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## **Power-Sharing in Bahrain: A Still-Absent Debate**

Abbas Busafwan and Stephan Rosiny

**No 280**

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# Power-Sharing in Bahrain: A Still-Absent Debate

## Abstract

Bahrain was among the first Arab Spring countries in which mass protests arose in February 2011. The authoritarian monarchy, which excludes vast segments of society from fair political and economic participation, opted for the use of force to suppress the mainly peaceful demonstrations, but it could not expunge the protests by a popular movement that continues to exist to this day. The power struggle is occurring along a Sunna–Shia divide that interconnects with regional sectarian tensions. This article investigates power-sharing arrangements as an option to deal with such deep divisions. It outlines the historical background of the sectarian tensions in Bahrain and the rudimentary forms of power-sharing that have existed there in the past. It then analyses the current debate between the regime and the opposition regarding the distribution of political power. While the reality still seems to be far removed from a power-sharing solution, we nevertheless recommend power-sharing as a feasible way out of the current stalemate.

Keywords: power-sharing, opposition, sectarianism, Sunna–Shia divide, Bahrain, Al Khalifa

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# Power-Sharing in Bahrain: A Still-Absent Debate

Abbas Busafwan and Stephan Rosiny

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## 1 Introduction

The Arab Spring of 2011 has challenged, but as of yet not changed, the principles of authoritarian rule in the region.<sup>1</sup> In most Arab countries closed-off elite groups still control access to political, economic, military, and social power. They distribute public resources through neo-patrimonial networks and co-optation, excluding broad segments of their societies from political participation and access to economic development. This discrimination often follows the determinist criterion of descent, such as ethnic-sectarian affiliation or tribal belonging.

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1 This paper is a product of the comprehensive research project "Power-Sharing in Multi-Ethnic Societies of the Middle East. What Can Bahrain and Syria Learn from Iraq and Lebanon?" The project was funded by the Volkswagen Foundation. We are grateful to Ribal Abi Raad for his enormous effort in helping to translate parts of this paper from Arabic as well as to Thomas Richter for his practical comments and suggestions.

This exclusivity causes both exasperation among those who are discriminated against and resentment between different communities. Bahrain is a case in point here: It was among the first of the Arab countries in which mass protests arose in February 2011. The regime opted to use force from the beginning, employing massive repression – alongside external military intervention by other Gulf monarchies – to suppress the mainly peaceful demonstrations. However, it could not expunge the protests by a popular movement that continues to exist to this day. As the opposition mostly comprises Shia Muslims while the Sunni royal family of Āl Khalīfa, supported by Sunni loyalists, dominates the regime, the confrontation in Bahrain is widely perceived as the result of a Sunna–Shia divide. Demagogic language, demographic bickering, and regional alliance-building follow sectarian lines, causing the political impasse to endure in this deeply divided society.

This paper starts from the assumption that power-sharing between the representatives of different, competing communities may be a strategy for exiting a stalemate such as that which exists in Bahrain. The participants in a power struggle may come to recognise the so-called “self-negating prophecy” of conflict: they realise that “further escalation of a conflict will result in mutually damaging outcomes,” (Lijphart 1977: 100) so they relinquish their maximalist positions and are instead content with at least some advantage. Formalising an institutional arrangement could guarantee shares of power and rules for participation to members of the different communities, thereby assuaging their existential fear of being excluded from power. Such arrangements aim to strengthen mutual trust and to facilitate co-operation in the ruling of a country. Power-sharing involves crafting a set of values and institutions that guarantee broad and fair participation to all relevant segments of a deeply divided society. The most prominent and common model is consociational democracy, as described by Arend Lijphart. Lijphart also uses the term “consensus democracy” as a synonym for this. As the latter better reflects the meaning of the Arab expression *al-dīmūqrāṭiyya al-tawāfuqiyya*, it is applied synonymously in this paper too. This model integrates the representatives of “ethnic” communities<sup>2</sup> into legislative and executive state institutions through proportional representation, promotes broad coalition governments, and provides the various representatives with veto power. The communities do enjoy extensive autonomy in managing their cultural and religious affairs (Lijphart 1969). Yet corporate consociationalism has been criticised and challenged by several authors as it reinforces ethnic mindsets and segregation, exactly the issues it is attempting to abate.<sup>3</sup> Donald Horowitz has therefore coined the notion of

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2 This contribution adopts a critical constructivist understanding of ethnicity. Ethnic groups are made up of those who consider themselves or who are considered by outsiders to be distinct. They are usually classified according to determinist categories, although religious creed, sectarian affiliation, primary language, and other criteria are versatile. Sectarian affiliation to either a Sunni or Shiite Muslim identity has become the main ethnic marker in the Middle East in recent decades, especially since the rise of Saudi Wahhabism and the Iranian Islamic Revolution of 1979.

3 For an overview of different theories of power-sharing, see Wolff and Yakinthou (2012).

“centripetalism” as an alternative power-sharing approach. He promotes institutions that incentivise cross-ethnic cooperation and reward moderates instead of ethnic entrepreneurs (Horowitz 1985; Horowitz 2008). Reacting to the critique, Lijphart and other consociationalists have broadened their concept towards “liberal consociationalism,” which enables the individual to choose and change his or her identity freely (McCulloch 2012). However in a situation of sectarian tensions – as is the case in Bahrain today – it is most likely that people will choose their corporate identities, meaning that liberal consociational institutions will still lead to corporate decisions.

In Bahrain, no serious discussion about power-sharing has taken place to date. Politicians currently promote neither consociationalism nor any other form of arranged power-sharing between the different segments of society. This paper’s analysis of documents and media reports, as well as the interviews and discussions with a number of political activists conducted by Abbas Busafwan, have proven that neither the political elite nor members of the opposition are even aware of the meaning of power-sharing. Furthermore, the ruling elite denies that sectarian discrimination is even a problem. In spite of these obstacles, the following analysis illustrates that power-sharing is still worth investigating as a viable possibility for Bahrain – specifically, as a way to overcome the political stalemate and to avoid the escalation of the conflict, which would carry with it the risk of tremendous repercussions for the whole region.

Bahrain’s historical narratives, political struggle, and societal discourse are strongly influenced by a sectarian fault line that distinguishes between a Sunni minority that monopolises state power and a Shia popular majority that is discriminated against in its access to state institutions and economic resources (Gengler 2015). In recent decades, Bahrain has experienced some moderate forms of power-sharing – for example, informal quotas for Shia and Sunni members of parliament and cabinet and the constitutional division of power between the royal family and civil society. Even though these initiatives have failed and have resulted in a loss of trust, the option of finding such an arrangement still resonates positively in the collective memory. The Bahrain uprising’s commencement on the highly symbolic date of 14 February 2011, which marked the tenth anniversary of the referendum that generated landslide support for the National Action Charter,<sup>4</sup> illustrates this.

Both sides – that is, the incumbent regime and the main opposition groups – seem to be aware that they cannot permanently exclude the other side from power. Therefore, the demand to reach a “consensus” (*tawāfuq*) enjoys high esteem in the public discourse articulated by each side. The government chose the name National Consensus Dialogue (*Hiwār al-Ta-wāfuq al-Watanī*) for the negotiations instigated in the summer of 2011 and in February 2013, and the main opposition party is called *al-Wifāq* (The Accord).

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4 The National Action Charter was a reform programme that was approved in a public referendum on 14 February 2001 with 98 per cent of the votes. Voter turnout was very high.

At the time of writing, the potential outcome of a political compromise remains highly speculative. The regime is still clinging to the hope of muddling through its legitimacy crisis by simply repressing any public discontent. Yet the political and economic costs of the ongoing stalemate are continuing to rise: the regime's human rights image is in trouble, the country's dependence on Saudi protection and financial subsidies is high, acts of political violence and assassinations are increasing, and the regional conflagration could soon create a cycle of violence and a proxy war in Bahrain like those we have already witnessed in Iraq, Syria, and Yemen.

Hence, it is time to investigate the possible power-sharing options as potential opportunities to finally break the vicious circle of deep mistrust that currently endures between Bahrain's different groups. In this paper we thus investigate the roots of the divisions in Bahrain. These often follow ethnic-sectarian fissures between the Shiites, who mostly originate from the island of Bahrain, and the Sunni Muslims, including the ruling family. We present the historical background to the recent protests over political rights and point to instances of rudimentary power-sharing during both the twentieth and the beginning of the twenty-first centuries. Utilising media reports, party programmes, and interviews, this work thus evaluates the challenges to and chances of institutionalising a power-sharing arrangement for and in Bahrain.

