

**Political Reform and the Prospects for  
Democratic Transition in the Gulf**

*Jill Crystal*

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*Jill Crystal is a Professor at the Department of Political Science and Director of the PhD program at Auburn University where she has been teaching since 1994. She was previously on the faculty of the University of Michigan. Her research interests focus on Middle Eastern Politics and International Political Economy. She has published two books: Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar and Kuwait: The Transformation of an Oil State as well as numerous articles and book chapters.*

WORKING PAPER

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Felipe IV, 9 1º Dcha. 28014 Madrid - SPAIN

Tel: +34 915 22 25 12 – Fax: +34 915 22 73 01

E-mail: [fride@fride.org](mailto:fride@fride.org)

All FRIDE publications are available on the FRIDE website: [www.fride.org](http://www.fride.org)

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## Summary

In the context of the United State's increased emphasis on political reform in the Middle East as central goal of its foreign policy, this paper analyses the processes of political reform that have taken place during the last decade in the states that form the Gulf Cooperation Council. In examining reform in Bahrain, Qatar, Kuwait, Oman, UAE and Saudi Arabia the paper seeks to explain the limits of liberalisation, and outlines the role played by external and domestic pressure. After analysing political reform in relation to economic, institutional and social structural factors the paper concludes with a series of policy recommendations for Western actors working to increase the prospects of political liberalisation in the Gulf. These include:-

- ensuring external policies do not hinder reform;
- emphasising structural changes and institution building; and
- being selective in transporting particular forms of political systems.



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## Introduction

In February 2005, President Bush stressed the importance of democracy as a weapon in the war on terror in his annual State of the Union address. "Hopeful reform," he announced, "is already taking hold in an arc from Morocco to Jordan to Bahrain."<sup>1</sup> This comment came as a surprise to those who are familiar with the situation in Morocco, Jordan, or Bahrain.

Bahrain was a particular surprise. Bahrain's new king, as he proclaimed himself, was known primarily for his role in the harsh crackdown on opposition forces in the 1990s when he was defence minister and crown prince. Since becoming ruler in 1999 on the death of his father, he had introduced some reforms that were hardly path breaking. They included a new constitution that gave him near-limitless power and elections (for the lower chamber of a new bicameral legislature that has no real power to initiate legislation). These inadequacies were not lost on Bahrain's largely Shi'a population, which for the most part boycotted the elections held in 2002, resulting in the election of a very unrepresentative Sunni-dominated government. The King responded to these protests with a new media law outlawing anything creating division or religious difference. If this constituted hopeful reform, what could hopeless reform possibly look like?

Bahrain's experience raised an important question: were Bush's comments pure rhetoric, a call for, at most, cosmetic reform? The answer to this last question is: not entirely. The issue of political liberalization is more complicated than it first appears. First, President Bush seems to be more serious about democracy than his predecessors (although his definition of the word democracy may differ from some). And, second, there is actually some real political reform taking place in the Gulf, although Bahrain is not perhaps the best illustration of this reform, and Bush's concern is perhaps not the driving force. To understand this, we need to unpack and explain the reform that is actually taking place: what it is, why it has occurred, and finally, what outsiders can and cannot do to best facilitate this process.

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<sup>1</sup> Transcript of the State of the Union, February 3, 2005. Accessed at CNN.com. May 10, 2005.

## Political Reform

In the Gulf, the last decade between the two Gulf wars has witnessed significant political opening, although in most cases this liberalization follows, sometimes by decades, earlier aborted attempts at political liberalization. The reform experiments span a range from Kuwait, with the oldest continuous and most firmly established pro-democratic institutions, and which has gone the furthest in expanding contestation, to the UAE, which has only recently begun the most cautious discussion about possibly holding elections, but has not actually done so. In between are Qatar, Bahrain, and Oman, with partially elected advisory bodies with limited mandates and Saudi Arabia where recent municipal elections (a very significant opening in a country whose rulers once called Western democracy un-Islamic) have been coupled since 2003 with a fierce crackdown on militant Islamist opposition.

There are limits to this liberalization. In the Gulf, political liberalization has generally meant the creation of partially-elected advisory councils coupled with a cautious opening up of some public space to political discourse. None of the Gulf States have moved toward constitutional monarchy (indeed just recently three Saudi reformers were sentenced to prison in part for suggesting just that). Nowhere does public opposition call for electing, let alone overthrowing, the executive. All the Gulf States continue to be ruled by relatively benign and cautious autocrats who remain solidly in control of reform efforts. Throughout the Gulf, governments have placed clear limits on public opposition. Each state restricts representation to some degree. In Oman the electorate has expanded only gradually. In Kuwait, women have only just been given the vote, which they will first exercise in the next parliamentary elections in 2007. In Bahrain, the government drew the districts in such a way as to significantly limit the voice of the numerically dominant Shi'as and tried to weaken Shi'a influence by naturalizing Sunni expatriates and extending voting rights to Saudi citizens. Qatar has disenfranchised some 6000 members of the al-Ghran clan, a subset of one of Qatar's largest tribes, some of whose members were linked to a Saudi-backed 1996 coup attempt. Civil society is also regulated in each case. Public assembly is restricted and political parties are banned. Judicial independence is limited.

