

Civil Society KUWAIT

(A) The status of the civil society institutions and the extent of their effect.

1- What are the most important civil society institutions in the country with an information synopsis on each of them including some of its properties, scope of its work, number of its members, level and sources of funding and its most important activities?

The civil society in Kuwait is composed of the public utility associations, trade unions and several unofficial societies the most important of which are the cooperative societies which shoulder civil and economic functions unofficially.

The number of the public utility associations totaled 55 associations till the end of 1997. Their names differ from one association to the other such as society, club, federation, theatre. Their goals, tasks and scope of activity range from professional, cultural and social services to humanitarian services such as the Red Crescent Society.

There are 20 professional associations and 35 cultural and social associations. The sports associations were subject to the clubs and public services association law during the period 1962- 1978. They were separated to come under a special law, which is the decree law No. 42/1978 on the sports associations.

The sports associations were defined as those clubs and federations that have the juristic identity and aim at providing sports and related services such as cultural, social, spiritual and entertaining services. They are not-for-profit associations. This type of nongovernmental activity includes now 21 clubs and 15 specialized sports federations on top of which is the Olympic committee.

The number of cooperative associations (societies and federations) working in Kuwait totaled 51 cooperatives till 1997. All of them seek to activate the internal trade movement and secure consumer protection, providing commodities and services, contributing to increasing production, organizing and funding social services at the worksites of each society , contributing to the projects targeted for the development of the community, improving the standard of living of citizens, easing the burden on the State in the field of some services and participating in carrying out some public utilities and vital projects.

The main function of the cooperative societies lies in purchasing foodstuffs and household effects, and distributing them through retail outlets. The cooperatives control more than 80% of the foodstuffs retail market. Every Kuwaiti citizen living in the country whose age is more than 18 years old is entitled to subscribe in the cooperative society located at

his place of residence. Subscribers are entitled to receive dividends of the society's annual profits. All subscribers including women have the right to vote in the elections of the cooperative board of directors. Serving in a cooperative society's board of directors represents one of the methods through which a member can build a base of supporters and proponents in a certain residential area. It is an important step towards organizing an election campaign to reach the National Assembly.

The number of shareholders in these societies reached nearly 695 till the end of 1963 rose to about 200,000 shareholders at the end of 1997 at the time when the capitals of the these societies rose from less than 100,000 KD in 1963 to more than 7,5 million KD at the end of 1995. The net profits of these societies grew to nearly 14 million KD at the end of 1997.

In addition to the above-said number of the consumer cooperative societies, there are 6 productive societies. At the top of these cooperative organizations come two cooperative federations. The first includes the cooperative societies and the other is the productive cooperatives. They are: the Consumer Cooperative Societies Federation, which is a member of the Arab Federation for Cooperative Societies and the International Cooperative Alliance. The second federation is the Productive Agricultural Cooperative Societies Federation.

In the field of human rights defense the Arab Organization for Human Rights- Kuwait branch is the most active organization in the country and has a great effect in the Kuwaiti political arena in addition to the Kuwaiti Organization for Human Rights – ["HYPERLINK"http://demo.sakhr.com/Ensan](http://demo.sakhr.com/Ensan)

As for the trade unions and workers federations two unions were established in November 15,1964 at the Ministry of Health and the Municipality of Kuwait. In addition, there are three trade unions; two of them are specific unions. They are:

1. The Governmental Sector's Trade Unions Federation.
2. Petroleum and Petrochemicals Workers Federation.

On top of them comes the Kuwaiti Trade Unions General Federation. It is a member in the International Confederation of Arab Trade Unions (ICATU) and the World Federation of Trade Unions.

The goals of these federations and trade unions essentially focus on taking care of the interests of these institutions and their members. They seek to achieve solidarity among them and work for promoting the professional standard of the members through vocational training, spreading cultural awareness, contributing to improve labor legislation and amending them, raise the productive capacity of the workers and guarantee stability based on justice in the industrial relations and the work relationships.

