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The Reform Project of Sheikh Hamad Bin Isa Al Khalifa, 2000–2001

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ABSTRACT: After Sheikh Hamad assumed power in Bahrain, he proceeded to launch his reform project, the National Action Charter (2000–2001), which marked the beginning of a new stage in Bahrain's political history characterized by openness toward the opposition and the restoration of calm and stability to the political arena after years of tension and mistrust. This Charter represented a working program for the Bahraini government, prepared on the basis of studies conducted by specialized committees that examined the internal political reality of Bahrain, with the aim of formulating a charter that would serve as an exit from the political crisis Bahrain had experienced, and as a launching point toward a better political reality guided by a clear vision and programs designed to ensure security and stability for the country.

INTRODUCTION

After Sheikh Hamad assumed power in Bahrain in 1999, following the death of his father, Sheikh Isa Al Khalifa, his reign witnessed a political opening after years of tension and escalation between the Bahraini government and the opposition. These features became clearly apparent through the steps he took upon assuming power, as he issued a general amnesty and released all detainees held in political cases. His aim through these steps was to calm the situation, win over the Bahraini street, and prepare the atmosphere for political reform, embodied in the launch of his reform project, which we have chosen as the title of our research. The year 2000 marks the starting point of the study, being the year in which the preliminary steps toward launching the project began, while 2001 marks its end point, being the year in which the Charter was issued and ratified by the King. The study required dividing the research into an introduction, two axes, and a conclusion. The first axis is titled “The National Action Charter,” and the second axis, “The Position of the Opposition Forces on the National Action Charter.”

AXIS ONE: THE NATIONAL ACTION CHARTER, 2000–2001

The features of democratic transformation and the move toward political reform in Bahrain emerged when Sheikh Hamad bin Isa Al Khalifa, Amir of the State of Bahrain, opened the ninth ordinary session of the Shura Council on 3 October 2000, delivering a speech that carried within it the first signs of this transformation. In it, he stated: “We announce the beginning of a new stage in Bahrain’s political future, the features of which will become clear this year, as we approach our National Day and the anniversary of our accession. It will include a new organizational and constitutional vision, which we will present to our loyal people within a national dialogue whose outcome will be a national charter that lays down principles and enhances growth and prosperity — a new beginning for the state and for Bahraini democracy, which looks to the future and is not bound by the burdens of the past except for what is beneficial in it” (Al-Bu’ainain, 2021, p. 9).

The actual launch came on 22 November 2000, when Sheikh Hamad bin Isa Al Khalifa, Amir of the country, issued Amiri Decree No. (36) of 2000 forming the Supreme National Committee to prepare the draft National Action Charter, with the aim of strengthening national and democratic action and advancing the course of political development (Fayyad, 2019, p. 20; Council of Representatives, Annual Report 2002–2003, p. 22).

The decree stated: “Out of our belief in strengthening national and democratic action and advancing the course of political development in a manner that achieves growth and prosperity for our Bahraini society ... and out of our awareness of the necessity of working and building for a new stage that strengthens the path of goodness, giving, and development, and out of our desire to establish a reference framework for organizing the constitutional institutions of the state ... and in confirmation of what was stated in our speech at the opening of the ninth ordinary session of the Shura Council on 3 October 2000, and what it contained regarding the definition of the basic features of the beginning of a new stage in Bahrain’s political future” (Al-Watheeqa Magazine, No. 39, 2001, p. 20).

The decree contained a number of articles, the most important of which was the formation of a Supreme National Committee to prepare the draft National Action Charter, which would define the general framework for the state’s future directions in the field of national action and the role of state institutions and their constitutional authorities in this regard. It also emphasized the committee’s commitment, in preparing the draft, to observing the values and principles firmly established in the State of Bahrain, and the essential features of the heritage and experience of the Bahraini people in political action (Amiri Decree No. 36 of 2000).

