Public Personnel Administration in Kuwait

By

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PUBLIC PERSONNEL ADMINISTRATION IN KUWAIT

KASSAB
To My Parents
The objective of this study is to make an analytical survey of the existing organization and practices in the field of public personnel administration in Kuwait, to examine the problems encountering the civil service, and to present recommendations for its improvement. It is earnestly hoped that this work may comprise a springboard for more comprehensive and penetrating research about the public personnel system of this young and, in some respects, unique state.

The production of oil in 1946 and the ensuing flow of its immense revenues into the public treasury turned Kuwait into a welfare state where the government undertakes responsibility for rendering various free services to the public. The government is assuming numerous responsibilities -- many of which are undertaken by the private sector in other countries -- particularly in the spheres of social welfare, education, health, and construction. These responsibilities account primarily for the rapid expansion of the civil service to carry out the multifarious government functions, which were further augmented by the country's independence in 1961 which gave
her full control over her foreign relations. The recruitment of a large number of foreigners into the civil service due to the lack of adequately qualified nationals for public office has caused the emergence of many problems affecting the service. One noteworthy problem, for example, is the existence of many special, and often confusing, regulations governing foreign personnel apart from the general laws regulating the public service. In trying to analyze and propose solutions for these problems the author adopted the sociological approach which attempts to reveal the problems that spring from the cultural elements in the society and the organizational approach which depicts and analyzes the prevailing shortcomings and weaknesses of the current personnel rules and practices.

The thesis comprises seven chapters. The first introductory chapter involves a description and evaluation of the various geographical, historical, social, economic, and political aspects of the country with a view of elucidating the influence of environmental factors on the system of personnel administration. The second chapter is devoted to the illustration of the organization and structure of the government; with an emphasis on the
functions, jurisdictions, organization, and interrelationships of the three branches of government: the legislative, the executive, and the judicial. The personnel processes per se—recruitment, examination, selection, probation, promotion, transfer, secondment, separation, and re-engagement—are examined in the third chapter. Pre-entry training sponsored by the Ministry of Education, as well as various programs of in-service training administered by the Civil Service Commission and the Institute of Economic and Social Planning in the Middle East are described and evaluated in the fourth chapter. The fifth chapter scrutinizes the position classification system, pay policy, allowances, and fringe benefits existing in the government service. The sixth chapter deals with an analytical description of the machinery handling the personnel aspects of the civil service, namely, the Civil Service Commission and the ministerial personnel offices and personnel committees. Although the defects of the personnel regulations and practices in force have been pointed out under the appropriate topics in the course of these six chapters, a comprehensive survey of the most prominent problems and weaknesses of the public personnel system is made in chapter VII which embodies also a number of suggestions.
for rectifying those weaknesses.

The material included in this study is based primarily on the operative personnel policy and regulations, supported by extensive interviews with appropriate officials and personal observation.

A major difficulty that encountered the author in undertaking this study was the lack of a compilation of personnel laws and regulations which are scattered in different issues of the official gazette and government offices. The lack of academic research relevant to the study, together with the embarrassment which the author had to endure in reading a large number of books written about Kuwait for the mere purpose of making "profit" rather than advancing objective information comprised another predicament.

I am greatly indebted in completing this work to several persons who rendered their kind assistance and advice to me. My sincerest gratitude is due to my advisor, Professor Adnan Iskandar, the present chairman of the P.S.P.A. Department of A.U.B., for his invaluable guidance in writing the thesis and developing its analytical character. I am also pleased to acknowledge my indebtedness to Professor Ralph Crow, Professor Elie Salem, and Professor Iskandar Bashir of the P.S.P.A. Department, A.U.B., for
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Earnest thanks are extended to all government officials with whom the author had personal interviews for their generous supply of time and patience in providing the necessary information requested from them. Special obligation is acknowledged to Dr., 'Uthman K. 'Uthman, Constitutional Expert of the Kuwaiti National Assembly, for reading and commenting on chapter II of this study.

