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## Protest movements and Constitutional Reform in Bahrain

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**On 14 February 2011, in the wake of the events in Tunisia and Egypt, groups of young Bahraini activists called for a sit-in in the Louloua Roundabout in Manama. The movement soon expanded, and was met with repression by the regime. The protesters' demands were initially merely about reform. Yet the King's intransigence has resulted into a radicalization of the movement.**

*"If the sky was a ceiling and the earth a mattress, and all who surround you are friends, you must be then in the Louloua Roundabout."*

The call for a popular uprising in Bahrain on February 14, 2011 referred to a significant date. On the same day ten years before, a referendum on the 'National Action Charter' was held. Both King (then Emir) Hamad Bin Isa Al Khalifa and the opposition agreed on that charter following a long political crisis that lasted for a quarter century. Soon enough, the regime reversed the document, which was meant to be the base for a constitutional reform. On the first anniversary of the

referendum, it issued a new constitution, according to which 'the State of Bahrain' changed to 'the Kingdom of Bahrain', headed by the King who assigned himself wide legislative, executive, judicial, and political prerogatives, at the expense of both the 'Council of Representatives' and the judicial authority.

The issuing of the constitution of 2002 was a blunt coup against the 'National Action Charter' and against the Bahraini people's will, as 98.4 % of voters had voted for it, in their efforts to retrieve the Constitution of 1973, which the Bahraini people struggled for

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a quarter century to regain and activate, after it was suspended on 26 August 1975.

The charter was made of two amendments only: changing the name of the country to the 'Kingdom of Bahrain, and consequently change the title of the head of the state from Emir to King; and forming an appointed Shura council, as a consultative body only, while the legislative authority remained in the hands of the elected Council of Representatives. The Head of the Charter Committee Abdullah Bin Khaled Al Khalifa, who was then Minister of Justice gave a televised statement in which he declared that the reference authority will be the Constitution and that the Charter will be a mere guide for advice.

Both the opposition and the people realized that the new ruler (who assumed office on 6 March 1999) wanted to give legitimacy to his reign, and to renew the legitimacy of the Al Khalifa family. Still, they (the people and the opposition) were ready to accept this, in return for commitment to a reform plan that would comprise constitutional reforms.

But the King put the people and the opposition in front of a *fait accompli*. The opposition, who had just moved its struggle from underground into the public arena, was taken by surprise. The opposition was allowed to register as 'societies' – and not as 'parties' as they were calling for. It took the opposition two years to organize itself and make plans for a constitutional conference, which held its first session on 14 February 2004. It constituted a broad movement that comprised political and societal parties and figures calling for a constitutional reform and a contractual constitution which would serve as a constitutional reference authority for a

comprehensive, fundamental reform of the political, economic, and social system of the state and society. One of the most important features of the constitutional reform movement was organizing an annual Constitutional Conference, which convened for four years since 14 February 2004. The Conference elected a secretariat that coordinated and organized the opposition's activities and the civil society organizations, and secured external support for the election of a constitutional assembly that would draft a contractual constitution instead of the Constitution of 2002. The authorities viciously opposed the Constitutional Conference to the extent that it prevented the guests from entering the country to attend its first meeting on 14 February 2002.

A public petition signed by some 85,000 citizens was issued in mid-2004 that called on the King to respond to the people's demand for a constitutional reform. The King, however, refused to meet the delegation that carried the petition, and the King's Office also refused to accept the petition, although it was sent by registered mail. Moreover, security forces arrested a number of those who were collecting signatures.

In their political and electoral platforms, all opposition parties demanded a contractual constitution for the country and the carrying out of constitutional, legislative, and institutional reforms in the state's agencies, so as to transform the Kingdom of Bahrain into a democratic constitutional kingdom. These parties included the Al Wafaq National Islamic Society, the National Democratic Action Society (Wa'ad), the Islamic Action Society (Amal), the Progressive Democratic Tribune (al-Minbar), The Nationalist

Democratic Rally, the National Democratic Rally, and Al-Ekha (Brotherhood) National Society. One of the most important aimed at creating a balance between the different powers, so that the King would be the symbol of the country's sovereignty and unity.

