# DIRECTORATE-GENERAL FOR EXTERNAL POLICIES POLICY DEPARTMENT



#### **POLICY BRIEFING**

# Down to the wire in Bahrain: Last chance for real political reform

#### **Abstract**

After months of rising tension and despair in Bahrain, a slight glimmer of hope has appeared: on 7 December, Crown Prince Salman called for dialogue with the country's opposition to break the political deadlock. His speech was met positively by the centre-left Wa'ad party and al-Wefaq, the largest party representing the country's Shia population. Up until now, the country's reform process had reached a stalemate. The national dialogue had been deferred, despite the recommendations of the Independent Inquiry Commission of November 2011, endorsed by King Hamad, the United Nations, the European Union and the United States. The country's political scene has become increasingly polarised, and the positions of hardliners within the regime and the opposition are increasingly entrenched. The country, its economy and political stability would all benefit from a salutary dose of dialogue and moderation to overcome the vicious circle of violence and provocation.

The EU can contribute to this by conducting a dialogue with the Bahraini authorities and civil society. The Union should support the democratic opposition and moderate factions within the regime: the signatories of the October 2011 Manama Document and Crown Prince Salman bin Hamad.

DG EXPO/B/PolDep/Note/2012\_295

**December 2012** 

PE 491.449 EN

This Policy Briefing is an initiative of the Policy Department, DG EXPO.

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#### **LINGUISTIC VERSION:**

Original: EN

#### **ABOUT THE PUBLISHER:**

Manuscript completed on 17 December 2012 © European Union, 2012 Printed inBelgium

This Policy Briefing is available on the intranet site of the Directorate-General for External Policies, in the Regions and countries or Policy Areas section.

To obtain paper copies, please send a request by e-mail to: poldep-expo@europarl.europa.eu.

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#### 1. Entrenched cycle of unrest and repression

The pro-democracy campaigning in Bahrain is not a sectarian issue (Shia against Sunni) but rather a quest for equal political and social rights for all Bahraini citizens.

Instead of engaging in a political reform, the Bahraini government has invested efforts in portraying the unrest as a mere 'security issue'.

21 months after the pro-democracy movement was violently repressed by the Bahraini authorities assisted by 'Peninsula Shield', security troops from fellow GCC countries, the political life of Bahrain is insecure and relations between the ruling dynasty of al-Khalifa and its dissenters increasingly apprehensive.

The regime has refused to address the root causes of the unrest, the concentration of political power and economic wealth in the hands of a few - mainly those close to the ruling dynasty - and the exclusion of a majority of Bahrainis - essentially the Shia community but also civil society in general, youth groups and both Sunni and secularist political movements - from decision-making and access to the country's wealth. The democratic opposition is not confined to the Shia population. There is a secular opposition whose members generally come from the middle class and the business community. Their members have also faced repression and imprisonment. E.g. the National Democratic Action Society (Wa'ad¹), a secular centre-left political society's² secretary-general, Ibrahim Sharif al-Sayed, a secular Sunni economist, was arrested in March 2011. He was sentenced to five years in prison on 22 June 2011 and upheld in September 2012 by an appeal court, despite evidence of torture.

The Bahraini government is concerned with its reputation on the world scene. It has engaged internationally renowned public relations companies to project a positive image of the country in the international media. The unresolved political conflict which has escalated dangerously is depicted as a 'law and order' problem that requires accrued security measures. Behind this facade of good intentions, the cycle of protests and repression continues to deepen. The latest acts of violence reflect the **depth of the political crisis** which could even endanger the unity and the stability of this least wealthy<sup>3</sup> Gulf monarchy if the current course is not rapidly reversed.

Contrary to the Bahraini Government's narrative of a country having returned to calm and normalcy, clashes between pro-democracy protesters and the police erupt regularly and the political climate in the country is becoming increasingly polarised. Violent clashes erupted in

 $<sup>^{\</sup>mathrm{1}}$ و عد means 'promise' in Arabic.

<sup>&</sup>lt;sup>2</sup> Political parties are banned in Bahrain but there are a large number of well-established political societies.

<sup>&</sup>lt;sup>3</sup> The GDP/capita of Bahrain is USD 23 690 (2010), which is roughly a quarter of that of the richest GCC country Qatar.

<sup>4</sup> وفاق means 'accord' or 'agreement' in Arabic.

<sup>&</sup>lt;sup>5</sup> See the report of the International Federation for Human Rights (FIDH): Bahrain, silencing dissent: a systematic policy of on-going repression (November 2012) and the report of Amnesty International: Bahrain: reform shelved, repression unleashed (November 2012) for detailed accounts of the state of play in Bahrain.