## 2 Bahrain: A Deeply Divided Society

### 2.1 *A History of Division and Protest*

Bahrain is an archipelagic state that consists of 33 islands, five of which are inhabited. Due to land reclamation it has now reached a size of approximately 765 square kilometres. The country is located at the heart of the Persian Gulf, close to Iran and Qatar. The King Fahd Causeway connects it to Saudi Arabia. According to the 2010 census, 568,399 citizens made up 46 per cent of the country's total 1.23 million inhabitants (Kingdom of Bahrain 2015). They are divided in their ethnic provenance and their sectarian affiliation. Unofficial (and contentious) estimates posit that the Shia community makes up approximately 55–70 per cent of the country's citizens and the Sunni community 30–45 per cent.<sup>5</sup> The majority of Bahrainis are Arab, and a relevant minority are of Persian origin. Arab Shiites, the Bahārna, consider themselves the original inhabitants of Bahrain and make up 93 per cent of Bahrain's Shia community (al-Mdaires 2002: 21). The remaining 7 per cent are Persian Shiites, called

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5 The only official census thus far that has investigated sectarian identities was conducted in 1941. At that time 52 per cent of the country's 88,298 citizens were Shiite and 48 per cent were Sunni; see Qubain (1955: 270). Gengler (2015), in his 2009 survey, finds a population of 58 per cent Shiite and 42 per cent Sunni. The Bahrain Independent Commission of Inquiry (BICI) report lists 60–70 per cent Shiite, 30–40 per cent Sunni (BICI 2011: 11).



Ajam. Hūla, Sunni Muslims from Iran who immigrated to Bahrain, make up the majority of Bahrain's Sunni citizens.

Until the late eighteenth century, Safawid and then Qajar Iran dominated Bahrain and its predominantly Shia population. Then, in 1783, an Arab army from Najd, led by Ahmad bin Muhammad Āl Khalifa, conquered the islands. He laid the foundations for the Āl Khalifa dynasty from the Banī Utba tribe, which has ruled the country ever since. To date the dichotomy between the Sunni rulers and the native Bahārna has underpinned the country's enduring imbalance in power distribution and its ongoing religious-cultural divide. This division replicates itself and is intensified based on people's origins (natives vs. newcomers) from different geographic backgrounds (Bahrain islands vs. Arabian Peninsula), sectarian affiliations (Shia vs. Sunna), social status (lower vs. upper strata), economic status (discriminated against vs. privileged), and political orientation (opposition vs. loyalist). Yet urbanisation, employment, and adaptation have also generated space for amalgamation and new dividing lines.

The loyalist camp alludes subtly to this dichotomy to legitimise its privileged position. For example, it still describes the military conquest of 1783 as "the opening" (*al-fath*) and glorifies the emperor as "the opener" (*al-Fātih*). This phrasing connects the invasion to the early Islamic conquest under the Rāshidūn Caliphs (632–661) who "opened" the formerly "ignorant" (*jāhili*, i.e. non-Islamic) territories to Islamic rule. Therefore, the terms *fath* and *al-Fātih* insinuate that the conquered Shiite population of Bahrain was not genuinely Muslim. Furthermore, according to some interpretations of Sharia law, territory taken by force from the "infidels" through conquest (*ghazwa*) belongs to the Muslim emperor, which thus deprived the conquered population of their estates. This land appropriation by Āl Khalifa still strongly determines the distribution of land between sects in Bahrain today. Feudal oppression based on a sectarian hierarchy continued throughout the nineteenth century and well into the twentieth. It was only under British influence (Bahrain was a British protectorate from the 1860s until 1971) that the worst forms of oppression were gradually abandoned – to appease the heterogeneous population and to secure social stability. Only recently did the official historiography in the National Action Charter assert that "Bahrain was one of the lands that welcomed the call of Islam at an early date and willingly converted to Islam" (wikisource.org 2001). However, this has not prevented the continued use of the pejorative term *fath*.<sup>6</sup>

The twentieth century saw a series of protest movements, mostly arising out of the Shiite population but also including Sunni groups. In a petition presented to the British political agent Clive Daly at the beginning of the 1920s, the Bahārna demanded equity. They complained of corruption, human rights violations, and discriminatory taxation. These protests finally led to some reforms, with Britain replacing the ageing ruler Emir (Prince) `Īsā bin `Alī (1869–1932) with his son, Hamad bin `Īsā, in 1923. These "pro-Shia" reforms nurtured deep

6 In the capital city of Manama the central mosque, one of the largest worldwide, is named the Fātih Mosque, and the main flyover is called al-Fātih Highway. The loyalist political alliance calls itself the Fātih Alliance (I'tilāf al-Fātih).

resentment among the disempowered Khawālīd branch of Āl Khalīfa (Gengler 2013). Al-Da-wāsīr, the main Sunni tribe at that time, asked for Ibn Sa'ūd's support in fighting the reforms, and together with the Khawālīd branch they tried to obstruct their implementation. Together the groups attacked Shia villages, leading to a British military intervention and the flight of their leaders. Both of these characteristics of the conflict – the search for outside support as well as inter-factional conflicts among the ruling elite – were to become common in Bahrain's politics thereafter.

The most prominent of the early reforms was the establishment of councils to manage matters of justice and oversee public services. Each local council (*Majlis Baladī*) was made up of eight representatives, half of whom were appointed by the emir, and half of whom were elected. For the implementation of the proposed reforms, Britain demanded that the ruling family recruit an adviser, whereupon Shaikh Hamad appointed Charles Belgrave (1894–1969) as his personal counsellor in March 1926. Belgrave's efforts to modernise Bahrain's society, and especially the education system, significantly improved the situation of the Shia population; however, he failed to touch the very roots of the Khalīfa family's authority. Discontent with the derailed reforms, dissent inside the ruling family, the regional political climate after the events of 1936 in Palestine, and similar protest movements in Kuwait and Dubai encouraged another reform movement to spring up in 1938 – bringing with it demands for a representative assembly. In November 1938, five prominent figures, two Sunnis and three Shiites, signed a petition calling for the establishment of an elected legislative council, a labour union (in essence for the employees of the oil industry, which had emerged in 1932), and the reform of the judicial system through the appointment of three judges for each court – one Sunni, one Shia, and one chosen by the government. Furthermore, they requested that the police services be reformed to employ citizens rather than foreigners and that a council for education – consisting of eight members, four from each sect – be established (al-Mdaires 2002: 23–24). However, the movement swiftly met with state repression, and thus none of its demands were ever implemented.

The regional situation further influenced the political topography of Bahrain: In the mid-1950s, progressive Arabism and anti-imperialism were on the rise under the leadership of Egypt's president Jamāl 'Abd al-Nāsir. The formation of a broad, cross-sectarian popular movement was stimulated in October 1954 when the Higher Executive Committee (al-Hai'a al-Tanfīdiyya al-'Ulyā) (1954–1956), made up of 120 members from both sects, was created. The movement then elected an executive committee composed of four Sunnis and four Shiites (al-Mdaires 2002: 26). 'Abd al-Rahman al-Bākīr led this first Bahraini political party, which was later renamed the Committee for National Unity (Hai'at al-Ittīhād al-Watānī) (Fuccaro 2009: 180 ff). The party demanded an elected parliament, the right to form workers' unions, the drafting of a civil and a penal code, and the disempowerment of Charles Bel-

grave.<sup>7</sup> Left-wing political movements and pan-Arabism were in vogue in the region at that time. In response, the royal family violently suppressed the Committee and exiled its leaders, a move that the British, then in the midst of the Arab Cold War, which saw Nasserite Egypt challenging Western dominance in the region, consented to. Despite its collapse, the Committee still has a positive reputation among both the opposition and the loyalist base today, while it continues to be ignored in school curricula and official media outlets.<sup>8</sup>

Over the coming decades, Bahrain did not experience harmony. In 1965, secular leftist and nationalist parties launched the “March Uprising” (Intifādat Mārs), which paralysed the country through a series of union strikes. Britain now wanted to leave the small Gulf monarchies it had controlled as protectorates, for financial reasons and because of the nationalist and leftist parties’ increasing critiques of the British presence in the countries. Consequently, in 1970, the personal representative of the secretary general of the United Nations, Signor Vittorio Winspeare Guicciardi, consulted with Bahraini citizens about the country’s future in a fact-finding mission. Instead of becoming a part of Iran, they insisted on independence. The envoy’s report, confirmed by United Nations Security Council Resolution 278, stated that “the overwhelming majority of the people of Bahrain wish to gain recognition of their identity in a full independent and sovereign State free to decide for itself its relations with other States” (United Nations Security Council 1970). This vote of confidence in Bahrain’s existence as an independent nation state also provided legitimacy for the royal family’s – and, specifically, Emir ʿĪsā bin Salmān’s – rule. On 15 August 1971, Bahrain gained independence.

On 1 December 1972, a 42-person-strong Constituent Assembly (al-Majlis al-Taʿsīsī) was created to draft a national constitution. Twenty-two of its members – 14 Shiites and eight Sunnis – were elected through direct voting, while Emir ʿĪsā appointed eight members, five of whom were Sunnis and three Shiites. The cabinet of 12 ministers – made up of six members of the royal family, four Shiites, and two Sunnis who had been personally nominated by the emir – also became part of the assembly (Hartmann 2001: 50). Overall, the body was made up of 22 Shiites, 14 Sunnis, and six members of Āl Khalīfa. The Shiites held more than 50 per cent of the seats, which enabled them to effectively articulate their demands and to strongly influence the nation’s future. This divide gave the simple majority the right to veto any unwanted decision or law. The Sunnis had a decisive vote that was equal to one-third of the assembly’s size (14 out of 42), which allowed them to veto decisions or to ally with the Shiites to form a total of 36 seats (or 85 per cent of all seats), more than the two-thirds majority necessary for a constitutional change. However, this did not allow the Sunnis and Shiites to have their demands met without the acquiescence of the ruling family, because meetings of

7 BBC reported on the demands of the committee; see BBC’s “Bahrain Documentary” (1956).

8 A rare moment of official recognition came in October 2002, when the former minister of work and social affairs, ʿAbd al-Nabī al-Shaʿla, attended a celebration in honour of the Committee’s members that had been organised by the opposition. In his speech, Al-Shaʿla acknowledged the Committee as “a link in the chain of continuous national work.” See al-Wasat (2002).

the council could not be held without the ministers. Furthermore, amending the constitution required a broad consensus between different parties and was impossible without the emir's approval.