Still, there is significant variation. Of all the Gulf States, Kuwait's reforms have gone the furthest. Kuwait has had a fully elected National Assembly for over thirty years, since independence in the early 1960s. Despite suspensions in 1976 and 1986, it has functioned as a continuing forum for political debate. Kuwait's civil society is also vibrant and open. Where Kuwait has lagged, until very recently, is on the issue of representation. Since its reinstatement by the emir in 1991 following the Gulf war, the Assembly has been dominated by Islamists and tribal representatives generally less open to women's suffrage. Although the Islamists suffered something of a setback in the 2003 parliamentary elections, when they lost seats to government supporters, they have since established an alliance with tribal groups. Their power is evident in their repeated questioning of ministers (bringing down three) as well as success, until recently, in opposing women's suffrage. On May 16th, however, the parliament, after a long and complicated fight, voted to amend Kuwait's electoral law to give women suffrage and the right to run for office beginning with the next parliamentary elections in 2007 (appeasing Islamist MPs by coupling it with vague terminology ensuring compliance with Shari'a laws and a pay raise for parliament).

What is striking about Kuwait, compared to its neighbours, is not that women only now vote, but that contentious issues such as women's suffrage are in fact openly debated. In practice, women's suffrage will probably have little immediate effect on Kuwaiti politics, although over time that may change as Islamist and other groups try to win their vote. We know roughly how women vote from the way they vote in elections at the university and in neighbourhood cooperatives, where they vote much as men do, turning out representatives who are largely Islamist and only occasionally liberal.

Qatar's experience has been far more tentative. Since the accession to power of the current ruler, Sheikh Hamad al-Thani, who deposed his father in a bloodless coup in 1995, the country has indeed seen significant political liberalization. Potentially the most important reform is Qatar's new constitution, approved by referendum in April 2003. Other reforms include the removal of many press restraints and the holding of Municipal Council elections in 1999 and 2003 (as well as the granting of women's suffrage). These reforms seem encouraging, but they are new and untested. While the Constitution embodies many formal civil and political rights, these rights lack

institutional guarantees. Unlike in Kuwait, the government granted women's suffrage, but did not allow women's suffrage to be debated. It imposed it by decree, in the process jailing a dissident who objected. The new Municipal Council has a very limited mandate and its activities initially stalled over the council chair's refusal to step down following the expiry of his term in April 2005. Whether these reforms are a temporary measure to secure popular and Western support during a difficult transition (the current emir came to power, as his father had, in a coup in 1995 and had to face down a countercoup the following year) or a step towards genuine expansion of political and civil rights is yet unclear.

Bahrain's reforms have likewise been tenuous. King Hamad, on taking power, introduced a new constitution that was endorsed by popular referendum in 2001. In 2002, Bahrain held its first parliamentary elections since the short-lived Assembly of 1975. Other reforms followed. Political prisoners were released and dissidents who had been fired from state employment were reinstated. These changes were particularly significant because they followed a harsh government crackdown from 1994-1998. The state security police, blamed for much of the harshness of the crackdown, were now disbanded and replaced by a milder National Security Agency. The controversial British officer who once ran internal security was fired. Reform, however, soon stalled. In October 2002, Hamad (who in February had declared himself King and named his son Salman Crown Prince) issued a new Press and Publications Law which gave the Information Ministry expanded censorship powers and threatened severe penalties for criticism of the king or the political system. He also issued blanket immunity for any official suspected of human rights violations. He unilaterally introduced a new amended constitution that deprived the National Assembly of any right to directly introduce legislation. As in Qatar, reform in Bahrain has not been institutionalised and its future rests very much with the personal decisions of the king.

In Oman, reform has been more gradual. In 1990, the Sultan established an appointed consultative council to replace an older body created in 1981. In 1994, he expanded its membership. In 1996, the Sultan also established a Basic Law, the country's first constitution. In 1997, and again in 2000 and 2003, the government held elections for the consultative council, expanding suffrage until

virtually all adult nationals were eligible to vote in the 2003 elections. The council, a purely consultative body, was given a narrow mandate, primarily restricted to economic and social matters. It was allowed to question government ministers, however, creating a forum for public discussion.

The United Arab Emirates has seen more modest political liberalization. It has an appointed National Council, albeit one with open debate. Although some government officials have raised the possibility of holding some sort of elections both before and since the formal accession of Sheikh Khalifah bin Zayid al-Nahayan on the death of his father in November 2004, the government has not yet done so. The only elections held in the UAE have been for Iraqi expatriates (the UAE being one of the 14 countries where Iraqis were able to vote out of country).

Saudi Arabia has also seen political liberalization in the last decade, although by the standards of the region, these reforms have been muted. In 1993, following both liberal and Islamist pressure during the Gulf War, the government established an appointed consultative council. Following the attacks of September 11, 2001 and an increase in U.S. pressure on the Saudi government to discredit those closest to al-Qaida, liberals saw an opportunity to push for more political liberalization. In January 2003, 100 intellectuals signed a petition (the Strategic Vision for the Present and Future) to Crown Prince Abdallah, outlining a broad reform program calling for constitutional institutions including an elected consultative council and protection of political and civil rights. In October 2003, the government announced elections would be held for half of the members of the country's municipal councils, and in February 2005 began holding these elections. Yet even as the government was announcing the elections, it did not hesitate to use riot police and live ammunition to break up a peaceful protest by Saudis objecting to the slow pace of reform and in the process detaining hundreds. These moves continued a Saudi government crackdown in force on opposition that began with the 1996 Khobar bombings, accelerated with bombings in May and November 2003, and have continued ever since.

