

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

20083

INCOMING

DATE RECEIVED: MARCH 07, 1991

NAME OF CORRESPONDENT: THE HONORABLE JACK BUECHNER

SUBJECT: SUBMITS A COPY OF THE CONTINGENCY STUDY
CONDUCTED BY THE NATIONAL REPUBLICAN
INSTITUTE FOR INTERNATIONAL AFFAIRS, FEB 91,
"KUWAIT: ALTERNATIVES FOR DEMOCRATIZATION"

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
BRENT SCOWCROFT		ORG	91/03/07		C 9/13/13
DOS	REFERRAL NOTE:	R	91/03/15	TC	A 9/10/21
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TC

COMMENTS: FORMER CONGRESSMAN

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 4690

MI MAIL USER CODES: (A) (B) (C)

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| *ACTION CODES: | *DISPOSITION | *OUTGOING | * |
| * | * | *CORRESPONDENCE: | * |
| *A-APPROPRIATE ACTION | *A-ANSWERED | *TYPE RESP=INITIALS | * |
| *C-COMMENT/RECOM | *B-NON-SPEC-REFERRAL | * OF SIGNER | * |
| *D-DRAFT RESPONSE | *C-COMPLETED | * CODE = A | * |
| *F-FURNISH FACT SHEET | *S-SUSPENDED | *COMPLETED = DATE OF | * |
| *I-INFO COPY/NO ACT NEC* | | * OUTGOING | * |
| *R-DIRECT REPLY W/COPY * | | | * |
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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

TRANSMITTAL FORM

S/S 9104577

Date March 22, 1991

FOR: Mr. William F. Sittmann
Executive Secretary
National Security Council Staff
The White House

REFERENCE:

To: The President

From: Jack Buechner

Date: March 4, 1991

Subject: Kuwait: Alternates for Democracy

WH Referral Dated: March 15, 1991

NSCS ID# (if any): 218670

The attached item was sent directly to the
Department of State

ACTION TAKEN:

A draft reply is attached.

A draft reply will be forwarded.

A translation is attached.

An information copy of a direct reply is attached.

We believe no response is necessary for the reason
cited below.

The Department of State has no objection to the
proposed travel.

Other (see remarks).

REMARKS:



Director
Secretariat Staff

UNCLASSIFIED



United States Department of State

Washington, D.C. 20520

March 21, 1991

Mr. Jack Buechner
President
National Republican Institute for International Affairs
1212 New York Avenue, N.W., Suite 850
Washington, D.C. 20005

Dear Mr. Buechner:

I have been asked to thank you for your letter of March 4 to the President, and for the study Kuwait: Alternatives for Democratization, prepared by the Institute, which you enclosed.

Your study is a major contribution to the debate on this important issue. I certainly agree that it will be a difficult task to "rebuild a nation, from its economic and political infrastructure to its very social fiber". We very much appreciate having the benefit of the Institute's very timely work on this subject.

Sincerely,

A handwritten signature in cursive script that reads "Douglas R. Keene".

Douglas R. Keene
Director
Arabian Peninsula Affairs

9104577

T H E W H I T E H O U S E O F F I C E

REFERRAL

MARCH 15, 1991

TO: DEPARTMENT OF STATE

ACTION REQUESTED:

DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 218670

MEDIA: LETTER, DATED MARCH 4, 1991

TO: PRESIDENT BUSH

FROM: THE HONORABLE JACK BUECHNER
PRESIDENT
NATIONAL REPUBLICAN INSTITUTE FOR
INTERNATIONAL AFFAIRS
SUITE 850
122 NEW YORK AVENUE
WASHINGTON DC 20005

SUBJECT: SUBMITS A COPY OF THE CONTINGENCY STUDY
CONDUCTED BY THE NATIONAL REPUBLICAN
INSTITUTE FOR INTERNATIONAL AFFAIRS, FEB 91,
"KUWAIT: ALTERNATIVES FOR DEMOCRATIZATION"

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

218670

National Republican Institute for International Affairs

Republican Programs of International Political Development

March 4, 1991



NSC

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The President
The White House
Washington, DC 20500

9104577

Dear Mr. President:

First let me, as spokesman for the N.R.I.I.A., congratulate you for your leadership on behalf of democracy. As you know, the National Republican Institute for International Affairs is the Republican core grantee of the National Endowment for Democracy. We are proud of our primary mission -- to support Republican programs of international political development in nations undergoing or considering transitions to political pluralism. The Republican, and I gladly add, the Bush administration's, ideals of free enterprise, individual rights and responsible government guide our approach to political development and democratization. By strengthening democratic institutions and nurturing political participation, the Republican Institute builds bridges to nations and people who aspire to freedom -- part of the new world order that you have so eloquently championed.

The liberation of Kuwait is a hard-fought and gratifying event in our history, the history of Kuwait, and the history of democracy. While an end to a battle, it is but the beginning of a struggle for many Kuwaitis. Their's is the hard task -- to rebuild a nation, from its economic and political infrastructure to its very social fiber. While they are a determined and strong people, we believe that the Republican Institute can aid them in their political recovery.

Included is a contingency study which explores the options open to the Kuwaiti government for a manageable transition to greater political participation. Two of the Institute's Board members, Senator Richard Lugar and Congressman Robert Lagomarsino, and I have presented this report to the Ambassador of Kuwait for the consideration of the Emir. Out of respect to the Kuwaiti government, this report has not yet been released publicly, but the media and the State Department are aware of our conversations with the Ambassador.