Since the above date till late 1997 (26) federations were notarized representing the various businessmen sectors (commercial, industrial, real estate, crafts, etc).

Although women are denied the right to vote or parliamentary representation, the women human rights associations have great strength and influence. The two greatest women groups in Kuwait are the Kuwaiti Women Societies Federation and the Women's Cultural and Social Society. The Kuwaiti government supports the Women Societies Federation and closely monitors its activity. The federation is the only women group permitted to represent Kuwait worldwide.

The Women's Cultural and Social Society was originally a charity society but it was transferred to an active protagonist of the women's rights. The women's societies escalated their activity to pressure the government to speed up granting the Kuwaiti woman her political rights. The campaign has succeeded in convincing the government to adopt a draft resolution allowing the women to vote and nominate in the municipal elections. The parliament ratified it. The government promised to complete these rights in a later time. Prince Sheikh Jaber Al-Ahmed Al-Sabah issued on May 1999 a decree granting women the right to vote and candidacy in the parliamentary elections which was due in 2003. But the National Assembly suspended the decree on November 1999 by a close vote (32 votes against, 30 votes with). The issue is till a point of controversy in Kuwait till now. Antagonists of the women's suffrage from the Islamists and traditionalists argue that exposing women to the public life through suffrage would lead to their moral corruption.

2- What are the most important civil society institutions in the country with an information synopsis on each of them including some of its properties, scope of its work, number of its members, level and sources of funding and its most important activities?

The Kuwaiti Constitution provides in Chapter 3 (public rights and duties Article 43)) that: the right to establish associations and trade unions on national bases and by peaceful means are guaranteed in accordance with the terms and conditions stated by the law. Nobody may be forced to join an association or trade union.

Pursuant to this constitutional provision and in completion of the due legislative instrument to guarantee this right Act 24/1962 on the clubs and public utility associations was enacted.

Article(1) of this act provides that clubs and public utility associations are: "The associations organized and continuing for a certain unspecified period; and composed of physical and juristic persons for not-for-profit purpose and aim at conducting social, cultural, religious or sports activity."

The above-said Act was subject to amendment under Act 28/1965, then came another amendment in Act 43/1978 to separate between the

two activities in response to the development of the athletic movement. The last amendment of the public utility associations' act came after the separation and disengagement of the two activities in the decree law 75/1988:

The right to notarize the public utility associations and the professional associations according to Article 43 of the Constitution which provides for "the freedom of establishing associations and trade unions on national bases and peaceful means" was confiscated in the law of 1985.

Abolishing of the Assembly Act 65/1979 which provides that public assembly is subject to the permission of the governor and which criminalizes such meetings has confiscated the constitutional right provided for in Article (44) of the Constitution.

3- What are the most important methods and means practically used by the country in its relationship with the civil society associations: (license and its terms, forms of control, funding sources and forms of encouragement...)

The State, through the Ministry of Social Affairs, practices close supervision over the associations' activity. The Minister of Social Affairs can, for example, dissolve the association's elected board of directors if he finds out that it conducts inappropriate activity or if the associations' funds are mishandled.

Act 24/1962 regulates the political and legal framework within which the civil society organizations in Kuwait work. Under this law the Minister of Social Affairs monitors the activity of the NGOs which receive governmental assistance. The amendments (introduced into the law in 1965) ban the NGOs from practicing political activity. The government offers partial financial support to some civil society organizations that have political activity. But it reserves the right to dissolve these organizations at any time it deems necessary. However, the dissolution of trade unions is subject to a court ruling.

Kuwait is still denying legal recognition of all NGOs concerned with human rights. It imposes on them restrictions that curb their capacity to organize public meetings and symposiums. The Cabinet ordered the dissolution of all the unlicensed human rights and humanitarian organizations on August 1993, but winked lately at some meetings held by the human rights activists including the members of the Kuwaiti Organization for Human Rights. Some human rights activists were able to hold their meetings under the umbrella of some registered societies such as the Alumni Society.