If we look at reform across the Gulf, we see conflicting messages and very often reform is coupled with repression. If we are to understand what these reforms mean, we need to understand why they have occurred. And in this area there is substantial debate.

## **External Forces**

Outside pressure has certainly been a factor prompting reform. Much of this pressure for political reform has come from the United States. Although the EU has (at least rhetorically) long supported political reform throughout the region, the US has been a much more vocal and powerful player. At least at the rhetorical level, the US government has been a fervent, albeit recent, convert to democratisation in the Middle East. After September 11th, the Bush administration set forth an ambitious plan to foster democratic transition throughout the region. The Greater Middle East Initiative (reinvented in more modest form after an unenthusiastic response in the Middle East and Europe as the Broader Middle East and North Africa Initiative) was launched in June 2004 with the goal of fostering political, economic, and social reform through dialogue and a series of US-backed projects. The theme took hold when President Bush's second inaugural address made political reform in the Middle East a central goal of US foreign policy. This push for democratic reform began after 9/11 when the dominant explanation for terrorism – poverty and desperation of circumstances – crumbled with the 19 Saudi hijackers. It gained a foothold after the US invasion and subsequent occupation of Iraq as a retrospective justification of that policy. Today the push for democracy comes largely from the neoconservative camp, which has coupled a muscular militarism with an evangelical quest for democratisation. This vision is particularly hard for Europeans to understand, but there are certainly those in Washington who believe, first, that the Middle East and the world can be remade, by force if necessary, in a way more compatible with US interests and, second, that a central element of this compatibility is freedom (although here political freedom is always conceptually coupled with free trade). This voice has worked its way into enough presidential speeches that it must be taken seriously.

There is, however, within the administration a realist dissent to the democratisation project. It is not an objection to democracy per se, but begins with a traditional conservative scepticism of change, generally, and sudden change especially. Grand plans are, to this faction, the most worrisome. To those in the realist camp, the goal of US policy should always be to make only the most modest changes necessary to achieve clear and immediate ends. Those in this camp also offer very concrete reasons for their dissent. They argue that the only important US concern in the region is with oil, and oil, for the foreseeable future, will mean Saudi Arabia. When the US calls for Saudi Arabia to hold elections, the

realists ask: who will win those elections? Some variety of Islamists, likely to be far more opposed to the US presence than the present regime is.

US concerns in the other Gulf States are even more direct. Bahrain is the headquarters of the Fifth Fleet. The US's current construction efforts there (for example, efforts to have the port dredged so that the US aircraft carriers can dock, not just anchor, nearby) suggest the Americans intend to remain there. Qatar is home to the US Central Command, the base used for the invasion of Iraq and coordination of subsequent operations. The US government is also in the process of developing a large naval base in Qatar. Kuwait was and remains the launching pad for the continuing war in Iraq. Realists say: important and immediate American security interests in these countries have thus far been served by the US's relationship with these countries' leaders. Why jeopardize success by antagonizing this leadership or, worse, prompting elections that may elect parliaments that will object to an American presence? Why alienate the US's other allies in the region? Would Jordan not object, for example, to a democratic Shi'a-dominated Bahraini government? Would Saudi's elected Islamists favour relations with the US?

Finally, realists add, a broader reform initiative will also inevitably conflict with the US war on terror. Here, President Bush does seem to coincide with the realists. Even as it calls for democracy, the Bush administration has rendered prisoners to Saudi Arabia. It praises elections in Qatar, but has not pressured the government there to allow a more vocal local press. Rather the US has joined a chorus of Arab leaders in calling on the government to reign in the controversial satellite channel Al-Jazeera, which has been very reluctant to take on political controversies inside Qatar. When the war on terror meets pressure for democracy, the war on terror generally trumps.

The Gulf leaders, especially the Saudis, are more than somewhat responsive to these concerns. The violent edge of political Islam constitutes a real threat to political liberalization throughout the Gulf both directly, in the fear it injects into the lives of ordinary citizens, and indirectly, in the excessive reaction it can prompt in the government. Indeed, prompting just such an excessive response is a primary goal of terrorism. The jihadi/Salafi movement has been consistent in its hostility to the Gulf monarchies. It has only turned its attention to the far enemy in recent years and, since 2003, to Iraq because of the opportunities it offers. But recent events remind us that the Gulf monarchies (beginning with Saudi Arabia) are high on the jihadi/Salafi agenda. Kuwait in the first months of 2005 witnessed a series of

violent attacks. Qatar witnessed a terrorist suicide bombing attack in March 2005. Kuwait and Saudi Arabia, with young Islamists crossing open borders in Iraq to join the jihad, are particularly worried, and will continue to be as long as the unrest in Iraq continues.

