

Confrontation or Cooperation?

Inter-Branch Conflict and Kuwait's Political Crisis

Nicolas Seth Reeves

Less than 20 months into its four-year term, Kuwait's National Assembly was dissolved by decree of Crown Prince Mishal al-Ahmad al-Jaber al-Sabah on August 2nd.¹ Thus ended a contentious legislative period characterized by the [resignation](#) of three governments and the failure to pass crucial legislation, including a budget for the 2022-2023 fiscal year and a law to raise the country's debt ceiling. New elections will [occur](#) on September 29th, three days before the conclusion of the two-month period during which Kuwait's Constitution mandates that new polls take place following a parliamentary dissolution.

Enshrined in the country's 1962 [Constitution](#), Kuwait's democracy sets the state apart from its fellow hydrocarbon-producing neighbors on the Arabian Peninsula. Kuwait's participatory governance traditions are deep-rooted, emerging from 19th and early-20th-century political [settlements](#) between pearl traders—the drivers of the local economy at the time—and the Sabah family. Specifically, the Sabah sheikhs secured continued merchant support for their dynasty through consulting them in political decision-making processes.

Today, Kuwait's elected parliament is known for its robust capacity to check executive power through its constitutionally-guaranteed oversight tools, including the ability to interpellate government ministers and initiate votes of no confidence against them. As the above-mentioned track record of Kuwait's most recent legislative session demonstrates, however, the country's governing institutions have increasingly become the site of crippling gridlock and conflict between the executive branch and the National Assembly.

In this policy report, I argue that Kuwait's current political crisis is rooted in constitutional, legal, and ideological constraints that limit the functionality of Kuwait's parliament. Over the past decade, these structural constraints have been exacerbated by executive and judicial interference aimed at limiting the legislature's independence and authority. Along with rising public concern over corruption at a time of heightened executive-branch advocacy for unpopular austerity measures, these factors have created a governance environment that is rife with mistrust and inter-branch conflict, preventing serious consideration of the debt legislation and other laws needed to further the country's stalled fiscal reform agenda.

Constitutional, legal, and ideological constraints to parliamentary power

In his speech announcing the National Assembly's dissolution, the crown prince [stated](#) that “actions and behaviors threatening national unity” made it necessary to “resort to the people...to rectify the path in a manner that serves its supreme interests.” The people's authority in Kuwait [rests](#) in its power to elect 50

¹ Kuwait's Constitution vests only the Emir with the authority to dissolve the National Assembly by decree. Due to his ailing health, however, Emir Nawaf al-Ahmad al-Jaber al-Sabah transferred most of his powers to Crown Prince Mishal in late 2021.

members of the country's National Assembly. Along with the Emir-appointed prime minister (PM) and his 12-15-member cabinet—each of whom receives an ex-officio seat in the National Assembly—these 50 elected members of parliament (MPs) form the legislative branch of Kuwait's tripartite government.

The formation of the National Assembly through mixing executive-branch appointees with elected legislators makes it hard for opposition MPs to build majorities large enough to pass their own legislation. Taking a National Assembly with 15 ex-officio members as an example, opposition lawmakers would have to win at least 33 seats to push through their own policies.

Considering that the term "opposition" in Kuwait is a catch-all label that encompasses government-critical voices of Islamist, liberal, and tribal stripes, even a majority-opposition parliament would likely struggle to articulate a unified legislative program. The challenge of opposition unity is further compounded by the prohibition of political parties in Kuwait. The resulting dearth of organized political entities backing opposition politicians makes it easier for the government to target individual lawmakers and convince them to vote for its proposed legislation.

In contrast to the obstacles associated with legislating, the one parliamentary responsibility that lends itself to Kuwait's opposition is that of conducting government oversight. The primary tool used in this regard is the interpellation. Parliamentary interpellations of executive-branch officials—called "[grillings](#)" in English-language media—require the support of only one MP to proceed. In the aftermath of these grillings, legislators often initiate votes of no confidence against interpellated ministers, motions whose chances of succeeding are buoyed by the fact that only the 50 elected members of the National Assembly may vote on them. As a result, government ministers tend to resign instead of facing a no-confidence vote. This occurred most recently in April 2022, when PM Sabah al-Khaled al-Sabah tendered his resignation to avoid a no-confidence vote resulting from his weak performance in a [grilling](#) over alleged unconstitutional practices, attempts to sideline the legislative branch, and failures in fighting corruption.

