

كسر القوالب Breaking the mold

#Breaking_The_Mold

Arab Civil Society Actors and their Quest to Influence Policy-Making

Country **Kuwait**

Citizenship Revocation and Opposition Fragmentation in Kuwait after the Arab Spring | Abdullah al-Khonaini |

INTRODUCTION

Following the events of the 'Arab Spring' in 2011, tensions between regime and opposition forces in Kuwait have increased.¹ The Irhal campaign and the contentious politics it bred contributed to the escalation. Beginning in 2014, the regime used citizenship revocations as a means to suppress various opposition forces in response. Around 33 Kuwaitis were stripped of their citizenship by the minister of the interior at the time (HRW, 2014). Among those citizens are prominent opposition figures, including Saad al-Ajmi, an opposition spokesperson, Ahmad al-Jaber, an owner of 'Aalam al-Yawm' TV channel and newspaper, and Abdullah al-Bargash, a former MP. Since citizenship revocation deprives children and grandchildren of their right to citizenship, the impact of these revocations extended well beyond the 33 citizens who were directly affected. Moreover, these individuals lost access to a variety of state welfare programs and protections, including access to healthcare, education, employment, and land.

This study explores the Kuwait National Assembly's (KNA) performance with regard to holding the government accountable on matters concerning citizenship revocation. The study proceeds in three parts. First, I provide an overview of the issue and its legal framework. Then, I explore legislator action in the KNA. Last, I analyze the outcomes of these efforts with a focus on how the fragmentation of disparate attempts to curtail revocations have been unsuccessful.²

¹ In the period 2016-2011, late Emir Shaikh Sabah al-Ahmad of Kuwait and the Constitutional Court dissolved the Kuwait National Assembly five times. A movement against corruption, known as Irhal, demanded the Prime Minister, Sheikh Nasser al-Mohammad, to resign. The campaign came to an end when various forces loyal to the movement entered and briefly occupied the KNA. A subsequent change to the electoral law – passed by Emiri decree – changed the voting system to “one person, one vote” in an effort to undercut the opposition. This change was opposed by Karamat Watan, a new movement that advocated a return to the original electoral law. The movement initiated a major election boycott from 2013 to 2016.

² This study draws from interviews conducted with two university professors in Kuwait and a human rights activist. The anonymous interviews were conducted on background.

BACKGROUND AND TIMELINE

The opposition coalition that emerged in 2011 ended with an electoral boycott that lasted from 2013 to 2016. The boycott led to a series of successive pro-government parliaments that failed to take any substantial action to address rising numbers of citizenship revocations. In 2016, many opposition factions ended their electoral boycott and ran for the parliamentary election in that year. Their campaigns highlighted citizenship revocations, in particular, and how the executive branch was abusing its power to intimidate and eventually liquidate the opposition.

It is important to distinguish between a recent rise in citizenship revocations and the Bidoun (stateless) situation, as these two issues are distinct. In this study, I deal exclusively with those residents of Kuwait who were born with Kuwaiti citizenship and later had that citizenship revoked on the basis of various clauses in the 1959 citizenship law. These revocations vary in their legal justifications, including dual citizenship, using false documents at the time of obtaining citizenship, or being considered a threat to national unity and security.

The process of revoking one's citizenship differs from the process in which it is conferred. Citizenship withdrawals can be ordered by the Ministry of Interior after a case is presented to the Council of Ministers (Cabinet). However, granting citizenship can only be done by an Emiri decree issued by the Emir of Kuwait (Emiri Decree 15, 1959). Furthermore, the 1959 citizenship law clearly states that the citizenship issuance or revocation cannot be appealed in court: it is a purely sovereign matter.

As of 2017, since the enactment of the citizenship law in 1959, there have been 520 cases of citizens having their citizenship revoked. This figure was announced by former minister of Islamic affairs, Dr. Naif al-Ajmi, in a televised interview (al-Ajmi & al-Jassim, 2019). Al-Ajmi currently serves as an advisor for the Emir in the Emiri

Diwan and secretary of the Revocation Committee that was formed in 2017 in conjunction with the Council of Ministers to investigate the status of revoked citizenships. The figure includes cases where citizens have lost their citizenship for political reasons.

POLITICAL AND SOCIAL ACTORS

After ending their electoral boycott in 2016, the opposition gained approximately 15 seats out of the total 50 elected seats for parliament (Diwan, 2016). The new parliament started with a strong move towards resolving the issue of citizenship revocations. Delivering their campaign promises, several MPs proposed amendments to the Citizenship Legislation and the Administrative Court Legislation. Their amendments were aimed at limiting the power of the executive branch over citizenship issues and authorizing the juridical system to oversee citizenship issues (KNA, 2019).

None of these proposed suggestions passed: the issue of citizenship revocation has fragmented various social and political actors. Some MPs were supportive of the government's revocations. As these debates continued, a social group called the 'Group of 80 Campaign' started circulating content on social media in opposition to the citizenship amendments. Moreover, during various voting sessions, some MPs would present a number of cases of fraud in the granting of citizenship itself, accusing individuals whose citizenship was in question of falsifying documents. The presentation of these cases—along with the campaign—had two distinct effects on efforts to limit citizenship revocations. First, they overshadowed the opposition's push for more accountability and transparency in the process of citizenship granting and withdrawing. Second, they led the opposition to change tactics and resort instead to filing interpellations against Prime Minister Sheikh Jaber Al-Mubarak Al-Sabah (al-Turki, Amer, & al-Sandeeh, 2017). Between April 2017 and October 2018, there were three interpellations against the Prime Minister. Two were discussed in private sessions, while the third interpellation was withdrawn before the discussion by the MP who had proposed it.