Despite the presence of one Shiite party, known as the Religious Block (*al-Kutla al-Dī-niyya*) (*al-Mdaires* 2002: 28, 30),<sup>9</sup> the Constituent Assembly was not split along sectarian lines, but rather between loyalists and members of the opposition as well as between Islamists and leftists. The independent members had an effective impact on the decision-making process. After six months of continuous sessions, the assembly promulgated a constitution on 2 June 1973 that could be called a "contractual" one between the population at large and the ruling authorities (*Ibrāhīm* 2004). It granted full equality to all citizens "without discrimination as to race, origin, language, religion, or belief" (ICL 1973: Art. 18). Many elements were drawn from the 1962 constitution of Kuwait, which had served as a model during the assembly's debates.

On 7 December 1973, the National Assembly (*al-Majlis al-Watani*) was elected as a single chamber parliament. Twenty-seven thousand male Bahraini citizens chose 30 deputies in public elections, and the emir appointed 14 ministers who automatically became members of parliament. There were 17 Shiites and 12 Sunnis among the elected members, as well as one member of the *Āl Khalīfa*. The assembly included Sunni candidates who had won in Shiite districts and vice versa, something that rarely occurred in any of the subsequent elections of 2002, 2006, 2010, and 2014. The ministers comprised seven members of the ruling family, as well as four Shiites and three Sunnis. Altogether, the parliament was composed of 21 Shiites, 15 Sunnis, and eight members of the Sunni *Āl Khalīfa*. However, no sectarian quotas were imposed. The members of parliament formed three main political blocs: a Shiite religious bloc, a leftist bloc, and a moderate bloc. The latter two included both Shiites and Sunnis. Overall, the numerous debates in the assembly did not stir up sectarian conflict at any point.

As the head of state, the emir had to sign off on all legislation, laws, and constitutional amendments before they could be formally approved and published, meaning he enjoyed full veto power. Likewise, the parliament could veto any royal laws with a two-thirds majority, which it did: In 1974, both the Sunni and Shiite members refused to approve the State Security Law (*Qānūn Amn al-Dawla*), which had been drawn up by Royal Decree and which would have given the security apparatus excessive control. In 1975, the elected members of parliament also refused to prolong the concession made to the United States for its military base in the country. Hence, the emir disbanded parliament on 15 August 1975 and suspended important sections of the constitution, thus driving the country into a political and security deadlock (*Hartmann* 2001: 50–51). This all happened four months after the Lebanese civil war had erupted, and thus illustrates how deeply Bahrain was influenced by regional developments at the time (and still is today).

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9 This social conservative party won nine seats. Three of its members abandoned the Religious Block and joined the loyalist camp after the elections.

Perhaps the most prominent example of “power-sharing from above” between the ruling family, the Shiites, and the Sunnis was the formation of the cabinet of 1975, after the dissolution of parliament. The new cabinet was composed of one-third Shiites, one-third Sunnis, and one-third royal family members. This division of power did not, however, represent true equality, since Prime Minister Khalifa bin Salmān Āl Khalifa, the brother of Emir `Īsā, held absolute power over the body. The prime minister had been the head of all cabinets since 1969 and has remained in this position until today. Furthermore, the ruling family has kept the sovereign ministries of the interior, defence, justice, and finance as well as control of the state budget in its grasp.

On 16 December 1981, an alleged coup apparently being planned by the Islamic Liberation Front of Bahrain (al-Jabha al-Islāmiyya li-Tahrīr al-Bahrain), under the command of Hādī al-Mudarrisī, to topple the monarchy was uncovered before it could succeed. Although the planned coup was inspired by the momentum of the Islamic Revolution in Iran, the precise degree of the Iranian regime’s involvement remains unknown (Tariq Alhasan 2011). Given that the Shia did not hold any high-ranking positions in the military at the time, it is more likely that the perpetrators were planning a mass revolution rather than a military coup.

Tensions remained, peaking again in December 1994 when, simultaneous to a regular Gulf Cooperation Council (GCC) meeting held in Manama, a popular uprising demanding a return to the 1973 constitution erupted. This expression of discontent was fuelled by the spread of corruption, an ongoing decline in the quality of public services, and an increase in unemployment. The Gulf countries were at that time still feeling the effects of the liberation of Kuwait from Saddam Hussein’s invasion in 1991, and the resulting expectations of that country’s populace with regard to broader political participation. Nevertheless, Bahrain’s authorities repressed the in-country protests, reduced the number of Shiite ministers in favour of the royal and Sunni quotas, and created the Consultative Council (Majlis al-Shūrā), which was composed of 30 nominated deputies. It was not, however, able to contain the popular demands for reform.

In March 1999, Emir `Īsā bin Salmān died and his eldest son Hamad bin `Īsā acceded to the throne. By promising substantial reforms, he gained strong backing from all segments of Bahraini society. Under his aegis, the National Action Charter (Mithāq al-‘Amal al-Watanī) was drafted and gained 98.4 per cent public support in a referendum held on 14 February 2001 (wikisource.org 2001; ‘Mithāq al-‘Amal al-Watanī [National Action Charter]’ 2001). This helped Bahrain to finally overcome the political impediments that had endured ever since the dissolution of the National Assembly in 1975.

People still expected further reforms, ones that would grant the parliament full legislative and supervisory power over the executive authority. However, these appeared to be impossible once the emir unilaterally issued a new constitution on 14 February 2002, under which he turned himself into the king (*Malik*) (ICL 2002). He took this action without consulting the parliament and without putting it to a popular vote. Furthermore, he continued side-

lining the Shia community in his cabinet, adjusting the number of Āl Khalīfa ministers to 12, the number of Sunni ministers to eight, and the number of Shiite ministers to five. Even the prime minister lost considerable power as a result of this change, as the decision-making power moved into the hands of King Hamad and his team of Khawālīd brothers, led by Khālīd bin Ahmad Āl Khalīfa.

Neither the 2001 National Action Charter nor the 2002 constitution make reference to the concept of power-sharing democracy. Rather, the latter of the two further concentrated legislative and executive power in the hands of the ruling family. The word “consensus” (*tawāfuq*) appears four times in the Charter of 2001, without ever actually being defined and without any stipulations regarding its regulation. The concept is not taken to apply to the political process, but is instead present only in general statements such as “The Bahraini society has agreed (*tawāfaqa*) on a set of basic principles, which harmonize with Arabic and Islamic values” (‘Mithāq al-`Amal al-Watanī [National Action Charter]’ 2001).

The new constitution of 2002 transformed Bahrain’s legislative authority into a consultative bicameral parliament. The National Assembly (al-Majlis al-Watanī) would now be made up of two chambers, the elected Council of Representatives (Majlis al-Nuwwāb) and the Consultative Council (Majlis al-Shūrā) appointed by the king. Each chamber included 40 members and held the same degree of legislative power. Since both chambers had to agree on any decision made, the Consultative Council, which was loyal to the king, could block the passing of any proposed law. This development pushed the already concentrated legislative, executive, and judiciary power even further into the hands of the king. He was the supreme commander of the army and he alone could pick the prime minister and his cabinet. He issued royal decrees and appointed individuals to all leading positions.

Elections for the Council of Representatives took place in 2002, 2006, 2010, and 2014; by-elections for roughly half the seats took place in 2011.<sup>10</sup> The opposition, with its Shiite majority, protested against the king’s incontestable power and boycotted the first elections, in 2002, under his rule. As a result, only 13 of the 40 members of the Council of Representatives were Shiites, even though the regime was eager to have more of them elected. Some Shiite parties participated in the 2006 elections in order to push for previously promised reforms, among them the strongest Shiite political faction, al-Wefaq National Islamic Society (Jam’iyyat al-Wifāq al-Watanī al-Islāmī, or al-Wifāq for short), which won 17 out of 40 seats. Contrary to its optimistic expectations, the party did not achieve any notable successes during the 2006–2010 parliamentary term. Most of the Shiite opposition parties participated in the 2010 elections, where they received more than 60 per cent of the total votes but only 18 out of 40 seats. Furthermore, through gerrymandering and its influence on the loyalist parties, the regime blocked the opposition’s recruitment of Sunni candidates.

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10 All Shiite parties boycotted the elections in September 2011, which were held to fill the seats that had become vacant due to the withdrawal of the Shiite parliamentarians in March 2011. Voter turnout dropped to a mere 17 per cent.