Thus Gulf leaders face competing pressures from the US: liberalize but clamp down on terrorism; allow people to speak freely, but not too freely if they're critical of the US. What the Gulf governments have done with these conflicting messages is to engage in just enough reforms to satisfy what they see as most probably transient pressure from the US. The difference lies largely in the subtlety with which they have carried this out. Saudi Arabia held elections, but with its recent conviction of three intellectual reformers has indicated that it is not unduly troubled by President's Bush calls for the Saudi government to liberalize more thoroughly. In April, when Crown Prince Abdallah visited President Bush in Crawford, Texas, US officials dodged questions about whether the US had raised concerns about repression of dissidents in the kingdom. The conversation, they said, had focused on increasing oil production and fighting the war on terror. Kuwait's recent extension of suffrage to women through the government's use of an emergency order came just before a scheduled visit to the US by the Kuwaiti prime minister. Qatar, with less real internal opposition, less strategic importance to the US than Saudi Arabia, and perhaps more politically savvy than the other Gulf states in selling its reforms to the West, has held elections (for what and how often is not so important), granted women suffrage, established a human rights committee, and announced educational reforms, all of which address exactly the concerns raised in the American press. Outside the Gulf, Hosni Mubarak seems to be adopting similar tactics: introduce reforms that, on closer inspection, run no risk of actually changing the distribution of power while continuing to arrest political opponents.

While these are not unimportant reforms, one can imagine other reforms, less frequently touted by the US, but often raised by local dissidents, that could be of equal or greater importance in actually promoting real democratic openings. For example, the encouragement of an unfettered and critical domestic press and media, legalization of political parties and other civil organizations, thorough reforms of the police and security forces, election of a body with genuine legislative responsibilities, more budgetary transparency, constitutional review of new legislation, and real and explicit movement towards eventually creating a constitutional monarchy. Rulers in Qatar especially, but throughout the Arab Gulf, have

calibrated reform to match US government public pronouncements about what Middle Eastern democracy should look like. The US and the West have been a force shaping political reform, but a modest one.

Pressure for political reform also comes from other Gulf States. The Gulf States have significant influence on each other. This is, after all, one cultural lake with many tribes and families stretching across borders and with many GCC nationals (more than the governments would like to acknowledge) discreetly possessing multiple GCC passports. As Michael Herb has argued, the particular form of monarchical power in the Gulf organized around sovereign ministries, that is, the distribution of specific powerful ministries guaranteed to members of the ruling family, initially pioneered in Kuwait and quickly adopted by all its monarchical neighbours.<sup>2</sup> Kuwait also pioneered the use of elected bodies on a significant scale and these too were copied throughout the Gulf. Kuwait's long history of reform has certainly made it easier for reformers in other states to move forward. The extension of suffrage to women was perhaps partly an element of that competition. Qatar was unwilling to expand contestation but it could outdo Kuwait in expanding representation. The extension of suffrage in Qatar, Bahrain and Oman was a factor putting pressure on the Kuwaiti leadership to do the same. Qatar might not allow as much debate over its own policies as some other states, but it could, through al-Jazeera, give the appearance of allowing substantial debate, opening the way for al-Arabiyya and other stations in the region. Reforms in each state raise the bar for the others. Saudi Arabia has been somewhat immune to this contact, but its neighbours' examples exert pressure even there. After 2003, when political violence inside the country became untenable, the Saudis cautiously considered political liberalization on the local model. This effect has cut both ways, however. Kuwait's experience with the sometimes-debilitating effects of democracy (gridlock over Project Kuwait, for example) has also made its neighbours more cynical about political participation in practice. If external factors have played a role, however, the driving force for democratisation has been internal.

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<sup>2</sup> Michael Herb, *All in the Family* (Albany: SUNY Press, 1999).

## Internal Factors and the Prospects for Democratic Transition

External pressure can affect a government's willingness to respond to reform movements, but the primary impetus for liberalization in the Gulf has nonetheless come from within the Gulf states and not from outside. This democratic impulse in itself is not surprising. The desire to affect the decisions that shape one's life is certainly a universal one and Gulf governments shape many aspects of their citizens' lives. What is interesting is not that people in the Gulf would want more influence over their governments, but that the governments have in recent years responded so positively in some instances to this desire. Outside pressure is certainly one factor, but a modest one compared to internal pressures. Social scientists now know quite a bit about the basic prerequisites for democracy, the factors that make it more or less likely that reform efforts will succeed. Mapping out those variables can reveal something useful about the prospects for political reform in the Gulf.

### *Economic Factors*

If one looks at the democratisation process globally, clearly an overall correlation exists between the level of economic development (measured in per capita GNP) and the likelihood of democracy. Wealthy countries are far more likely to be democratic than poorer states and democratic transitions seem to fare better in wealthier states than in poorer ones. Most of the reasons for this connection are intuitive. Prosperity lowers the stakes of politics and the desperation of the players, making them more willing to accept defeat and wait for the next round. Wealth also makes more resources available so even the losers can be placated, if necessary, to keep them playing the democratic game. More indirectly, wealth creates people with the education and leisure time to engage in polite, democratic politics. Wealth may even create or facilitate the emergence of new values, some of which may be more likely to sustain democratic transitions. But if wealth has a significant impact on regime type, it is not clearly determinative. On economic indicators, India is more democratic than it should be; Saudi Arabia and the UAE less so.