The roots of the current crisis

The comparative ease with which the National Assembly can employ the combative tools of oversight means that the parliament is structurally inclined to exist in a state of conflict with the executive branch. Over the past ten years, moreover, the policies and actions of the executive and the judiciary have inflamed this structural predisposition to inter-branch conflict.

In February 2012, for example, government-critical candidates won 34 seats in the National Assembly, enough to form a majority for the first time in Kuwait's history. Four months into the new legislative term, however, the Constitutional Court [nullified](#) the election, claiming that a procedural error in the late Emir Sabah al-Ahmed al-Jaber al-Sabah's dissolution of the previous, pro-government parliament necessitated its reinstatement. The pro-government legislature's reinstatement caused an outcry, leading the Emir to dissolve the body on October 7th.

The government took advantage of parliament's absence to unilaterally [amend](#) Kuwait's electoral law to reduce the number of votes accorded to citizens from four to one. This change localized politics to an extreme degree. No longer able to give their second, third, and fourth votes to candidates with cross-precinct or ideological appeal, Kuwaitis [elected](#) legislatures in December 2012, 2013, and 2016 whose members owed their success to dominant showings in only one or two precincts, indicating that clientelist expectations became a major driver of voting behavior. The opposition suffered from this trend, [winning](#) only 24 seats in the 2016 election after boycotting the December 2012 and 2013 polls. Furthermore, the switch to the single, non-transferable vote (SNTV) [intensified](#) competition between Islamist, liberal, and tribal candidates and lawmakers, making ideological differences between these opposition factions more apparent and easier for pro-government elements to exploit.

The weakening of the opposition through the 2012 electoral law helped spark Kuwait's current political crisis. After again winning 24 seats in the 2020 elections, opposition legislators [alleged](#) that the executive branch used divide-and-conquer tactics to marginalize them in influential parliamentary committees and facilitate the reelection of pro-government MP Marzouq al-Ghanem to the National Assembly's speakership. Al-Ghanem's reelection sparked particular controversy: Though 37 lawmakers [signaled](#) their intention to support the opposition's preferred candidate, Badr al-Humaidi, in the run-up to the poll—which was held via secret ballot—al-Ghanem nonetheless [prevailed](#) by the slimmest of margins, winning 33 of a possible 64 votes. Less than a month later, 38 legislators [supported](#) an opposition-led motion to interpellate PM Sabah al-Khaled al-Sabah, an effective vote of no confidence that led him and his cabinet to resign the same month.

In total, legislators interpellated a [record](#) 11 government ministers in 2021. These grillings led PM Sabah al-Khaled's next government to resign in November 2021. Despite the inclusion of three opposition MPs in the cabinet that followed, it met the same fate in April 2022, as PM Sabah al-Khaled resigned to avoid the aforementioned no-confidence vote proposed after legislators grilled him over alleged unconstitutional behavior, attempts to sideline the National Assembly, and failures in fighting corruption.

Proposed reforms and claims of corruption

Though Russia's invasion of Ukraine and heightened global consumption following the first waves of the COVID-19 pandemic have made oil prices above \$90 per barrel the norm in 2022, this recent trend defies that of the past eight years. Oil prices [plummeted](#) from \$100 to \$50 per barrel from June to December 2014 and remained at that level through the end of 2020, posing a fiscal challenge for the Gulf Cooperation Council (GCC)'s oil-exporting countries. In Kuwait, the state's reliance on oil rents for [85%](#) of its revenues meant that the government's customary budget surplus of over 30% of gross domestic product [entered](#) the single digits from 2015-2019, even turning negative in the 2020-2021 fiscal year.

