

## Chapter II — Historical Background

### A. Basic Information about Bahrain

42. The Kingdom of Bahrain is an archipelago consisting of 33 islands, five of which are inhabited. The largest of these islands are Bahrain, Muharraq, Umm an Nasan and Sitra. Bahrain is one of the most densely populated countries in the world, with a total landmass of 760 square kilometres. To the southeast of Bahrain is the State of Qatar, and to its west lies the Kingdom of Saudi Arabia, with which it is connected by a 25 kilometre causeway. To the north and east of Bahrain lies the Islamic Republic of Iran.

43. The territory of Bahrain is divided for administrative purposes into five governorates: Asimah (which includes the capital, Manama); Janubiyah; Muharraq; Shamaliyah; and Al Wusta. As of 2010, 42% of the population lives in the two largest cities, Manama and Muharraq. According to the 2010 census, the total number of persons residing in Bahrain is 1,234,571. Of these, 568,399 are Bahraini citizens (46%) and 666,172 are expatriates (54%).<sup>19</sup> Of the total population of Bahrain, 70% are Muslim, while the remaining 30% are Christian, Hindu, Sikh, Jewish or followers of other faiths.<sup>20</sup> There are no recent publicly available figures on the exact size of the Sunni and Shia communities of Bahrain. A census undertaken in 1941 prior to Bahrain's independence placed the percentage of Sunnis at 48% and Shia at 52% of the Muslim population.<sup>21</sup> Current unofficial estimates vary between 60-70% Shia and 30-40% Sunni, although these figures, and demographic data in Bahrain generally, are a contentious issue.

### B. A Brief History of Bahrain

44. Bahrain was one of the first places to embrace Islam, and remained under Islamic rule until Portuguese forces occupied it from 1521 to 1602.<sup>22</sup> The Safavid Persian Empire displaced the Portuguese and ruled from 1602 to 1783.<sup>23</sup> The family that eventually established the modern ruling dynasty of Bahrain, the Al Khalifa, is a branch of the Bani Utbah, a tribe which settled in Kuwait in 1716. Some 60 years later, the family left Kuwait for the western coast of Qatar. There they inhabited the town of Zubarah where they engaged in commerce in pearls. In 1783 the Al Khalifa family, led by Sheikh Ahmed

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<sup>19</sup> GoB 2010 Census, [http://www.census2010.gov.bh/results\\_en.php](http://www.census2010.gov.bh/results_en.php) accessed 16 November 2011.

<sup>20</sup> GoB 2010 Census, [http://www.census2010.gov.bh/results\\_en.php](http://www.census2010.gov.bh/results_en.php) accessed 16 November 2011.

<sup>21</sup> Public Record Office, *Population Census of Bahrain*, FO 371/149151 (31 December 1955) [On file with the Commission].

<sup>22</sup> On the Portuguese presence and influence in Bahrain, see Fawzia el-Habib, *History of Portuguese Influence in Bahrain 1521-1602* (1602-1521 البحرين في البرتغالي في النفوذ البرتغالي في البحرين) (2003) (Arabic Text).

<sup>23</sup> Nelida Fuccaro, *Histories of City and State in the Persian Gulf: Manama since 1800* (Cambridge University Press 2009) pp 16-17, 26.

bin Muhammad Al Khalifa, gained control of the territory of Bahrain from the Persians who had been garrisoning the island.<sup>24</sup> This was the beginning of Al Khalifa rule in Bahrain, which continues through the present day.

45. In the early 19<sup>th</sup> century, the British Empire, as part of a policy to protect the approaches to its imperial possessions on the Indian subcontinent, entered into numerous treaties with States in the Arab Gulf. In 1820, the first of many treaties was concluded between Great Britain and Bahrain.<sup>25</sup> In 1861, the two States entered into a Perpetual Treaty of Peace and Friendship, pursuant to which Bahrain became a British protectorate.<sup>26</sup>

46. Bahrain declared independence on 15 August 1971, following the withdrawal of the British troops stationed on the island.<sup>27</sup> HH Sheikh Isa bin Salman Al Khalifa acceded to the position of Emir of the State of Bahrain, a position he held until his death in 1999. HH Sheikh Hamad bin Isa Al Khalifa then became the Emir until 2002, when a new Constitution was enacted and Bahrain was transformed into a Kingdom and the Emir was declared King of Bahrain.

47. Bahrain joined the United Nations (UN) and the League of Arab States upon independence in 1971. Bahrain is also a founding member of the six-member Cooperation Council for the Arab Gulf States, also known as the Gulf Cooperation Council (GCC). The GCC was established in 1981 as a forum for coordinating policies in various areas, including security and economic development.<sup>28</sup>

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<sup>24</sup> The Al Khalifa family did not immediately extend its full and unrivalled control over Bahrain. Rather, a number of mostly Arab tribes competed with the Al Khalifa family for influence, including the Omani Matarish tribe and Wahhabi forces from what is now Saudi Arabia. By 1811, the Al Khalifa family secured full control over Bahrain. See Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1980) pp 22-27. See also Juan Cole, *Sacred Space and Holy War: The Politics, Culture and History of Shi'ite Islam* (I.B.Tauris 2002) Chapter 3.

<sup>25</sup> General Treaty between the East India Company and the Friendly Arabs (Oman/Bahrain), 8 January 1820, 70 CTS 463; Preliminary Treaty between the East India Company and Bahrain, 5 February 1820, 70 CTS 481.

<sup>26</sup> Convention between Great Britain and Bahrain, 31 May 1861, 124 CTS 163. See generally J. F. Standish, "British Maritime Policy in the Persian Gulf" (1967) 3(4) *Middle Eastern Studies*; Michelle Burgis, *Boundaries of Discourse in the International Court of Justice: Mapping Arguments in Arab Territorial Disputes* (Martinus Nijhoff 2009) p 152.

<sup>27</sup> In March 1970, the Secretary-General of the United Nations, pursuant to a request from the Governments of Iran and the United Kingdom and exercising his good offices, sent a mission to Bahrain headed by his Personal Representative, Mr Vittorio Winspeare Guicciardi. The mission sought to ascertain the wishes of the people of Bahrain regarding their status. The Representative submitted his report, in which he concluded, "My consultations have convinced me that the overwhelming majority of the people of Bahrain wish to gain recognition of their identity in a fully independent and sovereign State free to decide for itself its relations with other States". See UN doc S/9772 (30 April 1970) ¶ 57. The Security Council unanimously endorsed the report of the Personal Representative of the Secretary-General and welcomed the conclusions and the findings of the report. See SC res 278 (1970).

<sup>28</sup> The Member States of the Gulf Cooperation Council are: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

### C. Governmental Structure and Legal System

48. According to the Constitution of 2002, Bahrain is a constitutional hereditary monarchy. The King is the Head of State, while the Prime Minister serves as the Head of Government. The Council of Ministers is appointed by the King and presided over by the Prime Minister, a position that has been held by HRH Prince Khalifa bin Salman Al Khalifa since Bahrain's independence.

49. Legislative authority is vested in a bicameral National Assembly (al-Majlis al-Watani). The lower house, the Council of Deputies (Majlis al-Nowab), consists of 40 elected members, while the upper house, the Consultative Council (Majlis al-Shura), is comprised of 40 members appointed by the King.<sup>29</sup> Members of both Councils serve four-year terms. Draft acts of parliament must be approved by the Consultative Council to pass into law, which means that the appointed chamber of the National Assembly exercises a *de facto* veto over the legislative process.<sup>30</sup> Draft acts approved by both houses of the National Assembly pass into law once ratified and promulgated by the King. The King, within six months of receiving an act approved by the National Assembly, may return it to the legislature for reconsideration, in which event it will pass into law only if approved by a two-thirds majority of both houses.<sup>31</sup>

50. The King enjoys broad executive powers, which he exercises both directly and through his ministers,<sup>32</sup> who are appointed and dismissed by Royal Decree.<sup>33</sup> The King is the Supreme Commander of the Bahrain Defence Force (BDF)<sup>34</sup> and presides over the Higher Judicial Council.<sup>35</sup> While the Council of Ministers is collectively accountable to the King,<sup>36</sup> the Council of Deputies may withdraw confidence from any cabinet member by a two-thirds majority.<sup>37</sup> The Constitution stipulates, however, that the Council of Deputies may not withhold confidence from the Prime Minister.<sup>38</sup> Rather, if the Council of Deputies finds, by a two-thirds majority, that it is unable to “cooperate” with the Prime Minister, the matter is referred to the King to adjudge by either dismissing the Prime Minister or disbanding the lower house.<sup>39</sup> Generally, the King has the right to dissolve the Council of Deputies, in which case sessions of the Consultative Council are suspended.<sup>40</sup>

51. The BDF, which includes the army, navy, air force and medical services, employs approximately 12,000 persons including civilian and

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<sup>29</sup> Constitution of Bahrain 2002, arts 51-103.

<sup>30</sup> Constitution of Bahrain 2002, art 70.

<sup>31</sup> Constitution of Bahrain 2002, art 35.

<sup>32</sup> Constitution of Bahrain 2002, art 33(c).

<sup>33</sup> Constitution of Bahrain 2002, art 33(d).

<sup>34</sup> Constitution of Bahrain 2002, art 33(g).

<sup>35</sup> Constitution of Bahrain 2002, art 33(h).

<sup>36</sup> Constitution of Bahrain 2002, art 33(c).

<sup>37</sup> Constitution of Bahrain 2002, art 66(c).

<sup>38</sup> Constitution of Bahrain 2002, art 67(a).

<sup>39</sup> Constitution of Bahrain 2002, art 67(d).