It also stated that the Supreme National Committee would consist of 46 figures representing the various segments of Bahraini society, to be chaired by Sheikh Abdullah bin Khalid Al Khalifa, Minister of Justice and Islamic Affairs, with Mr. Ibrahim Mohammed Hassan Humaidan, Speaker of the Shura Council, as deputy chairman, while leaving the committee free to seek the assistance of experts and specialists and invite them to participate in its meetings and complete its work, and to form one or more subcommittees to assist the Supreme National Committee in completing its work (Bahrain Institute for Political Development, 2021, p. 6). The chairman of the Supreme National Committee was to submit the draft Charter to the Amir, accompanied by the recommendations and studies conducted in its preparation, and to present it to a general popular conference representing all segments of society, with its adoption to be by an order issued by the Amir. It also stipulated the formation of the popular conference and its convening, and that the Charter, once endorsed by the conference, would be submitted to the Amir for ratification (Al-Bu’ainain, 2021, p. 9).

Subsequently, Amiri Decree No. (43) of 2000 was issued, adding six new members to the Supreme Committee for preparing the draft Charter (Council of Representatives, National Action Charter, 2018, p. 10). The committee then began its work on 24 November 2000 by receiving the Amir of the country at Al-Safriya Palace. Sheikh Abdullah bin Khalid Al Khalifa, chairman of the committee, presented its members on the occasion of the issuance of the Amiri order forming it. The Amir welcomed the chairman and members, expressing his pride in the elite group it comprised, which included various competencies and specializations enjoying the appreciation of all, and expressed his wishes for their success in preparing the draft national Charter (Al-Watheeqa Magazine, No. 39, 2001, p. 25).

On 29 November 2000, Sheikh Salman bin Hamad Al Khalifa received Sheikh Abdullah bin Khalid Al Khalifa, chairman of the committee, and its members, praising their work and expressing his hope that the committee’s work would mark the beginning of a new stage in the country’s political life. For their part, the chairman and members expressed their thanks and appreciation for the trust placed in them by their selection for committee membership, affirming that they had exerted every effort to accomplish this national task (Al-Watheeqa Magazine, No. 39, 2001, p. 26).

From the foregoing, it appears that through his proposal of the reform project embodied in the National Action Charter, Sheikh Hamad sought to establish a strong foundation from which to organize the work of state institutions according to a modern pattern, consistent with the phase of openness through which he aimed to provide a suitable atmosphere for restoring internal security and stability, in order to implement his reform program without obstacles or impediments.

The National Committee began its working sessions on 4 December 2000 with an opening session chaired by Sheikh Abdullah, in which the committee’s work was inaugurated. This was followed by intensive sessions, implementing Orders (36) and (43) of 2000, during which the draft project was discussed extensively. These discussions were characterized by seriousness and concern for the national interest, and respect for differing opinions, culminating in a charter that matched the leadership’s ambition and the people’s aspirations. The drafting committee completed its final report on the national action project on 18 December 2000 (Al-Watheeqa Magazine, No. 39, 2001, p. 136).

On 23 December 2000, Sheikh Hamad bin Isa Al Khalifa received the chairman and members of the Supreme National Committee for the Charter, in the presence of Sheikh Khalifa bin Salman Al Khalifa, Prime Minister, Sheikh Salman bin Hamad

Al Khalifa, Crown Prince, and a large number of members of the ruling family. A ceremony was held for the submission of the national action project to the Amir, during which the chairman of the National Committee delivered a speech affirming the committee's commitment to the important principles and directives aimed at strengthening democratic national action and advancing political development — an important step toward achieving growth and prosperity — and that political participation represented a splendid image of progress and the meeting of ruler and ruled on common ground (Al-Watheeqa Magazine, No. 39, 2001, pp. 39–43).

Upon receiving the draft Charter, Sheikh Hamad affirmed that it represented an advanced step in the country's political modernization process. In a speech on this occasion, he stated: "My hand is extended to every Bahraini man and woman, as it was extended in the pledge of allegiance to the reign, and as it will be extended in a new pledge," affirming that the Charter would be adopted and endorsed as a reference for the national course after a general popular referendum was conducted on it, to ensure general acceptance (Council of Representatives, 2018, p. 4).