Respectfully yours,

Jack Buechner
President

THE WHITE HOUSE

WASHINGTON

ORM OPTICAL DISK NETWORK

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Kuwait: Alternatives for Democratization

a contingency study conducted by

The National Republican Institute for International Affairs

February 1991

This study was conducted by a group of independent specialists under the auspices of the National Republican Institute for International Affairs in order to explore the issues of and provide a set of alternative approaches to the future of the democratic process in Kuwait. Following are a few brief points highlighted by the study. Explicit options are included within the text of the report.

- *Since 1989, democratization has truly become a global phenomena, which has left no region untouched.*
- *The war with Iraq has brought extraordinary worldwide attention to Kuwait which will continue long after the conclusion of the war.*
- *There will be significant pressure for political participation from groups within Kuwaiti society including the resistance groups in Kuwait, women, the middle and merchant classes, and the democratic opposition groups, as well as external pressure from the U.S. Congress, the media, and the public.*
- *Democratic institutions and traditions have played in the past, and currently play within the resistance, an important role in the political/cultural outlook of Kuwaitis.*
- *There will be the perception among Kuwaitis, as well as among Americans, that part of the "price" of the liberation of Kuwait should be democratization within the country.*
- *The democratic process must meet three criteria: constitutional legitimacy, functional competence, and genuine political participation.*
- *It will be critical for the Emir and members of the ruling family to take the lead in the democratic reform initiatives which will accompany the liberation of Kuwait. The democratic processes envisioned will not, in any way, diminish the stature or leadership of the al-Sabah family.*
- *All options presuppose National Assembly elections to be held as soon as they are feasible - certainly not longer than 18 months from the liberation of Kuwait that was announced on February 28th.*

Kuwait stands at a critical point in its modern history. The August 2, 1990 Iraqi invasion has changed the nature of the nation more than any other development since Kuwait gained independence in 1961. From the infrastructure to the very social fiber of society, the present crisis has demanded that the people and the government of this tiny, albeit extraordinarily wealthy, emirate reassess the nature and internal strength of Kuwait. Not least among the issues raised in recent weeks and months is the role of democratic development and political participation in a "New Kuwait."

Democratization has become a central theme concerning all parties involved in the conflict, from Kuwaiti resistance fighters to refugees spread around the world to the Emir himself. Addressing the question directly, the Crown Prince stated on October 13, 1990, "The rebuilding of a new Kuwait will be based on its legal government, stemming from consultation, democracy, and popular participation in accordance with the Constitution of 1962." The reinvigoration and institutionalization of democratic processes in Kuwait require careful forethought considering Kuwait's unique constitutional history, the internal and external factors affecting the process, and the post-conflict environment wherein these changes will be taking place.

The last several years have seen tremendous progress in democratization in many widely disparate countries of the world from Central and Eastern Europe to Southern Africa to Latin America. The success stories and lessons learned are too numerous to mention, but if one idea has been reiterated and relearned a hundred times, it is the idea that democracy is not an institution or a document, a party or an election; it is a process. That process is composed of political participation at differing levels of government and society which ultimately contribute to the collective and determinant voice of the people in the governance of their nation. Thus, democracy utilizes all of the symbols of constitutions and institutions, parties and elections, within the context of a subtle, flexible, ongoing process.

This paper outlines the steps which led Kuwait to its political status just prior to the Iraqi invasion, and then, presents options which are available to return the country to the democratic process which began in 1962. It is not our intention to recommend a specific road to be taken, beyond that of a serious commitment to democratization, but instead, to present the possibilities which should be considered, along with each of their respective advantages and disadvantages.

Democratic Initiatives in Modern Kuwaiti History

The Constitution

With the promulgation of the Constitution of the State of Kuwait in November 1962, Kuwait embarked upon an experiment in constitutional democracy which was exceptional in the Arab world. This constitution was drafted by a Constituent Assembly, of which twenty members were directly elected and ten were appointed by the Emir. In its opening articles, the Constitution unequivocally declares that,

"The System of Government in Kuwait shall be democratic, under which sovereignty resides in the people, the source of all powers."

The fundamental assumption within the Kuwaiti governing system was, and is, the existence of a hereditary monarch -- the Emir. The Constitution reaffirms this by defining the state as a "hereditary Emirate, the succession of which shall be in the descendants of the late Mubarak al-Sabah." The Emir, sworn to respect the Constitution, is given extensive powers including the powers to designate the Heir Apparent, appoint and relieve the Prime Minister, initiate and promulgate laws, declare war and martial law, and carry out other relevant executive functions.

The National Assembly is given primary legislative responsibility, with the Emir given veto power. All laws must be approved by the National Assembly, and sanctioned by the Emir, in order to be promulgated. This National Assembly is to be composed of fifty members directly elected under the regulation of the electoral law as promulgated by the National Assembly. The Emir may dissolve the Assembly at any time by decree, wherein reasons for the dissolution are stated. In the case of dissolution, legislative elections must be held within two months and a new government formed. If new elections are not held, the National Assembly "shall be restored to its full constitutional authority and shall meet immediately as if the dissolution had not taken place."

