

**Statement of Leslie Campbell
Senior Associate and Regional Director,
Middle East & North Africa Programs**

**NATIONAL DEMOCRATIC INSTITUTE
FOR INTERNATIONAL AFFAIRS**

Before the

**COMMISSION ON HUMAN RIGHTS
OF THE UNITED STATES CONGRESS**

August 1, 2012

**HEARING ON
“IMPLEMENTATION OF THE BAHRAIN INDEPENDENT COMMISSION
OF INQUIRY REPORT”**

Mr. Chairman and Distinguished Members of the Commission:

Thank you for this opportunity to comment on the human rights and political reform situation in Bahrain.

After five months of political unrest, King Hamad bin Isa Al Khalifa of Bahrain surprised the world by commissioning the Bahrain Independent Commission of Inquiry (BICI) chaired by Cherif Bassiouni. Established on June 29, the Commission was to examine the events of 2011 and report on the causes of the uprising and the government’s response. The mandate of the Commission concentrated on the role of the police and military in confronting protestors, cracking down on political dissent and imposing order. While the commission commented on some of the underlying social conditions that prompted the 2011 uprising, it did not dwell on the question of political reform. Yet most Bahrain observers would argue that a political eruption was inevitable in Bahrain, even absent the impetus of the Arab Spring.

In my testimony, I will examine the roots of the political disagreement in Bahrain and, with the report of the BICI as a backdrop, comment on the state of political reform and recommend measures that moderate forces in the country could adopt to re-energize a reform agenda that has emerged in fits and starts since 1999.

Together with the human rights improvements contained in the BICI report, political reform would marginalize radical voices. It would also start a process of reconciliation, catapulting Bahrain into the ranks of those Arab countries now undergoing political modernization.

Every discussion of reform in Bahrain eventually returns to the same basic conundrum. The ruling Al Khalifa family governs the country with the support of a minority of the population, refusing to enact reforms that would empower all Bahraini citizens with a vote of equal weight. Without representative elections and a government reflecting the express will of a majority of the electorate, unrest is bound to continue. Moreover, every effort to implement limited reform without addressing the core question of electoral legitimacy is bound to fail.

Discussion of political reform has been front and center in the country since the ascension of King Hamad in 1999. Focus groups conducted across Bahrain for the National Democratic Institute (NDI) in 2002 resulted in conclusions that could have been written this week. Focus group report author Thomas O. Melia, a former NDI Vice President who went on to become a Deputy Assistant Secretary in the State Department's Bureau of Democracy, Human Rights and Labor (DRL), concluded that "Citizens of the Kingdom of Bahrain, Sunni and Shia alike, are disappointed that the promise of political reform contained in the National Charter they voted overwhelmingly last year to endorse is not being realized in practice. Many of the widely-touted reforms now appear to be superficial."

Melia noted that "No one objects to the monarchy *per se*, or questions their Sheikh's elevation to King last year," but he described "a widely shared sense that the government of Bahrain is not the people's government at all, but rather acts in the interests of the royal family and a small circle around it."

An NDI election study mission report which looked at Bahrain's October 2002 legislative elections pinpointed some of the reasons for Shia anger.

While the group found that the election was "generally well administered, with no evidence of fraud in favor of any particular candidate or faction," the NDI mission asserted that "While the seat allocation for the legislative elections made slight adjustments to reflect the population distribution, the system remains

inequitable.” The Southern governorate, for example, which is sparsely populated but has a majority Sunni population, received six seats. At the same time, the Northern governorate, which is heavily populated with a Shia majority, only received three additional for a total of nine seats for a vastly larger number of people.

It was possible, the NDI elections observers said, for a candidate “to win a seat with over 50 percent of the vote but only receive a few hundred votes (in the southern constituencies), while it required thousands of votes to win a seat in others (in the central or capital regions).” The mission went on to report that “this allocation system diluted the voting power of the Shia majority, and in fact may exacerbate the sectarian divide; as there has never been an explanation as to how these decisions were taken, it is widely assumed that the government drew these borders to ensure that the Sunnis remain the dominant force even in Bahrain’s newly elected bodies.”

The United Nations Development Program (UNDP) “Programme on Governance in the Arab Region” (POGAR) described Bahrain’s electoral districts this way: “The composition of these districts has resulted in charges of gerrymandering; the largest districts, mainly Shiite, contain over 12,000 people, while the smallest have only 500 voters.”

The concluding paragraph of the 2002 NDI report reflected the political unease in the country after the 2002 polls and presents a question about King Hamad’s intentions that is as valid today as it was ten years ago:

“The King’s ultimate destination for the wheels that he set in motion when he took power in 1999 is the subject of some debate. Given Bahrain’s history of sectarian strife and the pressures undoubtedly brought to bear by a ruling class unwilling to cede power too quickly, this deliberate process may be a calculated way to acclimate all factors of society to the notion of power-sharing, and predicated on the assumption that an accelerated pace might undermine national stability. The opposition argues, however, that the King’s actions to this point may be designed to legitimize the power of the Al Khalifa family and their allies within the Sunni community, and that these initial steps may in fact represent the culmination of the democratic process. The King has given no clear signs that he favors either of these possibilities, and the opposition fears the latter.”

That Bahrain has two large sectarian groups – Sunni and Shia – exacerbates the political unrest and imbues it with the color and rhetoric of a religious divide, even though the core issues revolve around power sharing and not religion per se. In fact, the country is quite tolerant of varied religious practices and affords its citizens freedom of speech not found in some neighboring countries. As Melia noted in 2002, “At the same time, many Bahrainis are mindful of the fact their country was until recently a much more repressive place than it is today. They appreciate that they now enjoy the freedom to speak their minds in public, to join associations and attend seminars on political topics – and they are glad to be able to vote at all. Bahrainis realize they have considerably more political rights than their neighbors in Saudi Arabia and other Gulf states, and this tempers their unhappiness with the fitful pace of political liberalization.”