One reason may be that democracy is more closely linked to a particular market-driven strategy of economic development that seems more effective at creating wealth, than to a level

of wealth per se. Just as there is a broad historical correlation between wealth and democracy, so too is there a broad historical correlation between market economies and political democracies, beginning with the world's first democracies in the West, which were largely capitalist states. There are again also largely intuitive reasons why this may be the case. Some argue that markets create islands of independent power that can challenge the state. Others argue that extraction of revenues (taxation in a market economy) and participation are necessarily linked: no taxation without representation (and no representation without taxation).

There is clearly some truth to this, but the correlation does not apply across the board. There are economies with extremely high levels of state involvement that are democratic (the Nordic states in Europe, Israel in the Middle East). There are also market economies that are not democratic; indeed there are many countries where rulers are explicitly trying to liberalize their economies without significantly liberalizing their politics (China is the most important; Syria in the Middle East). Dissent also exists in states with virtually no taxation, Saudi Arabia being the best example. Thus, while there is probably a link between strategy of economic development and regime type, it is not overwhelmingly determinative. We tend to conflate political and economic systems, but they clearly can vary independently.

As a whole, though, to the extent that economic variables make certain kinds of regime outcomes more likely, the prospects for the Gulf are relatively positive. These states have high per capita GNPs, particularly at current oil prices, although the relative poverty in Bahrain dims the prospects there. The particularly large role of the state gives cause for concern to those who emphasize the role of markets in the political liberalization process, but there is cautious movement towards economic liberalization in each of the Gulf countries. High oil prices have in the past reduced the pressure to diversify, but the current wave of high prices has not as seriously hindered economic liberalization in the Gulf as much as past hikes. Saudi Arabia is still working to join the WTO and all the Gulf States have moved to attract Foreign Direct Investment (FDI), especially in the oil sector, and open their economies in other ways despite high prices. If economic variables are decisive, then the prospects for further democratisation in the Gulf are encouraging.

### ***Social Structural Factors***

Some lay greater emphasis on socio-structural factors in predicting successful democratic transitions. They argue that the level of economic development, while correlated to democracy, is probably correlated in large part because of the nature of the class divisions it generates. These writers argue that the history of democratisation in the West has been related to the emergence of two important classes. The first was the middle class or bourgeoisie, thought by many to be the carriers of democracy either because of their values (writers from this class largely articulated and embraced the democratic ideals that we cherish today), or their interests (i.e., their independent source of wealth in the market makes them a natural balance to and check on the state). Because democracy has historically been a top-down process (even if it occurred in the presence of pressures from below) as ruling elites expanded participation in response to crises or to divisions in the ranks of elites, the emergence of class divisions facilitated the gradual expansion of participation and democracy.

Others focus on the significance of the emergence of a working class. As Europe became a democracy, it also moved from an agricultural to an industrial economy. As it did, pressure for representation from the emerging urban working classes, increasingly organized through parties of the left that found allies among the newly enfranchised middle class, played a key role in expanding democratisation. The presence of these classes and the concomitant absence of a large and powerful agrarian class, some argue, are critical to understanding democratic outcomes.

Others emphasize the importance of national unity. In the West, most states achieved national unity before completing democratic openings. Unity is an important element of political liberalization because the process of democracy itself produces such discord. If people are to disagree civilly about politics, it helps if they can begin by agreeing on something. That something, that common ground, is often national identity. A consensus on identity can arguably help keep politics from polarizing into a winner-take-all confrontation.

Finally, democratic prospects seem to be better if there is a thriving civil society, if a variety of groups flourish in the space between the family and the state, in the area where political ideas are debated and refined. When this area has been constrained by an authoritarian ruler and few

public groups exist and elections are suddenly held, only a few groups are likely to be sufficiently organized to field candidates and successfully compete. (This was one of the more sensible arguments made against holding early elections in Iraq).

If we apply these social structural factors to the Gulf, the prospects for democratisation there are somewhat less promising. In the Gulf, the local commercial class is quite weak, with the partial exceptions of Kuwait and Dubai, where established business families historically involved in long-distance trade have endured (although they have not pressed for formal inclusion in the political process with special enthusiasm). The working class, however, with the exception of the oil industry, is largely expatriate (except in Bahrain) and consequently excluded politically. If Gulf States ever truly succeed in nationalizing significant elements of their labour force as they are trying to do (and indeed there has been some success in this regard), a labour party might emerge in time and press for democratic inclusion. In Bahrain, in the early days of oil, poorer Sunnis and Shi'as were able to put aside communal differences in favour of shared economic interests. On the other hand, the historical dominance of nomadic pastoralism rather than settled agriculture has meant that the Gulf States largely escaped the problem of large landowning classes that elsewhere have sometimes allied with the state to subvert democratic transition.

National unity is somewhat more problematic. Kuwait alone has a strong sense of national identity, (rare in the region, Tunisia and Egypt being among the exceptions), owing to its long existence as an autonomous political entity and reinforced by the Iraqi invasion. Saudi Arabia has strong regional divisions. Bahrain and Oman have strong sectarian divisions. And in every Gulf state transnational tribal links cross state borders. Still, everywhere in the Gulf the presence of so many foreigners (more than half the population in most Gulf states) and the perceived threat to cultural identity their presence induces, has been an important force in creating a sense of national unity where it did not exist years ago.