The electoral law defining the electoral constituencies or "eligible voters" was quickly promulgated in preparation for the first National Assembly elections to be held in early 1963. The law restricted voting privileges to all natural-born, literate, male Kuwaiti citizens above the age of twenty-one who were able to prove that their ancestral links with Kuwait predate 1920. These requirements for "full" Kuwaiti citizenship and voting privileges are still used today.

The National Assembly 1962-1985

Preparations for the election of the first National Assembly began immediately upon promulgation of the 1962 Constitution. The first Assembly was chosen in only two months from a diverse slate of candidates representing a broad range of social and political viewpoints. In the elections of January 1963, there was a high degree of voter participation and a representative body was returned.

From 1963 through 1986, six National Assembly elections were held with only minor charges of government fraud being reported in the election process. The only significant disruption of the parliamentary process came in August 1975, when the Emir dissolved the Assembly because it had become excessively critical of the government and was increasingly outspoken with regards to the civil war in Lebanon. With the promise of electoral reform, the Emir delayed legislative elections until February 1981, when a new, conservative National Assembly was elected. After four years of relatively restrained, "responsible" legislative activity, National Assembly elections were called for, constitutionally, in early 1985.

The 1985 National Assembly

On February 21, 1985, Kuwaitis elected their sixth National Assembly in twenty-four years of independence. This election saw a significant shift away from the conservative political homogeneity exhibited in past elections. Without political activity organized into parties, there was no sense of discipline or systematic approach to significant issues. While the government was certainly ill-disposed to the composition of this body, the election was considered free and fair by all of the eligible constituents and the elected Assembly was representative of significant parts of the Kuwaiti population. An important issue in the election was the government's oil and finance policies -- in particular, charges of government irresponsibility and mishandling of events surrounding the Souk al-Manakh stock exchange collapse.

During its tenure, this Assembly rigorously questioned the government's economic and social policies. Members of the Assembly aggressively criticized, and often attacked, the Ministers of Justice, Oil, and Education for their personal business and for objectionable policies. The extremely vocal minority of nationalist, fundamentalist, and other disparate elements set a tone of belligerence in dealing with the government, regardless of the issue. Government paralysis loomed. In endless debate on issues, the Assembly became perpetually deadlocked on virtually all legislation before it. The government saw the Assembly as an obstacle to effective and rational policy-making, and expended great amounts of energy and time in attempting to avoid the interference and hindrance of its oversight. Many Kuwaitis, disillusioned with the conduct of the Assembly, considered it to be the worst manifestation of the National Assembly's legislative authority and role.

On July 3, 1986, the Emir dissolved the 1985 National Assembly and suspended several articles of the Constitution, including those which required new elections to be held within two months, citing security concerns related to the Iran-Iraq war. The Emir also instituted severe restrictions on the press, which had been one of the most free, accurate and lively forums in the region. Unusual for the region, freedom of opinion and expression had been explicitly guaranteed by the Constitution, albeit in accordance with conditions set by law. The press crackdown came as a reaction to the sensationalistic publication of the Assembly's sharp attacks on the government and the critical or inflammatory tone which the press had adopted.

The dissolution also came amidst rising international and regional tensions caused by the Iran-Iraq war. The National Assembly was thought by some to be inordinantly critical of the government and potentially dangerous in a time of serious domestic and international security concerns engendered by the war nearby and increasing terrorism at home. While the dissolution and the subsequent failure to hold new elections were generally seen as unconstitutional, there was little protest or demonstration of public support for the dissolved Assembly.

Having cited security concerns as the principle reason for dissolving the Assembly, it is important to recognize and suggest to the Emir that the dissolution had little effect

in stabilizing the security situation -- as became clear on August 2, 1990. This is relevant because the government will be likely to experience even greater apprehension about security issues in the future.

The 1990 National Council

In early 1990, pro-democracy supporters began an intensive campaign to pressure the government to return to an elected National Assembly as mandated by the 1962 Constitution. Protests involving more than a thousand people took place around Kuwait City and prominent Kuwaitis freely discussed democratic reforms. The Emir consulted non-governmental organizations representing a wide range of Kuwaiti society -- from students and women to former parliamentarians.

The result announced by the Emir, though not recommended by these groups, was a call for the election of a "National Council." This Council would be composed of fifty representatives elected in the manner of past National Assemblies in addition to twenty-five members directly appointed by the Emir. The Council would have no fiscal oversight or legislative powers, but would be asked to make recommendations to the Emir on electoral and constitutional reform concerning the future consultative role of a parliamentary body.

As this Council was to be created completely outside of the parameters of the Constitution, the pro-democracy opposition flatly rejected the Emir's proposal and called for a general boycott of the June 11 elections. Few respected Kuwaitis stood for election to this National Council and the "campaign" was dominated by the question of the legitimacy of the body to be elected/appointed.

According to the Ministry of Information, approximately sixty-five percent of the registered voting population of seventy thousand turned out for the elections. Due to the relative effectiveness of the boycott by all of the opposition groups, the body of fifty legislators elected was solidly supportive of the government and its policies. Both those standing for election and the vast majority of the voting constituency were from the very traditional bedouin segments of Kuwaiti society. This sector, representing the oldest families in Kuwait, had been, and continues to be, stalwart in their support of the Emir and his policies, while the middle classes and the intelligencia were marginalized by the election.