Just before the launch of the 2010 electoral campaign, the Bahraini authorities arrested opposition leaders, claiming that their activism constituted terrorist activity. With these events, the activity of the country's intelligence services reached a new peak. Still, the main opposition group al-Wifāq participated in the elections and increased its contingent of members to 18. Of the 40 seats of the Representative Council together with the 40 seats of the loyalist Consultative Council,<sup>11</sup> the elected Shiites still only made up a small minority of the total of 80 MPs. This rampant denial of fair political participation for the majority of the population, together with the ongoing discrimination against Shiites in general, fuelled the deep frustration felt among the majority of the country's population at the time and culminated in the unprecedented Bahraini Arab Spring of early 2011.

## 2.2 *Sectarianism as a Regime Policy*

The royal family considers Shiite citizens a strategic threat to its rule. Therefore, the regime generally treats them as second-class citizens and maintains sectarian segregation. In both the private and the public sector Shiites rarely attain influential positions, and they are almost completely excluded from the security sector.<sup>12</sup> The regime has established networks of civil society organisations pertaining to the monarchy, and it continues to recruit state employees and security personnel on the basis of political and sectarian considerations. In small steps, the regime has discarded the reforms of the 2001 National Action Charter and strengthened the Sunni segment of Bahraini society by privileging their education, by improving their economic prospects, and by hiring foreign Sunni Muslims to work in the country's security sector. These expats have easily gained Bahraini citizenship, while oppositional Bahraini Shiites have been stripped of theirs by the ruling regime.

In September 2006 this strategy became obvious to the public as a result of the "Bandar-gate scandal." Salāh al-Bandar, a former strategic planning adviser to the Cabinet Affairs Ministry and a British national of Sudanese origin, documented the actions taken by a secret cell – led by Shaikh Ahmad bin Atiyallāh Āl Khalīfa, who was simultaneously the state minister of cabinet affairs, the president of the Central Informatics Organisation, and the founder of the High Committee for Elections – that aimed to undermine Shiite influence and contain the opposition (al-Bandar 2006a; al-Bandar 2006b). Based on the assumption of the "existence of an unspoken agenda on the part of Shiite movements to control Bahraini society," the secret cell stated in a report made public by Salāh al-Bandar that "the marginalization of Sunnis and the lessening of their role in Bahrain is part of a larger regional problem, whereas [our] sons of the Sunni sect in Iraq face the same problem."<sup>13</sup> To confront this ostensibly Shiite

11 The appointed Consultative Council of 2010–2014 consisted of 21 Sunni and 17 Shiite Muslims, one Christian, and one Jew.

12 The army, the secret service, and the security apparatus all exclude the Shia from their rank and file. There is not a single Shiite among the 14 members of the Higher Defence Council.

13 See al-Bandar (2006a). For the translated excerpts see Gengler (2011: 62–63).

regional conspiracy, the report suggested the “increased naturalization of Sunnis; infiltration of Shiite non-governmental organizations; establishment of parallel civil society groups including the still-extant Bahrain Human Rights Watch Society in order to counter the effective media campaigns of Shiite activists in- and outside the country; and a Shia-to-Sunni religious conversion program” (Gengler 2011: 63, 77). This whistle-blower report made public what many had already assumed to be true – namely, the existence of a systematic strategy to deprive the Shiites of Bahrain of their citizenship rights.

Nevertheless, there are also Shiites who are pro-government. They are mainly from well-known families – such as the Bin Rajab, al-`Arīd, and al-Jishī – although it remains difficult to generalise that this is true for all members of these families. The most prominent Shiite family supporting the government is the Āl Asfūr, headed by Shaikh Ahmad Āl Asfūr. The family supports those Shiite groups loyal to the regime, including the Muslim League Association (Jam`iyyat al-Rābita al-Islāmiyya). Yet even these formerly loyalist organisations have themselves become subject to sanctions since March 2011, which was when they began to seek change and to protest against the oppression of their Shiite peers at the Pearl Roundabout (Bū Safwān 2012).

To a lesser extent, the same is also true for the Hūla, Sunnis who often try to hide their Iranian background in order to avoid being lumped together with the Shia. They are considered better educated, more skilled, and wealthier than most of their Sunni Arab counterparts. They dominate the financial and trade sectors of Bahrain, making use of their networks with the regime and their intra-communal links across the Persian Gulf, and they possess great influence within the state apparatus. Politically, they dominate Bahrain’s branch of the Muslim Brotherhood, the Reform Society (Jam`iyyat al-Islāh). One of the largest religious charitable and societal organisations worldwide, the Muslim Brotherhood was first established in Bahrain the 1950s. It has an influential connection to, and is a proponent of, both the regime apparatus and the government. Salāh `Abd al-Rahman, the minister of human rights affairs until 2014, headed its political arm, the National Islamic Society Platform (Jam`iyyat al-Minbar al-Watanī al-Islāmī).

While the Hūla Sunnis control the financial sector in Bahrain, the Arab Sunnis usually work in the military and the police, which is why they often do not participate in political and civil society organisations. Their main organisation is the Islamic Education Society (Jam`iyyat al-Tarbiyya al-Islāmiyya), which is Salafist in orientation. Its political arm, the Islamic Authenticity Society (Jam`iyyat al-Asāla al-Islāmiyya), is allied with the government.

The regime has, as already noted, undertaken one particularly precarious policy to contain the Shiite majority – the naturalisation of Sunni foreigners. In contrast to its GCC counterparts, who are extremely restrictive when it comes to granting citizenship to foreigners out of a growing fear of foreign dominance and a substantial change in their population



structures,<sup>14</sup> Bahrain readily grants citizenship to Sunni Muslims, preferably of Arab descent, hailing from such places as Yemen, Jordan, and Syria, as well as to Baluchis from Pakistan. Most of them occupy positions in the military and in the security sector, where an Arab Sunni is preferred to a *Hūla* Sunni citizen, never mind a Shiite. There are no official statistics concerning naturalisation; however, there are strong indications of its large-scale occurrence in the period 2005–2007. According to the official numbers, Bahrain experienced a population increase from 448,000 citizens in 2005 to 529,000 in 2007. With its average annual population growth rate of 2.7 per cent, the population should, however, only have increased to 472,000.<sup>15</sup> In July 2011 the opposition became concerned over rumours that the government had offered citizenship to thousands of “stateless” (*Bi-Dūn*) Kuwaitis (*alwefaq.net* 2011). Furthermore, in May 2013 the government announced that it had awarded Bahraini nationality to 240 British citizens (al-Quds al-ʿArabī 2013). As a consequence, the government’s denial that it was planning to naturalise 5,000 Syrian refugees did nothing to appease public fears (al-ʿUlyawāt 2012).

The naturalisation process for Sunni Muslims has run parallel to a very restrictive naturalisation policy for long-term Shiite residents – namely, the *Ajamī Bi-Dūn*, stateless people with Iranian origins who have been settling in Bahrain for decades now. Several Shiite citizens have also been stripped of their Bahraini nationality for their dissident behaviour. For example, in September 2010 the clergyman Hussain Najātī and his family had their passports revoked as part of a government crackdown on opposition Shiite organisations classified as radical (Mahdi 2010). In November 2012, 31 dissidents had their Bahraini nationality revoked; most of them were *Ajam* (alongside some Arab Shiites), while the rest had been living in exile for years (BBC News 2012). The policy of being strict about awarding nationality to *Ajam* inhabitants, or even removing it altogether, is still being used even now as a means of punishing them for their noticeable and unprecedented oppositional activism during the 2011 uprising – and as a deterrent to others. In 2014, King Hamad further tightened the Bahraini Citizenship Act, thereby facilitating expatriation (Shucair 2014).<sup>16</sup>

### 2.3 Power Distribution since 2002

Contrary to official regime declarations, there is in fact an unwritten policy of power distribution between the sectarian communities in place. However, these communities do not have the right to choose their own representatives, who instead tend to be chosen by the regime. Furthermore, the undeclared quotas are not reflective of the demographic reality of the

14 In 2011 the percentage of foreigners among the population was 88.4 per cent in the United Arab Emirates, 68 per cent in Kuwait, 55.2 per cent in Bahrain, 31.6 per cent in Saudi Arabia, and 29.4 per cent in Oman. The numbers among the respective workforces were much higher; see al-ʿAlī (2013).

15 ʿAlī Salmān, secretary general of al-Wifāq, even accused the government of having naturalised 82,000 persons; see al-Wasat (2008).

16 Recently, there have also been cases of Sunni oppositionalists being stripped of their citizenship too; see Reuters (2015).

country. Ever since Shaikh Hamad amended the constitution in 2002, the Shiites have had fewer seats than the Sunnis, despite the true composition of the population, which leans towards a Shiite majority.

The same is true of the main official state positions, which are customarily shared between the two communities: The president of the Council of Representatives is always a Sunni; the president of the Consultative Council a Shiite. The former is elected by parliament and has more popular backing, even though the regime limits his scope of activity. The latter is appointed by the king, and is regarded as a henchman loyal to the regime. Having two vice presidents for the Consultative Council, a Sunni and a Shiite, has been custom since 2002. In the first elected Council of Representatives (2002–2006), the president was a Sunni and the first vice president a Shiite. The second vice president, meanwhile, was a Sunni.

