

Constitutional advance in kuwait :

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Constitutional Advance in Kuwait The year 1962 is historical and significant to the Kuwaiti people. November 1962 saw the approval of the country's new constitution. The events leading to the realization of a new constitution in Kuwait are many, different, and challenging. This is because attempts to offer the Kuwaiti people a new constitution have not been successful in the past. However, the Constituent Assembly moved in one accord to grant the country a new constitution, and most importantly an entry into the world of modernism.

Kuwait Constituent Assembly has worked tirelessly under the guidance, mentorship, and advice of international players, especially from Egypt. The result is a documented text, hereby referred to as the new Kuwaiti constitution. Reaching this far was not an easy task. Many different challenges emerged from time to time, but the commitment, spirit, and resilience of all stakeholders proved fruitful to the entire constitutional endeavor.

The new constitution follows a series of historical movements, all of which lobbied for a new constitution in this Middle East State. Grouped organizations have previously pushed for constitutional leadership, a goal that appeared so near yet so far. The rule of the Sabah family kept lobby groups at bay and the authority of the executive over all other forms of governance. In this respect, the Shaikh-based rule best defines Kuwait's history of governance and leadership.

In the process of drafting the new constitution, the Sabah family tried to sabotage the realization of a new constitution. The primary objective of the Sabah family was to maintain an Executive that is much stronger than the Legislature. However, these attempts were foiled by the Constituent

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Assembly, thereby rendering them unsuccessful altogether. Both the Executive and the Legislature maintained their respective balanced influence as far as power and authority are concerned.

Contentious constitutional articles were also evident. Articles 2, 131, and 125 elicited a vigorous debate with some stakeholders expressing their support to or opposition for the underlying constitutional provisions. The first contentious article relates to the installation of Sharia Law as the primary source of legislation. Attempts to amend the article and declare Sharia Law supreme were unsuccessful. The second article maintains that serving ministers cannot pursue professional, business, commercial, or financial interests while holding public office. Push for an amendment to the article proved futile.

The third and last article requires occupants of ministerial positions to be native Kuwaiti nationals. Ministers and their deputies must meet this primary requirement among others. While some constitutional players felt that ministerial deputies should be exempted from this requirement, the Constituent Assembly approved the native Kuwaiti factor without adopting any changes. Following the approval of the Kuwaiti constitution, both the Executive and the Legislature will now collaborate in developing this newly modernized state. Although the implementation phase of the new constitution could face challenges in one way or another, it is evident that the step Kuwait has taken will go a long way in transforming the country socially, economically, and politically.