The 1990 National Council was in session, with no substantive results, until the August 2nd invasion of Kuwait by Iraq. According to significant Kuwaiti political groups, the Council would probably not have lasted long or produced constructive reforms, particularly given the mounting pressures from various sectors of Kuwaiti society.

The Jiddah Conference

Since the invasion of Kuwait and the ensuing political and social disruption, the possibility for renewed democratic reform in Kuwait at the conclusion of the present conflict has been widely discussed. By far the most important meeting concerning such

future prospects took place on October 13, 1990 in Jiddah, Saudi Arabia. This conference, called by the Emir to reinforce and display national unity, included representatives from virtually every political and social grouping in Kuwait. Numbering one thousand, the body expressed a firm commitment to the Emir and his family, but at the same time, voiced concerns and demands for greater popular participation and a full return to the 1962 Constitution. In speaking to the Jiddah conference, the Crown Prince and Prime Minister, Saad al-Abdullah al-Sabah, declared that the government will, "under the Constitution of 1962, work to consolidate democracy and deepen popular participation, which has always been our objective." The statement reflected the impact of considerable pressure from many sectors, internal and external, for assurances of democratic reform upon the liberation of Kuwait, and was seen as significant progress for the pro-democracy movement.

Nevertheless, since the Jiddah conference in October, the democratic opposition obviously continues to be worried about the future of political participation in Kuwait. Although nearly all Kuwaitis still express support for the al-Sabah family, concerns have been raised by members of the democratic movement that the government has not made a serious commitment to the idea of democratization and has not moved fast enough to implement a consultative process while still in exile. Suggestions for reform range from the current government's resignation, and a more representative Cabinet being formed, to calls for an immediate return to the 1985 National Assembly. Clearly, a wide range of factors will influence both the decision to further democratize and the implementation of any democratization measures in the current and post-conflict environment in Kuwait.

Prospects for Post-Conflict Democratization

As preface to a discussion of the influences which will affect democratization in Kuwait, it should be recognized that Kuwait has its own distinctive and distinguished democratic experiment that is different from the American, British or French models. To most Kuwaitis, democratization essentially entails a return to the spirit and institutions of the 1962 Constitution. As the framework of governmental authority, the Constitution forms the parameters of the discussion of democratization. Any consideration of democratization, therefore, takes place within the unique indigenous context of Kuwait's historical and social experience with democracy.

The Internal Factors

Kuwait is a much different nation today than it was on August 1, 1990. Aside from the incalculable physical damage done to the country, the underlying perspective of the people, both inside and outside of the borders of Kuwait, has changed. While the heritage and cultural values of the nation may not have been altered, the people of Kuwait have seen their world change drastically in these six months. With three out of four Kuwaitis having been forced to leave their country and those that remained having lived under and having fought the oppression of an occupying force, they have been awakened to a new reality in their world --a reality in which Kuwaitis will believe that

they have a right to a representative voice and an obligation to exercise it responsibly. Compared with the pressures for democratization which were felt in early 1990, the pressures which will be felt in the wake of the disaster of the Iraqi occupation could be overwhelming to a government unprepared or unwilling to accept this new reality. Several internal factors, discussed below, will decisively influence the post-conflict political environment in Kuwait.

First, the role of certain aspiring and ascendant population groups will be important in rebuilding the country. Two hundred thousand Kuwaitis have remained in Kuwait, from which has come the resistance which fought for the liberation of their country. Thousands more lived under occupation for months before leaving. These people undoubtedly will expect, and deserve, to have a voice in the future of the country for which they fought and risked their lives. Other groups which have contributed to the liberation movement to a considerable degree include many of the **middle and lower classes**. While these groups have traditionally been quietly supportive of the government, they now may wish to participate more actively in the processes of governance. Additionally, **women**, who are currently disenfranchised, well-educated, and largely kept out of the political arena, have played a critical role in the liberation movement. In the future, women may well expect a larger role in the political life of Kuwait; whether or not this includes enfranchisement remains to be seen.

These groups, and the enormous array of Kuwaiti exiles, will be acutely concerned with a set of specific issues concerning political participation in a liberated Kuwait. These issues include, but may not be limited to, **constitutional legitimacy, enfranchisement, freedom of expression, and general government responsibility and accountability**. These issues form the core of the expectations of the general populace, and as such, will have to be considered foremost in assessing and influencing public opinion among Kuwaitis, both before and after a return to Kuwait.

A second decisive factor in Kuwait's prospects for democratization will be the impact and role of **traditional institutions** within Kuwait. Clearly, first among these institutions is the Emir and the al-Sabah family. As the traditional and recognized ruling family in Kuwait, the al-Sabah family will play the leading role in the rebuilding of Kuwait. As affirmed in the 1962 Constitution and recognized by all legitimate opposition groups, the al-Sabah family maintains a hereditary monopoly on the executive leadership of the nation. In such a role, it will be important for the Emir and members of the ruling family to take the lead in the democratic reform initiatives which will accompany the liberation of Kuwait. Nurturing the consultative process and reasserting the legitimacy of the 1962 Constitution will serve only to reaffirm their established role. The democratic processes envisioned will not diminish the stature or leadership of the al-Sabah family -- that is rooted in the very tradition and culture of Kuwait.

