

Governance & Politics of UAE



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Introduction

The UAE is a loose federal system consisting of seven emirates, dominated by Abu Dhabi. Within each emirate, local governments are based on traditional patriarchal monarchies and ruled by sheikhs from royal families who long held the leadership position of tribal confederations. Each emirate has its own local government, the complexity of which varies according to the size and population of the emirates.

The federal system of the UAE combines traditional and modern elements of leadership and government and has been responsible for giving the country a distinct national identity and political stability. Every emirate has a voice in the civil administration of the country, in both the supreme council and the cabinet, though the status and power of the powerful emirates of Abu Dhabi and Dubai are apparent. Critical decisions, such as approving the federal budget and choosing the President and Prime Minister, are usually reached by consensus.

Individual emirates reserve considerable power and autonomy in running their own economies and social systems. The governments are largely in the hands of royal dynasties and their local allies from other rich and powerful merchants and business families. In both the federation and the individual emirates' governments, there are no genuinely representative political institutions. Ordinary people are able to communicate their problems to local leaders by talking to them directly in the traditional consultative forum the leaders hold regularly, known as the majlis (council).

The Executive

The executive authority is in the hands of the Federal Supreme Council (FSC), the President, Vice-President, Prime Minister, and cabinet. The FSC is the highest constitutional authority and the top policy-making entity. Its members are the seven rulers of the emirates; the Council elects the President and Vice-President from amongst them. The FSC has both legislative and executive powers. It establishes general policies, ratifies federal laws and decrees, approves the nomination of the Prime Minister by the President, and accepts the Prime Minister's resignation. It also relieves him from his post upon the recommendation of the President. It meets four times a year. The rulers of Abu Dhabi and Dubai have effective veto powers. If a ruler cannot attend Federal Supreme Council meetings, he may delegate his crown prince to take his seat. Crown princes and deputy rulers attending meetings when their ruler is present have no formal role in the Council.

The head of state is the President, who serves a five-year term. The FSC elects or re-confirms a President already in office. The current President is Sheikh Khalifa bin Zayed Al Nahyan, who is also the ruler of Abu Dhabi. On 4 November 2004 he succeeded his father, Sheikh Zayed bin Sultan Al Nahyan – the first UAE President, often referred to as 'the father of the nation' – who had died two days earlier. In 2009, Sheikh Khalifa's five-year term as President was renewed. He is said to be a pro-Western modernizer.

The Vice-President also has a five-year term. He is selected by the President but needs to be approved by the FSC. The post is currently held by Sheikh Mohammed bin Rashid Al Maktoum, who is also the ruler of Dubai. Sheikh Mohammed serves also as Prime Minister. The Prime Minister, who is appointed by the President, heads the Council of Ministers, or cabinet.

Local government

The relationship between the federal and local governments is laid down in the Constitution and allows some flexibility in the distribution of authority. Traditional government still plays an important part in the government of the UAE, with the institution of the majlis (council) maintaining a role in ensuring that the people have free access to their rulers. During the majlis the leader hears grievances, mediates disputes, and disperses largesse. In theory, anyone under the leader's rule must be granted access to the majlis.

On the whole, leadership in each emirate falls to that emirate's most politically prominent tribe, and the paramount leader, the emir, is selected by the notables of the ruling tribe from among their number. The choice is usually, but not always, a son of the previous emir. Each tribe, however, has its own leader, or sheikh, and a certain degree of political pluralism, as seen in the institution of the majlis, is necessary to maintain the ruling family's position.

The Legislative

The UAE has no real elections, no political parties, and no democratic representative institutions. The country's leadership and governmental bodies are either chosen through consultations between the local traditional leaders or appointed by these officials within the framework of the Constitution. In the past, legislation came in the form of decrees by the Federal Supreme Council (FSC).