Finally, civil society in the Gulf States is relatively weak, owing largely to the reluctance of the governments to permit independent organizations to emerge. One consequence has been the relative political strength of tribal and religious groups since the governments have been

largely unwilling, in the case of tribal and Sunni Islamic groups, to clamp down on them or unable to do so in the case of Shi'a groups. Sunni-dominated governments have tried to limit what Shi'a groups can do, but because Shi'a Islam is more hierarchically organized, the government's ability to limit it is more modest (as we see clearly in Iraq where these groups, although extremely repressed, were able to maintain themselves quite effectively during Saddam Hussein's rule). For political reform to flourish, other groups will have to be allowed to emerge, as they inevitably do where permitted (as in Kuwait). For citizens to engage democratically, they must have the opportunity to access a variety of opinions. For elections to include a variety of voices, it is also best if political parties are allowed to emerge. The Gulf has been very slow to allow this, which brings us to the issue of political institutions.

### *Institutional Factors*

Building democratic institutions is self-evidently critical to democratic transition. Elections, in which most adult nationals vote, must be held regularly, to bodies with some real legislative capacity. On this, all the Gulf States except the UAE have started to at least establish some electoral machinery. This electoral process will be smoother, as Robert Dahl pointed out some years ago, if expansion of contestation (what people can debate) precedes expansion of participation (who can vote).<sup>3</sup> But both are important. The West has focused its attention primarily on participation (especially women's suffrage and, to a lesser degree, disenfranchised expatriates), when it would do well to focus more attention on contestation. Electing trash collectors is important, but electing legislators would be still more important.

The second important institution needed to sustain democratic openings is an effective, independent, and impartial judicial system. In democratic states, the rule of law is a crucial check on state authority. Dissidents understand this concept. Bahrain's short-lived first elected Assembly long ago was dissolved when it objected to a new State Security Measures Law in 1975 granting the government extensive power to arrest and hold suspects without trial. Here the Gulf States have a distance to go. The first step is to remove state security courts where they exist and replace them with courts with due process, if for no other

<sup>3</sup> Robert Dahl, *Polyarchy* (New Haven: Yale University Press, 1971).

reason than because due process is essential to achieving a substantively fair outcome. An efficient and fair judicial system will have the additional side effect of attracting FDI. Investors need a stable legal system in order to invest and they need to know that the courts will uphold their contracts and that their disputes will be resolved fairly and, above all, predictably. The second step is to allow legislatures, not rulers (or as a first step, in addition to rulers), to introduce bills and make laws. The third reform needed is to introduce some form of constitutional review of those laws, whether the judicial review of common law states or the pre-legislative review of civil law states. Constitutional review is a critical element in securing democratic reforms because it forces a consistency between laws and the country's basic principles, typically enshrined in constitutions. Without constitutional review, constitutions are just aspirational pieces of paper that impress the West.

This is a challenge, but not an insurmountable one. The Middle East is unusual compared to most parts of the world in that it long ago developed its own indigenous legal system, one that historically did check the unbridled authority of the rulers to a degree. As a result, there is a certain respect for law and a legal culture that does not exist in many places. Over time however the role of Islamic law in the region was whittled away by both indigenous authoritarian rulers and colonial powers until today it typically dominates only the area of personal status (family law and probate). Even in Saudi Arabia, where Islamic law remains officially the law of the land and the Quran the only constitution, in practice a parallel set of administration courts and laws has evolved (although they are called committees and regulations). This is not to suggest that Islamic law is the key to democracy in the Middle East, but rather that a functioning, independent legal system is necessary to check rulers' excesses and that dissidents, both Islamist and liberal, understand this better than most because it is part of their history and culture. One of the reasons that the Islamist call for Islamic law resonates so well in the region is that the call for Shari'a is understood as a promise to check the unfettered authority of the ruler and replace arbitrary rule with the rule of law (God's law, in this case). Even an unpleasant set of rules provides predictability and allows one to organize a daily life. In Islamist writing in the Gulf, many of the themes that reoccur (such as corruption) indicate a deep concern with arbitrary rule and the law's

ability to limit such rule, a concern not dissimilar to those raised by secular liberals.

The Gulf States have taken some moves in this direction. In Bahrain, King Hamad abolished the State Security Law of 1974 and the state security courts. He replaced the office of general prosecutor in the interior ministry with a new office of public prosecution inside the ministry of justice and Islamic affairs (a positive step), but retained all the old prosecutors and judges, many of whom have close ties to the ruling family, rather than replacing them, as the opposition requested, with professional, independent attorneys. Kuwait has a constitutional court that occasionally engages important issues. Dubai has recently introduced a computerized judicial system that tracks cases fairly effectively and could be the start of streamlining the judicial system and also a backdoor for more important judicial reform. Qatar is unusual in that, until recently, it had no provision at all, even nominal, for constitutional review. But two hopeful recent changes have occurred. In October 2004, a long-promised court reform occurred when Qatar's dual court system (of Shari'a and secular courts) was finally unified, a move welcomed by local attorneys who hoped it would end confusion and delays about where to file particular cases. Second, Qatar's new constitution now has a provision for constitutional review, something lacking in its earlier constitution. It remains to be seen however whether this will actually be institutionalised.

