the bases of rule and a guarantee of rights and liberties.

Article 163

In administering justice judges shall not be subject to any authority. No interference whatsoever shall be allowed with the conduct of justice. Law shall guarantee the independence of the Judiciary and shall state the guarantees and provisions relating to judges and the conditions of their irremovability.

Article 164

Law shall regulate the Courts of various kinds and degrees and specify their functions and jurisdiction. Except when Martial Law is in force Military Courts shall have jurisdiction only over military offences committed by members of the armed and security forces within the limits specified by law.

Article 165

Sittings of the Courts shall be public save in the exceptional cases prescribed by law.

Article 167

The Public Prosecution Office shall conduct penal charges on behalf of society. It shall supervise the affairs of judicial police, the enforcement of penal laws, the pursuit of offenders and the execution of judgments. Law shall regulate this body, lay down its duties, and define the conditions and guarantees for those who assume its functions.

As an exception, law may entrust to the public security authorities the conduct of prosecutions in misdemeanours in accordance with the manner prescribed by law.

Article 168

The Judiciary shall have a Supreme Council which shall be regulated, and its duties defined, by law.

Article 169

Law shall regulate the settlement of administrative suits by means of a special Chamber or Court, and shall prescribe its organisation and the manner of assuming administrative jurisdiction including the power of both nullification and compensation in respect of administrative acts contrary to law.

Article 170

Law shall organise the body which shall render legal advice to ministries and public departments and shall draft bills and regulations. Law shall also regulate the representation of the State and other public bodies before the Courts.

Article 171

A Council of State may be established by a law to assume the functions of administrative jurisdiction, rendering legal advice, and drafting bills and regulations, mentioned in the preceding two Articles.

Article 172

Law shall prescribe the method of resolving conflicts of jurisdiction or of judgments between the various kinds of Courts.

Article 173

Law shall specify the judicial body competent to decide upon disputes relating to the constitutionality of laws and regulations and shall determine its jurisdiction and procedure.

Law shall ensure the right of both the Government and the interested parties to challenge the constitutionality of laws and regulations before the said body.

If the said body decides that a law or a regulation is unconstitutional it shall be considered null and void.

PART V

GENERAL AND TRANSITIONAL PROVISIONS

Article 174

Either the Amir or one-third of the members of the National Assembly shall have the right to propose the revision of this Constitution by amending or deleting one or more of its provisions or by adding new provisions.

If the Amir and the majority of the members constituting the National Assembly approve the principle of revision and its subject matter, the Assembly shall debate the bill by article. Approval by a two-thirds majority vote of the members constituting the Assembly shall be required for the bill to be passed. The revision shall come into force only after being sanctioned and promulgated by the Amir regardless of the provisions of Articles 65 and 66 of this Constitution.

If the principle of revision or its subject matter is rejected, it shall not be presented again before the lapse of one year from the rejection.

No amendment to this Constitution may be proposed before the lapse of five years from its coming into force.

Article 175

The provisions relating to the Amiri System in Kuwait and the principles of liberty and equality, provided for in this Constitution, may not be proposed for revision except in relation to the title of the Amirate or to increase the guarantees of liberty and equality.

Article 176

The powers of the Amir, specified in this Constitution, may not be proposed for revision when a Deputy Amir is acting for him.

Article 177

The application of this Constitution shall not affect treaties and conventions previously concluded by Kuwait with other States and international organisations.

Article 178

Laws shall be published in the Official Gazette within two weeks of their promulgation and shall come into force one month after their publication. The latter period may be extended or reduced for any law by a special provision included in it.

Article 179

Laws shall apply to that which takes place after the date of their coming into force, and thus shall have no effect in respect of that which has taken place before such date. However, in other than penal matters, a law may, with the approval of a majority vote of the members constituting the National Assembly, prescribe otherwise.

Article 180

All provisions of laws, regulations, decrees, orders and decisions, in effect upon the coming of this Constitution into force, shall continue to be applicable unless amended or repealed in accordance with the procedure prescribed in this Constitution, provided that they are not contrary to any of its provisions.

Article 181

No provision of this Constitution may be suspended except when Martial Law is in force and within the limits specified by the law. Under no circumstances shall the meetings of the National Assembly be suspended, nor shall the immunities of its members be interfered with, during such period.

Article 182

This Constitution shall be published in the Official Gazette and shall come into force on the date of the meeting of the National Assembly which shall not be later than January 1963.

Article 183

Law Number I of 1962 concerning the system of Government during the period of transition shall continue to be in force, and the present members of the Constituent Assembly shall continue in the exercise of their duties specified in the said law, until the meeting of the National Assembly.

Abdullah al-Salim al-Sabah

AMIR OF THE STATE OF KUWAIT

Issued at the Siif Palace
on the 14th of Jumada
al - Thani, 1382,
corresponding to the 11th
of November, 1962

APPENDIX 2

LAW NO. 35 FOR 1962

in regard to

ELECTIONS FOR MEMBERS OF THE NATIONAL ASSEMBLY

We, Abdallah al-Salim al-Sabah, Amir of the State of Kuwait having considered Articles 80, 182, and 183 of the Constitution; the Constituent Assembly having agreed upon the Law, the text of which follows,

We do hereby approve and promulgate it.

PART I

VOTERS

Article 1

All male Kuwaitis who have reached the age of twenty-one years are entitled to vote except those naturalized persons who have not completed ten years of naturalization since the coming into effect of Law No. 15 of 1959 in regard to Kuwaiti nationality.

Article 2

Anyone who has been sentenced for felony or for crimes of dishonour or untrustworthiness is prohibited from voting unless his case is reconsidered.

Article 3

Men of the armed forces and the police may not exercise the right to vote.