Any shortcomings in thought or expression remain entirely my responsibility,

Ibrahim K. Kassab

March, 1967
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CHAPTER I
INTRODUCTION
A GENERAL BACKGROUND

A. Geographical Description

Situated on the North-West shore of the Arabian Gulf, between 28° - 30° latitude and 46° - 48° longitude, Kuwait is bordered on the North and West by Iraq, on the South and South-West by Saudi Arabia, and on the East by the Gulf.¹

The mainland of Kuwait is, broadly speaking, a gently undulating sandy plain broken by occasional low hills as in the South East and the North East. It is roughly triangular in shape, with a base of approximately 130 miles running East and West, and a maximum North-South dimension of about 115 miles.

In addition to the mainland whose area amounts to 15,000 square kilometers (5,800 square miles), a number of islands account for an additional 1,000 square kilometers (400 square miles). The largest of these islands, Bubiyan, is very low-

lying and uninhabited. Among the other islands of Faylakah, Meskan, Aouhah, Kubar, Um-al-Maradin, and Um-al-Naml, only Faylakah - which is of remarkable historical and archeological significance - has a settled population.²

To the south of Kuwait there lies a Neutral Zone of 2,500 square miles, jointly administered by Kuwait and Saudi Arabia in accordance with the Ojaier agreement of 1922.³ The Neutral Zone is a sandy forlorn desert which until the discovery and exploitation of its oil reserves was of minor regard and sparsely populated.

According to the population census of 1965 the inhabitants of Kuwait numbered 467,339, 220,059 of whom were Kuwaitis, the rest being of other Arab and foreign nationalities.⁴

The climate of Kuwait is that of a sub-tropical desert, with extremely hot rainless summers, but moderate and cool winters. Shade temperature may soar as high as 50°C at mid-day in summer; while in winter the temperature may decline to 15°C and even zero degree at night.

²Ibid., p. 282

³Ibid.

Severe sandstorms which inhibit plant growth and flowering may blow in any month of the year, particularly in May, June, and July. Plants which endure aridity and insufficient irrigation, like some grass and shrubs, usually grow in the desert. \(^5\)

Except for its huge petroleum reserves, Kuwait has few natural resources. No metallic minerals have been discovered; though gravel, shingle, and lime-stone are available.

From the agricultural viewpoint, Kuwait may be classified as an arid zone, having a small and precarious amount of rainfall averaging annually four inches. \(^6\)

Of the few oases found in Kuwait, none is of proper significance except Jahrah which has a soil of alluvial sandy loam, some ten to twelve feet thick, resting on coarse sands and gravel. Its wells provide irrigation water of a somewhat saline nature. Alfalfa, date palms, and vegetables are cultivated.

A number of wells, generally of brackish water, are to be found in other parts of the country, as at Sulaibiyah, while

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\(^6\) \textit{Ibid.}, p. 39.
a natural reservoir of fresh water had been recently discovered at Rawdhat eain. There are however no streams, rivers or surface waters. Kuwait has hopes of expanding availability of newly discovered sweet water supplies, and a project of piping fresh water from the Shat-al- Arab river in Iraq is anticipated to be executed. Sea water is at present distilled at huge desalting units.

B. Historical Development

The name Kuwait is a diminutive of "Kut", meaning a small fort; and is thought to have applied originally to the remnants of a sixteenth century Portuguese castle. The land remained under the control of the dominant Banu Khalid tribes until about the middle of the eighteenth century when the present ruling family - Al-Sabah - replaced them in power following the election of Sheikh Sabah the first by the population as their first Amir.

The importance and prosperity of Kuwait as a trading center increased during the besiegement and occupation of Basrah

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by the Persians from 1776 till 1779. Ships carrying Indian goods to the port of Basrah diverted their route to Kuwait, from where shipments were transported to Baghdad, Aleppo, and Damascus. 9

The Danish explorer Carsten Niebuhr, who visited Kuwait in 1763, estimated the population then as ten thousand persons, owning about eight hundred ships which they employed in the occupations of trade, sea-faring, fishing and pearl-diving. 10

The Turkish rule over Kuwait during the nineteenth century remained nominal till 1866 when Kuwait raised the Turkish flag under Amir 'Abdullah the Second. When in 1871 Amir Abdullah assisted the vali of Baghdad, Midhat Pasha, in invading the district of Al-Hasa, the Turkish Government considered Kuwait a Qa'immaqamiah attached to the vilayet of Basrah; and the Amir was awarded the title of Qa'immaqam. 11

On January 23, 1889 the first treaty between Kuwait and Britain was concluded. The main reasons which gave rise to

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the treaty were:12 (1) the Turkish policy which was evidently influenced by calumnies against the ruler of Kuwait then, Sheikh Mubarak; and its suspicion of his allegiance to Britain. (2) British restlessness at the Turkish concession granted to Germany for building the Berlin - Baghdad railway, for which Kuwait would have been the natural eastern terminus. (3) The suspicion of Britain that Russia intended to construct a port or coal station in Kuwait.