April 2012, some days before the Formula 1 Grand Prix race, when street battles took place between demonstrators and security forces who responded with tear gas and stun grenades. A pro-democracy march organised in June 2012 by the main opposition group and the largest political society in Bahrain, **al-Wefaq**<sup>4</sup> National Islamic Society, was repressed and the head of the Shia opposition party, Sheikh Ali Salman, was injured. Zainab al-Khawaja, a human rights activist and 40 other people were arrested on 3 August 2012 after security forces again resorted to violent methods to disperse hundreds of demonstrators asking for political reforms<sup>5</sup>.

#### 2. Polarisation of the political scene

#### 2.1. Hardliners prevail within the Khalifa dynasty

The hardliners of the Khalifa dynasty took the upper hand within the regime soon after the arrival of GCC troops in the country in

spring 2011.

The reform-minded Crown Prince Salman has been sidelined over the past 18 months but has made an As Bahrain's existing **state institutions do not adequately represent all Bahraini citizens**, the institutions are currently in a deadlock situation and appear incapacitated to steer the country out of the political crisis and to build a sustainable system of governance for the country. The Khalifa dynasty is Sunni and close to the Saudi royal house.

Bahrain claims to be a constitutional monarchy but in reality its monarch, **King Hamad ibn Isa** al-Khalifa, is the centre of gravity of all political life in the country. He appoints and dismisses the government without parliamentary scrutiny. He may issue decrees, dissolve the parliament and announce new elections. As a result of the political crisis, the hardliners within the regime including the King's reactionary uncle, **Prince Khalifa ibn Salman** al-Khalifa, who holds the post of Prime Minister since 1971 as well as the Royal Court Minister, **Khaled bin Ahmed** al-Khalifa (also in charge of the National Dialogue) and the Minister of Defence and Commander-in-Chief of the Army, **Khalifa bin Ahmed** al-Khalifa. The ageing Prime Minister's interests being mainly economic, two member younger generation members of the royal family stand out as the leading forces behind the intransigent policy towards reform.

**Salman bin Hamad** bin Isa al-Khalifa, the **reform-minded crown prince** who was given six weeks to conduct the negotiations with the opposition representatives at the beginning of the uprising in 2011, was irremediably weakened after the entry of the GCC troops into the Bahraini territory to crackdown the pro-democracy movement<sup>6</sup>.

On 7 December 2012<sup>7</sup>, Crown Prince Salman called for dialogue with the country's opposition to break the political deadlock. He suggested that a

<sup>&</sup>lt;sup>6</sup> The crown prince's economic reform policies put him in the collision course with his great-uncle Khalifa whose power rests largely on networks within the private sector and the wealthy merchant families, a pillar of support for the dynasty for many decades.

<sup>&</sup>lt;sup>7</sup> Crown Prince's speech at a Conference on Middle East security organised by the International Institute for Security Studies in Manama on 7 December 2012

important speech on 7 December 2012 calling for a dialogue to resolve the persistent political crisis. meeting be held between all sides as progress could be made 'only through face-to-face dialogue'. He called on all political figures to condemn street violence but admitted that the government needs to do more to reduce inequality and to carry out a political and judicial reform. The moderate opposition groups have cautiously welcomed the Crown Prince's initiative and asked the authorities to cease violent acts against citizens.

A split between hardliners and reformists has also appeared within the pro-democracy opposition. The 2011 uprising in Bahrain was a call for equal opportunities and a democratic reform rather than a call for regime change. The unequal distribution of power and wealth reflects the

#### 2.2. Splintered opposition

prevailing imbalance between a ruling elite and a majority which has been excluded from privileged positions both in the public and the private sectors. At that time, groups calling for regime change did not have much public support in Bahrain. The failure of the regime's reformist wing led by Crown Prince Salman and the largest moderate political force in the country, al-Wefaq to reach a political solution in the wake of the spring 2011 turmoil led to a downward spiral of violence and confrontation.

The opposition's splintering has its origins in the period before the 2011 uprising. The decision of al-Wefaq to take part in the 2006 parliamentary

The opposition is splintered into two: the moderate opposition led by al-Wefaq advocates political reform whereas the more radical opposition under the banner of 'February 14 Movement' demands the downfall of monarchy.