Article 4

Every voter is to exercise his electoral rights in person in the electoral district in which his residence is.

The electoral address is the place in which the person normally lives or in which is the dwelling of his family. Should he have a number of residences he must specify the address he wishes to use wherein to exercise his electoral rights.

If the voter should change his address he must notify the Ministry of the Interior in writing in order to make the necessary alteration in the electoral roll. If the change of address is not notified before summoning the voters, the voter is to exercise his electoral rights in the district in which his name was first registered.

Article 5

The voter is not permitted to cast his vote more than once at any election.

PART II

THE ELECTORAL ROLLS

Article 6

Every electoral district is to have one or more permanent electoral roll compiled by a committee or committees composed of a chairman and two members. The distribution, composition, and assignment of the location of the committees will be decided by the Minister of the Interior.

Article 7

The electoral roll is to include the name of every Kuwaiti residing in the electoral district on 1 February of each year who satisfies the required conditions for exercising voting rights, together with his surname, occupation, date of birth, and address.

It is not permitted for a voter to be registered in more than one elctoral district.

The rolls are to be compiled in two copies, in alphabetical order, both of which are to be signed by the chairman of the committee and the two members; one copy is to be kept in the police station in the electoral district and the other in the General Secretariat of the General Assembly.

Article 8

The compilation of, or amendments to, the electoral rolls are to be completed during the month of February of each year. The annual amendments are to include:

(a) the addition of the names of those who have gained the qualification stipulated by the law in order to exercise voting rights;
(b) the addition of the names of those who had been incorrectly omitted from former rolls;
(c) the deletion of the names of those now deceased.
(d) the deletion of the names of those who have lost the required qualifications since the last review or those whose names had been incorrectly registered.

Article 9

The electoral roll for each electoral district is to be displayedin a prominent position in police stations and other public places which the Minister of the Interior might specify, during the period 1 to 15 March each year.

Article 10

Every Kuwaiti living in an electoral district may request that his name be registered in the electoral roll belonging to it should his name have been incorrectly omitted from registration. Likewise every voter registered in the electoral roll may request the registration of the name of anyone incorrectly omitted or the removal of the name of anyone incorrectly registered.

Requests are to be submitted to the official address of the committee in the period 1 to 20 March and they will be entered according to the date of their receipt in a special book. Receipts will be given to the applicants and any voter is permitted to peruse this book.

Article 11

The registration committee is to decide upon the requests for registration or deregistration provided for in the foregoing Article by a date not later than 5 April. The committee is to hear the testimony of the applicant or he who has applied on his behalf and is to do what it considers necessary as regards investigation and inquiry.

Article 12

The decisions of the registration committee are to be displayed in the places referred to in Article 9 of this Law from 6 to 15 April.

Article 13

Everyone concerned with, and every voter registered on, the electoral roll of the district who appeals against the decisions of the committee on an application is to apply to the appropriate police station not later than 20 April. In regard to this appeal, the procedures set out in Article 10 of this Law are to be followed. It will be passed on immediately to the competent Civil Court.

Article 14

The final decision on the appeals mentioned in the foregoing Article is to lie with a judge of the Civil Court appointed by its President. It is permitted to appoint several judges among whom the work will be distributed according to the electoral districts.

The decision on these appeals is to be rendered not later than the end of June.

Article 15

The electoral rolls will be amended to conform with the final decisions which will be issued in accordance with the foregoing articles.

Article 16

Everyone who registers his name in the electoral roll and has become registered in it will finally be given a certificate to that effect which will state his name, his date of birth, his registered number on the electoral roll, the date of registration, and the electoral district in which he is registered.

Article 17

The final electoral rolls will be considered conclusive at the time of an election and no one will be permitted to take part unless his name is registered in them.

PART III

THE ELECTION PROCEDURES

Article 18

The dates of general elections will be appointed by decree and the dates of by-elections by the decision of the Minister of the Interior. The decree or the decision must be published at least one month before the date appointed for the election.

Article 19

It is a condition that whoever is nominated for membership of the National Assembly shall have his name registered on one of the electoral rolls.

Article 20

Requests for nomination are to be submitted in writing to the police station in the area of the electoral district during official working hours in the ten days following the publication of the decree or decision for the calling of the election.

Nominations are to be registered in accordance with the time of their receipt in a special book and receipts are to be given for them. All voters are permitted to peruse the book of nominations.

A list of candidates for each district is to be compiled and displayed in the places specified above in Article 9 of this Law beginning on the day following the closure of nominations.

Article 21

All who wish to be nominated must pay the sum of fifty dinars as a surety which will be allocated to charitable works to be decided upon by the Minister of Social Affairs and Labour should the candidate withdraw from the nomination or if he should not obtain at least ten of the lawful votes cast in the election.

A request for nomination will not be accepted unless accompanied by a receipt for the payment of this surety.

Article 22

It is not permitted for anyone to be nominated in more than one electoral district. If it is seen that he has been nominated in more than one district he must give up his nomination in all but one district before the close of nominations. If this is not done his nomination in all districts will be considered void.

Article 23

Every civil servant nominated for the election will be considered, pursuant to the Law, to have resigned from his post five days after the closure of nominations unless he should have withdrawn his nomination before that time.

Article 24

Any candidate who withdraws from nomination is to do so in writing in the police station where his request for nomination was made, at least four days before the date of the election. The withdrawal will be written down beside his name on the list of candidates. Also on the day of the election it will be announced by displaying it on the door of the electoral committees in the district.

Article 25

If the number of nominations properly submitted in an election district is not more than the number required to be elected, the Minister of the Interior shall proclaim the successful membership of those nominated without the necessity of holding an election in the district.