Since 2014, concerns over corruption have also spiked in Kuwait. According to Arab Barometer's most recent [report](#) on the country, 82% of Kuwaitis surveyed in 2019 indicated that corruption exists in the state's agencies and institutions, up from 64% in 2014. Furthermore, 42% of respondents to the 2019 survey positioned corruption as the biggest challenge Kuwait faces. The biggest challenge for the next-largest cohort (19%) was poor public service delivery, an issue whose roots often lie in embezzlement and other corrupt practices. The public's beliefs concerning corruption's entrenchment in Kuwait have been confirmed in recent years by [national](#) and [international](#) embezzlement and money-laundering scandals that implicated high-ranking government officials in the country.

The government's response to the post-2014 decline in oil prices came within this context of increasing public suspicion over corruption, which manifested in the form of staunch parliamentary opposition to executive-branch proposals for fiscal reform and economic diversification. In 2017, Kuwait signed on to a plan for a GCC-wide 5% value-added tax, a policy with the potential to raise billions of dollars in non-hydrocarbon revenues for the oil-rich emirate. While Saudi Arabia and the United Arab Emirates [implemented](#) the tax in 2018, parliamentary opposition delayed and watered down the measure in Kuwait, which will likely [tax](#) only tobacco, soft drinks, and certain luxury goods starting in 2023.

Moreover, plans to build a port and investment hub in Kuwait's sparsely populated north—part of the executive branch's economic diversification plan, called *New Kuwait 2035*—have [stalled](#) amidst the National Assembly's refusal to expand the debt ceiling beyond \$33 billion, a level [reached](#) in 2017. The inability to issue international paper also [forced](#) the government to cover expanded spending during the COVID-19 pandemic by withdrawing from Kuwait's General Reserve Fund and halting deposits of public money into its Future Generations Fund, depleting the liquid assets of the former.

Looking forward

Ahead of the September 29th parliamentary elections, Kuwait is a country whose citizenry has become deeply disenchanted with its political institutions. In 2019, Arab Barometer [reported](#) that only 47% and 32% of surveyed Kuwaitis trusted the government and parliament, respectively, down from 84% and 77% in 2014. Following three additional years of inter-branch conflict, government resignations, and a parliamentary dissolution, it is likely that in 2022, Kuwaitis' faith in these institutions is even lower.

In his [speech](#) announcing the dissolution of the National Assembly, Crown Prince Mishal called for voters "not to squander the opportunity to rectify [Kuwait's] participatory path," adding that this was necessary "to avoid returning to the path that we were on, for such a return would not be in the interest of the nation or the people." On September 6th, the opposition received an olive branch in the form of former Speaker of the National Assembly Marzouq al-Ghanem's [decision](#) not to run in the September 29th election. While al-Ghanem's withdrawal from the political scene does not guarantee the selection of a speaker from the opposition's ranks, the move will nonetheless reduce the risk that bickering and controversy overcome the National Assembly from its first session. Despite this encouraging sign, Kuwait's opposition will likely wait for concrete actions from the executive in the election's aftermath—such as distancing itself from the speakership election or appointing opposition lawmakers to key cabinet positions—before determining whether the crown prince's call for a return to cooperation is serious.

All of this, of course, is contingent on the opposition delivering a strong showing in the elections. In this regard, the effect of vote swings resulting from Crown Prince Mishal's [decision](#) to force Kuwaitis to vote in the electoral district in which they reside—as opposed to the district in which they are registered in the Ministry of Interior's voter rolls—is unclear. The same can be said of a [decree](#) adding 19 previously unincorporated residential areas to four of Kuwait's five existing districts in order to bring the residents of those localities in line with the new election law's residency requirement.

Like the dissolved parliament that preceded it, Kuwait's next parliament will face the urgent tasks of passing a budget and raising the country's debt ceiling. To rise to these challenges, the executive must take the initiative to build trust and develop norms of cooperation with the legislature, particularly if opposition candidates perform strongly at the ballot box. The alternative is continued gridlock, a vicious cycle of inter-branch conflict that would cause Kuwait's reform and diversification agenda to remain stalled.

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