The opposition's splintering has its origins in the period before the 2011 uprising. The decision of al-Wefaq to take part in the 2006 parliamentary elections led to the split of the group, with more radical **al-Haqq**<sup>8</sup> calling for a boycott of the Bahraini political system. Since the beginning of the uprising in 2011 and negotiations with government officials, al-Wefaq has faced a major problem related to the mandate to represent the large spectrum of the pro-democracy movement which was fragmented and decentralised. In addition, divergent strategies have prevented the opposition from developing common goals and platforms. Al-Wefaq 'rejects violence from all sides, whether from the public or from the government<sup>91</sup>, calls on reform rather than radical change of the entire system, and has launched negotiations with the government.

The five parties that signed the 'Manama Document' in October 2011 form the moderate opposition in Bahrain.

On 12 October 2011, in an attempt to reassemble the reformist opposition camp, al-Wefaq set out with four other moderate opposition groups a political platform, entitled the **'Manama Document'**<sup>10</sup>. The smaller signatories were the National Unionist Rally, an Arab Nationalist group, Wa'ad (see section 1), Nationalist Brotherhood, a secular Shia party with many members of Persian origin and the Nationalist Democratic Rally, a leftist nationalist group.

<sup>8</sup> حق means 'right' in Arabic

<sup>&</sup>lt;sup>9</sup> Sheikh Ali Salman, leader of al-Wefaq on <a href="http://www.middle-east-online.com/english/?id=54886">http://www.middle-east-online.com/english/?id=54886</a>

<sup>10</sup> http://alwefaq.net/index.php?show=news&action=article&id=5934

The opposition political societies called for democratic reforms rather than regime change:

- an elected government under a constitutional monarchy;
- a fully elected parliament;
- a fair and transparent judiciary;
- an end to corruption; and
- an end to the exclusion of Shia Bahrainis from the security service.

The radical opposition consists of activists grouped within the loose network of 'February 14 Coalition'. They call for regime change.

But this strategy is under heavy criticism from the more radical and anti-Western grouping of youth activists, known as the 'February 14 Coalition''. It has accused al-Wefaq of favouring a counter-revolution by preserving the state's power structure intact. Due to repressive measures by the government, the coalition operates more as a collective than a traditional organisation. It relies on a broad base of supporters who exchange ideas for dissent and political activism mainly in various online forums. The anonymity of its supporters is a political necessity for the movement's survival. As the leaders of the formal groups within the February 14 Coalition are either in exile or in prison, youth movements have taken the lead in the movement. Its leadership is not unified, however, and many local subgroups have been formed e.g. in Sitra (island in the Central Governorate), Sanabis (suburb of Manama) and Diraz (village in the Northern Governorate)

The political societies forming the heart of the Coalition, al-Haqq and al-Wafa'a, a radical Shia group accused for contacts with Hizbollah in Lebanon, together with the Bahrain Freedom Movement whose leader Saeed Shehabi is based in London, formed a Coalition for a Republic on 7 March 2011. The coalition adopted a revolutionary discourse and called for the overturn of the Khalifa monarchy, which has lost its legitimacy. It underlines the people's right to self-determination and ability to choose the political system. At the same time they support maintaining national unity and reserving the Islamic and Arab identity of Bahrain.

In addition to mainly Shia opposition groups, there are several Sunni movements. One of the leaders of the emerging Sunni opposition is Abd al-Latif al-Mahmud who organised the National Union Gathering in the country's largest Sunni mosque in March (al-Fatih) which gave the movement its current name 'al-Fatih Awakening'. Contrary to various

<sup>&</sup>lt;sup>11</sup> 14 February refers to the date of the 2001 referendum on political reforms (only partially implemented) and the first date of the 2011 uprising. Toby C. Jones and Ala'a Shehabi: Bahrain's revolutionaries, Foreign Policy, 2 January 2012

<sup>&</sup>lt;sup>12</sup> Laurence Louër: Houses Divided: the Splintering of Bahrain's Political Camps, 4 April 2012, available on <a href="http://www.carnegieendowment.org/sada">http://www.carnegieendowment.org/sada</a>

means 'platform' in Arabic منبر

means 'reform' in Arabic.

other Arab countries the Muslim Brotherhood (al-Minbar<sup>13</sup>) and the Salafis (al-Asala<sup>14</sup>) are part of the political establishment in Bahrain and considered a part of the regime's bulwark against 'Iran-supported Shia sectarianism'.

#### 2.3. Repression leads to polarisation

The political situation in Bahrain has become polarised and violent. All protest gatherings are banned under a decree issued by the Ministry of the Interior in October 2012.