Article 26

Ballot papers will be printed at the expense of the government in a form which will be decided by the Minister of the Interior.

Article 27

The conduct of the election is to be entrusted, in each electoral district, to one or more committees; one of them is to be a main committee and the others are to be sub-committees.

The committee is to be composed of one person, appointed by the Minister of Justice, from the judiciary, the office of the Public Prosecutor, or the civil service who shall assume the chairmanship, one member appointed by the Minister of the Interior, and a representative of each candidate. The candidate must submit the name of his representative to the appropriate police station at least forty-eight hours before the date of the election.

If the candidate does not submit the name of his representative or if he does submit it but he is not present at the start of the election, and should the number of the members of the committee not have reached three, the chairman of the committee is to select one of the voters present to be a member of it.

If the chairman is absent, his place is to be taken by the member he appoints from among the members of the committee.

Article 28

The committee shall select from its members a secretary who is to compile the official report of the election which is to be signed by the chairman of the committee and all other members.

Article 29

Observance of the regulations at the election is the responsibility of the chairman of the committee who for that purpose may, if necessary, request the presence of the police. It is not permitted for members of the police or the military forces to enter the election centre except at the request of the chairman of the committee.

Article 30

Candidates have the right to enter the election centre at any time and for this purpose may authorize as his agent any voter in the electoral district, the authorization to be made in writing.

No one other than the voters and candidates are permitted to be present at the election and none of them is permitted to carry a weapon, openly or concealed.

A weapon, within the meaning of this Article, is considered to be - in addition to a firearm - cold steel or sticks which are not personally necessary.

Article 31

The election is to last from 8 am to 5 pm.

Article 32

Every voter must produce to the committee, on casting his vote, his certificate of registration on the electoral roll.

Should this certificate be lost, the committee is to accept his vote on the basis of his certificate of nationality and the existence of his name on the electoral roll.

Article 33

The election is to be carried out by secret ballot.

Article 34

The chairman of the committee is to hand a ballot paper to each voter. The voter is to go to a booth in the election centre and enter his vote on the paper which is to be returned to the chairman who will then put it in the ballot box. The secretary will make a mark on the electoral roll against the name of the voter who has handed in his ballot paper.

A voter who is unable to record his vote on the ballot paper by himself may

record it verbally in such a manner as it cannot be heard except by members of the committee; the chairman will enter the vote on the ballot paper and put it in the box. The voter is permitted to whisper his vote to the chairman of the committee and to one other member only.

Article 35

At precisely 5 pm the chairman is to proclaim the election to be at an end. If all voters have attended before that time the chairman of the committee shall proclaim the election to be at an end after the last voter has cast his vote.

The election may continue after 5 pm if it is seen that there are voters in the election centre who have not voted. In this case, voting is to be confined to these voters only.

After the proclamation of the end of the election, the committee is to prepare for the counting of the votes.

Article 36

The sub-committees are to conduct the election in accordance with the above-mentioned procedures until the election comes to an end. Then they are all to close the ballot boxes and convey them to the headquarters of the main committee where all the ballot boxes in the district will be opened and counted in the presence of all the chairmen and members of the main committee and the sub-committees under the chairmanship of the chairman of the main committee.

Article 37

The committee is to decide upon all matters connected with the election and of the validity or invalidity of every vote cast by a voter; this is to be without prejudice to the provisions laid down in Part IV of this Law.

Article 38

The following will be considered invalid:
(a) conditional votes;
(b) votes cast for more than the number required to be elected;
(c) votes cast on ballot papers other than those handed out by the committee;
(d) votes cast on ballot papers which the voter has signed or on which he has placed some sign or mark which will identify him.

Article 39

A member of the National Assembly shall be elected by a relative majority of the number of valid votes cast. If two or more obtain an equal number of valid votes, the committee shall ballot among themselves and the successful member shall be the one who the ballot appoints.

The chairman of the committee is to announce the name of the member elected and is to sign, together with all other members of the committee, the official report of the election and send it with the ballot papers to the Ministry of the Interior.

Article 40

The General Secretariat of the National Assembly shall hand to each member who is successful in gaining membership a certificate of his election.

PART IV

APPEAL AGAINST VALIDITY OF MEMBERSHIP

Article 41

Every voter may request that the election which has taken place in his electoral district be invalidated and so may every candidate in the district in which he was nominated.

The request, authenticated by the signature of the mukhtar of the area is to be submitted to the General Secretariat of the National Assembly within fifteen days of the announcement of the result of the election.

Article 42

The National Assembly, if it invalidates the election of one or more members, the real facts of the result of the election having become apparent, is to proclaim as the successful member he whose election it considers to be valid.

PART V

ELECTORAL OFFENCES

Article 43

The following will be punished with imprisonment not exceeding six months and a fine not exceeding 100 dinars, or with any one of these two penalties:

1 All who intentionally register a name on the electoral roll or omit to register a name in contravention of the provisions of this Law.
2 Anyone who knowingly gets his or someone else's name registered without fulfilling the required conditions; similarly all who, as above, do not deregister or delete the name of someone else.
3 All who print or publish documents as propaganda for the election without the publication incorporating the name of the publisher.
4 Anyone who casts a vote in the election knowing that his name has been improperly recorded on the roll or that he has forfeited the required qualifications to exercise his right or that his right is suspended.
5 All who deliberately vote in the name of someone else.
6 Any one who exercises his right in any one election more than once.
7 Anyone who divulges the secrecy of an elector's vote without his consent.
8 Anyone who enters the centre set aside for the election without the right to do so and does not leave when ordered to do so by the committee.