Federal National Council

A slight change in government was introduced in December 2006, in the form of limited, indirect elections for the Federal National Council (FNC), an advisory body that has existed since 1972. The FNC's functions include discussing constitutional amendments and draft laws, which may be approved, amended, or rejected (although the FNC may not submit its own draft laws); reviewing the annual draft budget of the federation; and debating international treaties and conventions. The FNC comprises 40 members, eight each from Abu Dhabi and Dubai, six each from Sharja and Ras al-Khaima, and four each from Ajman, Umm al-Quwain, and Fujaira. Until 2006 all FNC members were nominated for two-year terms by the rulers of the respective emirates.

Since then, half of its members have been elected through an electoral college of 6,689 members handpicked by the rulers of the seven emirates, who themselves nominate the other half. In 2008 the Federal Supreme Council promulgated a constitutional amendment which extended the term of FNC members from two to four years.

In the September 2011 indirect elections for the FNC, in the aftermath of the so-called Arab Spring in 2011, 129,274 Emirati citizens – two thirds of the adult population, almost 20 times the number in 2006 – now selected by the National Election Committee established in 2011, were allowed to participate in the selection of 20 of the 40 FNC candidates. Since then, there have been seven women on the council, six appointed by the rulers and one elected.

Since 1972, the FNC has completed 14 legislative sessions. According to the Constitution, federal draft laws have to pass through the FNC for review and recommendations. Over the years a majority of its recommendations and amendments have been adopted by the government, and original draft laws from the cabinet have been amended by the FNC to suit the needs of the citizens they are supposed to represent.

The Judicial

The country's legal code is based on a dual system comprising Sharia (Islamic law) courts and civil courts. (The UAE has not accepted International Court of Justice jurisdiction.) How each emirate applies this combination of

laws differs. Some, such as Dubai, tend to be more liberal and open, while others, such as Sharja, are more conservative and guarded. The legal system has yet to evolve to accommodate the rapid development of the country's social, economic, and cultural systems, so much urgently needed legislation comes in the form of decrees from the ruler or President.

The judiciary, whose independence is guaranteed by the Constitution, includes the Supreme Court – the highest institution, whose judges are appointed by the President – and the Courts of First Instance.

In the UAE's dual system, Sharia courts handle criminal and personal-status matters, and secular courts handle matters of civil law. Non-Muslims are tried for criminal offences in Sharia courts, but non-Muslims most often receive civil penalties at the discretion of the judge, rather than Sharia penalties.

The UAE's government is criticized for its refusal to abolish the death penalty, allow migrant workers substantive rights (especially the right of association), or normalize the situation of stateless people to enable them to attain full equality and receive such benefits as unconditional access to employment, health care, and other state benefits. Thirteen death sentences were handed down by courts in Sharja and Dubai in 2009, but none has been carried out.

Political Parties

The UAE has a closed political system, with no elections or political parties. The President appoints the Prime Minister and the cabinet, who manage the country's daily affairs. Delegates of the 40-member Federal National Council are partly appointed, partly elected, through an electoral college hand-picked by the leaders of the seven emirates every four years; the council serves only as an advisory body.

Political parties are prohibited in the UAE, and rights of assembly and association are limited. Independent NGOs are prohibited, and all such organizations must register with the government and are subject to closure by the government. Trade unions are illegal. In 2002, the Dubai police created a human-rights department to monitor prison conditions, rehabilitate prisoners, and conduct programmes for crime victims, but independent human-rights groups are not permitted to operate in the UAE.

Bureaucracy

The public sector is one of the largest employers in the UAE, and Emiratis fill most positions. Some government services can be time-consuming and cumbersome. The need to process millions of visitors, resident visas, and work permits, in addition to other daily services (e.g., utilities, phone, Internet services, car registration) is a major challenge to the system. Many such services still involve complicated paperwork, stamps, long queues, and multiple visits to one or several governmental or semi-governmental offices. However, much improvement has been introduced, in the form of online facilities and reorganization of some services to make them faster and more efficient, as in the case of automobile registration.