The situation in Bahrain is getting increasingly polarised. In early October 2012, protesters clash with riot police in Manama at funeral of Ali Ahmed Mushaima, who died in prison after being jailed for taking part in prodemocracy demonstrations. On 30 October 2012, **the Interior Ministry banned all protest gatherings** and said it would take legal action against those advocating further protests. The Ministerial order was directed at al-Wefaq. A Ministry statement<sup>15</sup> said the rallies and demonstrations had become 'a major threat to the safety of the public' and that many Bahrainis 'were fed up' with them. The decision has backfired on the authorities.

On 5 November, five bombs exploded in Manama, killing two innocent passers-by. The incidents caused a dramatic escalation of tensions, as terror attacks had not previously been a feature of the political crisis in Bahrain. The government accuses Iran of fomenting violence by mobilising al-Wefaq to commit acts of terror. Al-Wefaq's leaders have in turn accused the government of staging the bomb explosions as a justification of a further crackdown of opposition.

A further attack against the opposition, on 7 November the government **revoked the citizenship of 31** professors, lawyers, opposition and human rights activists (all of them Shia) including Jawad Fairouz, a former member of parliament for al-Wefaq, and his brother, Jalal, Said al-Shihabi, the head of the Freemen of Bahrain movement, Ali Hassan Mushaima, the son of the leader of Al-Haqq group as well as three Shia clerics: Hussein Mirza, Khaled Mansour Sanad and Alawi Sharaf. Only six of the activists have a second citizenship. The Bahrain Youth Society for Human Rights and Bahrain Centre for Human Rights, as well as international human rights organisations decried the move as 'an arbitrary deprivation of nationality' which is prohibited under international law.

#### 2.4. Politically motivated court processes

Controversy persists over legal proceedings of many human rights activists and

Controversial trials keep drawing international criticism and put Bahrain under negative limelight. The civilian court verdicts are based on dubious evidence and are only a small step forward from military court verdicts, which had earlier handed down heavy sentences<sup>16</sup>. These sentences

<sup>15</sup> http://www.bna.bh/portal/en/news/531098

<sup>&</sup>lt;sup>16</sup> See the report of Human Rights Watch: No justice in Bahrain, unfair trials in military and civilian courts (February 2012).

health professionals.

received wide condemnation by the European Union, the United Nations and international physicians' groups.

The trial against a group of **48 doctors and nurses**, who were arrested for having treated injured people during the crackdown in mid-February 2011, is a particularly flagrant illustration of the Bahraini Government's reluctance to respect the recommendations of the Independent Inquiry Commission. It also signals the prevalence of a narrow security-oriented approach to Bahrain's political, economic and social challenges.

The High Criminal Court of Appeal in Manama confirmed on 14 June 2012 the conviction of nine doctors for their role in the 2011 uprising, while quashing nine others. The verdicts dropped the two most serious charges levelled against the group, namely the possession of arms and the occupation of the **Salmaniya** hospital in Manama. The doctors have consistently insisted that they were punished only for treating protesters and were not involved in subversive acts. The health professionals claim they were tortured during detention last year. One senior orthopedic surgeon, Ali al-Akri, still faces five years' imprisonment, while another, Ibrahim al-Dimistani, has been sentenced to three years.

Bahraini authorities issued arrest warrants for the nine doctors still facing imprisonment. Two more doctors of an original group of 20 are understood to have left the country or be in hiding. After the Cassation Court in Manama upheld on 2 October 2012 the conviction, six convicted health professionals were arrested on 3 October and detained.

Other judicial cases include verdicts on **prominent human rights activists passed in special courts** which blatantly disregarded the principles of fair trial. On 4 September, the Bahraini Court of Appeal upheld the harsh sentences against Abdulhadi al-Khawaja and twelve other individuals. The verdict has been appealed to the Cassation Court which treats 13 cases on and issue the final verdict on 7 January 2013. If the sentences are not changed, seven activists face life sentences. On 27 September 2012, a Bahraini court sentenced Zainab Al-Khawaja, Mr al-Khawaja's daughter to two months in prison for publicly tearing a picture of King Hamad. In October 2012, the Appeals Court upheld the three-year prison sentence given to Nabeel Rajab, President of the Bahrain Centre for Human Rights for his part in what the government calls 'illegal gatherings.'

#### 3. Reform Roadmap remains a dead letter

King Hamad endorsed the Bahrain Independent Commission of Inquiry (BICI) report of November 2011 but it has not been

These negative developments occur when we celebrate the first anniversary of the **Bahrain Independent Commission of Inquiry (BICI) report**<sup>17</sup> published in November 2011. This document, endorsed by King Hamad, constitutes the reform roadmap and on paper the way forward to

<sup>17</sup> http://www.bici.org.bh/BICIreportEN.pdf

implemented.

a meaningful political reform and political stability seems straight-forward.