The last institution that needs to be reformed, if a democratic transition is to occur, is the police. Most of the emphasis on democratic transitions has focused on creating new democratic structures such as writing constitutions and creating political groups. While this is important, it is often a misplaced emphasis. Equal if not greater attention must go to dismantling anti-democratic structures, especially the internal security forces and (where they exist) the state security courts. Even if elections are held, if the internal security forces are not eliminated or constrained, a democratic transition will not occur. Rulers understand this and it is not surprising that the last place they loosen control is over internal security.

Reforming police forces, however, is not easy because coercive institutions, once established, can be remarkably resilient. Often a force's original mission will continue to shape police structure and behaviour long after a regime has changed in many other ways. Part of the reason Bahrain was more authoritarian (and hence less

democratic) than other Gulf states, such as Kuwait, was because Kuwait never really had a colonial police, while Bahrain (the home of the British colonial presence in the Gulf) arguably had one long after independence.

There have been some promising reforms in the Gulf, but more are needed. In Qatar, the government has made moves to centralize the intelligence agencies, which is probably a positive move, but has also given the ruler more direct control, which is less positive. In Bahrain, recent reforms began with more promise, including the firing of the head of internal security, the repeal of the State Security Act, and the dissolution of the State Security Courts. But by fall 2004 the police had arrested the head of Bahrain's leading human rights group after he criticized the prime minister, and the police appeared to be reverting to form. For democracy to move forward, police and security forces need to be reformed so that they serve the public, that is, protect the general order and not the particular order of a particular regime. Western powers have not pushed enough for this, in part out of a sometimes-misplaced concern with fighting the war on terror. But here pressure could probably be more effectively applied, which brings us to the question of what is to be done.

## **Policy Recommendations**

Thus far I have argued that rulers expand political participation when it is in their interest to do so, not because they are democrats. Sometimes they respond to outside pressure, but most of the time reforms come about as a strategy to deal with internal pressure. Sometimes rulers hope to co-opt or otherwise tame the opposition, which is often an effective strategy. Kuwait's Shi'as and Islamists, long incorporated into the political system, have behaved much more moderately than Bahraini Shi'as. In Saudi Arabia violence was a driving force in prompting the announcement of openings in 2003. Should political openings fail to tame the opposition, they allow the ruler to gauge opposition strength and identify leaders to target for repression or cooptation (in these cases, political liberalization may actually make things worse). In the Gulf, rulers hope, through political liberalization, to isolate the more moderate national population (the only ones allowed to vote) from the dangerous non-nationals in their midst (whether Arab nationalists in the 1950s or Islamists today) and isolate national politics as much as possible from transnational political movements.

Even if rulers are driven by a range of self-interested and non-democratic impulses, their reforms may take on a life of their own and democratic transitions may occur despite rulers' best efforts to contain reform. Indeed, in most cases historically, democracy happened by accident, despite the best efforts of authoritarian rulers to control liberalization. Reforms raise expectations. There is no reason to believe the current democratic opening may not develop an unintended momentum in the Gulf as well with first appointed, then elected officials pushing for more public debate. It is quite possible these openings can have a continuing cascade effect on each other. But it is also possible that the reform process could stall or even reverse, as earlier reform movements in the Gulf have done. A number of factors, from a succession crisis in one of the Gulf States to a fall in oil prices to deterioration in the situation in Iraq, could substantially reduce the regimes' commitment to political liberalization. Finally, to the extent that reform has been driven by rulers desire to consolidate their own position (especially new rulers in Bahrain and Qatar) and placate a Western audience they expect will soon lose interest, the prospects are dimmer. There are, nonetheless, several steps groups and governments in the West can take that are likely

to increase the prospects of political liberalization in the Gulf. A few are presented below. Some are more relevant to US policymakers, but, as noted above, the US presence on this issue is sufficiently large that European reformers might also usefully keep them in mind.

***At a minimum, ensure external policies do not hinder reform***

If the question is: what is to be done? Then the answer is: first do no harm. This warning is particularly important for the US, where any hint of closeness between the US government and local dissidents can inhibit reform. American support can be the kiss of death to reformers.

***Emphasize structural changes***

The focus should be on big structural changes, less on the substance of outcomes or the values driving the process. There is not much evidence to suggest that commitment to democracy is a major factor in explaining the success of democratic transitions. A good number of individuals are naturally autocratic and would gladly impose their will on others on taking power. They do not do so, not because of any abstract commitment to democracy, but because democratic structures constrain them from doing so and provide incentives for working within the system and rules. In the Middle East, this concern over values typically arises with Islamists. The argument is made that they must be kept out of the political system because they are not *really* democratic, for if they win an election, it will be the last one (one man, one vote, one time). This is no less true of Islamists than of many other groups, and if they are excluded, they are more likely to become violent. Including them will insure that they will have to cut deals and make compromises like any other group. And if they win in very large numbers, they will break into factions and still have to engage in deal making.