Bureaucracy is aggravated by the presence of monopolies and the tendency to centralize some major services, which excludes competitors from the private sector and reduces the effectiveness and quality of these services. A classic example of this is the semi-governmental telecommunications corporation Etisalat, which, until 2007, was the only provider of phone, Internet, and cable TV services in the country and was widely perceived as inefficient. The creation of a second semi-governmental company, du, to break Etisalat's monopoly, has improved the situation by introducing more competition and choice for residents, but the improvement has not been drastic.

Because government jobs are mostly open to UAE citizens preferentially, Emirati nationals tend to prefer working there. Other reasons for this preference include high salaries, excellent benefits (including pensions), flexible and short working hours, and a relaxed work environment. As a result, all state sectors (such as the police and armed forces), governmental ministries (such as Immigration and Naturalization), and semi-public institutions, such as the telecommunications giant Etisalat – tend to be overstaffed with UAE citizens.

In addition to poor services, nepotism, and wasta, some of the bureaucratic problems are caused by the loose centralization of administration and the lack of uniform procedures that are accepted in all the seven emirates. Changing jobs and residency from one emirate to another (such as from Dubai to Abu Dhabi) would normally require a lengthy and complicated process of changing work permits, sponsors, and residency status.

Institutional Reforms

There have been, since 2006, some efforts at reforming the federal and local government systems. The government vision was expressed in its strategic plan of 2007, covering six developmental sectors – social, economic, public, justice and safety, infrastructure and rural areas development, based on the National Programme of 2005, prepared by the federal ministries. Steps are to be taken to increase cooperation between federal and local government bodies, improve efficiency, revitalize the ministries' regulatory and policy-making roles, and upgrade the civil services.

One of the most important political reforms was the introduction, in 2006, of indirect elections of half the members of the Federal National Council. There were also efforts intended to enhance the effectiveness and transparency of public institutions. The UAE already had a state auditing body that controls federal funds and checks official financial records. Abu Dhabi has the largest annual budget in the UAE, and its expenditures are nearly three times the federal spending, because of its high oil production. As part of the fiscal reforms, it has created the Abu Dhabi Accountability Authority (ADAA), which closely monitors the revenues and expenditure of all government institutions and ensures that state funds are managed properly. The body is authorized to check the revenues and expenditures of all local government departments, including the National Consultative Council, city government, public establishments, and all institutions in which the Abu Dhabi government has at least a 25 percent ownership. The ADAA also controls the implementation of all loan agreements and monitors the investments and financial records at those public establishments, and supervising their inventories and warehouses.

Other reforms include the amendment of Article 62 of the Constitution, forbidding the Prime Minister, his deputies, and any federal minister from entering into business transactions with the federal or local governments or to hold any other jobs.

Political Reform and the Arab Spring

The popular uprisings in the region that began in January 2011 in Tunisia and quickly spread to Egypt, Libya, Bahrain, Oman, Yemen, and Syria, led the UAE to introduce political reforms. Before the Arab Uprising, the most significant reform took place in December 2006, when limited, indirect elections were held for half of the 40-seat Federal National Council (FNC). This measure, and the participation of nine women in the parliament, is intended to be the first phase of a process designed to enhance public participation and the role played by the FNC in government. Other steps include a strengthening of the legislative and legal powers of the FNC and the development of more effective channels of coordination between the FNC and executive authorities

such as the cabinet. Since the election, the FNC has questioned government ministers on inflation and other mainly economic and social issues. Its sessions are open to the public. In addition, each emirate has its own consultative council.

In response to the changes in the regional political environment, the FNC increased the strength and base of the electoral college from 7,000 voters in 2006 to 130,000 in 2011, representing a larger proportion of UAE nationals over the age of 21. As described by the Minister of State for FNC Affairs, Anwar Gargash, the step is designed to encourage 'wider participation that will support and strengthen the federal experience as envisioned by His Highness the President'. Gargash also stressed the importance of the increase in the number of women and young people in the electoral college.

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