Another influential factor which must be considered is the role of the **organized democratic opposition**, led by a prominent circle of former parliamentarians. These groups include highly respected members of society and primarily represent the middle classes and the merchant segments of the population (a much broader scope of the population is also represented to a lesser degree). They desire greater political

participation across the board and expect more shared authority and responsibility in government. Their power and influence comes from their ability to mobilize specific portions of the populace for democratic reform. Their role in the boycott of the June 1990 elections displayed their orientation, strength and limitations. These groups have been particularly active, in exile, discussing the possibilities for democratization in the liberated Kuwait. The more time that these groups in exile have to discuss or plan the changes which will take place in a future Kuwait, the more "radical" their propositions will be.

Lastly, a note should be made of the role which decentralized democratic institutions have played, and continue to play, inside Kuwait. During the occupation of Kuwait by Iraq, many of the services which allowed the resistance to maintain its independence and will were provided by the network of neighborhood cooperatives which were in place in and around Kuwait City. These cooperatives were able to provide food and basic services for those in need, as well as coordinate parts of the resistance movement and are indicative of the pervasive and resilient nature of basic democratic elements in Kuwaiti society. Another indication of this is the role of *diwaniyas*, or traditional evening gatherings of men, in the political life and the open expression of ideas. During times of government restrictions, such as the period after the dissolution of the National Assembly in 1986, the *diwaniyas* were the only protected outlet for political expression. In December 1989, when the democratic reform movement began in earnest, the *diwaniyas* were the focus of political activity in the country.

The External Factors

In addition to the internal factors which will influence the prospects for democratization in Kuwait, the war with Iraq has brought an extraordinary amount of worldwide attention to Kuwait which will continue long after the conclusion of the war. And, with the potential for a long-term American or multinational presence in the immediate region, Kuwait will be the focus of international pressures for the foreseeable future.

Since 1989, democracy has truly become a global "epidemic." No region, and virtually no country, has been left untouched. From the revolutions of Eastern Europe and the Soviet Union to the independence of Namibia, from the democratic demise of a non-democratic ruling party in Nicaragua to the rise of a Parliament in Nepal, democratization has been recognized as a universal trend. Due largely to the technological power of television and satellite communication, these global democratic transformations have been brought into the homes and neighborhoods of Kuwait. This factor undoubtedly had an appreciable effect on the initiation of the democratic movement in early 1990 and will continue to have an effect as the trend continues. Additionally, as exiles return to Kuwait after living in various countries around the world where democracy was growing or flourishing, it will be impossible to stop those experiences and accounts of democracy from returning and having an impact.

Perhaps even more important, this global appetite for democracy reaches into the heart of the Arab world. Nations which share some of the cultural values of the

Kuwaitis, such as Jordan, with whom Kuwait has traditionally had very close relations, have made significant steps toward greater political participation. In the Maghreb, Algeria, Egypt, Tunisia and Morocco have all been pressured by politically awakening populations to share the responsibility of governance with various types of elected representatives. These examples of different stages and forms of the democratic process in nearby countries give the Kuwaiti opposition several models of political participation from which lessons can be learned.

Likewise, the government may learn a valuable lesson from these cases. These governments refused to channel political sentiment into organized and responsible political organizations. Instead, the narrowly focused, traditionally non-political organizations, such as religious and nationalist groups, began to take the lead in mobilizing popular opinion and anti-government activity. These cases should provide a warning to other governments that there is an inherent danger in attempting to disregard or quell democratization efforts. This should not negate the encouraging prospect that democratization can be managed in a peaceful and stabilizing manner, but simply reinforces the idea that those who lead it must be responsible and prudent in their actions.

From the more conservative side, Saudi Arabia and the other Gulf Cooperation Council (GCC) countries have the closest ties to Kuwait. They will be in a position to pressure the government to set a safer, and more conservative precedent in maintaining tight control over the opposition elements and the press. These countries have a large stake in the political development of Kuwait, since if the pressures for greater participation are fruitful, it will be increasingly difficult to continue to deny their own citizenry similar freedoms. Kuwait's leadership role in the GCC and the region make its actions and policies critical for these countries. With the Emir and much of the ruling family temporarily residing in Saudi Arabia, it is possible that the Saudi royal family is taking the opportunity to support a more conservative viewpoint. A one-sided view of the current and future political situation is dangerous because it may lead the Kuwaiti royal family to underestimate the degree to which democratic sentiment permeates the populace and will be demanded in a liberated Kuwait. Such miscalculation could encourage instability in the immediate post-conflict environment.

Lastly, the United States and the other "Western" members of the multinational coalition against Iraq will exert a significant influence on the future of Kuwait. As there will likely be an extended security role in the Persian Gulf for the United States, there will probably be some form of long-term military involvement in the region. With financial and economic interests in the rebuilding of Kuwait, American and Western business will have an important role in the future of Kuwait. These business linkages will keep the U.S. and others involved throughout Kuwaiti society during a critical period in its new political and social development. Accordingly, an American or Western presence will bring substantial political and social costs in terms of freedom and toleration consistent with modern norms. Contact with examples of liberalized Western traditions, such as an unconstrained press, broad political participation and the equal status of women, will inevitably have effects within Kuwaiti society.