On May 1993 the director general of the Penal Institutions Administration at the Ministry of the Interior prevented a preplanned visit by the members of the National Assembly's human rights committee to the Central Prison, although prison visits and receiving prisoners' complaints

are among the competences of this parliamentary committee. The Interior Minister later described the decision as "misunderstanding". But the ministry had previously obstructed similar visits. As an example, it confiscated the written complaints of the prisoners they submitted to the committee's members on January 1996. In April a representative of the Human Rights Watch Organization met some government officials, lawyers, human rights activists and human rights victims in Kuwait. In February the HRW held a symposium in cooperation with the Lawyers Society in Kuwait under the title "Justice and the human dignity".

The government has entered into many controversies with the National Assembly (parliament) and the political powers in Kuwait. The government did not agree in 1985 on the initiative offered by the civil society to form a committee for the protection of the consumer. In the former Assembly in 1985, a draft law was presented for consumer protection and to form a committee for that purpose. However, during the meetings of the deputies the Ministry of Commerce's representatives strongly rejected the proposal. The government said the reasons for forming the committee were not logical while there was a role by the Ministry of Commerce in these issues.

4- What are the ministries and other official agencies concerned with the activity of the civil society associations that are active in the public affairs?

The Ministry of Social Affairs.

5- What are the most important initiatives, campaigns and activities undertaken by the civil society associations during the last five years in the field of reforming the State, the public administration and the public institutions?

A number of the Kuwaiti parliament deputies launched a serious initiative to solve the problem of the "Bedoon" (a group of moving Bedouins living at the edges of the State of Kuwait and move between it and the neighboring countries. They face problems in obtaining the nationality for four decades. They are estimated at 100,000 people.) But the parliament voted against the draft resolution which aimed at improving the conditions of Bedoon's military men working with the Kuwaiti army and who participated in the liberation war against the Iraqi occupation forces in 1990.

Kuwaiti Deputy Prime Minister and Minister of Defense Sheikh Jaber Al-Mubarak Al-Sabah adopted the demand for granting nationality to Bedoon military men especially those who participated in 1967,1973 and 1991 wars. He formed on June 2003 a semi tribal committee including tribal prominent personalities to receive the nationality applications from the militaries to verify their tribal linear pending the preparation of lists for those entitled for the Kuwaiti nationality in order to refer them to the political leadership entrusted with granting nationality. In light of the

governments' urge to debate the subject it was referred to the National Assembly after (25) tribal deputies got enthusiastic to approve the draft law and the emergence of speculations among the Islamist block composed of (15) members and the people's block comprising (6) members strongly support resolving the Bedoon file which they saw as have been become a "chronic problem".

But the parliamentary committee formed to study the issue refused the proposal on October 20. The committee also rejected for the second time the procedures to deal with the case of 70,000 people claiming that they did not have other nationalities and demanded to grant them the Kuwaiti nationality. The committee further refused a proposal presented by a number of parliamentary deputies giving the government the right to grant the nationality to 2,000 of the Bedoons annually. The committee's rapporteur attributed the refusal of granting privileges to the Bedoon military men on retirement to the occurrence of flaws in the social insurance system due to the fact that the retired Bodoon military men enjoy privileges that exceed those received by the ordinary Kuwaiti citizen.

6- To what extent do the people in their dealing with the State turn to the various civil society associations to solve their problems, secure their demands and offer their proposals for reform?

(B) Consultation between the State's institutions and the civil society:

1- What are the most important patterns and forms the State uses to consult with and listen to the civil society forces, NGOs and the private sector?

The government cooperates with the National Assembly (parliament) in issuing laws. The Ministry of Justice submitted five laws which the parliament passed after the legislative committee approved them. The laws are connected with public funds, bankruptcy, procedures, litigation, marriage of the divorcee or widow, real estate registration, bad checks. The government also cooperates with the laws related to the university hostel after which private universities were established such as the Australian and American Universities, private hostels and foreign banks.