Based on the Constitution of 2002, the King issued 56 laws by Royal decrees within the eight months that separated the issuance of the Constitution in February and the parliamentary elections in October. These decrees dominated the system of the country for the following years. It was impossible to initiate any constitutional amendments, let alone writing a new constitution. This made introducing essential legislations or changes in the state's structures without the King's consent next to impossible. Because of these laws, the King now enjoys the power to appoint and dismiss the Prime Minister, ministers, senior public servants and military officers, diplomats, and judges, and to fire them. He also enjoys the right to issue legislations during the parliamentary recesses. Amending or rebuffing any of these passed laws requires two thirds of the members of both chambers (the Representatives and the Shura councils) in a joint session (the National council), which is usually headed by the Speaker of the Shura Council. In addition, there are provisions in the Constitution that can never be amended such as the two-chamber system. Any constitutional amendment requires two thirds of the members of the two chambers. The King can turn down any law passed by the two chambers; to reissue it, two thirds of the two chambers in a joint session are required.

The executive power has priority over other authorities to propose legislative drafts. In

addition, it has the right to rewrite the final form of the drafts presented by MPs.

The regime divided the country into 40 constituencies that remarkably varied in terms of number of voters. Consequently, constituencies known to be loyal to the regime were given a greater weight than that given to the opposition strongholds. For example, 16,000 voters in the first Constituency in the Northern Province, where the opposition enjoys great influence, are represented by one representative, whereas the Southern Province, which has the same number of voters but is loyal to the regime, is represented by 6 representatives.

Besides, the regime used the votes of the personnel of the army, the security forces, and the intelligence, as well as those who were newly granted the citizenship for political reasons, in order to defeat opposition candidates and favor loyalists. This way, the regime secured the majority at the Council of Representatives. The major opposition group, the Al Wefaq National Islamic Society, which obtained 64 % of the voters' ballot in the elections that took place in October 2010, failed to secure more than 18 seats out of the 40 seats in the assembly. Other opposition groups could not have any seat. Nevertheless, the safety valve for the regime is the Shura Council, the forty members of which are appointed, and which enjoys the same prerogatives as the Council of Representatives. Its speaker is by default the head of the National Council, which comprises both chambers, and enjoys a casting vote when the votes are equally divided.

As it is obvious, the constitutional reforms have reached a deadlock at the Council of Representatives. Besides, similar to its

attitude towards the petition of the registered opposition, the regime refused a public petition that was organized by the unregistered Haq (Rights) Movement for Liberty and Democracy, which was signed by over 100,000 citizens in 2009. The petition, which was addressed to the United Nations Secretary-general, demanded that the United Nations help restructure the constitutional system in Bahrain. An aide of the Secretary-general received a copy of the petition, but nothing was made in this regard.

This impasse is one of the main reasons for the people's frustration over the political process. As a result, many activists abandoned the registered organizations and joined the unregistered ones such as Haq, headed by Hasan Mushaima, and Wafa' (Loyalty), headed by Abdulwahab Hussein, both of whom are serving a sentence life for being charged of calling for republic, and the Islamic Bahrain Freedom Movement, headed by Dr. Saeed Shehabi, a London-based activist. All of these groups are in fact splits of the mother Shiite Islamic group, Al Wafaq National Islamic Society, headed by Sheikh Ali Salman.

Throughout the period between December 2006 and February 14, 2011, the protest movement escalated against the regime and its policies, especially with the protest against smothering the public freedoms, granting citizenship for political motives, sectarian discrimination, the possession of state money and properties, and corruption. These protests put together many political groups, civil society organizations, registered and unregistered, as well as civil society activists.

### **The February 14 Movement and the constitutional reform**

Within this environment characterized by dissatisfaction and a lack of hope regarding the political process, the tornado that started in Tunisia and invaded the Arab world, crossing the borders and calling on the Arab peoples to stand up for their freedoms, arrived in Bahrain. In early February, a group of young activists called on Facebook to launch a protest on February 14. Over 70 thousand citizens interacted with the call. The protest movement turned out to become a mass popular movement that managed to attract all the opposition forces, registered and unregistered, as well as the civil society organizations, numerous civil society individual activists, and ordinary crowds that called for change. Tens of thousands of people who had not had any political activities before took to the streets.

The wide participation of women and youth was remarkable in different aspects of the protest movement, such as demonstrations, sit-ins, and public forums and debates that took place in the Louloua Roundabout over a hectic month. Women and youth also participated in developing the political demands and determining the goals, and took part in the meetings of the opposition leaderships. They significantly influenced the negotiations that took place between the registered opposition and the authorities, represented then by the Crown Prince Sheikh Salman Bin Hamad Al Khalifa.