The King appointed a commission of five senior international lawyers, and the Egyptian-American lawyer Cherif Bassiouni as its chair. The report acknowledged the grave human rights abuses but fell short of pointing out the responsibility of high ranking officials for abuses and found no evidence that the GCC troops were involved in illegal treatments. The BICI report highlighted **practices of torture**, 'a systemic problem which can only be addressed on a systemic level'<sup>18</sup>. Thousands of people had been detained for exercising their rights to freedom of expression and assembly, many tortured in custody, some until they died. The report further underlined the serious flaws in the **criminal justice system**, pointing to the torture used to obtain confessions and the lack of proper legal assistance or fair trials. The report also confirmed that several civilians have been killed by security forces, and that thousands of alleged protesters have been dismissed from their jobs or university studies.

While the **main recommendations** of the Bassiouni Report were in principle endorsed by the Bahraini government, but they have not been implemented. These include:

- releasing political prisoners;
- identifying and prosecuting the officials responsible for the violent repression of protests;
- adopting security sector reform; and
- launching an inclusive and genuine national dialogue.

On 21 November 2012 the Bahraini Government released the second interim report<sup>19</sup> issued by the Follow-Up Unit, which is charged with the follow up of the implementation of the recommendations of the Bahrain Independent Commission of Inquiry's (BICI). The report does not address the issue of political prisoners at all. On the other main issues it lists institutions or bodies that have been established to investigate or address the issues. The government has established an Independent Special Investigations Unit (SIU) and a Judicial Police branch have been established at the office of the Attorney General, an Ombudsman's office at the Ministry of Interior (MOI), and an Inspector General's office at the National Security Agency (NSA) to address the issue of **accountability**. Regarding the **reform of the security sector**, the Chief of Police and Public Security has put in place a training plan for 2013-2014 for 2 200

The Bahraini Government's report on the implementation of the BICI recommendations focuses on intentions to carry out institutional reforms and training.

<sup>&</sup>lt;sup>18</sup> BICI, p. 300, http://www.bici.org.bh/BICIreportEN.pdf

<sup>&</sup>lt;sup>19</sup> English language version of the report: <a href="http://iaa.bh/downloads/bici-nov2012">http://iaa.bh/downloads/bici-nov2012</a> en.pdf <sup>20</sup><a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/BHSession13.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/BHSession13.aspx</a>

<sup>&</sup>lt;sup>21</sup> See the report of the Bahraini Centre for Human Rights: The BICI Reforms, promises of progress, a worsening reality (20 November 2012) and the statement of Human Rights Watch (22 November 2012) Bahrain: Promises unkept, rights still violated.

police staff on rules of public order and rights of the accused. Two thirds of the judiciary have already completed their training programme in the fields of human rights and regional and international standards on criminal justice and human rights.

The government has also made an engagement to amend the Penal Code. The definition of torture will be amended to prohibit to torture detainees for any reason. It is also foreseen that restrictions on disseminating negative or false information about the country will be eliminated from the Penal Code, 'unless this information undermines national security and public order or causes harm to public health'. The Law of Criminal Procedure will be amended and will stipulate that every citizen is entitled to claim compensation for injury sustained, and has the right to civil litigation in addition to criminal cases, explicit guarantees for witnesses, experts and victims during/after investigations and trials. The amendments also set limits on duration of detention and a procedure for filling grievances if release is denied.

The United Nations Human Rights Council adopted a report on Bahrain on 19 September 2012. It contains a long list of recommendations for the Bahraini government. The current political stalemate has reached a new stage on the international scene as the United Nations Human Rights Council adopted a report on Bahrain on 19 September 2012. After Bahrain fully accepted 145 and partially accepted 13 out of 176 recommendations outlined in the U.N. Universal Periodic Review (UPR), the Bahraini Government is now expected to live up to its commitments and to remedy the misgivings expressed in the report<sup>20</sup>.

Unfortunately, the implementation of the most crucial recommendations has not effectively started yet. Attempts to start political talks have effectively ground to a halt, and **sectarian tensions** are mounting. A genuine national dialogue that includes all political forces and civil society actors is urgently needed, as are the other report's other recommendations<sup>21</sup>.

### 4. Demographics

#### 4.1. General data

Less than half of Bahrain's 1.2 million inhabitants have the Bahraini citizenship.