The essence of the treaty, which regulated the British - Kuwaiti relations for a long period, was that Sheikh Mubarak freely pledged and bound himself, together with his heirs and successors, not to receive the representative of any government at Kuwait without the previous sanction of the British Government; and not to cede, sell, mortgage or give for any purpose any portion of his territory to the government or subjects of any other power without the consent of Her Majesty's Government.13

In return for these obligations, Sheikh Mubarak secured the following benefits, which were not, however, expressly stated in the agreement:14 (1) the placement of Kuwait under British protection, (2) the recognition of Sheikh Mubarak as a

12Husein, op. cit., p. 28.
14Husein, op. cit., p. 30.
constitutional sovereign, and (3) the consideration of Kuwait as an internally independent emirate whose succession was confined to the descendents of Sheikh Mubarak.

A series of subsequent agreements were concluded between the British Government and Sheikh Mubarak, most noteworthy of which was the well-known exclusive oil agreement of October, 1913 in accordance with which Sheikh Mubarak undertook not to grant a concession for the exploitation of Kuwait's oil to any one other than the person designated by the British Government.\textsuperscript{15}

The first British political agency was established in Kuwait in 1904.\textsuperscript{16}

The Ottoman sovereignty over Kuwait was virtually relinquished when Britain and Turkey concluded in July, 1913 a treaty that embodied the implicit Turkish recognition of the Kuwaiti - British agreements, and of Kuwait's status as an internally independent emirate, protected by Britain.\textsuperscript{17}

Thus the modern history of Kuwait may be considered to begin with Sheikh Mubarak's reign, for it was under him that

\textsuperscript{15} Ibid., p. 31.

\textsuperscript{16} Al-Shamlan, \textit{op. cit.}, p. 149.

\textsuperscript{17} Husein, \textit{op. cit.}, p. 31.
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\(^{15}\)Ibid., p. 31.

\(^{16}\)Al-Shamlan, op.cit., p. 149.

\(^{17}\)Husein, op.cit., p. 31.
Kuwait emerged towards the turn of the nineteenth century as a securely established state, independent of her mightier neighbours.  

Sheikh Mubarak was succeeded by his son Jabir for two years; after which Jabir's brother, Salem, took over on February 5, 1917. Despite his steadfastness and valor, Salem's inexperience in politics incurred the deterioration of his relations with Ibn-Sa'ud and the British Government. Britain enforced in February, 1918 a sea-blockade of Kuwait upon discovering that supplies were reaching the Turks in Damascus from Kuwait via the desert; while the tense relations with Ibn-Sa'ud led to the battle of Hamadh in 1919 and the battle of Jahra in 1920, in which the Wahhabi forces, instigated by Ibn-Sa'ud, inflicted serious casualties among the Kuwaiti forces.

With the death of Sheikh Salem his nephew, Amir Ahmad-bin-Jabir, acceded to the throne on March 2, 1921. It was in 1937, during Sheikh Ahmad's tenure, that the first constitutional

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19 Al-Shamlian, op. cit., p. 183.


21 Husein, op. cit., p. 33.

22 Al-Farhan, op. cit., p. 92.
experiment took place in Kuwait. The Amir allowed the election of a number of dignitaries to form a legislative assembly to assist him in the administration of the emirate. The experiment was, however, short-lived as the council was dissolved.\textsuperscript{23} The main accomplishment of that assembly was the creation of a number of Government departments which formed Kuwait's basic administrative framework till 1962 when a new administrative structure was set up. Two other following councils were established but were, likewise, short-lived and no better than the first assembly.\textsuperscript{24}

Sheikh Ahmad was succeeded on February 25, 1950 by his cousin, Sheikh Abdullah al-Salem al-Sabah, who presided over the fast constitutional, economic, educational, and social development of Kuwait, after achieving its full independence on June 19, 1961 when the Kuwaiti - British treaty of 1889 was abrogated.