### **The demands of the opposition and the February 14 Movement**

The opposition in Bahrain is classified in two major currents: the registered current and the unregistered one. The first current is made up of registered parties and civil society organizations, as well as individuals. It works within the framework of the valid laws which impose huge restrictions on the freedoms of organizing, assembly, and speech. The second (unregistered) current is a mixture of political and human rights activists, affiliated with the three above mentioned organizations and other legal and human rights groups. This current is particularly influential among the youth, especially the Shiite youth, who live in poverty and marginalization in their areas. It is worth mentioning that, apart from certain posts in the civil service, Shiite are deprived from joining the army, the security forces, and the intelligence.

Both influence and activity of this current increased with the intensifying frustration and skepticism over the political process. Confrontation with the security forces increased sharply, and wide campaigns of detentions took place, coupled with severe violations to human rights: torture and arbitrary arrests that affected dozens of citizens throughout the period between 2006 and 2011 and was the trigger for the February 14 Uprising. The topmost violations occurred on March 17, 2011, when the uprising was attacked violently. Throughout these five years, the opposition developed its means of mobilization and organization, and increasingly used social communication platforms such as twitter and Facebook to call for the protests and to lead them.

While the two currents share many goals and demands, the registered current calls for

reforming the political system, which would result in a democratic, parliamentary, constitutional monarchy. This requires writing a new contractual constitution by a fully elected constitutional assembly, based on the principle of citizenship. It also requires introducing profound constitutional and legislative reforms. The regime has employed every possible ways in order to keep this current a minority in parliament, and unrepresented in the Shura Council. These include splitting the organizations, attracting their leaders, slandering them in the public media and the state-influenced private media, and interfering in the elections so as to enable the government to defeat some of the opposition's candidates. The February 14 Uprising was launched by young activists from the unregistered current and a few members of Wefaq, Wa'ad, and Amal. They have developed their means over the past five years, using social media networks such as Facebook and twitter.

The demands of the February 14 Movement developed in line with the development of the movement itself and in line with the way the public interacted with it via dialogue. It must be underlined that Bahrain had never seen in its modern history a debate workshop similar to the one it witnessed during the February 14 Movement. Tens of thousands of Bahraini citizens – who came from different parts of the country, and different social strata and political views – crowded in the Louloua Roundabout. They participated in specialized debates and attended the most important symposia. The activities would continue from morning until night, and would stop only between 11 p.m. and 9 a.m.

Over the period during which the Louloua Roundabout was busy with activities, and

which was ended by the invasion of regime's troops supported by the GCC forces, big demonstrations were organized in the villages and towns, starting from the Roundabout or pouring in it. Some 30 martyrs were killed and hundreds were wounded in the confrontation. And it was under the street pressure that the leaders of Haq, who were arrested in August 2010 and sentenced in December 2010 for conspiracy to overthrow the regime, were released. These leaders contributed through their enthusiasm, passionate speeches, and the support from the people, to the upsurge of the rhythm of the protests and demands.

### **The opposition demands for constitutional reform**

In line with the February 14 Movement, the opposition, both registered and unregistered, worked hard to shape its demands. Marathon meetings, in the presence of representatives of the civil society, were held to reach common denominators. The registered organizations formed their demands of reform, after being contacted by Crown Prince Sheikh Salman, as follows:

1. The dismissal of the current cabinet, headed by the King's uncle (and regime's strong man) Sheikh Khalifa Bin Salman Al Khalifa, who has occupied his post for 42 years;
2. Forming an elected national unity cabinet;
3. Electing a constitutional assembly to write a constitution on the "one man, one vote" basis, which would make Bahrain a single constituency;
4. Carrying out an investigation by an independent commission in the incidents of

killing and the wide-scale violations of human rights;

5. Carrying out an investigation in the issues of corruption and looting money and property which should be returned to the state;
6. Releasing all the political detainees, restoring public freedoms and acknowledging the rights of assembly, demonstration, and speech;
7. Halting provocative official media against the uprising and repositioning it under a national leadership.

These principles were not appreciated by the unregistered opposition, which escalated its demands, occupying King Faisal Highway, calling for a civil disobedience, and calling for the regime's overthrow. The registered opposition found itself between the regime's hammer and the street's anvil.