According to Bahrain's Central Informatics Organisation the country's population was 1.23 million in 2010. Bahraini citizens find themselves in the minority in their country: 568 000 (46 %) were Bahrainis and 666 000 were non-nationals.

Bahrain is divided into five administrative governorates:

Name of the governorate	Number of voters (1000)	Proportion of voters nationwide
Capital	38	12%
Muharraq	57	18%

Northern District	107	34%
Central District	98	31%
Southern District	17	5%



Source: United Nations with additions by the Policy Department, DG EXPO

#### 4.2. Balance between the Sunni and the Shia

The proportion of the Shiite population is commonly estimated at approximately 70 % but according to some sources the Sunnis have

The last time the Government of Bahrain reported official demographic statistics on its Sunni and Shia communities was in its very first census in 1941, which put the percentage of Shia citizens at 53 % of the population. At that time Bahrain's total citizens were 74 000. According to the estimates of Pew Forum on Religion and Public, between 65 and 75 % of

surpassed the 50 % line.

The country's Shia population is underrepresented in the country's political institutions and economic life.

Bahrain's population is Shia, while the rest are Sunni. The Shia community, apparently making up the majority of the country's indigenous population, has continually expressed outrage over the unfair distribution of political power and economic opportunities between itself and the ruling Sunni minority. The opposition, mainly Shia Bahrainis, believe that the government has fast-tracked citizenship for Sunni expatriates in order to alter the country's demographic balance, while also employing expatriates in many sectors of economy - jobs that the Shia majority need and from which they are excluded.

The composition of the **population is not reflected** in the National Assembly (al-Majlis al-Watani)<sup>22</sup>, the elected lower house, the Council of Representative (Majlis al-Nuwab) or in the Consultative Council (Majlis al-Shura), the upper house, whose members are all appointed by the King. In the 2010 parliamentary elections, the voter turn-out was 63 %. Al-Wefaq, gained 18 seats out of the 40 contested seats<sup>23</sup>. The turnout of the post-uprising **September 2011 by-elections** — which the all Shia political societies boycotted — was considerably lower: only 17.4 % in the fourteen districts that held elections. (In the remaining four districts, one candidate ran.) The current Council of Representatives is an exclusive domain of proregime political forces. The vast majority (26) members are listed as independent (3 of them are Shia); nine belong to a newly formed proregime Bahrain Bloc (5 of them are Shia) and the Sunni Islamists have five seats in the lower house. The next parliamentary elections are scheduled for 2014.

#### 4.3. Attempts to change the demographic situation

The government has not released figures on naturalised Arab and non-Arab Sunni citizens.

In order to alter the demographic balance in the country and increase the percentage of Sunni Bahrainis, the authorities have granted **citizenship** to Arab and non-Arab Sunnis for work in the police and military. From 1941-2010, the inflow of foreigners to Bahrain averaged 26 000 people per year and the number of Bahraini citizens grew on average 20 000 people per year. The Bahraini government does not release immigration figures and national identities of individuals gaining citizenship. The opposition claims that the individuals who are gaining Bahraini citizenship are people with Sunni background not only from Arab countries but also Pakistanis, Indonesians/Malaysians.

In 2001, Bahrain enacted political reforms that welcomed home exiled

<sup>&</sup>lt;sup>22</sup> The democratic nature of the National Assembly is weakened by constitutional provisions that divide the legislative power between one elected and one appointed chamber.

<sup>&</sup>lt;sup>23</sup> The result was good for al-Wefaq despite its claims that most of their voters were turned away from polling stations in Shia-dominated districts and Shia supporters learned that their names were omitted from the electoral lists.

The government has adopted several measures to undermine the attempts to guarantee fair representation of the Shia Bahrainis.

A controversial report called 'Bandargate' (2006) focused on alleged measures ordered by a member of the royal family to promote the interests of the Sunni Bahrainis.

dissidents, repealed draconian State Security Acts, and promulgated a new constitution. However, in an attempt to reduce the Shia majority's political representation, the government passed a series of decrees designed to undercut the electoral prospects of Shia candidates. To this date those measure remain in force. These decrees include:

- (1) the limitation of the elected lower house legislature power and subordination of the lower house to an appointed upper house;
- (2) the redrawing of Bahrain's electoral districts along sectarian lines to preclude a Shiite-dominated lower house;
- (3) granting to citizens of GCC countries who are Bahraini residents as well as to non-residents who own property in Bahrain both the right to vote and Bahraini citizenship.