The country’s adoption of a bi-cameral system with an appointed upper house – a constant irritant to some in the political opposition – is not, in and of itself, a departure from democratic practice, but granting the appointed chamber equal power was a provocative move which alienated many in the moderate political societies.

While the Tom Lantos Human Rights Commission has convened to take inventory of what has been accomplished since the release of the BICI report, we should also reflect on what has been accomplished (or not) in the political realm, as it is fundamental political reform that will provide the strongest basis for tackling the myriad human rights concerns.

In an attempt to bring people together in early 2011, the Crown Prince released seven principles under which a national dialogue could proceed. It was envisioned by the Prince that the results of the dialogue would be implemented to amend the Constitution and that the resulting draft would be submitted to a popular referendum for approval. These principles were:

1. A fully representative parliament with exclusive legislative authority
2. An elected and representative cabinet
3. Equitable electoral districts
4. Review of naturalization laws
5. Address administrative and financial corruption
6. Review sovereign wealth
7. Address the sectarian impasse

In response, the opposition parties issued what has become known as the Manama Document, putting forth five demands:

1. An elected parliament with the ability to cast votes of confidence regarding the prime minister and other ministers prior to them assuming their positions and to vote to withdraw confidence if they fail in their duties.
2. Fair electoral districts that guarantee political equality – one person, one vote – and are not divided by sectarian lines. This included a call for an independent commission to administer all future election processes rather than leaving this to the jurisdiction of the State.
3. A unicameral parliament with sole power over legislation and regulations, replacing the current bi-cameral parliament (one house elected, one appointed).
4. A trustworthy judicial system, independent of the executive branch both financially and administratively, that acts with transparency and impartiality.
5. An army and security apparatus that is inclusive of persons from all societies and trained to show respect for human rights.

A comparison of the two lists finds them strikingly similar, and in fact the Crown Prince's principles may go further. If we are to take the Prince – and the King – at their word and assume that they favor reform leading to genuine power sharing and, ultimately, a genuine constitutional monarchy, then the next steps are clear. Numerous reports from international organizations that promote and assist democracy, as well as recommendations from Bahraini civil society organizations, have made very similar recommendations over the years while varying slightly in the details.

Consensus, therefore, may actually be within reach on the following issues:

- The evolution of Bahrain into a true constitutional monarchy by allowing a free election to determine the composition of a government responsible to the legislature and which exercises true power.
- An appointed upper chamber may exist but its powers would be fewer than the elected chamber. The ruling family would retain their titles and prestige.
- The delineation of fair electoral districts – within acceptable population variations – giving reasonably equal weight to each vote cast.
- An independent election commission to administer elections transparently and fairly, including the question of determining eligibility to vote.

- The legalization of political parties which would compete in elections under clear rules and with strict party finance regulations.

The people of Bahrain have been victims of the unrest of the past months. Disrupted lives, lost employment, violence and threats of violence that affect every Bahraini in every walk of life have taken a toll on the economy and on the morale of a nation. Yet moderate voices are still prevalent. Recent entreaties by the Crown Prince to start a dialogue and the positive reaction to his initiatives by Al Wefaq, the largest opposition movement, are signs that political reform can accompany the human rights improvements envisioned in the BICI report.

The prospects for reconciliation are obvious – but it is not clear that the political will exists among all of the political forces. If the King and the Crown Prince show the leadership necessary and the moderate opposition chooses to participate in a reinvigorated process, Bahrain could leapfrog the distrust engendered over the past months and move in a positive direction.

We value the role of this Commission in defending human rights and promoting political development.

Thank you, Mr. Chairman and Members of the Commission.

Background on NDI in Bahrain

NDI began its work in Bahrain in 2002 at the invitation of the Royal Court. Since that time, it has worked with Bahraini municipal councils to provide governance programs and technical training in strategic planning, constituent relations, media relations, cross-municipal collaboration, and other areas. Bahrain's five municipal councils, working in concert with the Ministry of Municipal Affairs, subsequently developed a framework for a Bahrain municipal association.

NDI has also worked with Bahrain political and civil society organizations to enhance their capacity to play a constructive and meaningful role in the political reforms initiated by King Hamad bin Isa Al Khalifa over the years. During the last decade, NDI has offered technical assistance and skill-building workshops to all legally recognized political societies in Bahrain, including all societies represented in parliament. Areas of assistance have included:

- Organizational development to support increased transparency;
- The inclusion of women and youth and the establishment of internal democratic practices;
- Communications and media relations to improve outreach to members and engagement with the government on policy issues;
- Electoral campaigning to aid societies in developing policy-oriented campaign strategies and platforms (as opposed to strictly sectarian or ethnic-based messages).

Due in part to NDI's work in Bahrain, political societies that had boycotted the 2002 parliamentary elections decided to participate in the political process and compete in subsequent parliamentary elections in 2006 and 2010.

In recent years, NDI has continued to provide technical assistance to political societies, focusing primarily on working with those represented in the parliament, which include Al Asalah Islamic Society, Al Menbar National Islamic Society and Al Wafaq Islamic Society. NDI also collaborated with the Bahrain Institute for Political Development (BIPD), a government sponsored training institute.

None of NDI's programs involves funding political parties or organizations, or training groups or individuals involved in protest movements. Its nonpartisan programs are solely intended to support democratic institutions and processes.