On the other hand, King Hamad assigned his crown Prince to contact the opposition to seek an exit out of the deadlock. On 13 March 2012, the Crown Prince offered, in a televised interview, an initiative that included seven points:

1. Forming a national unity government,
2. Reshaping the Bahraini constituencies fairly,
3. Amending the parliament's prerogatives so as it has larger legislative and monitoring powers,
4. Investigating the violations and compensating for the harmed people,
5. Investigating the cases or corruption, making the right decisions in this regard,
6. Offering guarantees to the peaceful protesters, including those in the Louloua

Roundabout sit-in, as long as they do not hamper traffic,

7. Supporting comprehensive national reconciliation.

The Crown Prince's initiative ignored the unregistered opposition, which put the registered opposition once again under the pressure of both the regime and the street. It only became worse when some unregistered groups announced a new alliance: the 'Coalition for Republic,' which called for the right of the Bahraini citizens to choose their political system, including the option of a republic under the supervision of the United Nations. This call has resulted in many negative outcomes. The regime became hesitant in addressing the opposition demands, and some political and social Sunni forces took the regime's side in the confrontation about reforms. They formed a new anti-February 14 Movement, called the National Unity Gathering. In addition, the regime managed to attract Western countries, which distanced themselves from the opposition, while the GCC countries supported the Bahraini regime, fearing that this might affect them.

A delegation representing the Crown prince handed these points over to the opposition coalition in an official meeting at the Wefaq headquarter. The delegation also met the Shiite leading religious figures represented by the Supreme Ulama Council. The opposition agreed to start the negotiation on the bases of these seven points, but it demanded Gulf countries' and international assurances to guarantee the fulfillment of any agreement, as well as the development of a mechanism to achieve this. However, the last minute effort was aborted when the forces attacked the Salmaniah Medical Compound, where the

wounded victims were and which became a center of the protest movement. The state of emergency was announced, and the Command-in-chief of the armed forces was appointed as the Military Governor.

Ever since, Bahrain has witnessed an unprecedented campaign of repression, which was called 'the second invasion'. The government got back at all of those who participated in the protests. The army and security forces, supported with the GCC military, occupied the country. Consequently, dozens have been shot or tortured to death; thousands have been arrested; and hundreds have been taken to military courts.

### **The opposition renews its demands**

The military-security solution was doomed for failure, as it was impossible, after the February 14 uprising, to subdue the people who had started tasting freedom and would refuse to be once again enslaved. Therefore, once the state of emergency was lifted, the opposition resumed its activities, reorganized itself, and re-formed its demands. It regained Western support after the regime's violations for the most basic human rights were exposed. This was made easier by the regime's practices, especially the revenge crusade, which included the dismissal of 4,000 public employees from their jobs (some of whom had participated in the protests; others did not). The Shiite majority was especially targeted in this revenge.

The seven major opposition groups resumed their meetings, looking for areas of cooperation, under some new circumstances: the Progressive Democratic Tribune withdrew from the opposition coalition, due to internal conflicts; the Islamic Action Society kept hesitating between being part of the registered

opposition or the unregistered one, as many of its leaders had been arrested; most leaders of the unregistered opposition had been arrested and were not present in the discussions and inter-opposition negotiations.

### **The Manama Document on reform**

The six major opposition groups (Al Wefaq, Wa'ad, Amal, the Nationalist Rally, the Democratic Rally, and the Ekha National Society) developed a document that became known as the Manama Document on 12 October 2011. It became the document that expressed the opposition's vision of reform under the slogan 'the people wants to reform the regime'.

The opposition renewed in this document its commitment to discuss the seven-point paper presented by the Crown Prince. It coined the principal demands of the popular movement.

First – The five primary demands: an elected government that represents the will of the people; a fair electoral system; a single-chambered parliament that solely has the legislative and regulatory powers; an independent judicial system; and security for all, via participation of all trends of society in the formation of the military and other security services.

Second – To implement these reforms, a new constitution needs to be written, and adopted after being ratified by the majority of a constitutional assembly and through a public referendum.

Third – Parallel to that, three issues need to be addressed immediately: a national committee should examine the granting of citizenship on the political base; sectarian and tribal discrimination should be ended, and, instead, the principles of equality, equity, and equal

chances, based on the notion of citizenship should be adopted; and a new media policy encompassing views of all nationals should be reached.

Fourth – In its efforts to accomplish this and win maximum support from the citizens, the opposition has to stick to the peaceful option, engage in peaceful rallies, marches and sit-ins, focus on the media sources, keep channels of communications open with the government, and record all major human rights violations and communicate them to the relevant international organizations.

Fifth – A vision of future Bahrain

A developed, democratic state, under a constitutional monarchy which will enhance the values and practices of democracy.