<sup>40</sup> Constitution of Bahrain 2002, arts 42(c), 55(b).

administrative personnel. It is estimated that a large number are non-nationals from Iraq, Jordan, Syria, Pakistan and Yemen. The defence policy of Bahrain is overseen by a Supreme Defence Council (SDC), which is also responsible for approving the declaration of a State of National Safety.<sup>41</sup>

52. The legal system of Bahrain is based on a hybrid of Islamic law; Egyptian civil, criminal and commercial codes; local traditional customs; and principles drawn from British common law. The court system of Bahrain includes Civil Courts, Islamic Courts and Military Courts. The judiciary is governed by Decree Law No. 42 of 2002,<sup>42</sup> which stipulates that the Civil Courts shall be divided into four tiers, starting with the Lower Courts, followed by the Higher Civil Courts, the Supreme Civil Court of Appeals and, finally, the Court of Cassation, which is the highest court of the land. These courts hear all civil, criminal and administrative cases, as well as personal status disputes involving non-Muslims. The Islamic Courts (the family and inheritance court) are divided into two jurisdictions: one hears cases according to Sunni jurisprudence while the other applies Shia Jaafari jurisprudence. Military Courts are established pursuant to article 105 of the Constitution, which stipulates that these Courts shall have jurisdiction over crimes committed by members of the BDF, the National Guard and public security officials. The Constitution also permits the extension of Military Court jurisdiction to cases not involving military personnel during the application of martial law. Public Prosecution, which is an integral branch of the judiciary, is the sole authority charged with initiating criminal proceedings, besides overseeing the work of law enforcement officials and administering prison and detention facilities.

#### **D. Economic and Social Issues**

53. Bahrain discovered oil in 1931, the first of the Arab States of the Gulf region to do so. It is however oil-poor relative to its neighbours. Bahrain's mainland oil reserves are expected to be depleted within the next 15 years. Current production levels stand at approximately 11,635 barrels per day from the mainland Awali field and 54,741 barrels per day from the offshore Abu Safah field which Bahrain shares with Saudi Arabia.<sup>43</sup> Nonetheless, petroleum production and refining continues to be the country's largest industry, currently accounting for around 79% of Bahrain's exports.<sup>44</sup> The production and export of aluminium is Bahrain's second largest industry. The financial sector, which currently accounts for 26% of growth in gross domestic product (GDP), is among the central pillars of the economy, and

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<sup>41</sup> The SDC is presided over by the King, and its membership includes the Heir Apparent, the Commander-in-Chief of the BDF, and the heads of certain government agencies, such as the Minister of Foreign Affairs, Minister of Interior, Minister of Defence and Director of the NSA. See Royal Order No. 2 of 2006. This Order was amended by Royal Order No. 15 of 2008.

<sup>42</sup> Decree Law No. 42 of 2002.

<sup>43</sup> Central Bank of Bahrain, *Economic Indicators, March 2011 – No. 31* (2011), <http://www.cbb.gov.bh/assets/E%20I%20Mar2011.pdf> p 5, accessed 16 November 2011.

<sup>44</sup> Central Bank of Bahrain, *Economic Indicators, March 2011 – No. 31* (2011), <http://www.cbb.gov.bh/assets/E%20I%20Mar2011.pdf> p 5, accessed 16 November 2011.

Bahrain is considered an important centre of Islamic banking globally.<sup>45</sup> The real estate and construction sectors, which are closely linked to the financial sector, witnessed a boom over the past decade and currently comprise about 7% of GDP.<sup>46</sup> Major Bahraini companies include Gulf Air, the Gulf Aluminium Rolling Mill Company (GARMCO), Bahrain Petroleum (BAPCO), Aluminium Bahrain (ALBA) and Batelco (telecommunications).

54. Bahrain's economy has experienced consistent growth over the past decade; the GDP real growth rate was 3.1% in 2009 and 4% in 2010.<sup>47</sup> GDP per capita has also been steadily increasing and reached USD 20,475 in the first decade of the century.<sup>48</sup> The increase in wealth has not however been equally shared across society. Policies that are seen as economically liberal and friendly to the private sector have focused largely on real estate and financial services, and some Bahrainis see these policies as benefiting only a small segment of the population.<sup>49</sup>

55. The Government of Bahrain (GoB) over the past ten years has embarked on a series of structural reforms. These include the launch of "Bahrain 2030", which the GoB describes as an economic vision for the country, which emphasizes expansion of the service, financial, tourism and high-tech sectors. The Economic Development Board (EDB) was created as an independent body chaired by HRH Prince Salman bin Hamad bin Isa Al Khalifa (HRH the Crown Prince) to "draw up the future strategy for economic development" in Bahrain. Mumtalakat, a sovereign wealth fund, was set up as an umbrella holding group for the major companies in Bahrain, including ALBA and Gulf Air. New independent regulatory bodies also have been established in association with the EDB. These include agencies overseeing higher education, labour and telecommunications. International consultancy firms have been actively involved in the establishment and operation of most of these bodies. EDB, Mumtalakat and the associated regulatory bodies are not supervised by or answerable to parliament and are run independently of the cabinet.<sup>50</sup>

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<sup>45</sup> Bahrain Economic Development Board, "Performance of the Finance Sector", *Annual Economic Review 2010* (2010) <http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/Annual%20Economic%20Review.pdf> p 36, accessed 16 November 2011.

<sup>46</sup> Bahrain Economic Development Board, "Real Estate Downturn", *Annual Economic Review 2010* (2010), <http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/Annual%20Economic%20Review.pdf> p 35, accessed 16 November 2011.

<sup>47</sup> Bahrain Economic Development Board, "Economic Overview", *Annual Economic Review 2010* (2010) <http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/Annual%20Economic%20Review.pdf> p 4, accessed 16 November 2011.

<sup>48</sup> International Monetary Fund, *World Economic Outlook Database: Bahrain* (April 2011) [http://www.imf.org/external/pubs/ft/weo/2011/01/weodata/weorept.aspx?pr.x=61&pr.y=10&sy=2009&ey=2016&scsm=1&ssd=1&sort=country&ds=.&br=1&c=419&s=NGDP\\_R%2CNGDP\\_RPCH%2CNGDP%2CNGDPD%2CNGDPDPC&grp=0&a=#cs4](http://www.imf.org/external/pubs/ft/weo/2011/01/weodata/weorept.aspx?pr.x=61&pr.y=10&sy=2009&ey=2016&scsm=1&ssd=1&sort=country&ds=.&br=1&c=419&s=NGDP_R%2CNGDP_RPCH%2CNGDP%2CNGDPD%2CNGDPDPC&grp=0&a=#cs4) accessed 16 November 2011.

<sup>49</sup> *Widespread Inequality Fanning the Flames in Bahrain*, Deutsche Welle (17 February 2011).

<sup>50</sup> Decree No. 9 of 2000 Establishing and Organising the Economic Development Board.

56. Reaction to these reforms has varied. Many have welcomed them as indispensable to enhancing Bahrain's competitiveness and attracting foreign investment, important considerations in light of dwindling oil reserves. Some however have criticised what they consider excessive privatisation of publicly owned enterprises, over-reliance on foreign consultancy firms and a disproportionate focus on the financial and the real estate sectors to the detriment of other parts of the economy.<sup>51</sup>

57. Bahrain has signed a number of trade, investment and economic agreements. It joined the World Trade Organization in 1995 and signed a Free Trade Agreement with the United States in 2006.<sup>52</sup> It has adopted bilateral investment treaties with a number of States.<sup>53</sup> Bahrain is also party to the 2001 Economic Agreement between the States of the Cooperation Council, which aims to advance economic integration and investment and trade within the GCC.

58. The latest global financial crisis affected Bahrain, although to a lesser extent than some of its neighbours. The real estate and financial sectors were particularly hard hit. Several major construction projects were delayed or cancelled.<sup>54</sup> The two main corporate banks based in Bahrain, Arab Banking Corporation and Gulf Investment Bank, had to be recapitalised several times by their owners (in both cases a coalition of Arab governments). Some large-scale scandals involving billions of dollars of alleged fraud were reported, and although some cases have been filed, none at the time of this Report had led to a conviction.<sup>55</sup>

59. According to figures produced by the Bahrain Economic Development Board, unemployment rates were below 4% at the beginning of 2011, and subsequently rose to around 4% in the following months.<sup>56</sup> Although there was job loss during the financial crisis, most notably within

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<sup>51</sup> Bahrain does not impose income taxes, which some contest may contribute to the widening gap between the rich and poor in Bahrain. See *Coming Massacre of BAPCO* (مجزرة بابكو القادمة), al-Waqt (24 January 2010)(*Arabic Text*).

<sup>52</sup> *The Bahrain Situation*, 4 (Arab Center for Research and Policy Studies, March 2011). See United States-Bahrain Free Trade Agreement, 11 January 2006, <http://www.ustr.gov/trade-agreements/free-trade-agreements/bahrain-fta/final-text> accessed 16 November 2011.

<sup>53</sup> For example, with the People's Republic of China (17 June 1999); United Kingdom (30 October 1991); Hashemite Kingdom of Jordan (8 February 2000); Kingdom of Thailand (21 May 2002); France (24 February 2004); Federal Republic of Germany (5 February 2007); and Czech Republic (1 October 2007).

<sup>54</sup> Bahrain Economic Development Board, "Economic Overview", *Annual Economic Review 2010*,

<http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/Annual%20Economic%20Review.pdf> p 34, accessed 16 November 2011. See also Elsa Baxter, "UAE Real Estate Hardest Hit in Region by Global Crisis", *Arabian Business*, 16 September 2009 ("In Bahrain 148 projects are in construction with 54 cancelled or on hold.")

<sup>55</sup> *Saad Boss Facing Criminal Charges in Bahrain*, Reuters (8 March 2011).