A controversial report on the government's measures to manipulate sectarian balance in Bahrain called 'Bandargate' was released in 2006. The report was produced by Dr Salah al-Bandar, a UK citizen of Sudanese origin and a Sunni who married a Bahraini and worked as a strategic planning consultant for Bahrain's Ministry of Cabinet Affairs and Information. The report alleges that there was a secret organisation within the inner circles of the regime which had issued a confidential study in September 2005 entitled: 'A Proposal to Promote the General Situation of the Sunni Sect in Bahrain'. Bahrain's elections were part of a five-year plan to put political control of the country firmly in the hands of a small group of militantly anti-Shia Sunnis. The report further indicates that payments were made to the news media and other groups to write articles and spread messages to further the Sunni cause. The report indicates that intelligence agents worked to drown out Shia voices and strengthen Sunnis. Much of the report's scandal centres on Ahmed bin Ateyatalla al-Khalifa, who is Bahrain's Minister of the Royal Court for Follow-Up Affairs.

Shortly after distribution of the report, the Bahraini government cancelled al-Bandar's contract and visa, and deported him to Britain. High government official and member of the royal family implicated in the report did not dispute the authenticity of the documents, but insisted that their actions were legal and that Dr Bandar's conclusions were wrong, while also accusing him of breaking into a government database, fomenting sectarian conflict and spying. Nonetheless, in the opposition's eyes, Dr Bandar's report for the first time provided a concrete evidence of institutional discrimination against the Shia majority.

#### 5. Solutions and the risks of no solution

Bahrain is less astonishingly rich than its hydrocarbon-rich Gulf neighbours; its oil has 'virtually dried up' and it depends on allocations revenue from Saudi Arabian for the Abu Safah oil field as well as on its service sector: international banking and tourism.

The country is faced with a choice between serious

The only feasible solution for Bahrain's peaceful and stable economic and

political reform and harmful deterioration of the political climate.

The sectarian polarisation in Bahrain has implications beyond the country's borders.

social development is the establishment of a **truly representative political system** that embraces the political forces in the country. Following the suggestions of the Bassiouni Report (BICI), dialogue and negotiations over real political reforms must commence without any further delay. The **alternative** is a serious escalation in violence and the empowerment of hardliners on both sides. This is not in the interest of either the Bahraini regime or the neighbours. Unresolved sectarian tensions are easily exported from Bahrain to Saudi Arabia, Kuwait and United Arab Emirates (UAE).

The escalating turmoil in Bahrain is an illustration of the domestic sectarian split between the Sunni and the Shiite parts of the Bahraini population but it is also a part of the regional Sunni-Shiite power struggle. This makes the Bahraini situation extremely important but also very complicated even from a regional perspective.

The Bahraini government should implement the other recommendations made in the Bassiouni Report, too. It should release all **political prisoners** and hold **senior officials accountable** for excessive force and torture. The government also has an interest to begin **reforming the security** forces and to ensure they fully reflect Bahrain's society by integrating members of all communities. For its part, **the opposition should renounce violence** and confirm its readiness to participate in a dialogue on reform.

To diminish social tensions, the government should tackle the long-established religious-based discrimination in public-sector employment and their wholesale exclusion from major sectors of the economy including the police, the armed forces, and key ministries which have exacerbated the feeling of exclusion by the Shia population.

Until now, the regime has avoided committing itself to talks with opposition representatives — in large part because the majority of the regime's (Sunni) supporters oppose such discussions, as they **fear jeopardising their privileged** status. The government regards the end of violence as a prerequisite to resuming the dialogue.

In turn, the opposition argues that the regime is not dedicated to talks, and even less to meaningful democratic reforms. The continued repressive measures and restrictions to peaceful expressions of opposition fuel rather than calm down tensions.

### 6. Policy options

The European Union has

The EU High Representative Catherine Ashton has expressed on many occasions her deep concern for the continuing repression of human rights in Bahrain<sup>24</sup> and the violence which she considers an obstacle to a long-

<sup>&</sup>lt;sup>24</sup>http://www.consilium.europa.eu/uedocs/cms Data/docs/pressdata/EN/foraff/132269.pdf

expressed concern for human rights violations but has failed to convince the Bahraini authorities to start a meaningful political reform. term solution<sup>25</sup>. Nevertheless, official statements issued by Bahrain's western partners and allies have been subdued mainly due to the pursuit of commercial and military interests with Bahrain and its main supporter Saudi Arabia.