Article 44

The following will be punished with imprisonment not exceeding one year and a fine not exceeding 100 dinars, or with any one of these two penalties:

1 Anyone who uses force or threats to prevent a voter from exercising his or another's right, to persuade him to vote in a particular way, or to refrain from voting.
2 Anyone who gives, offers, or promises that he will give a voter an inducement for himself or for another in order to persuade him to vote in a particular way or to refrain from voting.
3 Anyone who accepts or requests an inducement of this nature for himself or for another.
4 All who publish or broadcast among voters untrue information about the behaviour or morals of a candidate with the intention of influencing the outcome of the election.
5 Anyone who enters a place set aside for the assembly of voters and carries a weapon in contravention of the provisions of Article 30 of this Law.

Article 45

The following will be punished with imprisonment not exceeding three years and a fine not exceeding 2,000 dinars, or with any one of these two penalties:

1 Anyone who misappropriates, conceals, destroys, or despoils the electoral roll or any other document connected with the conduct of the election or changes the outcome of the election in any other manner.
2 Anyone who impairs the conduct or organization of the election by the use of force or threats or who takes part in a mob, shouting, or demonstrations.
3 Anyone who makes off with the box containing the ballot papers or destroys it.
4 Anyone who insults the election committee or one of its members during the progress of the election.

Article 46

Attempted electoral offences, as set down above, will be punished with the penalties stipulated for the offence itself.

Article 47

Public and civil proceedings in electoral offences specified in this Part - except the offence specified in paragraph 7 of Article 43 - will be dropped six months after the day of proclaiming the result of the election or the final date of action on an investigation.

Article 48

If an offence is committed or attempted to be committed in the election centre, the chairman of the election committee is to compile an official report of the incident and order the arrest of the accused person and hand him over to the police for lawful proceedings to be taken.

PART VI

GENERAL AND PROVISIONAL REGULATIONS

Article 49

If a member of the National Assembly accepts a public office, membership of the board of directors of a company, or membership of the municipal council he will be considered to have resigned his membership of the National Assembly from the date of his acceptance of the post or membership of the directing board of the company, or from the date when he finally takes up his membership in the municipal council.

Article 50

Membership of a member of the National Assembly will be forfeited should a condition stipulated for being a member cease to be met or if it comes to light that it was not met before the election. The forfeiture of membership shall be proclaimed by a resolution of the Assembly.

Article 51

The first elections for the National Assembly are to take place in the ten electoral districts which formed the basis of the election of the Constituent Assembly except that each district will elect five members to the National Assembly.

Article 52

With regard to the first election for the National Assembly, the dates referred to in Articles 8, 9, 10, 11, 12, 13, 14, 15, and 20 of this Law shall be within the discretion of the Minister of the Interior in such a manner as to convene the National Assembly not later than the end of January AD 1963.

Article 53

Ministers are to take appropriate action for the execution of this Law and to act from the date of its publication in the National Gazette. The Minister of the Interior is to issue the necessary decisions for its execution.

Amir of the State of Kuwait

Abdallah al-Salim al-Sabah

Issued on 15 Jumada al-Thania AH 1382

corresponding to 12 November AD 1962.

APPENDIX 3

The 1974 Oil Participation Agreement (translated from Arabic)

This agreement has been concluded, in three original copies, in Kuwait on the sixth day of Muharram AH 1394, the equivalent of the twenty-ninth day of January AD 1974, between the Government of Kuwait represented by the Minister of Finance and Oil (hereafter referred to as the government) on the one part and B.P. (Kuwait) Limited and the Gulf Company of Kuwait (hereafter referred to as the two companies) on the second part.

Article 1

With effect from 1 January 1974 the government will have:

(a) 60% of the two companies' operations and rights in Kuwait as regards petroleum

(b) 60% of the existing utilities belonging to the two companies in Kuwait, concerned with petroleum, including the refining and gas-liquifying utilities

(c) The operations, rights, and utilities referred to above include the ships owned by the Kuwait Oil Company together with petroleum stocks on 31 December 1973.

Nothing in this article shall infringe upon the rights of the government in natural gas on the basis of current arrangements.

Article 2

By way of compensation, the government will pay to the two companies the sum of US $112,000,000 to which sum will be added interest for the period from 1 January 1974 until the date of payment.

Article 3

The two companies will pay to the government, for the year 1973, a sum equivalent to that to which the government would have been entitled if arrangements for participation based upon the participation agreements which were generally applicable for that year in other Arab countries facing onto the Arab Gulf had been applied. The sum mentioned shall include for additions by way of interest until the date of payment.

Article 4

Both the government and the two companies will define every year their needs for crude oil, for use in Kuwait and for export, from their original percentage of production allowed. As regards the remainder of each party's share, should there be any remainder, it will be made available to the other party to purchase at commercial prices and conditions to be determined and in accordance with measures to be agreed on from time to time between the two parties.

Article 5

(1) The two parties will set up a joint administrative committee made up of four members, two appointed by the government and the other two appointed one each by the two companies. The joint administrative committee will be responsible for deciding on all major policy questions in connection with administration including:

(a) the exploration and development programme; operations, development of methods, and new facilities programme

(b) the sale or disposal of assets

(c) capital and operating expenditure, and disposal of property

(d) selection and appointment of personnel for senior posts and their removal from those posts. (To arrange) the reimbursement and remuneration of the officials.

In the joint administrative committee, the government will have 60 votes and the two companies 20 each. The decisions of the committee will be taken by a majority of 75% of the total voting rights and those decisions will be binding on all parties. In the event of the two companies not voting in favour of any matter which makes necessary capital expenditure, the government may go ahead in the carrying out of that matter but must provide all the expenditure connected with it and will enjoy all the benefits.