In return, some reformists complain that the government has failed to meet its pledges at the Jeddah Conference in 1990 when Kuwait was under the Iraqi occupation and the promises it gave "after a bitter battle" that it would be committed to apply democracy and the 1992 Constitution. But it has never honored that pledge after liberation.

Details:

The first elections of the Kuwaiti National Assembly were held in 1963. However, the parliamentary experiment has witnessed since a suspension periods during the years 1976-1981, 1986-1991, and then lately on May 1999. Each time the Emir (Ruler of Kuwait) dissolved the Assembly.

The crown prince Sheikh Sa'ad Al-Abdullah Al-Salem Al-Sabah remained the Prime Minister from February 8, 1978 till July 2003 when the Emir appointed a new Prime Minister who is Sheikh Sabah Al-Ahmed after separating between the two posts of Prime Minister and the Crown Prince for the first time since independence.

The development allows the legislature to make the government account for its action, a matter which increased the leverage of parliament. However, the results of the legislative elections conducted in late July weakened the power of parliament due to the inability of the political opposition (mostly liberals and some Islamists) to re-nominate themselves with end result of their seats to go to the government and the ruling family supporters. The Kuwaiti intellectuals rallied with the opposition in parliament to demand for political reform all the year round and especially after the war on Iraq demanding the Sabah family to enact a new Constitution guaranteeing a greater margin of the people's participation and increase the powers of the legislative and judiciary authorities and their independence away from the influence of the ruling family.

The percentage of participation in the legislative elections in Kuwait on July 26, 2003 is 81% of those entitled to vote. The results made a change exceeding 60% of the members of the former National Assembly and constituted a strong blow to the liberal movement whose most leading symbols and its leaders failed in the ballots and lost their seats. Hence the election results enhanced the tribal blocks while the Islamist movement kept its strength garnering 15 seats. In effect, the new Assembly came under the domination of the tribes' representatives who are loyal to the ruling family and Islamists. A big group of political opposition accused the government of rigging the elections and purchasing votes. But these accusations were rejected by a Kuwaiti court which delivered a final judgment on December 6, 2003 refusing the appeal on the election results in 25 constituencies.

2- What are the most important initiatives, campaigns and activities undertaken by the civil society associations during the last five years in the field of reforming the State, the public administration and the public institutions?

Although Kuwait possesses the eldest experiment in practicing democracy compared to its neighbors in the Gulf Cooperation Council, many people believe that it didn't succeed in the modernization efforts and building political institutional frames or legal organizations to practice political action. It is also still – in the view of some people – subject to the traditional community and governed by its values and contradictions in view of essential aspects including political modernity. It submitted often to the inherited social traditions and values more than it is governed by the basics of the democratic practice and the rules of political modernization.

- 3- Are there any initiatives to get the reactions and evaluations of the concerned public, the beneficiaries or the public sector on the projects and services provided by the public sector (such as evaluating the public projects by those concerned, conducting public polls for the beneficiaries of the public services or surveying the opinions of the private institutions on the business environment and services provided by the State?**

The Kuwaiti citizen resorts to the National Assembly most of the time and has confidence in its institutions. This is due to the competition raging between the government and the National Assembly, which made the two parties compete to satisfy the citizen. For example, the act on "the children's allowance" giving the citizen 50 KD monthly – about 600 dirham on each new born child of the citizen. But the new law put a ceiling to the allowance which is five children. If the citizen exceeds this ceiling he should manage his life without government assistance till the child reaches school age, plus the land and the loan and the rest of the requirements of caring of the child from birth to death. The former National Assembly whetted its swords and confronted the government calling on it to abolish the ceiling. Then a bargain started between the two parties and ended with raising the ceiling to seven children instead of five retrospectively.

- 4- Are there institutions or administrative units to assist the people and project owners in their relationship with the State? To what extent they are effective?**

The government has recently attempted to move forward in the electronic government project to facilitate transactions and receive complaints from the citizens without "mediation".

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