Sheikh Abdullah passed away on November 24, 1965 and was succeeded by his brother and viceroy, Sheikh Sabah al-Salem al-Sabah, the present ruler.

Following its independence Kuwait joined the Arab League in July, 1961; and became a member state in the United Nations Organization on May 14, 1963.

\textsuperscript{23} Ibid., p. 94.

\textsuperscript{24} Qal'aji, \textit{op. cit.}, p. 56.
C. Social Constitution

Prior to the production of oil in 1946, an event that marked a profound change in the basic features of the social environment in Kuwait, the life of inhabitants was closely bound up with the sea and the desert. Desert life and sea occupations determined the essential features of the society as a confined local community of definite norms, customs, and social values.25

The arid nature of the land forced the people to seek their living from sea-connected occupations as pearl-diving, fishing, naval trade, and ship-building.26

Pearl-diving comprised the main occupation in which Kuwaitis engaged since their early settlement; although it was an extremely hard and perilous craft which demanded great exertion, endurance, and observation of strict discipline.27 Pearl-diving flourished remarkably in Kuwait by the eve of the first world war when about eight hundred ships with a crew of approximately thirty thousand men were employed in it.28 The economic depression

25 Husein, op. cit., p. 79.
28 Husein, op. cit., p. 46.
subsequent to the war, together with the introduction of
the Japanese culture pearl, played havoc to the industry. 29
The occupation deteriorated still more during the twenty years
that followed, till it was almost abandoned with the emergence
of the oil industry.

The pearling ship was governed by a strict discipline
that allowed the captain absolute authority; and by observed
naval traditions and customs, most prominent of which were
unquestioning obedience, honesty, and confidence in the captain. 30

This discipline which controlled pearl-diving made
eminent reflections on the norms and social constitution of
the society. One of its effects was the mutual confidence
and trust in the words of honor that stamped personal dealings. 31
Another effect was manifest in the composition of the family
and the special status of its head, which to a considerable
extent resembled the status of the ship captain as an obeyed
leader. 32 The cooperation of the crew in operating the ship
reflected itself in their simple realistic lives. Thus Kuwait-
is lived cooperatively as a large family of notable solidarity. 33

29 Dickson, The Arab of The Desert, op.cit., p. 484.
30 Husein, op.cit., p. 49.
31 Qal'aji, op.cit., p. 124.
32 Ibid. p. 123.
33 "Al-Mujtama' Al-Mahalli fi al-Kuwait....", op.cit., p.5.
Pearl-diving was also distinctly portrayed in folk literature, songs, and dances.\textsuperscript{34} Even academic teaching was highly connected with the requirements of the major economic activities, especially diving and trading.\textsuperscript{35}

The nature of the tribal life in the desert also had a considerably significant influence in shaping the social features of the community in Kuwait. Until recently, the Kuwaiti society followed a sheer tribal organization that was free of any complications undemanded by a simple social discipline.\textsuperscript{36} The tribal organization in accordance with which the chieftain is customarily designated by virtue of age, valour or sagacity laid certain bases for the organization and traditions of the family. The family head assumed the role of an autocratic ruler whose authority had to be duly observed by his family, as well as other kin-families in certain instances.\textsuperscript{37}

Tribal traditions were similarly distinct in marriage rules. A high ranking family would not accept wedding their daughters to other families of inferior lineage. That is why marriage within the same tribe was a common phenomenon.\textsuperscript{38}

\textsuperscript{34} \textit{Ibid.}, p. 6.

\textsuperscript{35} \textit{Qal'aji}, \textit{op.cit.}, p. 123.

\textsuperscript{36} Husein, \textit{op.cit.}, p. 79.

\textsuperscript{37} "\text{`Al-Mujtama' al-Mahalli fi al-Kuwait..."}, \textit{op.cit.}, p. 4.

\textsuperscript{38} Husein, \textit{op.cit.}, p. 57.
This tradition is expected, however, to wither in the new society where the spread of education, the development of social maturity, and the emergence of the individual's loyalty to the entire society, rather than the family, seem to be re-fashioning the social structure of the community.