(2) A joint-stock company established in Kuwait in accordance with Kuwaiti law will be responsible on behalf of both parties, under the direction of the joint administrative committee, for the conduct of operations. The initial capital of this operating company will be owned 60% by the government and 20% by each of the two companies.

(3) The chairman of the joint administrative committee and the chairman of the operating company's board will both be Kuwaiti citizens.

Article 6

(1) The government has the right to transfer or make over all or part of its shareholding by virtue of this agreement to a Kuwaiti institution.

(3) [sic] If the government in fact exercises its right of transfer or making over, the party in whose favour the transfer or making over has been made is to assume the obligations stated in the Concession and its associated obligations, financial and otherwise, which will be binding upon it commensurate with its participation.

Article 7

Relations between the government and the two companies will be reviewed before the end of 1979.

Article 8

This agreement comes into effect on its ratification in accordance with the Constitution of the State of Kuwait.

BIBLIOGRAPHY

I Kuwait Government Sources

All these are in Arabic but for ease of reference their English titles have been given.

(i) Unpublished

The Constituent Assembly: Constituent Assembly Proceedings Nos. 1/62-31/62, Jan.-Dec. 1962

Constitution Committee Proceedings (Restricted), Nos. 1/62-23/63, Mar.-Oct. 1962

(ii) Published

The Constituent Assembly: Transitional Governing Laws for the State of Kuwait, 1961-2
Constituent Assembly Rules of Procedure

The National Assembly: National Assembly Proceedings, Appendices of the National Gazette (Al-Kuwait al-Yawm)

First Legislative Term (1963-7), First Ordinary Session, Nos. 1-27
First Legislative Term (1963-7), Second Ordinary Session, Nos. 28-81
First Legislative Term (1963-7), Third Ordinary Session, Nos. 82-119
First Legislative Term (1963-7), Fourth Ordinary Session, Nos. 120-152
Second Legislative Term (1967-71), First Ordinary Session, Nos. 1-23
Second Legislative Term (1967-71), Second Ordinary Session, Nos. 24-48
Second Legislative Term (1967-71), Third Ordinary Session, Nos. 49-85
Second Legislative Term (1967-71), Fourth Ordinary Session, Nos. 86-112
Third Legislative Term (1971-5), First Ordinary Session, Nos. 1-31
Third Legislative Term (1971-5), Second Ordinary Session, Nos. 32-87
Third Legislative Term (1971-5), Third Ordinary Session, Nos. 88-144
Third Legislative Term (1971-5), Fourth Ordinary Session, Nos. 145-211
Fourth Legislative Term (1975), First Ordinary Session, Nos. 1-31

Kuwait Oil Company — Annual Review of the Operations, 1959, 1961, 1967-80

Planning Board — The First Five Year Plan for Economic Development 1967/8-1971/2

Report on Employment, Wages and Hours of Work for the years 1967, 1968, and 1969

Census of Government Employees, 1972

Census of Public Service Sector, 1973

Annual Statistical Abstract, 1974

Kuwait Economy in 1968-9

Kuwait Economy 1970-2

The Population Census 1975, 2 Vols.

Planning Ministry — Estimates of the Manpower Supply and Demand 1975-80

II Other Official Sources

Great Britain — FO 371, Kuwait 1906-18

FO 406, Kuwait 1896-1905

FO 424, Asiatic Turkey and Arabia 1908, July-Sept.

IOR/16/1, Kuwait 1937-8

L/P/S/12, Kuwait 1938

United Nations — Security Council, S/4844-7 and S/4855-6

General Assembly, 1203rd meeting, 1963

Economic and Social Office in Beirut, Studies on Selected Development Problems in Various Countries in the Middle East, 1966-72

United States — Congress, House Committee on Foreign Affairs, Sub-Committee on the Near East, The United States and the Persian Gulf, Report, 92nd Congress, 2nd Session, 1972

Congress, House Committee on Foreign Affairs Sub-Committee on the Near East, U.S. Interests in and Policy toward the Persian Gulf, Hearings, 92nd Congress, 2nd Session, 1972

Congress, House Committee on Foreign Affairs, The Persian Gulf, 1974: Money, Politics, Arms and Power, 93rd Congress, 2nd Session, 1974

Congress, House Report of a Study Mission to the Middle East from 2 Oct. to 3 Nov. 1973, The U.S. Oil Shortage and the Arab-Israeli Conflict, 93rd Congress, 1st Session, 1973

Congress, Senate Committee on Foreign Relations, Sub-Committee on Multi-national Corporations, Hearings, 93rd Congress, 1st and 2nd Sessions, 1972-4

Congress, Senate Committee on Foreign Relations, Sub-Committee Report on Multinational Oil Corporations and US Foreign Policy, 92nd Congress, 2nd Session, 1975

III Books and Articles

ʿAbdallah, Muḥammad Ḥasan — Al-Ḥaraka al-Adabiya wa al-Fikriya fī al-Kuwait, Kuwait, 1973

Abū Ḥākima, Aḥmad Muṣṭafa — History of Eastern Arabia 1750-1800, The Rise and Development of Bahrain and Kuwait, Beirut, 1965

Tārīkh al-Kuwait, 2 Vols., Kuwait, 1970

Adelman, M.A. — The World Petroleum Market, Baltimore, 1972

Aitchison, C.U. — A Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries, Vol. XI, Delhi, 1933

ʿAdsānī, Khālid — 'Niṣf ʿĀm li al-Ḥukm al-Niābī fī al-Kuwait', unpublished manuscript, 1947

Arab Planning Institute — Seminar on Human Resources Development in the Arabian Gulf, Kuwait, 1975

Aruri, Naseer H., — 'Kuwait: A Political Study', The Muslim World, Vol. LX (Oct. 1970)