In the second election period (2006–2010), the Shiite al-Wifāq party missed out on the voting for the three main positions – the president of parliament and his two deputies – because of its absence from the opening session. As compensation al-Wifāq was later granted chairmanship of three parliamentary committees. The president of the 2010 Council of Representatives was a Sunni, his first vice president a Shiite, and his second vice president a Sunni. The Shiite members of parliament resigned in February 2011 because of the violent repression of the popular protests occurring at that time. Al-Wifāq thus held the vice president position only from December 2010 to February 2011. In addition to this allocation of the president and vice president positions, appointments to both the Legislative Committee and the Economic Committee are also split between the two sects.

Even though there is no true power-sharing between Sunnis and Shiites in Bahrain, the existence of these symbolic customs nevertheless provides evidence of the continued awareness of all the political parties that the different components of society should jointly participate in the country's legislative and executive institutions. However, it is impossible to consider the parliament a true power-sharing institution, as it has hardly any legislative authority. For almost a quarter century (1975–1995) the cabinet was split between Sunnis, Shiites, and Āl Khalifa, with each group taking roughly one-third of the positions, until the emir eventually disrupted this balance. Ultimately though, the previous arrangement was only a facade, as the ruling family always controlled the political decision-making process.

### **3 Power-Sharing in Bahrain's Political Discourse since 2011**

#### ***3.1 Oppositional Demands and Regime Reactions***

Sectarian rifts and discrimination, as well as demands for fair representation, were common in Bahrain throughout the twentieth century and continued up to the Arab Spring. In Section 2 we looked at the historical power-sharing precedents, which may provide hints about possible future scenarios with which to bridge the political gap between Bahrain's different

communities. In this section we outline the ongoing debate about broader political participation that has been underway ever since the outbreak of the popular uprising in February 2011. We contrast the demands of oppositional groups with the reactions from the regime and regime loyalists. The language used in this debate, especially by the loyalists, proves that the respective views are strongly dichotomous, a reality that has led to a scarcely reconcilable polarisation and a political impasse. This rhetoric aggravates the deep divisions within Bahrain's society, which are demarcated according to sectarian identities.

In Bahrain, the disenchantment that has been publicly and vociferously expressed since 14 February 2011 has been more an acceleration of previous discontent and protest than a sudden, unforeseen eruption. In the run-up to the elections of 23 October 2010, political demands and protests were already pervasive. Still, the extent of the protests, with the world's attention directed to the Arab Spring movement at the Pearl Roundabout in February and March 2011, and the massive regime reaction, supported by the military intervention of neighbouring GCC states, were unprecedented for Bahrain. A few weeks after the Tunisians had toppled President Ben Ali on 11 January 2011, and days after the 25 January Revolution that ousted Egyptian president Mubarak, anonymous authors announced a "Day of Rage," intended to imitate events that had occurred in other Arab countries, on the *Bahrain Online* (*Multaqā al-Bahrain*) website. They invited the public to suggest a place and date for an organised public protest similar to the 25 January Revolution that had been held in Tahrir Square in the centre of Cairo. The organisers proposed a variety of possible places, showing their location, size, and even the public services offered, such as parking. The most frequently suggested venue was the Pearl Roundabout in Manama and the most suggested date was 14 February, the tenth anniversary of the popular vote on the National Action Charter.

The successful uprisings in Tunisia and Egypt, disappointment over the failure to implement the reforms that had been promised ever since 2001, and a deteriorating economic situation mobilised a vast swath of the Bahraini population both on that day itself and in the weeks that followed. The ruling family was both surprised and afraid, particularly that the opposition might oust them from power; they thus retaliated with a violent security operation that has continued until today. Troops from Saudi Arabia and the United Arab Emirates, as well as Egyptian and Jordanian intelligence officers, supported the crackdown that commenced on 14 March 2011. It revealed the loyalty of the Bahraini security apparatus – which, as noted, is essentially composed of naturalised Sunni security personnel from different countries – to their benefactor and patron, the king. A strong bias on the part of both the media and the judicial system accelerated the protesters' estrangement from the ruling regime. The excessive use of violence and the human rights violations perpetrated during the following months have been well documented (BICI 2011).

In February 2011, six Bahraini parties with a moderate Islamist, left-wing, and nationalist leaning formed a broad oppositional alliance: the main Shiite al-Wifāq party, the left-wing nationalist National Democratic Action Society (Jam'iyyat al-'Amal al-Watanī al-Dīmūqrātī,

or Wa'd for short), the communist Democratic Progressive Tribune (al-Minbar al-Taquadumī al-Dīmūqrātī), the Baathist Nationalist Democratic Assembly (al-Tajammu' al-Qawmī al-Dīmūqrātī), the liberal National Fraternity Society (Jam'iyyat al-Ikhā' al-Watanī) favoured by Ajamī Shiites, and the leftist nationalist National Democratic Unitary Assembly (al-Tajammu' al-Watanī al-Dīmūqrātī al-Wahdawī). In a joint statement, they demanded the abolition of the 2002 constitution, which had been a permanent bone of political contention since its obliteration of the principles of the National Action Charter. Even though the constitution stated that Bahrain is democratic in essence, that the citizens are the source of power, and that the legislative bodies are separate, its text and principles had been emptied of their content. Similarly to the protesters in Tunisia and Egypt, the alliance called for the election of a Founding Board (Majlis Ta'sīsī) by all citizens, irrespective of their sectarian affiliation, as a body that should be responsible for drafting a new constitution embodying popular wishes. Furthermore, it was posited that all citizens should be eligible to freely elect a unicameral parliament with full legislative power and the authority to set up and elect the government (*al-Sharq al-Awsat* 2011).

### 3.2 *The Regime's Rejection of the Demands*

After crushing the Pearl Roundabout protests and dismissing thousands of (mostly Shiite) oppositional state employees, the regime announced a National Consensus Dialogue (Hiwār al-Tawāfuq al-Watanī) as an alternative to the opposition's demands. It would begin its work on 2 July 2011. Invitations to participate were extended to approximately 300 people, of whom, according to official statements, 37 per cent belonged to political groups, 36 per cent to civil society organisations, 21 per cent to opinion leaders and prominent figures, and 6 per cent to the media (Bahrain News Agency 2011). The opposition parties were only offered 25 seats. Two weeks after the discussions commenced, on 17 July, the speaker of al-Wifāq, Khalīl al-Marzūq, announced the party's withdrawal from the talks due to the absence of true popular representation. Al-Wifāq complained that the party only represented 6.1 per cent of the Dialogue's members, while its share of the votes in the 2010 elections had been 64 per cent (France24 2011). The authorities stated that equal representation was not needed in these talks, because no actual voting would be done regarding propositions; instead, agreement would be reached by consensus, with the resulting decision passed on to the king to act upon as he saw fit. How this agreement was to be achieved and the criteria the king would use to accept or refuse it were not explained.

On 3 May 2012, King Hamad announced amendments to the constitution of 2002, based on proposals made by the National Consensus Dialogue in an attempt to appease the opposition. Under the amended Article 46, the elected Council of Representatives was now required to approve the government's legislative proposals; if two-thirds of the parliamentarians refused one of them twice in a row, the king would "accept the resignation of the Cabinet" (Comparative Constitutions Project 2002). However, the amendments maintained the king's prerogative to appoint the prime minister, without any prior consultation with or approval by the parliament,

and to select the members of the Consultative Council. The king also had to approve laws before they were promulgated, and he presided over both the judicial system and the military. The opposition immediately rejected this formula (Al Jazeera 2012; Busafwan 2012).

In a second sitting of the National Consensus Dialogue, which started in February 2013 and was called by the king, the membership was one-third opposition activists and two-thirds government figures, loyalist parliamentarians, and regime allies. The opposition reiterated its demand for equal representation, which was again refused by the regime because decisions would be made via consensus and not votes. The opposition complained that the regime alone was responsible for the composition of the National Dialogue and the crafting of its work schedule, and that the cabinet wanted to have the final say in all decisions and their execution. Following the opposition's withdrawal, the Dialogue was again suspended in January 2014.

Parallel to the military crackdown on the popular protests and the regime-controlled Dialogue process, representatives of the regime and members of the loyalist camp also tried to publicly discredit the opposition's demands for broad participation. Samīra Rajab, minister of state for information affairs, said in November 2012 that she did not see the idea of "an elected government as a part of the conditions for democracy in all democratic societies" because "each democracy has its own standards" (Kamāl 2012). She even denounced the proposed Founding Board as a demand "for the abrogation of the state and its constitutional institutions, as well as of the nation" (al-Jazīra 2011b). Political associations loyal to the regime, who profited from the co-optation process, rejected the idea of an elected government. The Fātih Alliance (I'tilāf al-Fātih) declared on 20 February 2014, "Our vision clearly states that we do not accept what is called an elected government formed by the parties that won the elections."<sup>17</sup> Likewise, the main Sunni leader supporting the regime and the head of the National Unity Gathering (Tajammu' al-Wahda al-Wataniyya), 'Abd al-Latīf al-Mahmūd, argued that he had "reached a dead end with opposition groups because of their insistence on establishing a Founding Board to make reforms" (al-Mahmūd 2012). He regarded the opposition's demands as "conspiracies" to overthrow the current system, to break the constitution, and to topple the government. Likewise, he rejected the opposition's demands for an elected government and amendments to the size and sectarian composition of electoral districts, and that the electoral system be reformed to allow equally weighted votes for every citizen. The outcome of these proposals, he stated, would be "the dominance of one sect over the entirety of the population" (al-Mahmūd 2012). In such a case, the Sunnis of Bahrain feared a scenario similar to that in Iraq after the toppling of Saddam Hussein (al-Jazīra 2011a).