When the National Action Charter became ready, everyone expected that a popular conference of a thousand political and prominent civil-society figures would be convened to approve it. However, the Sheikh did not adhere strictly to the letter of the Amiri order he himself had issued, based on the advice of experts, jurists, advisors, and the Charter committee, that a national referendum should be held instead of appointing a gathering of 1,000 public figures to approve the Charter, in order to secure genuine popular approval (Mohamoud, 2005, p. 14; Al-Nuaimi, 2002, p. 177).

Accordingly, Sheikh Hamad bin Isa Al Khalifa issued Amiri Order No. (8) on 23 January 2001, comprising five articles, stating: "Citizens, men and women, are invited to attend the referendum committee headquarters to vote on the draft National Action Charter on Wednesday and Thursday, corresponding to 14 and 15 February 2001, from seven in the morning until seven in the evening." It also specified the conditions for participation in the referendum: that the voter be a Bahraini national, at least twenty-one years of age (Gregorian calendar) on the day of the referendum, of full legal capacity, and not previously convicted of a felony unless subsequently rehabilitated, with the referendum result to be announced by decision of the Minister of Justice and Islamic Affairs within 24 hours of the completion of the vote count (Husham Ali Obai and Imad Jassim Hassan, 2021; Salman, 2008, p. 43). The King therefore tasked the Charter committee with organizing workshops and open meetings to explain the document to the people, thereby ensuring popular approval. The committee accordingly held a number of meetings in which the document was discussed openly and participatorily, with the public expressing its views effectively. More importantly, after soliciting the public's views and proposals, the committee took them into consideration. During the period of consultations, the government sensed that opposition parties were gaining increasing popular support and had the capacity to mobilize people to boycott the referendum and reject the Charter if certain demands were not met. Their grievances mainly concerned the absence of reform on the ground, and specifically the fact that, during the consultations on the new Charter, hundreds of political prisoners remained in prisons as well as in exile (Mohamoud, 2005, p. 15).

As a result, the public, in one popular meeting after another, led by opposition activists, demanded concrete results. They called for the new National Action Charter to mandate tangible measures demonstrating the sincerity of the government's reform promises, such as releasing political prisoners, permitting the return of exiles, announcing a review of the State Security Law, promising elections, and permitting limited freedom of expression and association (Mohamoud, 2005, p. 15).

Before the referendum on the Charter, the Amir issued Decree No. (10) on 5 February 2001, releasing most political prisoners and permitting the return of deportees (Al-Hadithi, No. 2, 2005, p. 31; Prasanta Kumar Pradhan, 2017, p. 33).

It appears that the purpose of releasing prisoners and allowing the return of deportees was to prepare a positive atmosphere ahead of the referendum, to ensure broad popular acceptance, while simultaneously demonstrating to the opposition that he was proceeding with a policy of openness and inclusion of all parties through his reform project.

On 14 and 15 February 2001, the people of Bahrain exercised their right to political participation by voting on the draft National Action Charter. A total of 196,262 citizens participated out of 217,579 citizens invited to vote, a turnout rate of 92 percent — one of the highest participation rates in contemporary democracies. The result of the referendum was support for the National Charter, with 194,881 votes in favor, representing 98.4 percent of total voters, meaning the Charter received the endorsement and support of the Bahraini people by an overwhelming majority (General Secretariat, 2015, p. 12; Al-Tajammu Newspaper, No. 17, 2022, p. 3).

On 16 February 2001, Amiri Order No. (17) of 2001 was issued ratifying the National Action Charter, stating: “In ratification of the will of the people of Bahrain in approving the draft National Action Charter, which confirmed their desire to achieve a better and more prosperous future, and to open better horizons for the Bahrain we want, more splendid and beautiful for us and for our coming generations, we ratify the National Action Charter” (Amiri Order No. 17 of 2001).

Sheikh Hamad delivered a speech on this occasion in which he expressed his pride in the blessing of the Bahraini people and announced Bahrain’s declaration as a constitutional kingdom, announcing at the same time the beginning of the necessary measures for democracy to accompany the declaration of the kingdom, so that the two achievements would meet to build a more beautiful future for Bahrain (Council of Representatives, 2018, p. 5).