Additionally, there will be the perception among Kuwaitis, as well as among Americans, that part of the "price" of the liberation of Kuwait should be democratization of the country. The price which was paid in American lives can only be justified by sincere progress toward a liberated and "free" Kuwait. In a CBS News poll released on February 26th, nearly fifty percent of those surveyed want the United States to require Kuwait to hold democratic elections instead of simply returning the royal family to power. To this end, the American people will expect their government to hold the government of Kuwait to at least an approximation of American standards of political freedom and the democratic process. To a certain degree, it is what we ask of all of our allies, but the sacrifice given for Kuwait will encourage the United States to be much more compelling in its recommendations and suggestions for democratic reform. We are already seeing this theme emphasized in the U.S. media.

Even if the U.S. government might be reluctant to formally and vigorously press for reforms, the Administration is not a free agent in the American policy-making. From the perspective of the U.S. Congress, progress toward democratization in Kuwait will necessarily follow the military campaign for its liberation. Congress will view the United States as now having a strong, vested interest in the future of Kuwait. Since the Congress may feel that it was not directly involved in the war effort, its members will be exceptionally eager to get involved in the rebuilding effort. Congress will certainly expect the liberated Kuwait to be more democratic. Without early, public steps taken by the Kuwaitis themselves, the Congress undoubtedly will be an outspoken advocate for reforms and place public pressure on the government to reform itself. From an American as well as a Kuwaiti perspective, an obviously preferable result would be for the Emir to announce or initiate concrete steps for reform very early. This would preempt actions by other groups and significantly reduce the immediate impact of the public pressure which would inevitably mount otherwise.

As for direct pressure from the American public, the U.S. media will certainly play a large role in the post-war environment in Kuwait. The media and the public are now acutely interested in this country, which few Americans had ever noticed, let alone studied in depth. Now that Americans have fought in a war for its liberation, they will be intimately concerned about its future. The media which is currently covering the war will be available and eager to cover the reconstruction of Kuwait to virtually the same extent. The international media microscope will be much less interested in the process of building roads than in the process of building democratic government. The experience and the opinions of the media will be heard in the United States and influence or even determine the views of the American public.

Options for an Initial Representational Body

In building a democratic process, it is first important to establish criteria by which proposed democratic reform measures may be judged. These criteria also are intended to insure that such measures are acceptable to the various elements of society and

meaningful in promoting political participation. These criteria provide guidance in choosing an initial representational body to begin structuring the democratic process.

In order to represent the citizenry of Kuwait effectively, any democratic process should meet, to some degree, three clear principles of democratic development: 1) **constitutional legitimacy**, 2) **functional competence to act in a responsible manner**, and 3) **genuine political participation involving shared authority and responsibility**. Once accepted and established as guiding principles, these notions will provide the basis for domestic political stability and international support of the ongoing political processes in Kuwait.

The importance of the constitutional legitimacy of a representational body cannot be overstated. Within Kuwait, the Constitution has acquired a position of deep respect and pride as a uniquely liberal and legitimate instrument of governance. As both the government and the opposition have repeatedly affirmed, the 1962 Constitution is the basis from which all democratic development must proceed. Most importantly, the Constitution forms the most stable and legitimate basis of democratic government in Kuwait. As the only existing, legal framework for democratization, the Constitution is vital to an orderly and manageable return to political participation. Beyond the strict legality of maintaining constitutional legitimacy, it is vitally important not to lose the democratic progress which has been made and the advantages which are embodied in the Constitution and the constitutional development since 1962.

The second important criterion will be the establishment of a functioning process of political representation and participation. Democratic reforms must be a constructive influence in the rebuilding of Kuwait. If they instead lead to political divisions and the obstruction of policy-making, neither the government, the opposition, or the international community will be able to argue convincingly for democratization. Thus, the reform initiatives must be considered and implemented with care in light of the possible long-term impact on Kuwaiti political, social, and economic development.

The last fundamental criterion for democratization will be the genuine role of participation within the democratic process. The fundamental nature of the process demands that broad and diverse elements of society take part in the decision-making of the state. Without an ability for such groups to share in the authority and responsibility of governance, any reform initiatives are hollow and will be viewed as inadequate by the democratic opposition and the international community. Broadening political participation and sharing of decision-making responsibilities with a representative body also provides the opportunity for the Emir and the al-Sabah family to protect themselves politically from the full weight of potentially difficult transformations that will take place in the wake of the liberation of Kuwait.

All of the following options presuppose National Assembly elections to be held as soon as they are feasible. The necessary infrastructure and democratic reforms, if legislated, should reasonably be prepared within a period of eighteen months. While immediate circumstances are not necessarily optimal for an electoral process, it is imperative that it is announced immediately that representative elections will be held at

the earliest possible moment in order to return to the Constitutional process which was disrupted in 1986 and to reassure Kuwaiti citizens that the government will not renege on its promises to democratize and return to the 1962 Constitution. This is especially important as the country will be ruled by martial law, according to the February 26th announcement by the Emir to that effect.

The following options are intended to sustain the process of democratization in the brief interim before legislative elections, in order to smooth the process of returning to and rebuilding Kuwait. **For if the Emir attempts to rebuild Kuwait without the participation of the people, he will face an enormously difficult task.** The options include a broad array of alternatives available to the government for a managed democratization, starting with an initial representational body. Within each option the various advantages and disadvantages are briefly discussed.