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17 (al-Wasat 2014) The pro-regime Fātih Alliance (I'tilāf al-Fātih) includes the following political groups: the National Unity Gathering (Tajammu' al-Wahda al-Wataniyya), the National Islamic Society Platform (Jam'iyyat al-Minbar al-Watani al-Islāmī), the National Action Pact (Mithāq al-'Amal al-Watani), the Constitutional Gathering (al-Tajammu' al-Dustūrī), the National Dialogue (al-Hiwār al-Watani), the Islamic Council (al-Shūrā al-Islāmiyya), and the Arabic Islamic Center (al-Wasat al-'Arabī al-Islāmī).

`Alī Ahmad, the head of Bahrain's branch of the Muslim Brotherhood, the National Islamic Society Platform, also dismissed the opposition's demands, stating, "The formation of an elected government is premature, and should only be applied while taking into consideration the situation in the Gulf region." However, he did point out that a better mechanism to achieve consensus on how to form a government was required – namely, in accordance with the 1973 constitution, which expected the emir to conduct traditional consultations before forming a government. Ministers could, accordingly, be "individually assessed in order to gain the trust of parliament" (*al-Bilād* 2014). Although this suggestion was still a deviation from the idea of a parliament with full authority, `Alī Ahmad did ultimately take a moderate stance between the positions of the regime and the opposition.

On 29 September 2013, the cabinet stated, "the government has spoiled all the bets placed on sectarian political ideas that are based on exclusion, ablation, or quotas, because it has not allowed for these extremist ideas to come to fruition in the political life of Bahrain" (*al-Wasat* 2013). The minister of the interior, Rāshid Āl Khalīfa, asserted, "Bahrain's Shiites are not a party. They are citizens, and the Bahraini constitution does not discriminate between citizens." He held "extremist sectarian terrorists" responsible for demanding sectarian quotas (*al-Matū`* 2013). By way of response to what the Bahraini opposition criticised as sectarian discrimination against the Shiite majority, given the disproportionately low number of Shiite ministerial appointments relative to Sunni appointments, Bahrain's ambassador to the United Nations, Tawfīq al-Mansūr, argued, "When we demand a certain number of ministers for a sect, we are actually asking for sectarian quotas, and quotas have proved their failure throughout the Middle East. (...) Do we really want to repeat the failed experiments of other countries?" (*Rifā`ī* 2008). Likewise, in a statement drafted for the National Consensus Dialogue of February 2013, the loyalist groups warned that sectarian quotas would cause Bahrain to become "a second Iraq or Lebanon" (*al-Sharq al-Awsat* 2013).

In fact, the existing electoral districts rested, and still rest, upon an undeclared sectarian quota system and not on equally weighted votes for every citizen. Gerrymandering resulted in 22 Sunni and 18 Shiite parliamentarians, even though the majority of the population was Shiite. As such, the pro-government allies' statement rejecting quotas was in fact a refusal to give up on the existing status quo, which privileged their sect. `Abd al-Rahman Jamshīr, the chairman of the Foreign Affairs, Defence, and National Security Committee of the Consultative Council, claimed:

Does this type of consensual democracy fit our society? Does it even work in the societies that apply it? Are quotas the best way to solve any issues? (...) Neither Lebanon nor Iraq has managed to escape its problems, and both have experienced a decline in sectarian fighting. (...) Going up the ladder of democracy should happen step by step.<sup>18</sup>

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18 Abd al-Rahman Jamshīr in an interview with Abbas Busafwan, April 2013.

From these statements it is clear that the regime follows neither the concept of majoritarian democracy nor that of consociational democracy; rather, it is an adherent to the paternalist rule of co-optation. It repudiates any advocacy of consociational or consensus democracy as “sectarian rationing” and, as such, a move that would allow the Shiite majority to have a predetermined presence in the legislative and executive institutions. The loyalist discourse purposefully tries to, in the public mind, associate the concept of sectarian quotas as guarantees against discrimination with sectarianism as a chauvinist sectarian mentality so as to discredit the principle of consociational democracy.

There are some liberal thinkers in Bahrain, such as Hudā al-Mahmūd, who regard consensual democracy as an applicable model: “The Gulf societies are not harmonious but antagonistic. In some societies such as Saudi Arabia and Kuwait tribes play an important role, and in others sects interact under the scary shadow of majoritarian democracy. This makes consociational democracy look like the best solution for divided societies.”<sup>19</sup>

### *3.3 Power-Sharing in the Opposition's Discourse*

While the government and its allies consider any talk of consensual democracy to be a gateway to sectarian quotas, this formula has likewise not yet crystallised within the agenda of the opposition itself. These individuals mostly avoid using the terms “consociational” or “consensual” democracy in their published statements and in public debates because this would only fuel the regime’s polemic that the opposition is promoting sectarian principles. The concepts seem cloudy for members of the opposition, and even more so for the general public.<sup>20</sup> In several instances parties have even explicitly refuted sectarian quotas, asserting instead their preference for a democracy based on the equality of citizens and one person, one vote. It is worth remembering that a proportional – and even more so a majoritarian – electoral system without gerrymandering would strengthen the Shiite community’s representation, and that is why the regime rejects both. Consensual democracy could be a compromise solution that takes seriously the dominant Sunni community’s fear of potentially becoming marginalised in a liberal proportional or majoritarian democracy. Therefore, it is useful to examine oppositional programmes and statements in order to evaluate their potential to help reach a power-sharing agreement with the ruling regime.

On 12 October 2011, five opposition groups – al-Wifāq, Wa’d, the National Fraternity Society, the Nationalist Democratic Assembly, and the National Democratic Unitary Assembly – signed the “Manama Document,” which they considered to be “Bahrain’s road towards freedom and democracy” (Manama Document (English) 2011). The document sums up the main demands for a participatory society and democratic state institutions as follows:

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<sup>19</sup> Hudā al-Mahmūd in an interview with Abbas Busafwan, April 2013.

<sup>20</sup> As deduced from interviews, discussions, and informal talks conducted by Abbas Busafwan.

- (1) An elected government representing [the] will of the people rather than an appointed government (...);
- (2) fair electoral districts guaranteeing political equality amongst the people and meeting the universal principle of one person, one vote (...);
- (3) a parliament comprising a single chamber with sole legislative and regulatory powers to replace the current bicameral arrangement, one elected and the other appointed;
- (4) a trustworthy judicial system (...);
- (5) security for all via the participation of all walks of life in the country in the formation of the army and other security bodies (...).

In addition, it called for an “elected constituent assembly or a popular referendum” to draft a new constitution (Manama Document (English) 2011).

On 29 March 2014, opposition groups signed a statement that asserted their refusal of “sectarian and religious quotas, and their commitment to peaceful protests in order to achieve popular demands, such as a modern democratic state based on equality of citizenship” (Wa`d 2014). On 22 March 2014, the oppositional National Democratic Unitary Assembly, one of the five signatory groups of the “Manama Document,” had stated,

The Bahraini regime is practicing systematic discrimination in all civil and military sectors against members of the Shiite sect (...). Because the party asks for the cessation of sectarian discrimination, it also refuses discrimination against any sect or race, and it rejects a government with sectarian quotas similar to Lebanon. It demands instead a representative government that is formed by the people’s representatives, based on true citizenship. (Rīsha 2014)

Similarly, Wa`d had previously stated, “The requested political discourse should not be based on quota talks or a sectarian outlook” (*Saut al-Manāma* 2014). These statements show that the opposition is focused on a classical one-person-one-vote democracy, which best fits its own needs because it would presumably win an absolute majority of votes in such elections.

If we look at two oppositional parties, al-Wifāq and Wa`d, we see that neither of them have incorporated the concept of consensual democracy into their agendas. In al-Wifāq’s “Basic Statute” (al-Nizām al-Asāsī) of 2005 (modified in 2008), the word “consensus” appears in two different contexts: first, the document mentions drafting a “constitution in consent between the people and the rule,” and second, it refers to “encouraging investment in a manner that corresponds with the values and beliefs of society” (al-Wifāq 2005, clauses 5.6 and 6.10). This programme indicates al-Wifāq’s belief in the necessity of a gradual transformation of the political system so that both the government and the public agree on it. It thus calls for a legislative and supervisory authority that is “fully elected and with complete autonomy, as well as a true separation of power achieved, which will result in a democratic system that



guarantees the freedom to form political parties and the peaceful transfer of power” (al-Wifāq 2005, clause 5.6).