<sup>56</sup> Bahrain Economic Development Board, *Bahrain Economic Quarterly – 2011 Second Quarter* (2011) [http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/BEQ%20Q2%202011\(2\).pdf](http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/BEQ%20Q2%202011(2).pdf) accessed 16 November 2011.

the financial and real estate sectors, the labour market for Bahrainis has remained relatively stable. Around 83% of the total workforce is comprised of non-nationals.<sup>57</sup> Some observers of the local labour market have noted that Bahraini citizens are often at a disadvantage when competing for jobs with foreign workers, as the latter tend to accept lower wages and poorer working conditions. More than half the jobs created over the past ten years have been in the construction and services sectors, both of which overwhelmingly rely on expatriate labour.<sup>58</sup> This has been a source of discontent among underprivileged Bahraini citizens, many of whom believe that expatriates take a disproportionate share of the fruits of the national economy. Complaints regarding the size of the expatriate workforce are not new in Bahrain, and incidents of labour unrest have occurred since as early as 1938.<sup>59</sup> The GoB has attempted to reform the employment and migration system, but the number of expatriates in the country has continued to rise.<sup>60</sup>

60. Relations between locals and expatriates are generally cordial. Indeed, Bahrainis take pride in their reputation for hospitality. Nonetheless, some sources of tension exist. Lower-paid foreign workers tend to live either in isolated encampments segregated from the rest of Bahraini society, or in the historic city centres, which have been increasingly vacated by Bahrainis over the past decade.<sup>61</sup> Better paid expatriates tend to live in gated communities, often in developments on reclaimed land that were sea access points for locals. This lack of social integration and the perception of overtaking places historically inhabited by Bahrainis have created occasional tension between nationals and expatriates.

61. According to the United Nations Development Programme Human Development Index, Bahrain ranks above the Arab regional average, and is 39<sup>th</sup> out of 169 countries for which data was available.<sup>62</sup> Bahrain was the first country in the GCC to introduce formal education in 1919. The literacy rate is

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<sup>57</sup> According to statistics from the fourth quarter of 2010, the total workforce of Bahrain numbered 452,348. Of those, 77,641 are Bahraini citizens, and 374,707 are foreign nationals. See Labor Market Regulating Authority, *Bahrain Labor Market Indicators*, [http://blmi.lmra.bh/2010/12/data/ems/Table\\_05.pdf](http://blmi.lmra.bh/2010/12/data/ems/Table_05.pdf) accessed 16 November 2011.

<sup>58</sup> Martin Baldwin-Edwards, *Labour Immigration, Labour Markets and Demographics in the GCC Countries: National Patterns and Trends* (Kuwait Program on Development, Governance and Globalization in the Gulf States, London School of Economics, 2011) pp 9, 12.

<sup>59</sup> See Emile Nakhleh, *Bahrain: Political Development in a Modernizing Society* (Lexington Books 1976); Fred H. Lawson, *Bahrain: The Modernization of Autocracy* (Westview Press 1989)

<sup>60</sup> Laurence Louer, “The Political Impact of Labor Migration in Bahrain” (2008) 20 *City & Society* pp 32, 36.

<sup>61</sup> See Andrew M. Gardner, *City of Strangers: The Transnational Indian Community in Manama, Bahrain* (unpublished Master’s thesis, University of Arizona, 2005) <http://www.openthesis.org/documents/City-Strangers-Transnational-Indian-Community-126736.html> accessed 16 November 2011.

<sup>62</sup> UNDP, International Human Development Indicators: Bahrain, <http://hdrstats.undp.org/en/countries/profiles/BHR.html> accessed 16 November 2011. The Human Development Index (HDI) is a broad definition of well-being and provides a composite measure of three basic dimensions of human development: health, education and income.

nearly 90%. Education is not compulsory, but all levels of education, including higher education, are free to Bahrainis. There are three public universities in the country. In addition, Bahrain has 15 private universities, as well as local branches of foreign universities.

62. The Supreme Council of Women was established in 2001 as an advisory body with the stated goal of empowering women at all levels of Bahraini society. Women were granted suffrage and the right to stand for office under the National Action Charter. In 2006, a woman was elected to the Council of Deputies for the first time in Bahrain. This was the first time a woman was elected to a legislative chamber in the GCC. Currently, the elected chamber of the National Assembly includes four women representatives.<sup>63</sup> However, women make up 27.5% of the Consultative Council appointed by the King. In 2006, Sheikha Haya Rashed Al Khalifa became the third woman to become President of the UN General Assembly. While Bahraini women have made gains in higher education and now comprise 70% of students in tertiary education, leadership positions in both the private and public sector remain solidly male. Female participation in the labour force in 2008 stood at 35%.<sup>64</sup> In addition, the number of women in leadership positions in both public and private sectors is still disproportionately low compared with their qualifications.<sup>65</sup>

63. Access to housing and land distribution are contentious socio-political issues. Bahrainis, particularly those with lower incomes, rely upon state-subsidised housing allocated by the GoB. In recent years, however, many have criticised government housing policies for what they consider to be favouritism and delays in the distribution of housing units. Indeed, one source claims that in August 2010 approximately 53,000 families were on a waiting list for government housing.<sup>66</sup> Furthermore, many Bahraini citizens from underprivileged backgrounds, who live in poorer suburbs and outlying villages and who have access to public housing, complain of inadequate infrastructure and public service, including water and sewage services.<sup>67</sup> The Ministry of Housing denies claims of discrimination, and states that existing backlogs arise solely from population growth, land scarcity and financial limitations.

64. The problem of access to adequate housing has been accentuated by what many claim are unfair government policies regarding land distribution. Land reclamation has been used extensively in Bahrain. It is estimated that more than 70 kilometres of the coast has been reclaimed over the past thirty

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<sup>63</sup> *By-Elections Increase Woman Share in Council of Representatives to 4* (الانتخابات التكميلية ترفع 4 عدد مقاعد المرأة البحرينية في مجلس النواب إلى 4) (alarabiya.net (2 October 2011) (*Arabic Text*).

<sup>64</sup> Social Watch, *Social Watch Report 2010* (2010), <http://www.socialwatch.org/node/12060> pp 64-5, accessed 16 November 2011.

<sup>65</sup> Social Watch, *Social Watch Report 2010* (2010), <http://www.socialwatch.org/node/12060> pp 64-5, accessed 16 November 2011.

<sup>66</sup> *Homes Waiting List Record*, Gulf Daily News (5 August 2010), <http://www.gulf-daily-news.com/source/XXXIII/138/pdf/page06.pdf> accessed 16 November 2011.

<sup>67</sup> *Bahraini Shi'ites Feel Neglect in Government Housing Crunch*, Reuters (13 October 2010).

years, with the landmass of the country growing by more than 10%.<sup>68</sup> More than 90% of the newly created land is estimated to have been transferred to private hands, with more than 90% of the coastline becoming private property.<sup>69</sup> The real estate market went through a speculative phase during the past decade, with land prices increasing considerably. Starting in 2001, Bahrain allowed foreign ownership of land and real estate, further driving up prices. Critics of the GoB argue that most of the land has been divided between wealthy residential neighbourhoods and large-scale private real estate projects that have appeared across the country. A parliamentary investigation in March 2010 established that 65 square kilometres of public land valued at more than USD 40 billion had been transferred to private ventures since 2003 without the proper payment to the public treasury.<sup>70</sup> This led many to claim that senior figures in the ruling political establishment were involved in corrupt practices regarding illegitimate requisitioning of public land. Indeed, today there are few public beaches in Bahrain, and as a result of the commercialisation of coastal land, many of Bahrain's traditionally small family fisheries have lost their livelihood.<sup>71</sup>

## E. Religious and Sectarian Composition of the Population

65. Religious, sectarian and ethnic identities are an important aspect of life in Bahrain. For many, Bahrain has been a model of ethnic and inter-sectarian harmony, particularly when compared with neighbouring societies. Others argue, however, that Bahrain suffers from widespread and longstanding sect-based discrimination that has disempowered large segments of the population. As is often the case with questions of social identity, there are different and often opposing narratives and discourses, which usually arise from a mixture of historic, political, religious and economic factors. Given that inter-sectarian discord was among the central features of the disturbances that occurred in Bahrain during February and March 2011, an outline of the religious and sectarian composition of Bahraini society is indispensable to understanding this most recent round of civil unrest.

66. Some observers and political commentators have depicted Bahraini society as deeply divided between two monolithic communities, Shia and

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<sup>68</sup> Ibrahim Sherif el-Sayed "Territorial and Coastal Usurpation" ((اغتصاب الاراضي و السواحل), The Secretariat and Four Associations Forum, 10 November 2005 (*Arabic Text*)).

<sup>69</sup> *State's Property: National Fights Go on until Citizens' Lands Restored* (املاك الدولة: المعارك (الوطنية ستستمر حتى تسترجع اراضي المواطنين), Al Wasat News (12 May 2010) <http://www.alwasatnews.com/2805/news/read/420213/1.html> accessed 17 November 2011 (*Arabic Text*)).

<sup>70</sup> *Bahrain Public Lands Sold and Rented to Private Investors*, The National (25 March 2010) <http://www.thenational.ae/news/worldwide/middle-east/bahraini-public-lands-sold-and-rented-to-private-investors> accessed 16 November 2011.

<sup>71</sup> Sahar Aziz & Abdulla Musalem, *Citizens, Not Subjects: Debunking the Sectarian Narrative of Bahrain's Pro-Democracy Movement* (Institute for Social Policy and Understanding, Washington DC, July 2011) [http://ispu.org/pdfs/640\\_ISPU%20Report\\_Bahrain\\_Aziz\\_Musalem\\_WEB.pdf](http://ispu.org/pdfs/640_ISPU%20Report_Bahrain_Aziz_Musalem_WEB.pdf) p 11, accessed 16 November 2011.