1. Reconstitute the 1985 Assembly

Within the parameters of the Constitution, there is a clear directive to reinstate the last constitutionally elected National Assembly, that of 1985. This body was properly elected by the eligible voting constituency in February 1985 and was representative of a substantial range of the Kuwaiti population. The Constitution states that "If elections are not held within the said period [two months] 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 107). Consequently, the Emir's suspension of the articles of the Constitution which direct elections to be held within two months of the dissolution of the Assembly was an extra-legal action, completely outside of the purview of the Constitution, and as such, was invalid.

The reinstatement of the 1985 Assembly would reestablish the clear legitimacy of the democratic process and a commitment to the 1962 Constitution. Since many of the opposition groups have insisted upon a return to the 1962 Constitution, and the 1985 National Assembly in particular, this move would gain the immediate support of the majority of the opposition, and smooth the government's rebuilding program. Having been through the devastation of the Iraqi invasion, many of the groups which created parliamentary havoc and deadlock in 1986 have likely moderated their views and, therefore, may be able to act in a more responsible and constructive manner.

However, if the 1985 Assembly were to continue the behavior which led to the 1986 dissolution, it would be a severe handicap to the government in the critical period of reconstruction. Once having accepted the reconstitution of the 1985 Assembly, it may be politically difficult to dissolve it constitutionally in the future, even if its deadlock and divisive criticism were to continue. Additionally, the 1985 Assembly carries very bad connotations within the conservative elements of society which saw it as the embodiment of the worst consequences of a parliamentary system of democratic representation.

A notable result accompanying the reinstatement of the 1985 Assembly is the flexibility which it allows. Because the greatest impact of the 1985 Assembly lies in its

actual reconstitution, it should be seen as a body which can evolve according to the needs of the country. There are several options open to the Assembly once in place.

- a. The Assembly could declare martial law and choose to function throughout the period of reconstruction and martial law or until a new Assembly could be elected. In order to give the Emir and the government necessary latitude in the rebuilding program, the Assembly could choose to restrict itself to general fiscal oversight and/or electoral reforms in preparation for Assembly elections as soon as they are feasible.
- b. Akin to the previous option, the Assembly could self-impose a limit of forty-five days in which it was to recommend electoral and democratic changes to the Emir, after which it would adjourn until elections could be held.
- c. The Assembly could choose to declare martial law and subsequently adjourn itself in order to return confidence and authority to the Emir. This can be within the framework of the Constitution, wherein the Assembly would be reconvened every two months for a report on the status of martial law.
- d. The Assembly could elect, from its membership, a smaller consultative body, representative of the full Assembly, which could serve the government in a consultative or broad oversight role. In order to maintain constitutionality, this body may have to report to the full Assembly every two months.
- e. The Assembly could approve or elect a government of "National Unity," representative of the population, which, working with the royal family, would oversee the reconstruction period and supervise electoral reforms.

2. Reconstitute the 1990 National Council

The seventy-five member National Council, which was elected/appointed in June 1990, could be reinstated with the mandate it was given at that time -- to make recommendations to the Emir on electoral and other reforms concerning the future role and form of representative democracy in Kuwait. Alternatively, it could be given many of the same options as the 1985 Assembly, including a greater oversight and consultative role, albeit with much less power or influence.

The advantages in this alternative to the government and the more conservative elements of society which it represents are evident. This body would obviously work well with the government and would play a secondary, if not an insignificant, role in the reconstruction of Kuwait.

However, the 1990 National Council is not a constitutional body. Reinstatement of it would not signal a return to the Constitution of 1962 and the democratic values it represents. The 1990 National Council is not accepted as legitimate by key segments of society, and would receive heavy criticism from much of the opposition. Furthermore, the National Council was not representative of many sectors of Kuwaiti society due to the June 1990 electoral boycott by the opposition and the restrictive voting requirements.

Any conclusions and recommendations for reforms from this body would be met with a high degree of suspicion.

3. Appoint an Alternative Consultative Body

There are several other options for a full consultative body which could be formed in the interim before full National Assembly elections could be held. These include, but may not be limited to,:

- a. A mixture of the elected 1985 Assembly and the appointed members of the 1990 body. This body could hold *ex officio* status and act as a strictly consultative body, perhaps with particular view toward planning for the Assembly elections.
- b. A group representative of the participants in the October Jiddah conference. The Jiddah conference included representation from virtually every possible segment of the Kuwaiti population. Thus, a small consultative body elected or appointed out of this group could sufficiently represent the Kuwaiti population until elections could be organized.
- c. A group representing the Non-Governmental Organizations (NGOs) or associations such as were consulted prior to the 1990 elections. These organizations represent the various organized interest groups throughout society including women, students, and professionals.

Any of these consultative bodies could be constituted for the entire period of reconstruction and participate in that process, or could be assigned the more narrow task of electoral and Constitutional reform.

The advantages of an alternative consultative body include the shedding of social and political liabilities associated with the 1985 or 1990 assemblies. A new representational body may better reflect a compromise between the government and the opposition groups. And, primarily a consultative body, it would not threaten or interfere with the government's administration of the reconstruction effort, while at the same time representing and promoting the views of the populace at large.

The major drawback to this approach is the unavoidable fact that a new representational body, however created, would not be within the basic guidelines of the Constitution. As such, it would carry no Constitutional weight, or higher mandate beyond present political necessity, to regulate or effectively oversee the activities of the government during reconstruction. Some members of the opposition would be reluctant to accept any role in a non-Constitutional body, regardless of its composition.