STRATEGY AND TACTICS

The outcome of these interpellations has led to further negotiation on the issue. Specifically, a number of committees have been formed on both sides. The first interpellation ended with a commitment to establish a parliamentary committee to investigate the cases of citizenship revocations and corruption in granting the revocations. However it has not produced any report to the KNA (al-Turki, Amer, & al-Sandeeh, 2017). This committee faced several political challenges inside parliament, since it came as a result of the first interpellation against the Prime Minister. It was also used to slow down the opposition. Furthermore, one of the three MPs on the committee, Jumaan al-Herbish, lost his parliamentary seat due to a court verdict. Thus, after the report's delay, and after al-Herbish's seat was lost, the committee was not renewed or mentioned again.

When the parliamentary committee was established, the government also pushed to establish another committee under the Cabinet to investigate the citizenship revocations. The head of this Revocation Committee within the Cabinet is an advisor in the Emiri Diwan, Ali al-Rashed. Al-Rashed was formerly the speaker of parliament and a deputy under Dr. Naif al-Ajmi, who is also the speaker of the committee. The other members are representatives of different governmental institutions, such as the Legal Advice and Legislation Agency and the General Directorate of Citizenship and Passports, within the Ministry of Interior. The committee started their work in April 2017 and publicly announced that they were receiving applications for appeal regarding any citizenship revocation. They concluded their work, officially, in early 2019,



resulting in the adjudication of 184 cases. After these cases were investigated, the committee advised to reissue citizenship only to 28 citizens, including some of those revoked in 2014 (al-Ajmi & al-Jassim, 2019).

Despite the processing of these cases, however, only a limited number of the 28 have actually been reissued citizenship documents. As mentioned earlier, citizenship can only be issued by Emiri decree: this process is lengthy and unpredictable. This process is further complicated by the fact that the committee's final verdict on investigated withdrawals is not shared with the general public. Details of individual cases are only included in an advisory report which must obtain agreement from the Cabinet and the Emir. This is where additional interpellations have tried to move things forward: it is only by holding the Prime Minister accountable for delaying the process of reissuing citizenship that something can be done.

INFLUENCING FACTORS AND TRANSFORMATIVE MOMENT

The citizenship revocations are thought to be the main reason why opposition factions ended their boycott in 2016. However, their participation and electoral success were not enough to end governmental abuse of the citizenship law. Since the election, MPs have been unable to unify their opposition to the government's revocations. This has certainly been the case between tribal and Shia MPs on debates over amendments for the administrative court legislation³. In particular, the discussion of revoking sovereignty over citizenship issues and not to include the places of worship (e.g., Hussainiya) (al-Khonaini, 2017). There has also been noticeable tension over whether interpellating the Prime Minister on this matter is the best way forward or if a formal meeting with the late Emir and discussing the matter with him may be more effective. Overall, the opposition's participation has created an opportunity for a public resolution of the through their maneuvering in the KNA.

In 2018, two prominent opposition figures lost their seats in parliament after the Constitutional Court concluded that they

³ In 2017, the parliamentary committee refused a suggestion to include places of worship (e.g. Hussainiya) into the amendments for the administrative court. Places of worship permits and citizenship issues are sovereign matters for the executive branch.

were no longer eligible to be members of the parliament. Jamaan al-Herbish and Waleed al-Tabtabae were accused of “occupying the National Assembly” during the Irhal campaign. As al-Herbish and al-Tabtabae are in exile and refusing to serve their prison sentences, the balance of power has shifted between the opposition and the government in the KNA. In their place, the two newly elected independent MPs are not ‘formally’ part of the opposition. Today, key figures from the 2012 opposition movement are no longer in the KNA. Thus, with more modest opposition representation, the likelihood of a resolution to the citizenship revocations has shrunk considerably.

As for the executive branch, they have largely outmaneuvered the opposition’s moves to control and limit sovereignty over citizenship. The Revocation Committee overtook the opposition’s initiative in the KNA. The committee re-evaluated the revocations and concluded its work in advising to re-grant 28 cases so far. The government’s willingness to do something small fragmented and weakened those forces opposed to the revocations. The government is investigating revocations on their own terms and without any sort of public oversight.

CONCLUSION

Although the legislative amendments to limit the practice of citizenship revocation have failed in parliament, MPs have continued to propose amendments in subsequent terms. These

efforts were largely unsuccessful. It may very well be the case that the Kuwaiti public is not ready for a change to the citizenship law. Indeed, legislative attempts to modify citizenship laws have always been seen as a red line (al-Nakib, 2016).

The 2016 parliament ended in 2020 amid a pandemic in which the amendment to the citizenship law or to establish public control over citizenship cases weren’t a priority. The revocations were used by the government as a last resort to impede the opposition movement. These attempts have been partially successful. The limit of what is politically acceptable has been lowered. Moreover, the executive branch has exercised its power in revoking and re-granting citizenship over the past five years without any degree of transparency or accountability. This has exacerbated divisions among political factions. Oversight over citizenship-related questions among all branches of government remains the primary, unaddressed challenge. Politicians have also begun questioning whether ending the boycott was effective in holding the government in check.

In the interview with the speaker of the Revocation Committee, Dr. Naif al-Ajmi clearly states that the citizenship law needs to be changed as it is not representative of Kuwaiti identity today (al-Ajmi & al-Jassim, 2019). However, looking at the executive branch’s actions and the legislative branch’s reactions, it may be a long time before improvements are made to the processes of issuing and revoking citizenship.



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BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

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The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.

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