Sunnis. The existence of inter-sectarian tension in Bahrain is undeniable, but a dichotomous image of Bahraini society is both inaccurate and incomplete. Islam is not the only faith practised in Bahrain. Rather, Bahrain is notable for having both Christian and Jewish communities that have lived in the country for many years.<sup>72</sup> Residents of Bahrain also adhere to various other faiths, including Hinduism and Sikhism, and they are all allowed to practise their religions freely. In addition, there are noticeable and sometimes significant differences within the Shia and Sunni communities of Bahrain in relation to their religious affiliation, political views, economic fortunes and social grievances.<sup>73</sup>

67. Ethnically, Bahraini Shia are composed of two main groups. The majority is Baharna, descended from Arab tribes originally from the Arabian Peninsula. A minority of Shia, called the Ajam, is of Persian descent.<sup>74</sup> While most Shia in Bahrain belong to the Ithna-Ashriya or “Twelver” sect of Shia Islam and follow the Ja’afari School of jurisprudence, they adhere to the teachings of a broad range of religious guides or Marja’ al-taqlid, who are eminent Shia scholars who provide guidance and leadership to the community on theological matters.<sup>75</sup> Many follow the guidance of Iran’s Grand Ayatollah Ali Khamenei of the Qum School. Politically, the Grand Ayatollah espouses the doctrine of Wilayat al-Faqih, which grants the religious establishment supreme authority over matters of both faith and state.<sup>76</sup> Other Bahraini Shia follow the guidance Ayatollah Ali Al-Sistani of the Najaf School in Iraq, which does not subscribe to the doctrine of Wilayat al-Faqih. Other jurisprudential schools that are followed by some of Bahrain’s Shia include that of Imam Mohammed Al Shirazi and Lebanese Ayatollah Mohammad Hussein Fadhlallah, neither of whom calls for the application of Wilayat al Faqih. This is particularly the case among the young, affluent and educated

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<sup>72</sup> Nancy Elly Khedouri, *From Our Beginning to Present Day* (Al Manar Press 2007).

<sup>73</sup> For an official breakdown of the religious composition of Bahraini society (including citizens and expatriates, but not presenting a breakdown on the basis of sect) see GoB 2010 Census, [http://www.census2010.gov.bh/results\\_en.php](http://www.census2010.gov.bh/results_en.php) accessed 16 November 2011.

<sup>74</sup> For a general overview of Shia communities in the Arabian Gulf, see Juan Cole & Nikki Keddie (eds), *Shi’ism and Social Protest* (Yale University Press 1986); Gawdat Bahgat, “Peace in the Persian Gulf, The Shi’is Dimension” (1999) 24 *Peace & Change* 76; Graham E. Fuller & Rend R. Francke, *The Arab Shi’a: The Forgotten Muslims* (Palgrave Macmillan 2000); Juan R. I. Cole, “Rival Empires of Trade and Imami Shiism in Eastern Arabia 1300-1800” (1987) 19 *International Journal of Middle East Studies* 177.

<sup>75</sup> For a general introduction to Shia history, thought, and jurisprudence, see: Cyril Glassé, *The Concise Encyclopaedia of Islam* (Stacey International, 1991); Iftekhhar Mahmood, *Shiism: A Religious and Political History of the Shi’i Branch of Islam* (Pine House Publishers 2007); Linda S. Walbridge, *The Most Learned of the Shi’a: The Institution of the Marja’ Taqlid* (Oxford University Press 2001); Mahmoud Hamdy Zaquzq, *Encyclopaedia of Schools in Islam* (2007)(Arabic Text); Mahmoud Hamdy Zaquzq, *General Islamic* الموسوعة الفرق والمذاهب في الإسلام (2001)(Arabic Text); Salah Aboul-So’ud, *Shi’a: Political* الموسوعة الإسلامية العامة: النشأة السياسية والعقيدة الدينية *Origin and Religious Doctrine Since the Death of the Prophet* منذ وفاة الرسول (2004)(Arabic Text); Abdel-Azeem Hanafi, *Encyclopaedia of Islamic Schools* (موسوعة الفرق والجماعات والمذاهب الإسلام) (1993) *and Groups*

<sup>76</sup> On Wilayat al-Faqih, see Rainer Brunner & Werner Ende (eds), *The Twelver Shia in Modern Times: Religious Culture & Political Culture* (Brill Publishing 2000); Mohamed Salim el-Awwa, *Political Regimes in Islamic States* (في النظام السياسي للدولة) (الإسلامية) (1983)(Arabic Text); Mohamed Abdel-Monem, *Vilayat-e Faqih: Between Theory and Application* (1991)(Arabic Text).

segments of the Shia community. The main Shia religious figures in Bahrain have a council, Al Majlis Al Ulama'ey, that acts as a mechanism to coordinate religious and theological matters that are of common concern to the various schools of thought adhered to in Bahrain.<sup>77</sup>

68. The Sunni population of Bahrain is mainly composed of Arabs of various tribal backgrounds, including the Najdis who originated from the Najd Province of central Saudi Arabia and the Huwala who originally inhabited the eastern coast of the Arabian Gulf. There are also smaller numbers of Arabs of African backgrounds who are called the Banya.<sup>78</sup> Religiously, the Shafi'i, Maliki and Hanbali schools of Sunni jurisprudence are all followed among the local population. Unlike Shia Islam, however, the Sunni religious establishment is less structured and hierarchical, owing to the absence of a system akin to the Shia Marja' al-taqlid, and religious leaders are generally less influential.<sup>79</sup> Sunni religious thought in Bahrain is dominated by two main currents. One is the Salafi movement, which adopts a literalist and puritanical understanding of Islamic doctrine, and the other is the Muslim Brotherhood, which takes its inspiration from its parent organisation in Egypt. There is also a small minority of Sufis.

69. This brief survey of the religious, sectarian and ethnic composition of the local population illustrates that within each community there are multiple views on religious, theological, political, economic and social questions. Even among those who espouse similar positions, there are divergences as to the tools and policies appropriate to attaining their objectives. Nonetheless, the religious and ideological views of some within the Shia and Sunni

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<sup>77</sup> Despite the fact that there are no resident *Marja' al-taqlid* in Bahrain, there is a number of highly influential Shiite scholars and thinkers, including: Sheikh Issa Qassim, Sheikh Mohamed Mahfouz, Sheikh Abdulla Ghurayfi.

<sup>78</sup> For an overview of the history and tribal backgrounds of Bahrain see: Abbas el-Murshed, *سلسلة تاريخ الجزيرة العربية Persian Gulf History Encyclopaedia* (2011) 3 *Arabian Gazetteer: Arabian Peninsula History Series* (Arabic Text); Mahmoud Shaker, *موسوعة تاريخ الخليج العربي Arabian Tribes* (2003) (Arabic Text); Mohamed Sulaiman Tayeb, *Encyclopaedia: Field and Historical Researches* (1994) (Arabic Text); Jamal Qasim Zakareya, *تاريخية Modern and Contemporary Persian Gulf* (1996) (Arabic Text); Mohamed Hassan Aydarus, *تاريخ الخليج العربي الحديث والمعاصر* (1996) (Arabic Text); *Studies on the Persian Gulf and Arabian Peninsula* (دراسات في تاريخ الخليج والجزيرة العربية) (2008) (Arabic Text).

<sup>79</sup> On Sunni Islamic jurisprudence and thought, see: C.G. Weeramantry, *Islamic Jurisprudence: An International Perspective* (Macmillan 1988); Majid Khaduri, *Islamic Jurisprudence: Shafii's Risala* (Johns Hopkins Press 1961); Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Islamic Texts Society 2002); Zaki-eddin Shaban, *أصول الفقه الإسلامي Principles of Islamic Jurisprudence* (1967) (Arabic Text); Mahmoud Muhamed Tantawi *أصول الفقه الإسلامي Principles of Islamic Jurisprudence* (1990) (Arabic Text); Grand Imam, Mohamed Sayed Tantawi, *Jurisprudence: Simplified Edition* (2000) (Arabic Text); Mohamed Abu-Zahra, *Islamic Jurisprudence Encyclopaedia* (1967) (Arabic Text); Mohamed el-Husseini Hanafi *Introduction to Islamic* (موسوعة الفقه الإسلامي) (1970) (Arabic Text); Mohamed Yousef Mosa, *Jurisprudence Studies* (مدخل لدراسة الفقه الإسلامي) (1964) (Arabic Text); Grand Imama, Jad-el-Islami *Islamic Jurisprudence History* (تاريخ الفقه الإسلامي) (2005) (Arabic Text); Haq Ali Jad-el-Haq, *Islamic Jurisprudence Flexibility*

communities have undoubtedly had a political impact.<sup>80</sup> On one side, the GoB and many Sunnis have continuously expressed concern at calls by some politically active Shia religious figures, community leaders and groups to replace the existing political order with an Islamic State based on the Wilayat al Faqih system analogous to the Islamic Republic of Iran. On the other hand, many Shia have been troubled when Sunnis have expressed doubts as to their loyalty to Bahrain; the Shia insist that following the teachings of a religious Marja' al-taqlid does not entail an allegiance to a foreign state.

70. Sectarian relations in Bahrain are not solely affected by questions of theology. Socio-economic factors exert an influence as well. For example, many Shia claim to be victims of systematic discrimination on religious grounds. This, they argue, is evident in the limited numbers of Shia who serve in important government agencies, such as the BDF, the NSA and the police. Discontent among Shia is further heightened by the large number of expatriates who are employed by these agencies, which generates the impression among many that this policy reflects governmental mistrust of Shiites who believe that, as Bahraini citizens, they ought to staff these positions.<sup>81</sup> Furthermore, many Shia argue that sectarian discrimination also exists in the economic sphere and claim that poverty levels among Shia are far higher than among Sunnis. This, they believe, is evidence of structural limitations designed to limit their influence in both the economic and political spheres.<sup>82</sup> In addition, Shia have pointed to many incidences of what they consider incitement to sectarian discord and hatred by certain segments of the Sunni community, particularly radical Salafi clerics whose writings and sermons equate Shiism with heresy. Moreover, while Islamic studies are mandatory in all public schools, the current curriculum is based solely on the Maliki school of Sunni Islam. Proposals to include units on Ja'afari jurisprudence have yet to materialise.<sup>83</sup> However, the observance of Shia holidays and public celebrations is allowed in Bahrain. Some Shia complain that approvals to construct new mosques are not granted as readily as Sunni mosques, while the GoB contends that the number of existing Shia mosques

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<sup>80</sup> Kenneth Katzman, *Bahrain: Reform, Security, and U.S. Policy* (Congressional Research Service, 2 March 2011) <http://fpc.state.gov/documents/organization/158480.pdf> pp 6-7, accessed 16 November 2011.