The family comprised the basic unit in the social organization. It derived its standing and esteem principally from its tribal lineage and connection with such occupations as diving and trade. The personality of the individual was almost fused in his family's. 39

These were the main features of Kuwait's social background before the production of oil, which signified the beginning of a new social era. The appearance of oil on the scene resulted in the degeneration of the old traditional careers as naval trade and pearl-diving. In consequence, the traditions and customs pertaining to those extinct careers began simultaneously vanishing; thus giving rise to a social vacuum that allowed much extemporization, imitation, and experimentation. 40

The new oil industry afforded an invaluable opportunity to the well-to-do Kuwaiti merchants to multiply their fortunes,

40 Husein, op.cit., p. 83.
especially by applying modern administrative and business techniques. While the rich became increasingly richer in the absence of income taxes, the unskilled sea-workers found only chances of employment for meagre wages. 41

The rapid growth and development of the city required its re-planning for providing more convenient sanitary residence areas, Government offices, schools, hospitals, streets, and public squares.

The process of development and growth required also a new administrative machinery to assume the increasing responsibilities. Thus new Government agencies were established and the functions of already existing departments were augmented.

With the growing complexity of the new society, the flow of foreigners employed by the Government and oil companies, and the termination of the judicial jurisdiction previously exercised by the British Political Residency, new courts and judicial procedures were established to settle the increasing complicated disputes and intricate cases. 42 Experts were

41 Ibid.
42 Ibid., p. 87.
recruited to draft new laws to regulate the complex society.

Due to the scarcity of skilled local manpower, oil companies had to recruit their staff and technicians from outside. As the newcomers were of different nationalities, they constituted groups of varied customs and social rearing. A social interaction among all these groups has been taking place and affecting noticeably the traditions and social behaviour of the Kuwaitis.

The immense oil revenues pouring into the state purse turned Kuwait into a welfare state and impelled the Government to undertake responsibility for social welfare by ensuring adequate minimum standards of living and rendering various free services to the public.

The role assumed by the Government in the social field has eclipsed the past tradition where the people themselves voluntarily cooperated in rushing assistance to the destitute. It further enhanced the fading of the collective cooperative attitude, and encouraged the emergence of individualistic egoism in defiance of the old group morale.

The "large family" began splitting into smaller families;

43 Ibid., p. 89.

44 Ibid., p. 87.
and the authority of the family head as a revered leader began abating to be assumed by the Government. The sentimental approach that characterized craft relationships in the past has been overruled by impersonal sheer financial dealings. Neighbourhood units have disintegrated owing to re-housing in scattered areas away from the old city. The change in the customs and moral outlook of the people is generating an obvious social problem: The inarticulate ambition of the young generation to be up-to-date is driving them to seize upon the obvious externals of western life and to jettison the outward customs and morality which afforded in the past the people's pride and strength.

All these changes, together with the new living patterns, spread of education, and increasing contact with the outside world have seriously shaken the pillars of the old society and its characteristic traditions, customs, and values. Consequently a new rudimentary social system, whose main features are not yet firmly established, is emerging to replace the old one that existed before the flow of oil revenues. In fact the society is passing a stage of transformation in which the old traditions and the new patterns are

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46 Ibid.
47 Freeth, op.cit., p. 155.
interacting in the presence of diverse factors, most influential of which is probably the material element.\textsuperscript{48}

Contradictions in the behaviour, customs, and moral outlook of the old and new generations constitute an eminent feature of the stage of transformation. The sudden flow of wealth which allowed no time for gradual evolution, and the very short transitional period during which all changes occurred have widened the gap between the two generations. Differences may be observed even in outward practices. While some people have for instance dressed in European-styled clothes and used European utensils, others are still adhering to their traditional smock "Dishdashah" and head cloth and cord "Kufiyah and 'Agal".

In short, it may be concluded that although the customs, traditions, moral outlook and other features of the past social order have been violently shaken and increasingly disregarded, the new social system is still, despite the changes it has introduced, in the embryonic stage of development, and has not yet firmly consolidated itself once and for all.