Realizing the interests of the people of Bahrain without any discrimination.

Exerting efforts to stop all types of violations pertaining to immigrant workers.

Strengthening ties with members of the Gulf Cooperation Council, Arab League and Organization of Islamic Conference.

Pressing for strong ties with democratic and friendly countries.

Developing an economic environment based on market economy and social justice.

Looking for Bahrain as a democratic state that follows the example of Tunisia and Egypt, and the other well-established democracies.

Six – The road to the solution: As all efforts to subdue the people and silence its voice have failed, and so has the inter-government dialogue, it is imperative to start a real and serious dialogue based on the seven principles adopted by the Crown Prince and to launch negotiations between the opposition and the

regime based on the opposition's principles. No political and societal component can be excluded from the dialogue.

Seventh – The international community is expected to encourage reformers and the moderate elements, and exclude extremists. It should also support the national opposition and a solution based on negotiations, and later support the Bahraini economy. Support for democracy in Bahrain should encourage the development of democracy in the Gulf and the Arab region.

### **Reform from the regime's perspective**

The King, who felt domestic (from the Bahraini street) and international pressures and were aware of the calls for a negotiation-based solution, called for 'national dialogue' starting from July 1st. He commissioned the Speaker of the Council of Representatives, who is known for his loyalty, to call for and oversee a national dialogue. The man developed a team from the concerned official parties, excluding the ministries of Defense and Interior and the National security apparatus. He also called the political societies, the civil society organizations, and 300 individuals. However, within the structure of the National Dialogue Forum, the essential issues put forward by the oppositions were not defined. Hundreds of recommendations were raised, but none of them touched upon the essence of the political regime. The King asked the cabinet and the parliament to carry out the recommendations. But the dialogue ended in what looked like as a public relations festival, and the crisis went back to the first square.

### **Constitutional reform from the opposition's perspective**

The opposition considers the constitutional reforms stated in the Manama Document as an introduction to the cornerstone of the other comprehensive reforms. As a beginning, the current government has to be dismissed and a new government be formed that will represent the national will, with the participation of the royal family. The opposition accepts the Crown Prince as Prime Minister, who is expected to carry out the steps pointed out in the Manama Document. The constitutional reform will be implemented through a new constitution and new constitutional institutions which would reshape the prerogatives and powers, so that the King will be a constitutional monarch who reigns but not rules. He will be the symbol of the country; the top of the authorities, but not the head of the authorities. His status will be invulnerable as long as he refrains from interfering directly in politics.

This will substantially amend the 2002 Constitution, which states that the King is almost an absolute monarch: he is above the three authorities – the legislative, the executive, and the judicial; he has the right to freely use any property that is not owned by individuals, and to grant it to whoever he favors; he can make legislations; the King's (and the Royal Bureau's) budget is confidential and does not fall under the mandate of the legislative authority. Most of the King's expenses are not computed in the national budget.

The role of the Royal family is enhanced with the appropriation of power and fortune, which has become a fait accompli. The Royal Family members occupy the senior positions in the military, security, intelligence, and civil

administration. They constitute the business elite and the permanent partners for business families and commercial and industrial enterprises; and they occupy the first row in the field of property and real estate. The Royal Family occupies the positions of Prime Minister, the senior commanders in the army, the major cabinet portfolios, and the major public servants positions, including the senior positions in the companies that are fully or partly owned by the government. The royal Family members enjoy de facto immunity.

During the reign of King Hamad a strange phenomenon of veneration of the King developed. His giant photos are everywhere in different poses – on the streets and on top of the government (and sometimes private) buildings. Songs, poems, books and films have been produced to idolize his exceptional personality.

But it is not only the King. The tripartite symbol of the country includes – next to the King – the Prime Minister and the Prince Crown, whose images occupy the public and private space. During the current crisis, the role of the Prime Minister was most prominent as he led the campaign against the uprising.

## **Conclusion**

Those are some aspects of the constitutional reforms which are apparently faced by serious obstacles and long-lasting suffering. The Bahraini opposition has been trying for decades to reach a reform-based solution together with the regime, based on a constitutional reform that would restore justice for all citizens, combat corruption and make the King a symbol for the country's unity and an arbitrator among the competing powers. Yet, the King's insistence on maintaining his (and the Royal Family's) privileges together with the regime's refusal to compromise any of its benefits have made it impossible to achieve any step forward in this field. However, more remorseful is that this attitude has led the Bahrainis to give up reform and adopt more radical demands, such as overthrowing the regime.