<sup>81</sup> Omar Al-Shehabi, *Demography and Bahrain's Unrest* (Arab Reform Bulletin, 16 March 2011) <http://carnegieendowment.org/2011/03/16/demography-and-bahrain-s-unrest/6b7y> accessed 16 November 2011. In 2003, the Bahrain Center for Human Rights (BCHR) conducted a study of discrimination in government employment policies that included an analysis of 32 ministries and educational institutions, and found the following: "[O]ut of 572 high-ranking public posts, Shiite citizens hold 101 jobs only, representing 18% of the total. When the research was conducted, there were 47 individuals with the rank of minister and undersecretary. Of these, there were ten Shiites, comprising 21% of the total. These do not include the critical ministries of Interior, Foreign [Affairs], Defence, Security and Justice." BCHR, *Discrimination in Bahrain: The Unwritten Law* (2003) p 10.

<sup>82</sup> *The Real Story of Bahrain's Divided Society*, The Guardian (3 March 2011) <http://www.guardian.co.uk/commentisfree/2011/mar/03/bahrain-sunnis-shia-divided-society> accessed 16 November 2011.

<sup>83</sup> United States Department of State, Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2007: Bahrain* (2007) <http://www.state.gov/g/drl/rls/irf/2007/90208.htm> accessed 16 November 2011.

and shrines surpasses that of Sunni places of worship in the country.<sup>84</sup> Overall, the number of licensed Sunni mosques as of 2008 is 360, while the number of licensed Shia places of worship stands at 863 mosques and 589 *ma'atams*.<sup>85</sup> Requests made to the Ministry of Interior (MoI) to allow live broadcasts of Friday sermons from Shia mosques (currently national television only broadcasts from Sunni mosques) have so far not been granted.

71. On the other hand, many in the Sunni community reject Shia claims of discrimination and point, for example, to what they argue are exclusively Shia spheres of influence within certain government ministries.<sup>86</sup> They also claim that the existence of many affluent Shia families with thriving businesses in various sectors evidences the absence of a purposeful governmental policy of economic discrimination against Shia. Furthermore, they assert that poverty is not a uniquely Shia phenomenon, and that many Sunnis also suffer from economic disempowerment. Some Sunnis also claim that the GoB has adopted a policy of appeasement towards Shia, particularly in the past decade, while it has not been as attentive to Sunni concerns and grievances. For example, Sunnis contend that a disproportionate number of naturalised citizens are settled in predominantly Sunni areas, which occasionally causes clashes between locals and their naturalised neighbours.<sup>87</sup>

72. The relationship between the ruling family and the sects and ethnicities of Bahrain is complex. Although Shia have expressed varying degrees of criticism of the current political system, there are influential Shia families who have been known for their close relationship to the Royal Family.<sup>88</sup> Similarly, although many Sunnis are strongly supportive of the Royal Family, some Sunni families have a history of political activism and include leading figures from the opposition movements of the twentieth century that share the grievances expressed by their Shia compatriots.<sup>89</sup> Overall, some analysts have depicted the Royal Family as seeking to perform the role of the ultimate and benevolent arbiter between the various religious, sectarian and ethnic groups of Bahraini society by periodically recognising

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<sup>84</sup> United States Department of State, Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2007: Bahrain* (2007) <http://www.state.gov/drl/rls/irf/2007/90208.htm> accessed 16 November 2011.

<sup>85</sup> *Justice Minister: Regulating Places of Warship Constitutional, Licensing Maintains Inviolability* (وزير العدل: تنظيم دور العبادة دستوري و الترخيص يحفظ حرمتها), al-Waqt (12 December 2008)(Arabic Text)

<sup>86</sup> *Supreme Organ for Ministerial Employments, al-Obeidali Stance towards Iran Intervention* (هيئة عليا للتوظيف في الوزارات و موقف العبيدلي من التدخل الإيراني!!), al-Watan, (27 April 2011)(Arabic Text). A 2005 report by the International Crisis Group noted that Shia did indeed “dominate” certain government ministries, such as the Ministry of Health and the Ministry of Industry. According to the report, over 50% of the senior posts in the latter ministry are staffed by Shiites. See International Crisis Group, *Bahrain’s Sectarian Challenge* (6 May 2005) <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrain%20Sectarian%20Challenge.pdf> accessed 16 November 2011.

<sup>87</sup> Omar Al-Shehabi, *Demography and Bahrain’s Unrest* (Arab Reform Bulletin, 16 March 2011) <http://carnegieendowment.org/2011/03/16/demography-and-bahrain-s-unrest/6b7y> accessed 16 November 2011.

<sup>88</sup> Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 41-49.

<sup>89</sup> Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 199-200.

and fulfilling the demands of the various groups while maintaining a delicate balance between them.<sup>90</sup>

73. In conclusion, in Bahrain, religious background, sectarian affiliation and ethnic origin are closely intertwined with political views and economic empowerment. Claims of sectarian discrimination and favouritism are a common accusation levied by each group against the other within the country. Furthermore, perceptions of social reality and narratives of political events in Bahrain are often laden with sectarian intonations and shaped by historical grievances. Yet Bahraini society is not divided into two monolithic sects. Within the Shia and Sunni communities, there exists a diversity of religious views and political opinions. Broad generalisations about the positions or allegiances of either sect misrepresent the social reality of Bahrain.

## **F. Political Activity**

74. Historically, religiously driven or sect-based movements were not the sole forms of political activity in Bahrain.<sup>91</sup> Indeed, for most of the 20th century, political opposition derived from secular and nationalist forces that crossed religious, sectarian and ethnic lines, and opposition leadership originated in both Sunni and Shia families.<sup>92</sup>

75. Movements calling for greater popular political representation in Bahrain can be traced to 1938, when a group of activists from both the Shia and Sunni communities presented the local rulers and the British governor with demands for a wider margin of local autonomy and self-rule, including the formation of an elected legislative council and a labour union, and called for restrictions on the admission of expatriates to the country. The movement was not successful and its leaders were either imprisoned or exiled.<sup>93</sup> Thereafter, Bahrain witnessed a succession of organised political movements and episodes of political unrest. The most significant organised political movement of this period was the Higher Executive Council (HEC), which was established in 1954 and functioned as a central forum for political coordination among the active Bahraini political forces. HEC was composed of Shia and Sunnis, and sought to mobilise support for an elected national legislative council, legalisation of labour unions, legislative and regulatory reform and establishment of a Supreme Court. The HEC was able to obtain official recognition from the ruling authorities, and subsequently established a general labour and trade union and contributed to the drafting of Bahrain's first labour code (the Labour Code of 1957). The HEC was disbanded when

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<sup>90</sup> Abdulhadi Khalaf, *The King's Dilemma: Obstacles to Political Reform in Bahrain* (Fourth Mediterranean Social and Political Research Meeting, March 2003).

<sup>91</sup> Abdulhadi Khalaf, *Contentious Politics in Bahrain: From Ethnic to National and Vice Versa* (4<sup>th</sup> Nordic Conference on Middle East Studies, 1998) <http://www.smi.uib.no/pao/khalaf.html> accessed 16 November 2011.

<sup>92</sup> Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 199-200.

<sup>93</sup> Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 197-198.

its leaders were imprisoned and exiled after unrest broke out in Bahrain following the 1956 Suez Canal crisis.<sup>94</sup>

76. The following years witnessed the emergence of secular, nationalist and leftist movements inspired by the Pan-Arabist and Nasserist thought in ascendancy during this period. These movements endeavoured to end the British presence in Bahrain and throughout the Arabian Gulf, and in some cases sought to depose the local governing authority and replace it with a republic. These included the Movement of Arab Nationalists (MAN), the National Liberation Front (NLF), which adopted communist ideology, and the Popular Front for the Liberation of Oman and the Occupied Arabian Gulf (PFLOAG), which succeeded MAN and espoused Marxist-Leninist thought. These groups drew their support mainly from the urban centres, with their cadres cutting across sectarian and ethnic lines.<sup>95</sup>

77. This period also witnessed several rounds of labour-related unrest, the most significant of which was the “March 1965 uprising”, which followed the termination of the contracts of several hundred workers employed by the local oil company BAPCO. The unrest lasted for several weeks during which six protesters were killed.<sup>96</sup> This was followed by a series of strikes in the late 1960s, culminating in a nationwide labour strike in March 1972, which was called for by a Constitutive Committee organised by workers to demand the establishment of a general labour and trade union in Bahrain. This was the first serious round of civil unrest after the independence of the State of Bahrain, and marked the first time that the BDF was deployed to contain local unrest.<sup>97</sup>

78. Following the withdrawal of British troops from Bahrain in 1971 and the proclamation of independence on 15 August 1971, HH Emir Isa Al Khalifa in 1973 promulgated the nation’s first Constitution. This document vested legislative authority in a single-chamber National Assembly that was composed of 30 directly elected representatives and the members of the Council of Ministers. The legislature enjoyed the power to direct questions to cabinet ministers and to withdraw confidence from them, but it could not vote on withdrawing confidence from the Prime Minister. The first National Assembly elected in 1973 had a significant presence of leftists, pan-Arabists, nationalists, Shia clerics and independent political figures.<sup>98</sup>

79. The National Assembly opposed the policies adopted by the executive branch on a number of issues, including the proposed State Security Law which permitted, *inter alia*, the arrest and detention of persons for up to

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<sup>94</sup>Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 197-214. See also Ahmed Hameidan, *Bahrain National Union: New Life for New National Movement* (2004)(*Arabic Text*).