On specific issues, the US has devoted too much attention to reforming educational systems, especially in Saudi Arabia, and to expanding women's rights (although often in a superficial way). Not only may these agendas hurt domestic reformers who share the same goals, but also they are simply not that important to either the ultimate success of political reform or any Western national interest. Live with imperfection. As Machiavelli pointed out, the best is the enemy of the good.

***Remain sceptical about rulers who promise reforms***

The West should be a bit more sceptical about the assertions of reforming autocrats, especially those pushing through reforms (like women's suffrage) seemingly effortlessly. If change is not accompanied by complaints, then someone is being silenced. One should be very sceptical of rulers who claim that public participation is not consistent with their traditions. Tradition exerts itself through moral suasion, not force. If a government is putting dissidents in jail for their speech, there is obviously no clear consensus on what tradition dictates that people discuss. One should be sceptical of cosmetic changes. If an election is held, there is a need to check back to make sure another one is held after a few years. One should also ask what powers an elected body really possesses.

***Selectivity in transporting institutions***

There is a need to think about what fits for each country. In encouraging democratic reform in other countries the US has consistently repeated several of the same mistakes.

- 1) Trying to impose a presidential system. The Gulf has a fledgling system in place and it is parliamentary, not presidential in basic design. Most of continental Europe follows this form of government and there is no reason to think leaders must be directly elected.
- 2) Trying to impose a common law judicial system. Judicial systems need to be reformed, but in the Gulf, a civil law system presently exists and is a better fit than a common law system for several reasons. This is not to say some aspects of the common law system such as judicial review (perhaps in addition to civil law constitutional review) might not work in the Gulf, where there is a strong legal culture and some tradition of judicial discretion, but these selective aspects must be adapted to a civil law system. The common law system was very well suited to the US when it was adopted in the eighteenth century, but the American form of policy making (mandate, legislate, litigate) thwarts tyranny through the crudest of methods, by slowing down bad policy. It also slows down good policy.
- 3) Trying to impose decentralized government, especially when reforming the police. This is not an issue in the small Gulf States and a degree of decentralization seems to be working in Saudi Arabia, but the decentralized

US model generally travels poorly. The US police system in particular, with multiple, overlapping, decentralized forces, may not function everywhere. The continental system combining a primarily urban domestic police force with some sort of gendarmerie with military training handling the desert areas and intermittently handling urban dissent (instead of the current internal security forces) is probably a better fit.

- 4) Trying to impose free markets. When US administrators talk about bringing freedom, they usually refer to free markets. Americans have a quasi-religious faith in the market. This is not to say that the Gulf states shouldn't retrench - they probably should - or that governments should not stop bailing out the private sector - they should, moral hazard is a major problem in the private sector throughout the Gulf - or that they should not seek out FDI. It does mean that Gulf States should move to the market carefully. If they do not, corruption will be a problem, largely because if the Gulf states were to rush to the market, the first ones to benefit would be members of the ruling families, who would use their access to the government to engage in rent-seeking behaviour which, if successful, would eventually thwart any real moves to liberalize. In general, the social welfare model is probably a better fit for the Gulf than the every-man-for-himself free market American model. Moreover, the empirical evidence that trade will lead to democratisation, while long an integral part of US policy, is not very strong. Increased trade can entrench autocrats rather than undermine them. Integration into a global economy is not a recent development for the Gulf. These states have engaged in long-distance trade for centuries and have, with oil, acquired over half a century of experience with transnational corporations. Their dissidents' misgivings about globalisation grow from experience, not ignorance.

### ***Don't subordinate support for democracy to concerns over anti-Americanism***

Democratisation might bring to power some people who do not approve of US policy, and who will actively voice this view, including democratically elected Islamists. Fear of Islamists already paralyses many who would otherwise support liberalization. The US should not exacerbate this indigenous problem. While the Gulf's concern with the Israeli-Palestinian conflict waxes and wanes, every president has found it difficult to exact cooperation on any matter unless seen to be actively engaged in resolving the Israeli-Palestinian conflict.

### ***Support democratic institutions***

It is important to reform the police. The police should be turned into a force that supports law and order, not a particular order. Leaders should be encouraged to eliminate state security forces or incorporate them into regular police forces or a gendarmerie after retiring the more unsavoury members. Governments should be encouraged to attract higher quality recruits. In the Gulf, the police often come from marginal groups (e.g., historically, from the bidun in Kuwait, or from those who failed to make it into the military). A cross section of the population should be recruited (e.g., in Bahrain, recruit more Shi'as).

Rulers should be encouraged to engage the population in writing or rewriting constitutions, but the establishment of institutions that actively engage in constitutional review should also be encouraged.

The judiciary should be reformed. States should be encouraged to disband state security courts (of the sort that recently sentenced dissidents in Oman) and to establish an independent court system. Judicial independence should be encouraged. The training of national judges and lawyers who will be less apt to worry about the consequences of their rulings should be supported.

Civil society should be supported. A variety of groups, including Islamists, should be encouraged.

Elections should be encouraged, but the elected bodies should have some real power and rulers should continue to hold elections after the Western press leaves.

Above all, Western groups and governments wishing to help the liberalization process should be guided less by what rulers think constitutes useful reform and more by what local reformers think is useful and necessary.

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