4. Appoint or Elect a Constitutional Assembly

In order to address any fundamental Constitutional issues or basic legal problems (including the electoral law, citizenship and voting requirements, or the status of political parties), it would be necessary to assemble a body analogous to the Constituent

Assembly of 1961/1962 that drafted the current Constitution. In the wake of the Iraqi invasion and as a part of the rebuilding process, the government could support a new Constitutional Assembly as a means of returning to the 1962 Constitution and still have an opportunity to begin fresh with revisions to the Constitution.

A Constitutional Assembly would provide an opportunity to fundamentally reform the legislative and electoral system, including the key issues of enfranchisement and political organizations. A competent, respected group of legislators could seek the support of the populace in attempting to reform the constitution and electoral system.

However, a Constitutional Assembly would open up debate on a wide range of and controversial complex issues during a very difficult and potentially unstable period of reconstruction. Also, a body empowered to fundamentally change the structure of the government, and perhaps challenge the role of the ruling family, could threaten stability and long-term democratization in Kuwait. It would be particularly difficult, if not impossible, to hold genuinely representative and calm elections for this Assembly in a post-conflict environment. Thus, the Emir might gain disproportionate influence over the representatives in this Assembly, which the opposition groups would find objectionable.

5. Appoint a National Unity Government

The Emir could direct the Prime Minister and Crown Prince to form a Cabinet which incorporated representation of all of the primary interest groups in Kuwaiti politics. Such a government, selected from the respected leadership of all political segments of society, would be representative of the majority of the population. This Cabinet would perform the same functions as past governments and, due to its relatively small size, would be able to be representative and efficient during a period of martial law.

A "National Unity" government, as described, would attempt to bring the entire population, including the opposition movement and the current government, together in the effort for reconstruction. This would form a solid basis for future cooperation between the traditional and the reformist elements in Kuwaiti society. Since several of the key posts would likely be given to conservatives or royal family members, much of the power would be retained by the Emir and his direct supporters. As an alternative wherein the interests of the government, the pro-democracy interest groups and the Emir are considered, this alternative may be acceptable to a wide range of involved parties.

On the other hand, a National Unity government such as this, would forestall a return to the Constitution and democratic processes. As an appointed body, it would be completely subject to the discretion of the Emir or Prime Minister. If this government were to fall victim to infighting or deadlock over critical policy considerations, its existence would not serve the national interests of Kuwait and the precedent it set would do long-term harm to the democratic process.

6. Hold a Referendum or Election Immediately

The final option open to the government is to hold elections for a new National Assembly immediately, as directed by the Constitution. A freely elected legislature would be fully empowered to authorize and legitimize the government's actions during a period of martial law, if imposed, and the reconstruction period following Kuwait's liberation. An election would serve to quell all of the opposition's fears that the government was not serious about returning to the Constitution and demonstrate a firm commitment to the democratic process.

Unfortunately, it is probably impossible logistically to conduct free and fair elections within the two month period mandated by the Constitution. The devastation of the infrastructure of Kuwait and the thorough scattering of the exiled population will create basic, practical obstacles to reestablishing an environment in which an effective campaign and fair elections could be held. Beyond the logistical limitations imposed by the return to Kuwait, many groups in society are seeking fundamental electoral reforms on issues such as enfranchisement and political party development. Immediate elections would leave potentially key elements of society without a voice in the electoral process and alienated from the government's democratic initiatives.

Conclusions & Prospects for Democratization in Kuwait

It is clear that democratization will play a critical role in the immediate future of Kuwait. The pressures for democratic reform are diverse in origin and growing in strength, from the Kuwaiti resistance fighting for the freedom of their homeland to a powerful allied coalition fighting for the liberation of a sovereign nation.

Strong, responsible leadership within all competing political interests will be decisive in managing a stable process of democratization and political participation. Bold leadership must first come from the Emir and the current Kuwaiti government. Such carefully considered democratic initiatives will serve to strengthen and further legitimize the role of the Emir and the 1962 Constitution, the recognized basis of governance in Kuwait.

In considering the options available for Kuwait's democratization, the criteria outlined above should be given significant consideration. Constitutional legitimacy, functional competence, and political participation form the basis by which the democratization effort will be judged by the citizenry and the international community. Without legitimacy, the initiatives will be rejected by the populace at large; without the functional competence to perform in a productive manner, the government cannot accept the democratic measures; and without genuine political participation, the people of Kuwait and international community will not consider the process sincere. For the democratic process to move forward, all three criteria and constituencies must be weighed. Even two hundred years later, Alexis de Tocqueville seems to have been speaking about, and to, the people and the government of Kuwait.

A great democratic revolution is taking place in our midst; everybody sees it, but by no means does everybody judge it the same way. — Some think it a new theory and, supposing it to be an accident, hope they can check it; Unknown to them, it remains the most continuous, ancient, and permanent tendency known to history.

Kuwait's cultural and historical heritage, characterized by openness, dialogue and tolerance, has cultivated a tradition of democratic practice. As a matter of experience, the democratic process is inherently flexible and adaptive to the particular needs of its environment. In the extraordinary circumstance of Kuwait's present and future environment, democracy can and will adapt to the demands placed upon it. In order to establish legitimate and representative support of the government, it is imperative that the democratic process begin immediately. The future of Kuwait is being decided today, not tomorrow.