<sup>95</sup> Falah Al Mudairis, *Derasa Hawl Al Harakat wal Jama'at al Seyaseya fil Bahrain*, Part 3, Serialised in Al Tali'ah, Issue No. 1533 (29 June 2002).

<sup>96</sup> Hussain Mousa, *Al Bahrain: Al Ne'dal al Wa'tani wal Demokrati* (1987) pp 62-90 (*Arabic Text*).

<sup>97</sup> See Abdulla Mutaiwi', *Safa'hat min Tareekh al 'Haraka al 'Ummaliyya Al Ba'hraiyya* (Dar Al-Kunooz Al-Adabiya, 2006) (*Arabic Text*).

<sup>98</sup> Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 228-230.

three years without trial. In response, on 25 August 1975, HH Emir Isa Al Khalifa dissolved the National Assembly, suspended those articles of the constitution that vested legislative authority in it, and issued a Royal Decree passing the State Security Law.<sup>99</sup> A State Security Court was established the same year, and remained in force until 2001. Mass arrests of individuals from the opposition followed, with wide allegations of torture and violations of international standards for due process.<sup>100</sup> For many, the suspension of the Constitution and the dissolution of this first elected parliament was a defining moment which continued to undermine trust between the GoB and the opposition, and led some to question the legitimacy of a ruling authority that effectively governed Bahrain extra-constitutionally until a new Constitution was promulgated in 2002.<sup>101</sup>

80. A further factor in the internal politics of Bahrain was the Iranian revolution of 1979. The revolution inspired politically-active Islamic movements which sought to emulate it in a number of countries.<sup>102</sup> The revolution particularly affected Bahrain for a number of reasons. First, as an island with a relatively small population, Bahrain felt more vulnerable to external threats than some of its larger Arab neighbours. These fears were exacerbated with the eruption of the Iraq-Iran War that lasted from 1980-1988 and witnessed naval confrontations between Iran and the United States, which had a large naval presence in Bahrain.<sup>103</sup> Second, many in Government and among the Sunni community feared that elements among the Shia majority of Bahrain might sympathise with attempts to overthrow the existing regime and establish an Islamic republic. Third, Iran had historical claims of sovereignty over Bahrain,<sup>104</sup> which it had only renounced in 1970 following Security Council resolution 278 (1970), by which the Security Council had welcomed the findings of the report of the Personal Representative of the Secretary-General, in particular that “the overwhelming majority of the people of Bahrain wish to gain recognition of their identity in a fully independent and

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<sup>99</sup> Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 230-233.

<sup>100</sup> In 1977, the Government of Bahrain claims to have foiled an attempted *coup d'état* led by a group of BDF officers who were associated with the Popular Front for the Liberation of Oman and the Arabian Gulf. See: Ali Rabei'a, *Experience Infanticide: Democratic Life in Bahrain* (التجربة المؤودة: الحياة الديمقراطية في البحرين) (2010) (Arabic Text).

<sup>101</sup> International Crisis Group, *Bahrain's Sectarian Challenge* (6 May 2005) <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrains%20Sectarian%20Challenge.pdf>.

<sup>102</sup> On the effects of the Iranian revolution on Middle East politics, see: R.K. Ramazani, “Iran’s Foreign Policy: Contending Orientations” (1989) 43 *Middle East Journal* 202; Eva Raketel, “Iranian Foreign Policy since the Iranian Islamic Revolution: 1979-2006” (2007) 6 *Perspectives on Global Development and Technology* 159. See also Christin Marschall, *Iran’s Persian Gulf Policy: From Khomeini to Khatami* (Routledge Curzon 2003); Frauke Heard-Bey, *Die arabischen Golfstaaten im Zeichen der islamischen Revolution* (Vertrieb 1983).

<sup>103</sup> Thomas Naff, *Gulf Security and the Iran-Iraq War* (Middle East Research Institute 1985).

<sup>104</sup> Husain Al-Baharna, The Fact-finding Mission of the United Nations Secretary-General and the Settlement of the Bahrain-Iran Dispute (1973) 22 *International & Comparative Law Quarterly* 541. See also Erik Jensen, “The Secretary-General’s Use of Good Offices and the Question of Bahrain” (1985) 14 *Millennium: Journal of International Studies* 335; Rouhollah Ramazani, “The Settlement of the Bahrain Dispute” (1972) 12 *Indian Journal of International Law* 1.

sovereign State free to decide for itself its relations with other States.”<sup>105</sup> Many Bahrainis feared, however, that the newly established regime in Tehran might renew its claims over Bahrain.

81. Locally, the Islamic revolution in Iran contributed to a perceptible shift on the Bahraini political scene. The leftist, secular and nationalist groups that had spearheaded the opposition to the British presence and then led the calls for constitutional and political reform were overtaken by Islamist movements as the leading opposition force in Bahrain.<sup>106</sup> Increasingly, religious clerics, particularly Shia scholars, became politically active and started employing religious discourse and, in some cases, utilising places of worship to mobilise public support for demands of social justice and political reform.<sup>107</sup>

82. The first major manifestation of civil unrest in Bahrain following the Iranian revolution occurred on 16 December 1981 when the Islamic Front for the Liberation of Bahrain, which was established in 1979 by the Shia cleric Abdulhadi Almadras, <sup>108</sup> attempted to overthrow the regime by force.<sup>109</sup> The GoB continues to assert that Iran supported this failed *coup d'état* financially and politically.<sup>110</sup> In the years that followed, other Islamist organisations entered the scene. Some of these limited their demands to incremental or moderate change, such as reactivating the 1973 Constitution, re-establishing the National Assembly or addressing inequality between Shia and Sunnis. Others, however, avowed overthrowing the regime and establishing an Islamic republic. Most of these organisations were led by Shia figures and clerics, and adopted a variety of means to pursue their objectives, which in some cases

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<sup>105</sup> SC res 278 (1970) (“The question of Bahrain”), 12 May 1970. See also Edward Gordon, “The Resolution of the Bahrain Dispute” (1971) 65 *American Journal of International Law* 560, pp 560-61.

<sup>106</sup> According to the International Crisis Group, this shift in the political scene in Bahrain was profound: “Prior to 1979, the government did not pursue a specifically sectarian agenda, since it viewed the most serious threat as emanating from radical leftist organizations.” International Crisis Group, *Bahrain’s Sectarian Challenge* (6 May 2005) <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrain%20Sectarian%20Challenge.pdf> accessed 16 November 2011.

<sup>107</sup> Louay Bahry, “The Socioeconomic Foundations of the Shiite Opposition in Bahrain” (2000) 11 *Mediterranean Quarterly* 129.

<sup>108</sup> Abdulhadi Almadras was a prominent Shia figure in Iraq who lived in exile in Kuwait. He was granted Bahraini citizenship and becoming a well-known religious figure in Bahrain. He was accused of being behind unrest in Bahrain after the Islamic revolution in Iran, including the coup attempt in 1981. His Bahraini citizenship was revoked and he was deported from the country.

<sup>109</sup> The Islamic Front for the Liberation of Bahrain, also known as al-Jabhah al-Islamiyyah li Tahrir al-Bahrain, was founded in 1976. The available information indicates that the front is based in Damascus but has offices in London and Tehran. The organisation is led by Muhammad Ali al Khadhari and Abd al-Hamid al-Radhi, who headed its London office. The Front advocates more radical changes in Bahrain, calling for the application of Sharia law and the replacement of the Ruling Family. See Louay Bahry, “The Opposition in Bahrain: A Bellwether for the Gulf?” (1997) 5(2) *Middle East Policy* 42.

<sup>110</sup> Kenneth Pollack, *The Persian Puzzle: The Conflict Between Iran and America* (Random House 2004) 281.

included the resort to violence. The most notable of these entities was the Bahrain Islamic Freedom Movement.<sup>111</sup>

83. A segment of the Sunni community shared some of the grievances and demands expressed by these organisations, especially those relating to political and economic reform. Most Sunnis, however, did not support the overthrow of the ruling family or establishment of an Islamic Republic.

84. The 1990s witnessed a new round of political unrest in Bahrain. The first major incident occurred in late 1994, when a petition was circulated and signed by thousands of citizens urging the GoB to undertake political reform and address the socio-economic challenges facing many Bahraini people. This movement was driven by Shia community leaders who alleged widespread anti-Shia discrimination, deprivation of civil and political rights, rampant corruption, lack of economic opportunities and rising unemployment levels. They also expressed discontent at the policy of recruiting foreign nationals to serve in Bahrain's security services while Shia were under-represented in these agencies. By late 1994, many of the leaders that led the campaign to gather support for the petition had been either imprisoned or forced into exile, which caused demonstrations to erupt calling for their release.<sup>112</sup> Despite the fact that the majority of protestors during these disturbances were Shia, many Sunnis supported calls for political reform, in particular reinstatement of the 1973 Constitution and election of a new National Assembly.<sup>113</sup>

85. In 1996 the Government of Bahrain claimed that an organisation funded and assisted by Iran called the Bahraini Hezbollah had planned and executed a terrorist operation that included assaulting and murdering a number of expatriates of South Asian origin, and attacking hotels, shopping centres, and restaurants in the suburb of Sitra.<sup>114</sup> The authorities responded forcefully to maintain order and brought the leaders and many members of the organisation to trial before State Security Courts on charges of conspiracy to overthrow the regime, colluding with a foreign state and plotting to establish an Islamic republic in Bahrain.<sup>115</sup>

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<sup>111</sup> The leaders of this movement, also called *Harakat Ahrar al Bahrayn al-Islamiyyah*, include Saeed Alshehabi and Mansour Aljamri. According to some sources, this organisation has relatively moderate Islamic views, especially when compared with more radical Shiite groups. Generally, it does not demand the application of Sharia law, but would be satisfied with the application of the 1973 constitution and a better distribution of wealth among Bahrainis. Louay Bahry, "The Opposition in Bahrain: A Bellwether for the Gulf?" (1997) 5(2) *Middle East Policy* 42.