Wa`d, founded in 2001 and the primary partner of al-Wifāq in the opposition, also proposes a dynamic transformation:

Developing the political system in order to achieve the aspirations of the people of a constitutional monarchy along the lines of pure democracies is a necessity. It requires substantial constitutional amendments, including an elected legislative authority to ensure its full power, a true separation of powers, and the peaceful transfer of rule. (Wa`d 2005, clause 6.5)

The term “consensual democracy” has also rarely been referenced in the discourse of the opposition’s religious leaders. Neither the highest Shiite religious authority in Bahrain, Āyatullāh `Īsā Qāsim, nor the second most prominent figure, al-Sayyid Abdallāh al-Ghuraifī, have ever mentioned it in their weekly Friday prayers. The same is true for al-Sayyid Majīd al-Mash`al, the one-time head of the now defunct Islamic Scholars Council (ISC; al-Majlis al-Islāmī al-`Ulamā`ī). This body was until recently the most influential religious organisation among Shiites, but it was disbanded in January 2014 on the grounds that it was “abusing political activity, under the guise of religious sectarian thought” (CNBC 2014).

The secretary general of al-Wifāq, al-Shaikh `Alī Salmān, is one of the few opposition politicians who has at least occasionally mentioned consensual democracy. In a speech given in October 2012 he declared, “A consensual democracy guarantees that no political or religious majority is ever monopolising national policy.” Its basic elements, he continued, are “the election of a government through consensus and the participation of all sects in designating the government, and in drafting and adopting the constitution” (Salmān 2012). The government promptly rejected Salmān’s proposals through a speech given by the minister of justice, Islamic affairs, and endowment, Khālīd bin `Alī Āl Khalīfa, in which he “absolutely refused” any “sectarian proposal.” The call to turn Bahrain into a series of “sectarian cantons” would mean “a deviation from historical and national norms. It expresses an opinion that is antagonistic to the ideas and principles of a civil state, through the cloning of regional models which are based on sectarianism, quotas, and sectarian veto in political participation and decision making.” The minister not only equated consensual democracy with sectarian quotas, but also described it as a “threat to civil peace and the national security of the region” as it “cancels the principle of consensus at the level of the whole nation in favour of a narrow sectarian understanding of consensus.” He even regarded it as a “conspiratorial sectarian project” with the intention of undermining of the security of all Arab Gulf countries (Bahrain News Agency 2012).

On the same day, al-Wifāq countered the minister’s speech by criticising his misrepresentation of the positions taken by al-Wifāq:

We agree with the minister that Bahrain needs the principle of the equality of its citizens as the basis on which to build the state. But this does not harmonise with the reality that the prime minister and three of his representatives, as well as the foreign, interior, justice, defence, information, and education ministers are all from the same Khalifa family. In reality, power is distributed according to family and confessional affiliation. (...) Consensual democracy is a necessity for crucial issues such as drafting the constitution and nominating the prime minister, as these actions require a special majority that goes beyond a simple majority – sometimes more than 60 per cent of the votes – in order to guarantee the participation of all political powers as representatives of the people in decisions on important and crucial issues. (al-Wifāq 2012)

According to `Alī Salmān,

Consensual democracy differs from normal [majoritarian] democracy, which is based on a fifty-plus-one majority, by necessitating a specific majority, such as two-thirds of votes, for a decision. It may also attach seats based on a certain number of inhabitants in each electorate as is currently the case in Iraq, or it may grant fixed percentages of seats to each segment of the society, as in Belgium and Lebanon. This type of democracy seems to work for pluralist societies where the idea of patriotism has not yet matured within the population and the political elite.

Salman furthermore states that Bahrain's regime and its loyalists "refuse to give up their abuse of power and benefits. Therefore, they refuse both a regular and a consensual democracy. But this kind of democracy can be enforced if the balance of power allows it."<sup>21</sup>

Salmān does not, however, point to any specific institutions with which this Bahraini consociational model could start. The same is also true of his party, al-Wifāq, which has issued a number of statements and detailed explanations about the concepts of constitutional monarchy, the rejection of violence, and peacefulness in general. The party avoids delving into the concept of consensual democracy, its meaning, and its implications. It does not suggest how to apply veto regulations and to confer religious and cultural autonomy, which would be key facets of a consociational democracy model. However, this could be a pragmatic tactic adopted to keep the doors open for future negotiations with the regime, as both sides appear to cling to the vague principle of "consensus" (*tawāfuq*).

Given this confusion about sectarian quotas, the assertion of citizenship, and the talk about finding consensus, an academic and former al-Wifāq MP, `Abd `Alī Muhammad Hassan, was led to cynically remark: "Is there really a consensus democracy? Democracy is based on a bunch of values, and messing with these values results in a political agreement that is far away from any form of democracy."<sup>22</sup>

21 `Alī Salmān in an interview with Abbas Busafwan, April 2014.

22 `Abd `Alī Muhammad Hassan in an interview with Abbas Busafwan, April 2014.

The Alliance for the Republic (*al-Tahāluf min Ajli-l-Jumhūriyya*) and the opposition in exile form another cluster of actors that is distinguished from the aforementioned opposition groups by its specific demand for the toppling of the regime. It is made up of the Haqq Movement for Liberty and Democracy (*Harakat Haqq*), headed by Hassan Mushaima<sup>23</sup>; the Islamic Loyalty Movement (*Tayyār al-Wafā' al-Islāmī*), headed by `Abd al-Wahhāb Hussain; and the Bahrain Freedom Movement (*Harakat Ahrār al-Bahrain*), led by Sa`id al-Shihābī, who has been resident in London, the movement's headquarters, for 40 years now. Both Mushaima<sup>23</sup> and Hussain were detained in March 2011 and were subsequently sentenced to life imprisonment.

The spokesperson for *Harakat Haqq*, `Abd al-Ghanī al-Khanjar, who currently resides in Tehran, does not consider consensual democracy a suitable option for Bahrain. However, he does acknowledge that

It is a democratic option that fits many countries facing fundamental political transition and ethnic-sectarian challenges. However, Bahrain differs from these countries because a tribe or a family, and not a political party, is running it. Rule in Bahrain is not restricted to a sect, but rather to a family, while the segments of the country are not allowed to be part of the leadership, be they Sunnis or Shiites. Therefore, Bahrain and the Gulf countries in general are not suitable candidates for consociational democracy.<sup>23</sup>

The exiled opposition residing in London experienced a significant boost in number and diversity after the state's crushing of the 2011 uprising, because many Bahraini opposition members fleeing state persecution went to Britain. Their debate has barely touched on consociational democracy. Instead they have focused on discussing controversies such as whether to seek to reform the regime or to topple it, the benefits and risks of militarising the revolution, and the regional and international influences on the political situation in Bahrain.

#### 4 Challenges to and Chances of Power-Sharing in Bahrain

Lebanon and Iraq – two countries similar to Bahrain in terms of their ethnic-sectarian composition and politicised sectarianism – have had an ambiguous impact on the Bahraini political discourse: The Bahraini regime misrepresents the Lebanese and Iraqi experiences, exploiting the violent Iraqi quagmire as a troubling example of how any transition towards democracy will end up giving Shiites the majority share in the government while also pointing out that the Shiite Hizballāh – with Iranian support – has supposedly built a “state within a state” by taking advantage of Lebanon's generous political environment. These negative portrayals of Iraq and Lebanon undermine the efforts of the Bahraini Shiite opposition to convince both their detractors and regional and international powers that they will behave dif-

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23 `Abd al-Ghanī al-Khanjar in an interview with Abbas Busafwan, April 2014.

ferently, against the backdrop of their demand for a civil state based on equal rights and opportunities for all citizens. They are thus suspected of potentially sidelining other communities, as is the case with the Sunnis in Iraq, and seeking Iranian support, as is the case with Hizballāh and some Iraqi political parties.

Instead of focusing on the negative aspects of the Lebanese and Iraqi experiences, Bahrain could in fact design a power-sharing arrangement adapted to its own unique needs and circumstances. Both Lebanon and Iraq have achieved fundamental gains from power-sharing. In Lebanon a revived power-sharing arrangement helped end years of civil war (1975–1990), and Iraq would most likely have broken up into separate Kurdish, Shiite, and Sunni Arab states in 2003 without power-sharing guarantees. These examples and experiences could help Bahrain's political actors take on board the most important lessons from both cases, and thus to formulate their own agreement, which could be adapted to local needs. Similarly to the Lebanese and the Iraqi models, a potential Bahraini power-sharing arrangement could assign the position of prime minister to a Shiite and that of speaker of parliament to a Sunni. The authority of the king should certainly be downsized and constitutionally limited, thus making his role comparable to a ceremonial position. The less responsibility for everyday decisions that he and his family hold, the more he could successfully mediate between conflicting positions so as to help reach consensus and forge a more cohesive national identity.