From the foregoing, it is clearly evident that the Bahraini people voted for the Charter in order to emerge from the previous crises, which had been rife with conflicts between the government and the opposition, and out of their confidence that the National Action Charter was the optimal path to achieving political reform and transformation toward democracy, given the principles and values it contained.

Among the most important provisions of the Charter, as ratified by the King, was the affirmation of Bahrain’s historical and civilizational identity, and that the aim of governance was to safeguard the country, preserve national unity, and achieve comprehensive development in all fields, foremost among them the political field. It also affirmed the guarantee of freedoms, equality, and freedom of expression and belief. As for the system of governance, it stipulated a hereditary constitutional monarchy, with the people as the source of authority. It further affirmed the separation of powers, the independence of the judiciary, and the people’s right to participate in public affairs and enjoy political rights such as the right to vote and to run for office. It also provided for the establishment of two chambers: an elected chamber of deputies and an appointed Shura Council (National Action Charter, 16 February 2001).

From the foregoing, it clearly appears that Sheikh Hamad achieved evident success in convincing the Bahraini people of the National Action Charter and the principles it contains, and that his reform project was thus proceeding along the right path after gaining popular acceptance.

On 18 February, the state of emergency under the State Security Law was abolished. This abolition represented a step on the path of comprehensive reform and modernization, providing a clear indication of the King’s desire to reform the state’s legal and judicial systems. Decree No. (4) of 2001 was also issued abolishing the jurisdiction of the special court over ordinary crimes, thereby opening a wider scope for freedom of opinion and expression (Official Gazette, No. 2465, 2001; Al-Rabi’a, 2022, pp. 126–127).

To ensure that the provisions of the Charter, which the people had voted for unanimously, were put into effect, the King issued Decree No. (6) of 2001 establishing a “Committee for the Activation of the National Action Charter” on 24 February 2001, chaired by Sheikh Salman bin Hamad Al Khalifa, Crown Prince and Commander-in-Chief of the Bahrain Defence Force. The Prime Minister then issued Decision No. (15) of 2001 on 2 April 2001 forming the Charter Activation Committee, which comprised twelve members (Al-Nuaimi, 2023, p. 266).

The Charter Activation Committee, chaired by the Crown Prince, held several meetings in which it discussed a number of important issues, most notably the laws regulating the work of associations and clubs, the establishment of the Constitutional Court, the Civil Service Law, the Personal Status Law, the anti-monopoly law and the capital law, the nationality and passports law, the trade unions law, the press law, and laws related to women’s rights, as well as the laws regulating the judicial authority and guaranteeing judicial independence. It also discussed other issues, most notably unemployment and the provision of job opportunities for citizens, and arrived at drafts for new laws, most notably the Public Tenders Law aimed at strengthening oversight and accountability mechanisms over public funds, and the law establishing the Financial Audit Bureau. This intensive activity was carried out under the direction of the King (Abdullah and Zein al-Abidin, 2009, pp. 208–209).

In fact, these political reform steps undertaken by Sheikh Hamad bin Isa Al Khalifa since assuming power, and the issuance of his reform project embodied in the National Action Charter, can be attributed to several factors, including (Al-Falih, pp. 117–119; Salman, 2008, pp. 32–39):

1. The new leadership of Sheikh Hamad bin Isa Al Khalifa and his effective role in launching the reform process, as Sheikh Hamad recognized that reform had become necessary for building a modern state, in accordance with a new orientation and

vision regarding conditions domestically and their relationship internationally — all of which was connected to building or reinforcing legitimacy.

2. Internal societal pressures at the popular level during the period extending between 1975 and 2000, particularly 1992–1999, accompanied by acts of violence, demonstrations, repression, imprisonment, trials, exile, and unprecedented political tension. Sheikh Hamad, recognizing the gravity of the situation, moved to undertake reform to restore matters to their proper course, in order to regain the trust of the Bahraini street in its government through the launch of the reform project mentioned above.