<sup>112</sup> Human Rights Watch, *Widespread Arrests of Pro-Democracy Activists in Bahrain* (19 December 1994), cited in F. Gregory Gause III, "The Gulf Conundrum: Economic Change, Population Growth, and Political Stability in the GCC State" (1997) 20(1) *The Washington Quarterly* 142.

<sup>113</sup> Louay Bahry, "The Socioeconomic Foundations of the Shiite Opposition in Bahrain" (2000) 11(3) *Mediterranean Quarterly* 129.

<sup>114</sup> Louay Bahry, "The Socioeconomic Foundations of the Shiite Opposition in Bahrain" (2000) 11(3) *Mediterranean Quarterly* 129

<sup>115</sup> The GoB claimed that the leaders of this organisation included Saeed Alshehabi, Mansour Aljamri, Ali Salman Ahmed Salman and Hamza Kathem Aldiri. See also F. Gregory Gause

86. Following these attacks, and until the late 1990s, Bahrain witnessed occasional outbursts of social unrest, most of which were led by Shia opposition groups that continued to call for political, economic and social reform.<sup>116</sup> During this period, almost 40 people were reported to have been killed in disturbances that included obstructing roads, burning tyres and attacking police patrols. Most of these clashes occurred in less affluent Shia villages where allegations of arbitrary arrests, police brutality and even torture were widespread.<sup>117</sup> Low-intensity civil unrest continued until 1999, when, following the death of HRH Emir Isa bin Salman Al Khalifa, HRH Sheikh Hamad Bin Isa AlKhalifa became Emir of the State of Bahrain on 6 March 1999.

## G. A New Era of Promises and Challenges

87. By all accounts, the ascension to power of the current monarch, HM King Hamad, ushered in an era of hope, with optimism that the political, economic and social sources of discontent among Bahrainis would be addressed. This optimism was founded on the numerous steps that the country's new ruler undertook to ameliorate many of the grievances that had caused civil unrest in Bahrain during the previous decade.<sup>118</sup> The reforms introduced by the monarch put Bahrain, according to a leading international think tank, "at the cutting edge of regional liberalization".<sup>119</sup>

88. Among the first steps to be taken was the release of hundreds of prisoners and detained individuals who had participated in the disturbances of the mid-1990s<sup>120</sup> and the pardoning of the major opposition figure Sheikh

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III, "The Gulf Conundrum: Economic Change, Population Growth, and Political Stability in the GCC State" (1997) 20(1) *The Washington Quarterly* 142, p 145.

<sup>116</sup> Munira Fakhro, "The Uprising in Bahrain: An Assessment" in Gary G. Sick & Lawrence G. Potter (eds), *The Persian Gulf at the Millennium: Essays in Politics, Economy, Security, and Religion* (St Martin's Press 1997). See also Ute Meinel, *Die Intifada im Ölscheichtum Bahrain: Hintergründe des Aufbegehrens von 1994-1998* (Münster, 2003); Karen Dabrowska, *Bahrain Briefing: The Struggle for Democracy, December 1994-December 1996* (Colourmast 1997).

<sup>117</sup> Human Rights Watch, *Routine Abuse, Routine Denial: Civil Rights and the Political Crisis in Bahrain* (1997). See also Joe Stork, "Bahrain's Crisis Worsens" (1997) 204 (Winter) *Middle East Report* 33, pp 33-34.

<sup>118</sup> David Ransom, "Bahrain: New Emir, New Vision" (2001) 16(3) *Middle East Insight* 35, pp 35-36.

<sup>119</sup> International Crisis Group, *Bahrain's Sectarian Challenge* (6 May 2005) <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrain%20Sectarian%20Challenge.pdf> accessed 16 November 2011.

<sup>120</sup> According to Amnesty International: "On 6 June 1999, the Emir ordered the release of 320 people held without charge or trial in connection with anti-government protests and 41 political prisoners serving prison terms. On 17 November 1999 he ordered the release of another 200 political prisoners and detainees. On the occasion of Bahrain's national day, 16 December, 195 political detainees and prisoners were released following a pardon from the Emir. Another 37 prisoners and detainees were released during the second half of March 2000 following an amnesty by the Emir to mark the religious Islamic holiday of Eid al-Adha (Feast of the Sacrifice). To mark the Islamic New Year on 5 April 2000 the Emir also ordered the release of 43 detainees held for involvement in anti-government protests. Most of those released were held without charge or trial, some for up to five years." Amnesty International, *Bahrain: Human Rights Developments and Amnesty International's Continuing Concerns*,

Abdel Amir Al-Jamri.<sup>121</sup> This was followed by a pledge announced on 16 December 1999 to hold municipal elections in which, for the first time, women would be granted the right to vote. Then, on 27 September 2000, HH Emir Hamad issued a decree revisiting the composition of *Majlis Al-shoura* by appointing members of Christian, Jewish and South Asian backgrounds and increasing the total number of Shia members to nineteen.<sup>122</sup>

89. The most significant step towards political reform was announced on 23 November 2000 when HH Emir Hamad appointed a Supreme Committee for the National Charter to prepare a National Action Charter (NAC) that would provide a general framework for constitutional, legislative, judicial, political and economic reform in Bahrain.<sup>123</sup>

90. The NAC was put to a popular referendum on 14 and 15 February 2001 in which 192,262 of the 217,000 Bahraini citizens who were eligible to vote took part. The result was the overwhelming approval of the NAC with 98.4% voting in favour.<sup>124</sup> Thereafter, the Heir Apparent His Highness Sheikh Salman bin Hamad Al Khalifa was appointed as head of the committee responsible for implementing the NAC.<sup>125</sup>

91. In the days following the adoption of the NAC, further steps were undertaken to strengthen trust between the GoB and opposition forces, including the pardoning of numerous prisoners who had led the protest movement in past years and the inviting of exiled Shia religious figures, political leaders and activists to return to Bahrain. Among those who returned from exile were Sheikh Isa Qassim and Sheikh Haydar Al-Sitri, who are among the most prominent Shia clerics in Bahrain.<sup>126</sup>

92. On 18 February 2001, the Prime Minister HH Sheikh Khalifa bin Salman Al Khalifa announced the repeal of the State Security Law and the abolition of the State Security Courts, thereby removing one of the most

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MDE 11/003/2000 (21 November 2000) <http://www.unhcr.org/refworld/docid/3b83b6dc0.html> accessed 16 November 2011.

<sup>121</sup> Sheikh Al-Jamri had been detained in connection with his leadership of the movement to mobilise support for the petition that was circulated in late-1994 calling on the GoB to undertake political reform. He had been sentenced to ten years imprisonment when he was pardoned by HH Emir Hamad. See International Commission of Jurists, *Attacks on Justice – Bahrain*, 11<sup>th</sup> Edition (2002) <http://www.icj.org/download/database/pdf/bahrain.pdf> accessed 16 November 2011.

<sup>122</sup> Emir Decree No. 29 of 2000.

<sup>123</sup> J.E. Peterson, “Bahrain: Reform, Promise, and Reality” in Joshua Teitelbaum (ed) *Political Liberalization in the Persian Gulf* (Columbia University Press 2009). After the first meetings of the Supreme Committee for the National Charter, five of its members resigned to protest what they claimed to be the predetermined results of their work. Indeed, according to one account, the meetings of the committee commenced on 3 December 2000 and were scheduled to end on 16 December 2000, by which time the members were supposed to have reviewed and approved a previously prepared draft of the NAC.

<sup>124</sup> Emiri Decree No. 6 of 2001 on the Announcement of the Results of the Referendum on the National Action Plan. The National Action Charter was ratified by HH Emir Hamad pursuant to Emiri Decree No. 17 of 2001.

<sup>125</sup> J.E. Peterson, “Bahrain: Reform, Promise, and Reality” in Joshua Teitelbaum (ed) *Political Liberalization in the Persian Gulf* (Columbia University Press 2009), pp162-3.

<sup>126</sup> J.E. Peterson, “Bahrain: Reform, Promise, and Reality” in Joshua Teitelbaum (ed) *Political Liberalization in the Persian Gulf* (Columbia University Press 2009), pp162-3.

contentious issues in Bahraini politics since the dismissal of the National Assembly in 1975.<sup>127</sup> Then on 14 February 2002, HH Emir Hamad declared Bahrain a Kingdom and ascended to its throne. This was followed by the promulgation and entry into force of the amended Constitution.

93. Public reception of the constitutional amendments was mixed. Many in the opposition had expected that broad political consultations would be held before the draft constitution was adopted. They criticised the decision to promulgate the Constitution without submitting it to either public discussion or a popular referendum.<sup>128</sup> Furthermore, criticism was directed at the content of the adopted amendments. Of particular concern was what many perceived to be an excess of executive power relative to the legislature. Specifically, while Bahrainis consented in the NAC to the principle of a bicameral legislature, many Shia and Sunnis felt that the powers enjoyed by Majlis Al-shoura (Consultative Council) went beyond the consultative role to which they had expected it would be confined. To them, the fact that legislation could not pass into law without the approval of this unelected body gave the executive branch inordinate influence over the legislative process. Moreover, the requirement that constitutional amendments be approved by a two-thirds majority of the combined houses of the National Assembly excluded the possibility of revising these provisions without the consent of the King.<sup>129</sup> Some politically-active figures also considered the broad executive powers granted to the King to be inconsistent with the principles of a constitutional monarchy in which the monarch reigns but does not rule.<sup>130</sup>

94. The amended Constitution was not the sole source of discontent. Opposition forces believed that electoral districts were designed to favour pro-government candidates, and this contributed to the decision of groups, including the Al Wefaq National Islamic Society (Al Wefaq), to boycott the 2002 legislative elections.<sup>131</sup> Furthermore, a series of Decree Laws issued by

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<sup>127</sup> *Bahrain Lifts Key Security Law*, BBC (18 February 2011) [http://news.bbc.co.uk/2/hi/middle\\_east/1177690.stm](http://news.bbc.co.uk/2/hi/middle_east/1177690.stm) accessed 16 November 2011; *Bahrain: State Security Law and Court Lifted* (البحرين: إلغاء قانون أمن الدولة ومحكمة أمن الدولة), al-Wasat (18 February 2011)(Arabic Text).