\textbf{D. Economic Conditions}

A unique characteristic of Kuwait's economy is its

\textsuperscript{48} Interview with the Undersecretary of the Ministry of Social Affairs and Labour, March 13, 1965.
almost complete dependence upon one source of income - oil. Agriculture is virtually impossible because of the very limited rainfall; and apart from oil and a certain amount of lime no minerals or other raw materials of commercial value have been discovered as yet to serve as a basis for industrial activity.

Before the oil era, sea trade, pearling, fishing, and boat-building provided the basic sources of income, which have become nowadays ineffective due to the large scale sea-borne trade and ship-building in which a non-industrialized small country as Kuwait can not be competitive; while cultivated pearls are winning the markets of natural pearls.  

The entire development of the country is based on oil which affords over ninety percent of the Government's income. More than a third of the total disposable income is vested in the hands of the Government through which about three quarters of disposable income in private hands is channelled. The Government is not only the channel through which the oil income is spent, but is also the biggest employer in the country, for a third of the labour force is Government employed. Nearly one half of the ordinary expenditure is allotted in the budget for

the payment of civil servants' salaries.\footnote{51}

While many countries face difficulties in their balance of payments, Kuwait stands in a happy position of possessing abundant claims on foreign exchange. This has enabled her to maintain a high level of importation of consumption goods while simultaneously meeting all requirements for the import of capital goods and maintaining, moreover, a soaring rate of savings, estimated at about 50\% of the national income in 1963.\footnote{52} This solid financial structure is afforded by the abundant flow of foreign exchange receipts from the oil companies. The Government allocates a certain percentage of these receipts to its foreign reserves and converts the remainder into local currency to meet its current and capital expenditure.\footnote{53}

Although the income per head in Kuwait exceeds a thousand pounds sterling, the economy has still a long way to go in terms of creating the necessary social overhead capital, diversifying the sources of income, and increasing the productivity of labour.\footnote{54} The Government has already achieved

\footnotesize

53 \textit{Ibid.}
a creditable advance in this direction, supported by two major factors in its favour: time and money. The handsome foreign exchange earnings suffice to cover the cost of imports, finance various development programs, and afford various free services that include schooling and medical treatment.

The Government has been so far expending its immense income in three main directions: internal reconstruction, social services, and industrialization.\(^{55}\) A more recent trend has been the investment of large sums of money in other Arab countries, through the Kuwait Fund for Arab Economic Development which was established in 1961 to assist the Arab states in enhancing their paces of economic progress by supplying them with loans for the execution of their development programs. The loans granted by the Fund so far carry interest rates of 3% to 4% and are approved with maturities ranging from ten to twenty years.\(^{56}\)

Internally, the Government has been investing in various business undertakings and corporations. For example, it holds 60% of the shares of the Kuwait National Petroleum Company,

\(^{55}\) Ibid.

and is a full owner of the Kuwait Airways Company. It has a 25% share in the Kuwait Hotels Company and owns half the shares in the National Industries Company which runs a sand lime brick factory and a cement products factory. It has also re-established the Kuwait Petrochemical Company with the object of making petrochemical products and thus utilizing Kuwait's enormous supply of natural gas which is still being burnt off.\textsuperscript{57}

With the intention of diversification and subsequent reduction of the economy's entire reliance on oil revenues in mind, the Government established in 1962 the Planning Board to scrutinize the State's whole economic structure and consider the practicability of industrialization and increased overseas investment. The Board was endowed with the power of supervising, with the advantage of expert counsel, Kuwait's economic and social growth by way of a series of five-year plans; and it was made answerable only to the Council of Ministers.\textsuperscript{58}

In Kuwait, as in other countries, the focal point of annual government expenditure is the budget which operates on a twelve-month basis fiscal year commencing first April. The budget is drawn up under three heads: Head A shows the total revenue, Head B covers ordinary expenditure, and Head C provides

\textsuperscript{57}Kuwait Today: A Welfare State, op. cit., pp. 76-77.

\textsuperscript{58}Ibid., p. 88.
for the financing of development projects and land acquisition.

The revenue is divided under ten headings, the largest of which is derived from oil income-including royalties- and may comprise as much as 94% of the aggregate income. Oil revenues of the fiscal year 1965 / 1966 were estimated at 217,581,141 KDs, while the total revenues were estimated at 230,845,856 KDs. The figures indicate that oil revenues constituted actually 94.2% of the total income for that year.