The correct structuring of the military and the judicial system is a complicated yet essential issue, as the two are fundamental to achieving domestic peace and stability. Bahrain's military is currently under the complete control of the royal family, and it is made up, as noted above, exclusively of loyalist and naturalised Sunni citizens, based on a tribal code of obedience. There is not a single Shiite commander, and Shiites are excluded from joining the rank and file even as soldiers (Al-Murshed 2013). As such, integrating Shiite citizens into all ranks of the military and all branches of the judiciary – instead of the current practice of hiring Sunni foreigners and naturalising them – is essential for any sustainable long-term solution. By contrast, the cultural and religious autonomy suggested by consociationalists would be relatively easy to implement, as each community could manage its own affairs through existing institutions. However, as the negative Lebanese example teaches, Bahrain would need a secular family law and school system in addition to the religious ones so that citizens can choose whether they want to obey their parochial communal regulations or follow secular state laws.

Bahrain's regional topography and neighbourhood will strongly influence any attempts to craft solutions. It is a country small in size and population but surrounded by strong political players and at the interface of regional and global lines of strategic interest. For Saudi Arabia and some Gulf monarchies on the one side and Iran on the other, the country is of significant symbolic relevance. Saudi Arabia feels threatened by the prospect of Shiite actors gaining power, because their demands for broader participation in Bahrain and for a constitutional monarchy could easily diffuse into neighbouring monarchies, especially to the oil-

rich governorate of al-Qatīf where Shiites form a majority of the population. Furthermore, the GCC monarchies would regard a Shiite-dominated Bahrain as an outpost of Iran, their strongest regional rival. This explains why they sometimes even support militant Salafi and jihadist movements against the supposed Shiite threat. Yet, as the expansion of Islamic State in Syria and Iraq (ISIS) since 2013 has proven, such a strategy may destabilise the entire region. Radicalised fighters will potentially return from these battlefields to their home countries and thereafter challenge monarchies that they regard as un-Islamic (Cafiero and Wagner 2015; Bushehri 2015). On the other side, Iran considers the Persian Gulf to be its historic – and potentially future – forecourt, in which Shiites and those of Iranian descent form significant segments of the various multi-ethnic societies. Any hostile Saudi dominance over the smaller Gulf monarchies would negatively impact Iran's social, economic, and political ties with those monarchies.

Thus, any system in Bahrain that does not accommodate the interests of both Iran and Saudi Arabia will not be able to survive in the long run – other than as a dependent satrap state. For these reasons, the regional powers should realise that they have a common interest in seeing a stable, inclusive political system emerge in Bahrain; none of them will be able to control the country in the long run without suffering a massive backlash from their rivals. By supporting a minority regime that excludes huge segments of its own population from power, Saudi Arabia risks contributing to the fulfilment of its own worst nightmare – namely, the emergence of a Shiite community deprived of its basic rights, radicalised by intensified sectarian identity markers, and which can easily connect to the other arenas of ethnic-sectarian contestation in Iraq, Syria, Yemen, and the Shia-dominated areas of Saudi Arabia. The upshot would be the transformation of the region into a powder keg. On the other side, Iran is fueling the negative perception that it is a regional hegemon by giving partial support to the Shiite communities in the Gulf area.

This dilemma about outside powers' ideal degree of interference in small states and divided societies can best be resolved through the collaborative development of a consensual power-sharing arrangement that balances the different interests. Such an arrangement could even turn regional competition to Bahrain's advantage, as the country could serve as a neutral zone that facilitates trade, social interchange, and potentially even political mediation, as Oman currently does. Stability would enable Bahrain to prosper economically, something it has the strong potential to do due to its monetary and human resources, as well as its unique location. Furthermore, the West should have an intrinsic interest in promoting such an inclusive democratic system in the region, given that it could serve as a role model for other multi-ethnic societies still ruled by exclusively authoritarian regimes. As the Gulf monarchies depend on Western political and military support, they could be pushed to accept such a democratic compromise solution for Bahrain even though it contradicts their interests as hereditary rulers.

The influence of the regional powers clearly limits opportunities for Bahrain to move towards a liberal, modern democracy of one person, one vote, because this would tip the balance of power towards the Shiite majority. However, power-sharing may offer a reasonable alternative to majoritarian democracy. It introduces explicit quotas, as well as checks and balances, within a democratic, transparent process, instead of retaining sectarianism – a crude contestation between ethnic entrepreneurs and power brokers operating without democratic legitimation. Seats in parliament, ministerial positions, and top-level administrative positions could be distributed on the basis of either proportional representation or agreed-upon fixed shares in government. Either outright parity or a 55:45 distribution ratio between the Shiite and Sunni communities could be viable options. Grand coalition governments and the right of minority veto would guarantee that no group could be excluded as a result of majority decisions. This would decrease incentives to manipulate the country's demography and generate a sense of equally shared citizenship among all Bahrainis.

Perhaps the most puzzling question vis-à-vis the introduction of power-sharing in Bahrain is which entities should share power: Is it the corporate consociations of groups based on ethnic-sectarian identities, which in the case of Bahrain means the Sunni and Shiite Muslim communities? Many Sunnis do not consider the royal family to represent them. Consequently, a three-way partition of power between the two sects and the royal family was introduced within parliament and government in 1973. This has continued to this day and seems to be a more reasonable option. Furthermore, minorities that are extremely small in number, such as the Christian and Jewish communities, may demand their own shares of representation. Still, sectarianism is not the only primordial cleavage; for historical reasons the Sunni and Shiite communities are further subdivided into Arabs and Persians. People also distinguish themselves according to socio-economic, political, and ideological parameters: urban or rural; poor or wealthy; educated or uneducated; employed or unemployed; socialist or conservative; royalist or republican; and secular, moderate, or fundamentalist. Although sectarianism is dominant in the current phase of Bahraini identity-building, all these cleavages could potentially cross-cut the binary Sunna–Shia divide in future political constellations – as, indeed, they already have in the past. Liberal consociational democracy (as well as centripetal power-sharing theory) supports such cross-cutting identities, as they could potentially help to overcome Bahrain's existing Sunna–Shia dichotomy.

## **5 Is Power-Sharing a Viable Solution for Bahrain?**

In Bahrain, as in most other Middle Eastern countries, access to power and resources is based on a divide-and-rule policy that provides privileges and rewards in return for loyalty. As in other deeply divided societies, this principle is further reinforced by sectarian affiliation, because the ruling royal family privileges members of its own Sunni community – which, in return, is bound to be loyal. However, the Arab Spring of 2011 helped revive popular protests

against this discrimination and reinvigorated long-standing demands for broader political participation.

No political actor openly challenges the notion that democracy should be the basis of rule in Bahrain. However, the country's demographic composition leads members of both communities to different calculations about the preferred type of democracy: The Shiite majority favours a one-person-one-vote electoral system, with as many institutional positions as possible filled through a popular vote, because this would enable it to capitalise on its numbers. On the other hand, the Sunni minority is afraid of the possible homogenising effect of Shiite voter alignment. It therefore prefers a steered democracy that limits the scope of autonomous decision making and balances the Sunnis' numerical inferiority through gerrymandering.

The same sectarian division is evident in the political stakeholders' attitudes towards power-sharing. While nearly all politicians and parties – whether they are loyal to the regime or to the opposition – reject the idea of “sectarian quotas,” their reasoning for this dismissal differs tremendously. The regime and its Sunni supporters are staunch defenders of the status quo regarding power distribution as it privileges their own community, while the Shia-dominated opposition repudiates formal quotas and demands a one-person-one-vote policy on the basis that the implementation of this practice would favour their demographic majority.

The royal family is by no means impartial in the power struggle between the regime and the Shia-dominated opposition. This undermines its capacity to act as a symbol of national unity. It misuses its control over the country's wealth and power as a means with which to reward loyalty. This unproductive investment of energy and the related repression of dissent is actually a threat to national prosperity, not only because security measures consume huge amounts of financial resources but also because the economic productivity of the Shiite population is thereby impeded. Furthermore, the regime tries to manage its minority position through its policy of naturalising Sunni Muslims. However, in the long term this strategy runs counter to Sunni Bahrainis' own interests: it reduces their social advantages by requiring them to share wealth with newcomers, who are provided with significant subsidies when they become citizens. Native Bahraini Sunnis then emigrate to other Gulf monarchies, and especially to Qatar, where their prospects appear to be better.

The Shiite majority currently has no regional or global ally that could potentially help it turn the tables. Any dramatic or sudden change of circumstances in the Shiite population's favour would certainly lead the country into sectarian civil war. The ruling elite, neighbouring Sunni monarchies, and radical Salafis alike would under no circumstances accept a Shiite takeover of power without a fight.

One key aim of this paper has been to prove that the conflict between the three main segments of Bahraini society – the royal family, the Sunnis, and the Shias – is determined much more by perception than by predestination. In a nutshell, “ethnic entrepreneurs” currently regard the conflict as a zero-sum game. As such, they are fighting only for their own group's interests and acting as spoilers vis-à-vis any attempt to craft a formal compromise.

On the other side are those who realise the advantages to be gained from such compromise, particularly in creating a win-win dynamic. If these reformers could align themselves more closely, power-sharing could begin to unfold and eventually become a viable option. The current power struggle in Bahrain is still an open contest; however, the rules of the game will have to be determined very soon.



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