<sup>128</sup> International Crisis Group, *Popular Protests in North Africa and the Middle East (III): The Bahrain Revolt* (6 April 2011) <http://www.crisisgroup.org/~media/files/middle%20east%20north%20africa/iran%20gulf/bahrain/105-%20popular%20protests%20in%20north%20africa%20and%20the%20middle%20east%20-iii-the%20bahrain%20revolt.pdf> p 3, accessed 16 November 2011.

<sup>129</sup> See Michael Herb, “Princes and Parliaments in the Arab World” (2004) 56 *Middle East Journal* 367, p 372.

<sup>130</sup> Critics refer to art 33(c) of the Bahrain Constitution 2002, which states that the King shall exercise his powers directly and through his ministers. In their view, this is incompatible with the principle that the sovereign in a constitutional monarchy reigns but does not rule. The opposition also criticises art 35 of the Constitution, including the authority of the King to object to draft laws within six months and the stipulation that those draft laws be approved by a two-thirds majority of the National Assembly to pass into law, as well the King’s right to declare a State of National Safety or Martial Law for three months without requiring the approval of the National Assembly.

<sup>131</sup> A report prepared by the National Democratic Institute on the 2002 elections observed the following: “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

HM King Hamad in the months preceding the convening of the first National Assembly after the promulgation of the amended Constitution drew criticism from opposition groups. These included Decree Law No. 56 of 2002, which effectively pardoned security personnel who had been implicated in human rights violations during the civil unrest of the mid 1990s, and Decree Law No. 47 of 2002 on the Regulation of the Press and Publishing Activities, which was considered by many to be overly restrictive.<sup>132</sup> Decree Law No. 16 of 2002, which established a National Audit Court, was also criticised for removing legislative oversight of government financial affairs by stipulating that this agency would report exclusively to the King.

95. On the other hand, supporters of the reform measures undertaken since 2002 argued that the political environment in Bahrain witnessed a palpable improvement, especially when compared with the years immediately preceding HM King Hamad's accession to the throne. Proponents of this view argue that repealing the State Security Law contributed to improving Bahrain's human rights record. They also underline the fact that, for the first time in Bahrain's history, women were granted the right to vote and run for public office.<sup>133</sup> Furthermore, they contend that the margin of freedom of expression expanded, as evidenced by the fact that around 1,150 demonstrations and sit-ins were approved by government authorities in the past decade.<sup>134</sup> In addition, the number of civil society organisations increased from 275 in 2001 to 452 in 2010.<sup>135</sup> Human rights societies were officially allowed to register, although some, like the Bahrain Center for Human Rights (BCHR), were later disbanded.

96. In 2006, the "Al-Bandar Report" scandal broke out and contributed to increasing political mistrust between the GoB and the opposition.<sup>136</sup> Salah Al-

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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 National Democratic Institute for International Affairs, *Bahrain's October 24 and 31, 2002 Legislative Elections* (2002)

[http://www.ndi.org/files/2392\\_bh\\_electionsreport\\_engpdf\\_09252008.pdf](http://www.ndi.org/files/2392_bh_electionsreport_engpdf_09252008.pdf) p 4, accessed 16 November 2011. See also *South (6) Runner Ties with 21 Runners in North (1)* (ناخب سادسة) (الجنوبية يعادل ٢١ ناخباً في أولى الشمالية), al-Wasat (27 August 2011)(Arabic Text).

<sup>132</sup> Amnesty International, *Crackdown in Bahrain, Human Rights at the Crossroads* (2011) <http://www.amnesty.org/en/library/asset/MDE11/001/2011/en/cb766afa-fba0-4218-95ec-f4648b85e620/mde110012011en.pdf> accessed 16 November 2011. In particular, Decree Law No. 47 of 2002 was criticised for its provisions that criminalise any "calls in writing for overthrowing or changing the regime" and criticism against the King or blaming His Majesty for any government action.

<sup>133</sup> Even leading opposition figures agreed that the GoB had taken positive, albeit in their view insufficient, measures towards political reform. For an interview on this matter with Sheikh Ali Salman of Al-Wefaq, see J.E. Peterson, "Bahrain: Reform, Promise, and Reality" in Joshua Teitelbaum (ed) *Political Liberalization in the Persian Gulf* (Columbia University Press 2009).

<sup>134</sup> Omar Al-Hassan et al, *Bahrain's Decade of Development: Democracy, Human Rights and Social Change* (Gulf Centre for Strategic Studies 2011) p 55.

<sup>135</sup> Omar Al-Hassan et al, *Bahrain's Decade of Development: Democracy, Human Rights and Social Change* (Gulf Centre for Strategic Studies 2011) p 55.

<sup>136</sup> Gulf Center for Democratic Development, *Bahrain: The Democratic Option and Exclusion Mechanisms* (2011)

The Al-Bandar Report is available at the following address: [www.bahrainrights.org/node/528](http://www.bahrainrights.org/node/528) accessed 16 November 2011. This website is inaccessible from Bahrain.

Bandar, a British citizen of Sudanese origin, had been hired as a consultant by the GoB. He reportedly leaked documents alleging the existence of a systematic government plan to limit the influence of Shia opposition groups and create a counterweight Sunni bloc. The documents reportedly included plans to rig the elections in favour of candidates from Sunni minority groups, create pro-government human rights organisations and fund specific newspapers and online social media tools and forums.<sup>137</sup> He further alleged that government officials were complicit in maintaining unlawful surveillance programmes directed against opposition political parties and civil organisations. News of the report led to limited public demonstrations, with some protesters blocking public roads and attacking security forces. Some protesters were detained following these demonstrations, but many were ultimately pardoned by HM King Hamad.<sup>138</sup>

97. More broadly, many in the political opposition, especially those of Shia background, have criticised what they consider to be a lack of progress in addressing the socioeconomic grievances underlying popular discontent among many Bahrainis. These include, as previously mentioned, the high levels of unemployment among Shia,<sup>139</sup> government naturalisation policies that are allegedly designed to alter the demographic balance, and the continued hiring of foreigners to serve in the security apparatus. For many, the hope and promise of political, economic and social reform that prevailed at the turn of the century had been frustrated, and doubts began to appear as to the ability and commitment of the GoB to address the grievances that contributed to the recurring rounds of civil unrest.<sup>140</sup>

98. Dissatisfaction with the pace of reforms carried over to the 2010 election. As in the 2006 election, the Shia opposition challenged the GoB's drawing of voting districts to their disadvantage. Calls were made to boycott the election. Al Wefaq did not boycott the election but other opposition groups, such as the Al-Haq movement, opted for a boycott. In the period immediately before the election, the GoB cracked down on Shia activists, in particular those who had supported the boycott, and arrested a number of Shia

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<sup>137</sup> See Hassan Fatah, *Report Cites Bid by Sunnis in Bahrain to Rig Elections*, New York Times (2 October 2006); Lauren Frayer, *Al-Bandar Ejection Exposes Bahrain Split*, Washington Post (2 October 2006); Alain Gresh, "Bandargate" et Tensions Confessionnelles, *Le Monde Diplomatique* (19 October 2006).

<sup>138</sup> Amnesty International, *Crackdown in Bahrain, Human Rights at the Crossroads* (2011) <http://www.amnesty.org/en/library/asset/MDE11/001/2011/en/cb766afa-fba0-4218-95ec-f4648b85e620/mde110012011en.pdf> accessed 16 November 2011.

<sup>139</sup> See Steven Wright, *Fixing the Kingdom: Political Evolution and Socio-Economic Challenges in Bahrain*, Qatar Occasional Papers No.3, Georgetown University Center for International and Regional Studies (2010) p 9.

<sup>140</sup> See International Crisis Group, *Popular Protests in North Africa and the Middle East (III): The Bahrain Revolt* (6 April 2011) [http://www.crisisgroup.org/~media/files/middle%20east%20north%20africa/iran%20gulf/bahrain/105-%20popular%20protests%20in%20north%20africa%20and%20the%20middle%20east%20iii-the%20bahrain%20revolt.pdf](http://www.crisisgroup.org/~/media/files/middle%20east%20north%20africa/iran%20gulf/bahrain/105-%20popular%20protests%20in%20north%20africa%20and%20the%20middle%20east%20iii-the%20bahrain%20revolt.pdf) p 3, accessed 16 November 2011.

leaders.<sup>141</sup> It was reported that the tensions resulted in a bombing that damaged four police cars on 15 September 2010.<sup>142</sup>

99. Starting in late January 2011, political activists in Bahrain were inspired by popular movements demanding political, economic and social reform in the Arab World. Shortly thereafter, calls for demonstrations to be held on 14 February were circulated to coincide with the 10<sup>th</sup> anniversary of the National Action Charter. A narrative of the events of February and March 2011 is set out in Chapter IV.

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<sup>141</sup> Kenneth Katzman, *Bahrain: Reform, Security, and U.S. Policy* (Congressional Research Service, 2 March 2011) <http://fpc.state.gov/documents/organization/158480.pdf> p 4, accessed 16 November 2011.

<sup>142</sup> Kenneth Katzman, *Bahrain: Reform, Security, and U.S. Policy* (Congressional Research Service, 2 March 2011) <http://fpc.state.gov/documents/organization/158480.pdf> p 4, accessed 16 November 2011.