Baḥārna, Ḥusain M. al- — Duwal al-Khalīj al-ʿArabī al-Ḥadītha, Beirut, 1973

The Legal Status of the Arabian Gulf States, Manchester, 1968

Bidwell, R. (ed.) — The Affairs of Kuwait 1896-1905 (Foreign Office Confidential Print), 2 Vols., London, 1971

Bombay Government — Selections from the Records of the Bombay Government, No. XXIV, New Series, Bombay, 1856

Brydges, Harford Jones — An Account of Transactions of His Majesty's Mission to the Court of Persia in the Years 1810-11, to which is appended a brief History of the Wahauby, 2 Vols., London, 1834

Busch, Briton Cooper — Britain and the Persian Gulf 1894-1914, Berkeley, 1967

Calverley, Edward E. — 'Kuwait Today, Yesterday and Tomorrow', The Muslim World, Vol. LII (Jan. 1962)

Candole, E.A. — 'Developments in Kuwait', Royal Central Asian Society Journal, Vol. XLII (1955)

Chisholm, A.H.T., — The First Kuwait Oil Concession Agreement: A Record of the Negotiations 1911-1934, London, 1975

Curzon, George N. — Persia and the Persian Question, London, 1892, 2 Vols.

Dickson, H.R.P. — Kuwait and Her Neighbours, 2nd edition, London, 1968

Dobson, Meric — 'Labour in Kuwait', Middle East Forum, Vol. XXXIX (1963)

Dukas, Martha — Azmat al-Kuwait: al-ʿAlaqāt al-Kuwaitīya al-ʿIraqīya 1961-1963, Beirut, 1973

Economist Intelligence Unit and the Planning Board of the Government of Kuwait — Assessment of Joint Sector Operations in Kuwait, Vol. XVIII, Study Area 2, May 1974

Eisenstadt, S.N. (ed.) — Max Weber on Charisma and Institution Building, Chicago, 1968

Epstein, Eliahu — 'Kuwait', Journal of the Royal Central Asian Society, Vol. XXV (Oct. 1938)

Essa, Shamlan Y. al- — 'Manpower Problem in Kuwait', unpublished Ph.D. dissertation, Fletcher School of Law and Diplomacy, Taft University, Boston, 1978

Fanning, Leonard M. — Foreign Oil and the Free World, New York, 1957

Farḥān, Rashīd ʿAbdallah al- — Mukhtaṣar Tārīkh al-Kuwait, Cairo, 1960

Fīl, Muḥammad Rashīd al- — Sukkān al-Kuwait, Kuwait, 1970

Georgetown University, Centre for Strategic and International Studies — The Gulf: Implications of British Withdrawal, Special Report Series No. 8, Washington, D.C., 1969

Ghuṣain, Ṭalaʿat al- — Khams Jinsiyāt wa al-Waṭan Waḥid, Kuwait, 1981

Gooch, G.P. and Temperley, H. — British Documents on the Origins of the War, 1898-1914, London, 1926-38, Vol. X

Government of Venezuela — Venezuela and OPEC, a Collection of Documents, Caracas, 1961

Hadāwī, Ḥasan — Al-Jinsīya wa Markaz al-Ajānib wa Aḥkāmihā fī al-Qānūn al-Kuwaitī, Kuwait, 1973

Ḥamad, ʿAbd al-Laṭīf al- — Financing Arab Economic Development: The Experience of the Kuwait Fund, Kuwait, 1972

Ḥamza, Fu'ād — Qalb Jazīrat al-ʿArab, Cairo, 1933

Ḥasan, ʿAbd al-Fattāḥ — Mabādi' al-Niẓām al-Dustūrī fī al-Kuwait, Beirut, 1968

Hay, Rupert — 'The Impact of the Oil Industry on the Persian Gulf Shaikhdoms', The Middle East Journal, Vol. IX, No. 4 (Autumn 1955)

The Persian Gulf State, Middle East Institute, Washington, D.C., 1959

'The Persian Gulf States and their Boundary Problems', Geographical Review, Vol. CXX, No. 4 (Dec. 1954)

Helmut, Frank — Crude Oil Prices in the Middle East, New York, 1966

Hopwood, Derek (ed.) — The Arabian Peninsula: Society and Politics, London, 1972

Hourani, Albert — Arabic Thought in the Liberal Age 1798-1939, London, 1970

The Emergence of the Modern Middle East, London, 1981

The Islamic City, ed. A.H. Hourani and Samuel M. Stern, Oxford, 1970

Hourani, George Fadlo — Arab Seafaring in the Indian Ocean in Ancient and Early Medieval Times, Princeton, 1951

Hurewitz, J.C. — The Middle East and North Africa in World Politics, a Documentary Record, 2 Vols., London, 1975

Ḥusain, ʿAbd al-ʿAzīz — Al-Mujtamaʿ al-ʿArabī bil-Kuwait Cairo, 1960

Ibn Khaldun, — The Muqaddimah: An Introduction to History, tr. Franz Rosenthal, (2nd edition), Princeton, 1967

Ibrāhīm, Ḥasan al- — Al-Kuwait: Dirāsa Siyāsīya, Kuwait, 1972

International Bank for Reconstruction and Development — The Economic Development of Kuwait, Report of Missions Organized at the Request of the Government of Kuwait, Baltimore, 1965

International Economic Studies Institute — Raw Material and Foreign Policy, Washington, D.C., 1976

Issawi, C. and Yeganeh, H. — The Economics of Middle Eastern Oil, New York, 1962

Ismael, Tareq — The Arab Left, Syracuse, 1976

Itayim, F. — 'Arab Oil - The Political Dimension', Journal of Palestine Studies, No. 3 (1974)