3. The role of the external factor connected to globalization and its forces, and international human rights organizations and related bodies in Western countries, particularly the United States and Britain. The international environment thus became an important source of pressure for undertaking political reforms, especially after the events of 11 September 2001, all of which was connected to state–society interactions in Bahrain, particularly their external extensions, i.e., the opposition abroad.

From the foregoing, it can be said that Sheikh Hamad bin Isa, through his reform orientations and reform project, was able to restore stability and calm to the Bahraini street after it had been highly tense and active during the preceding period. This success is to his credit, as he was able to accurately diagnose the political situation with its internal and external influences and devise solutions appropriate to the stage.

AXIS TWO: THE POSITION OF THE OPPOSITION FORCES ON THE NATIONAL ACTION CHARTER

The reactions of the opposition forces toward the National Action Charter varied between supporters and opponents. Among those who rejected the idea of the Charter was the trend represented by the position of the Islamic Front for the Liberation of Bahrain, which issued a statement on the Charter containing a number of points (Al-Areej, 2016, p. 496; Munaisi, 2002, p. 134):

1. That the National Action Charter was part of the authority's ongoing scheme, begun in a counter-offensive since the suppression of the popular uprising and the elimination of its effects.
2. A call to boycott the referendum on the Charter and to continue the path of resistance in order to establish a system of democracy, freedom, and social justice.

There were also those who supported the Charter, a position represented by the Popular Petition Committee and one wing of the Bahrain Freedom Movement, with the position of the leftist forces generally falling within this trend, despite their reservations and strong doubts regarding what the Charter contained. These groups agreed on certain constants, most importantly (Nasser, 2016, pp. 113–114):

1. Adherence to the constants and visions contained in the Charter, and the leadership's assurances regarding its content.
2. Adherence to the 1973 Constitution as the legal basis for the reform project, with its amendment to expand citizens' rights and freedoms.

Debate also arose among opposition currents over the content of the Charter through two issues: first, the change of the state's designation from an emirate to a kingdom; and second, the formation of the legislative authority from two chambers instead of one. This debate produced several trends:

1. One trend, regarding the Charter's provision converting the Emirate of Bahrain into a constitutional kingdom, held that the Charter explained this provision only in vague terms and did not clarify the value of a transformation that changed the form of the state without changing the essence of the ruling system, the existing ruling system being a hereditary one. Several other main orientations crystallized around the text on amending the formation of the legislative authority (Al-Areej, 2016, pp. 496–497; Al-Qudra, 2014, p. 53):
 - a. One trend held that the bicameral system was larger than the small country's needs.
 - b. Another trend affirmed that the bicameral system represented major steps backward, since this formula would ensure that no law the ruler did not accept would be issued, with the ruler holding an absolute majority in political decision-making.
 - c. Others held that this proposal contravened the constitution and diminished the powers of the elected legislative authority and the principle of separation of powers, while also weakening the right of constitutional, financial, and administrative

oversight over the executive authority, and the right of constitutional interpellation, approval, and issuance (Al-Areej, 2016, pp. 496–497).

From the foregoing, it is clear that the majority of opposition forces supported the passage of the National Action Charter, despite the existence of fundamental disagreements with the government over some of the points mentioned above. It appears that the Charter, despite the observations raised about it, constituted the appropriate exit from the previous crises, and represented a meeting point between the opposition and the government, which adopted a discourse of reform and openness, seeking on the one hand to achieve popular acceptance, and on the other hand to consolidate its rule, away from an atmosphere of tension and friction that served neither the stability of the political situation nor the aspirations of a people seeking reforms that would meet their ambitions.

CONCLUSION

1. The National Action Charter represented a resolution of the tense internal political situation in Bahrain.
2. The aim of Sheikh Hamad's reform project was to restore calm and stability after years of tense relations between the government and the opposition.
3. Through his reform project, Sheikh Hamad aimed to correct the course of the political process and gain the legitimacy that would enable him to continue in power.
4. The reform project marked the beginning of a new stage in Bahrain's political history, a stage aimed at de-escalation and the reform of the political system.
5. The National Action Charter project was developed on the basis of studies by experts and committees formed to study Bahrain's political reality, on the basis of which solutions were formulated within the Charter.

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