The **European Union** reactions on the Bahraini uprising and its aftermath have been consistent, but EU pressure on the Bahraini authorities has not been efficient. The EU has reiterated its serious concern with the situation and called for meaningful dialogue with a view to bringing about reforms that address the country's challenges and the legitimate concerns of its people<sup>26</sup>. Yet the EU, like other international powers, fell short of condemning the Bahraini government for using excessive violence against protesters during the uprising<sup>27</sup>.

In its resolutions, such as that of 7 April 2011<sup>28</sup>, the **European Parliament** used strong terms and **condemned the violence**, called for the Bahraini authorities to respect their human rights commitments. The Parliament **demanded independent investigations** into the attacks against protestors. European Parliament Presidents Jerzy Buzek and Martin Schulz have systematically condemned the Bahraini government's violent crackdown on protests and defended the rights of Bahraini civic and human rights activists<sup>29</sup>.

The European Parliament strongly supports reconciliation and a genuine national dialogue.

The European Parliament **called for reconciliation and a genuine national** dialogue in its Resolution of 15 March 2012<sup>30</sup>. This resolution also welcomes the findings of the Bassiouni Commission.

Parliament calls upon the government of Bahrain to [...] end impunity, restore social consensus, improve human rights protection in line with international human rights standards and implement major reforms.

It condemns the ongoing violation of human rights in Bahrain and urges the Bahraini authorities and security forces to stop the excessive use of violence, repression, acts of torture, unlawful detention and prosecution of peaceful protestors.

It calls for the immediate and unconditional release of all peaceful demonstrators, political activists, human rights defenders, doctors and

<sup>&</sup>lt;sup>25</sup> Catherine Ashton's statement on Bahrain of 7 November 2012

<sup>&</sup>lt;sup>26</sup>http://www.consilium.europa.eu/uedocs/cms\_Data/docs/pressdata/EN/foraff/122162.pdf

<sup>&</sup>lt;sup>27</sup> E.g. Robert Cooper, senior adviser to Catherine Ashton, expressed understanding for the Bahraini authorities' right to 'restore calm and order'

http://www.guardian.co.uk/world/2011/mar/23/bahrain-protest-crackdown-eu-envoy

<sup>&</sup>lt;sup>28</sup> http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0148&language=EN

<sup>&</sup>lt;sup>29</sup> http://www.europarl.europa.eu/the-

<sup>&</sup>lt;u>president/en/press/press\_release\_speeches/press\_release/2012/2012-april/press\_release-2012-april-4.html</u>

<sup>&</sup>lt;sup>30</sup>http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-94

The European Parliament is in favour of enhanced political dialogue between the EU and Bahrain.

The Parliament should call on all political forces Bahrain to respond positively to the recent initiative of Crown Prince Salman. A meaningful and inclusive national dialogue is needed to overcome the vicious cycle of confrontation and

violence.

paramedics, bloggers and journalists.

In March 2011 the European Parliament also **suggested a strategic partnership** between the EU and the Gulf Cooperation Council and its Member States to enhance political dialogue<sup>31</sup>.

In view of the seriousness of the situation and the grave potential dangers of no solution, the European Parliament could consider the following **policy actions** to implement the principles stated in its resolutions:

- Reiterate its call to the VP/HR Ashton to intensify her pressure on the Bahraini Government to respect its promises on human rights, implement the necessary reforms, start independent investigations into human rights violations and ensure that those responsible are held to account. The EU should also urge the Bahraini Government to release all those detained for participating in or supporting prodemocracy activities.
- 2. Reiterate its call to the European External Action Service (EEAS) to devote more human resources to the region. Given that budgetary constraints make it unlikely that a new EU diplomatic mission could open in Bahrain immediately, the EU Delegation in Riyadh should be allocated additional human resources to facilitate political dialogue and to make the Union's efforts more effective in Bahrain.
- 3. Regarding EU exports of **arms** and other tools (e.g. tear gas) that may be used to violently repress citizens and violate human rights, ask the EEAS for a **report on** Member **States' abidance by the European Council Common Position**<sup>32</sup> defining common rules governing the control of exports of military technology and equipment.
- 4. Parliament attaches to peaceful democratic reform in Bahrain and it should therefore
- call on both sides to refrain from provocations and violent acts;
- reinforce the central messages of the Parliament's resolutions regarding the respect of the fundamental human rights and adherence to the principles of rule of law;
- encourage all political forces to respond positively to the recent initiative of Crown Prince Salman and to actively participate in the national dialogue and in future electoral processes.

<sup>31</sup> http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&language=EN

<sup>32</sup> http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0099:EN:PDF