Ives, E. — A Voyage from England to India in the Year 1753, London, 1773

Jamal, Yaḥyā al- — Al-Niẓām al-Dustūrī fī al-Kuwait, Kuwait, 1970

Kazziha, Walid — Revolutionary Transformation in the Arab World: Habash and his Comrades from Nationalism to Marxism, London, 1975

Kelly, J.B. — Britain and the Persian Gulf 1795-1880, Oxford, 1968

Khadduri, Majid — 'Political Trends in Iraq and Kuwait', Current History, No. 52 (Feb. 1967)

War and Peace in the Law of Islam, 3rd edition, Baltimore, 1960

Khatrash, Futūḥ ʿAbd al-Muḥsin al- — Tārīkh al-ʿIlaqāt al-Siyāsīya al-Barīṭanīya al-Kuwaitīya 1890-1921, Kuwait,1974

Khouja, M.W. and Sadler, P.G. — The Economy of Kuwait, Development and Role in International Finance, London, 1979

Khuṣūṣī, Badr al-Dīn ʿAbbās al- — Dirāsāt fī Tārīkh al-Kuwait al-Ijtimāʿī wa al-Iqtiṣādī, Kuwait, 1972

Kirschner, S. — 'The Great Oil Shaikhdom', Foreign Policy, No. 13 (1973-4)

Kubaisī, Basil al- — Ḥarakat al-Qawmīyīn al-ʿArab, Beirut, 1974 (?)

Lenczowski, Teorge — Oil and State in the Middle East Ithaca, 1960

Liebesny, Herbert — 'International Relations of Arabia: the Dependent Areas', The Middle East Journal, No. 1 (2) (Apr. 1974)

Lienhardt, P.A. — 'Shaikhdoms of Eastern Arabia', unpublished thesis, Oxford, 1957 (by permission of the author)

Lond, David E. — 'United States Policy toward the Persian Gulf', Current History, No. 68 (Feb. 1975)

Longrigg, Stephen H. — Oil in the Middle East, Oxford, 1968

Lorimer, J.G. — Gazetteer of the Persian Gulf, Calcutta, 1915

Maḥjūb, Muḥammad ʿAbduh — Al-Hijra wal-Taghayur al-Binā'ī fī al-Mujtamaʿ al-Kuwaitī, Kuwait, 1970

Malik, ʿUthmān ʿAbd al- — 'Niẓām al-Ḥukm wa Ajhizatuh fī al-Kuwait', Kuwait 1977

Mallakh, R. El- — Economic Development and Regional Cooperation: Kuwait, Chicago, 1968

Marlowe, John — The Persian Gulf in the Twentieth Century, London, 1962

Mazidi, Faysal — 'Economic Development in Kuwait', International Affairs, No. 30 (July 1954)

Mikdashi, Zuhayr — The Financial Analysis of the Middle Eastern Oil Concessions: 1901-1965, New York, 1966

— The Community of Oil Exporting Countries, Ithaca, N.Y., 1972

Mikesell, R.F. and Chenery, H.B. — Arabian Oil: America's Stake in the Middle East, Chapel Hill, N.C., 1949

Miles, S.B. — The Countries and Tribes of the Persian Gulf, 2nd edition, London, 1966

Monroe, Elizabeth — Britain's Moment in the Middle East, 1914-1945, London, 1950

— The Changing Balance of Power in The Persian Gulf, New York, 1972

'The Shaikhdom of Kuwait', International Affairs, Vol. XXX No. 3 (July 1954)

'Kuwayt and Aden: A contrast in British Policies', The Middle East Journal, Vol. XVIII, 1964

Moubarak, Walid B. 'Kuwait: Quest for Security 1961-1963', unpublished Ph.D. dissertation, Indiana University, Bloomington, Indiana, 1979

Nabhānī, Muḥammad b. Khalīfa al- Al-Tuḥfa al-Nabhānīya fī Tārīkh al-Jazīra al-ʿArabīya, Vol. XII, Cairo

Nafīsī, ʿAbdallah Fahid al- Al-Kuwait: al-Ra'y al-Ākhar, London, 1978

Nath, V. 'Economic Development and Regional Cooperation: Kuwait', Economic Development and Cultural Change, Vol. XX, No. 2 (1972)

Niebuhr, G.N. Description de L'Arabie, faite sur des observations propres et des avis receuillis dans les lieus mêmes, Amsterdam, 1774

OPEC OPEC Official Resolutions and Press Releases: 1960-1980, a collection of documents, Oxford, 1980

Radical Changes in the International Oil Industry during the Past Decade, paper presented by OPEC at the Fourth Arab Petroleum Congress, Beirut, 1963

Palgrave, W.C. Narrative of a Year's Journey through Central and Eastern Arabia, 2nd edition, London, 1865

Pelly, L. Report on a Journey to Riyadh in Central Arabia (1865), reprint, Cambridge, 1978

Penrose, Edith The Growth of Firms, Middle East Oil and other Essays, London, 1971

The Large International Firm in Developing Countries: the International Petroleum Industry, London, 1968

Pillai, R.V. and Kumar, Mahendra 'The Political and Legal Status of Kuwait', International and Comparative Law Quarterly, No. 10 (1962)

Qādir, Najāt ʿAbd al- Al-Taṭawwur al-Siyāsī wa al-Iqtiṣādī li al-Kuwait bain al-Ḥarbain 1914-1939, Cairo, 1973

Qalʿajī, Qadrī Al-Khalīj al-ʿArabī, Beirut, 1965

Al-Niẓām al-Siyāsī wal-Iqtiṣādī fī Dawlat al-Kuwait, Beirut, 1975

Qāsim, Jamāl Zakarīya — Dirāsa li Tārīkh al-Imārāt al-ʿArabiīya 1840-1914, 2nd edition, Kuwait, 1974

Al-Khalīj al-ʿArabī, Dirāsa li Tārīkh al-Imārāt al-ʿArabīya 1914-1945, Cairo, 1973

Al-Khalīj al-ʿArabī, Dirāsa li Tārīkhihi al-Muʿāṣir 1971-1945, Cairo, 1974

Qināʿī, Yūsuf b. ʿĪsa al- — Al-Multaqaṭāt: Ḥikam wa Fiqh wa Adab wa Ṭara'if, Kuwait, 1970 (?)

Safahāt min Tārīkh al-Kuwait, 4th edition, Kuwait, 1968

Rashaid, ʿAbd al-ʿAzīz al- — Tārīkh al-Kuwait, 2nd edition, Beirut, 1971 (first published 1926)

Rihani, Amin — Around the Coasts of Arabia, London, 1930

Rosenthal, Erwin I.J. — Political Thought in Medieval Islam, Cambridge, 1958

Roucek, Jis — 'Kuwait in Geopolitics', Contemporary Review, No. 200 (Sept. 1961)

Rumaiḥī, Muḥammad al- — Al-Batrūl wa al-Taghayur al-Ijtimāʿi fī al-Khalīj al-ʿArabī, Cairo, 1975

Al-Juthūr al-Ijtimāʿīya li al-Dīmuqrāṭīyā fī Mujtamaʿāt al-Khalīj alʿArabī al-Muʿāṣir, Kuwait, 1977

Sabah, Y.S.F. al- — The Oil Economy of Kuwait, London, 1980

Saldanha, J.A. — Selections from State Papers, Bombay, regarding the East India Company's Connection with the Persian Gulf, with a Summary of Events 1600-1800, Calcutta, 1908

Sampson, Anthony — The Seven Sisters: the Great Oil Companies and the World They Made, London, 1975

Sayegh, Fayez A. — Arab Unity: Hope and Reality, New York, 1958

Sayigh, Yousif A. — 'Dilemmas of Arab Management', Middle East Economic Paper, Economic Research Institute, American University of Beirut, 1960

'Problems and Prospects of Development in the Arabian Peninsula', International Journal of Middle East Studies, Vol. II, No. 1 (Jan. 1971)

Shaikh Khaz'al, Ḥusain Khalaf al- — Tārīkh al-Kuwait al-Siyāsī, 3 Vols., Beirut, 1962

Shamlān, Saif Marzūq al- — Min Tārīkh al-Kuwait, Cairo, 1959

Shehab, Fakhri — 'Kuwait: A Super Affluent Society', Foreign Affairs, Vol. XLII (Apr. 1964)

Shihata, Ibrahim — The Case for the Arab Oil Embargo, Beirut, 1975

— The Kuwait Fund for Arab Economic Development: a Legal Analysis, Kuwait, 1973

Shwadran, Benjamin — 'The Kuwait Incident', Middle East Affairs, No. 13 (Jan./Feb. 1962)

— Middle East Oil, Cambridge, Mass., 1977

— The Middle East, Oil and the Great Powers, New York, 1973

Stocqueler, J.H. — Fifteen Months Pilgrimage through Untrodden Tracts of Khuzistan and Persia in a Journey from India to England, London, 1832

Sultan, Ali — Manpower Requirement in Kuwait, The Arab Planning Institute, Kuwait, 1969

Tönnies, Ferdinand — Community and Society: Gemeinschaft und Gesellschaft, tr. and ed. Charles P. Loomis, New York, 1963

Tugendhat, C. and Hamilton, A. — Oil: the Biggest Business, London, 1975

Van Pelt, Mary C. — 'The Shaikhdom of Kuwait', The Middle East Journal, Vol. IV, No. 1 (Jan. 1950)

Veblen, Thornstein — The Theory of the Leisure Class, New York, 1902

Villiers, Alan — 'Some Aspects of the Arab Dhow Trade', Vol. II (Oct. 1948)

— Sons of Sindbad, London, 1940

Wahba, Ḥāfiẓ — Jazīrat al-'Arab fī al-Qarn al-'Ishrīn, Cairo, 1935

Weber, Max — Essays in Sociology, tr. and ed. H.H. Gerth and C. Wright Mills, London, 1948

	The Theory of Social and Economic Organization (being Part 1 of Wirtschaft und Gesellschaft), ed. Talcott Parsons, London, 1947
Wilson, A.T.	The Persian Gulf, Oxford, 1954
Wright, D. and Monroe, E.	The Changing Balance of Power in the Gulf, New York, 1972
Yasin, Muhammad	Administration Structure for Manpower Planning in Kuwait, The Arab Planning Institute, Kuwait, 1974
	Manpower Resources Requirements and Problems of Kuwait, Planning Board, Kuwait, 1974
Zuraiq, Qusṭanṭīn	Ma'na al-Nakba, Beirut, 1948

IV Kuwaiti Newspapers and Periodicals

Al-Ra'y al-'Āmm (daily)	1970-6, 1980-1
Al-Siyāsa (daily)	1970-6, 1980-1
Al-Qabas (daily)	1976, 1980-1
Al-Waṭan (daily)	1974-6, 1980-1
Al-Hadaf (weekly)	1970-6, 1980-1
Al-Nahḍa (weekly)	1970-6, 1980-1
Al-Risāla (weekly)	1970-6
Al-Yaqẓa (weekly)	1970-6
Al-Ṭalī'a (weekly)	1964-7, 1970-6, 1980-1
Journal of Gulf and Arabian Peninsula Studies	Vol. I, No. 1 (Jan. 1975) Vol. II, No. 8 (Oct. 1976)