The second largest item, comprising about 3%, is yielded by customs duties and port fees. There is a general duty of 4% on every import; with certain exceptions including Government imports, food stuffs, and oil companies imports.

Due to its geographical situation and a combination of other circumstances, Kuwait must of necessity import a tremendous amount of diverse merchandise running at about one quarter of a billion dollars annually.

The next comparatively minute sources of income include registration fees for buying or vending property, quarantine duty, court charges, Government's income from selling and renting State lands and property, postal revenue, telegraph and telephone services,

60Kuwait Today: A Welfare State, op. cit., p. 75.
electricity and water charges, hospital charges, and sale of Government publications. 62

Apart from oil, Kuwait's present exports include shrimp, fish, skins, concrete products, sand-lime bricks, pearls, truffles, postage stamps, and periodicals.

Out of the 205 million KDs revenue estimate of the fiscal year 1964-65, 120 million KDs were allocated for ordinary expenditure, 72 million KDs for development projects and land acquisition, while the remaining 13 million KDs were put to reserve. 63

Kuwait ranks as the world's fourth largest oil producer after the U.S.A., U.S.S.R., and Venezuela; and is second only to Venezuela in the quantity of exported oil. It also ranks first among producing countries in oil reserves as the land holds at least 25% of the Free World's total reserves. 64

Kuwait is still the largest crude oil producer in the Middle East. Its production in 1963 reached 765 million barrels, with an increase of 17.10% over the 1962 production. Of this quantity, the largest share of 705,471,732 barrels was produced by the Kuwait Oil Company, Limited. The American Independent

62 Kuwait Today: A Welfare State, op. cit., p. 76.
63 Kuwait, Ministry of Finance and Oil, Budget of 1964/1965.
Oil Company produced 35,562,900 barrels; while the third producing company, the Arabian Oil Company, Limited (Japan) which operates in the waters of the Kuwait-Saudi Arabia Neutral Zone produced 48,272,390 barrels (half of which belong to Kuwait.)  

There are currently four companies engaged in the exploration, production, and exploitation of oil within the territories of Kuwait and the Neutral Zone. These are the Kuwait Oil Company, the American Independent Oil Company, the Arabian Oil Company (Japan), and the Kuwait National Petroleum Company.

The banking field in Kuwait has been developing fast and is energetically approaching the sophistication level of the best established systems in the world. There are currently four commercial banks in operation besides the Kuwait Credit Bank which is a Government enterprise established to provide loans for house-building as well as agricultural and light industrial projects.

The currency in use now in Kuwait is the Kuwaiti Dinar (equal to one sterling pound) which was introduced in 1961 following the redemption of the Indian Rupee then in circulation. Kuwait's currency backing is among the strongest in the world, because the Currency Laws stipulate that the assets of the Currency Reserve Fund should equal the value of the currency in circulation.

66 *Felber, op. cit.*, p. 32.
and that not less than 50% should be in gold. 67

E. Political Characteristics

Kuwait is an independent sovereign Arab state whose hereditary succession is confined to the descendants of Mubarak Al-Sabah. 68 The Constitution, freely granted and promulgated on November 11, 1962 by the late Amir 'Abdullah Al-Salem Al-Sabah, asserts in the preamble the role which Kuwait intends to assume in promoting world peace and human civilization, besides fulfilling the exigencies of democratic rule at home.

The preamble stresses further the State's aspiration towards a future of higher international standing, ample political freedom, equality, and social justice.

The Constitution reflects in a number of provisions the democratic quality of Kuwait's system of government. Article 6 affirms that sovereignty is vested in the nation as the source of all authority. Freedom of the individual, in its various aspects, is protected. The Constitution provides for an unrestricted freedom of religious conviction to the extent that the observance of religious rites does not conflict with morals

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67 Kuwait Today: A Welfare State, op. cit., p. 68.
68 Kuwait, Constitution, Art. 4.
or disturb public order,\textsuperscript{69} guarantees the freedom of opinion and scientific research,\textsuperscript{70} warrants the freedom of the press and publication,\textsuperscript{71} secures the liberty of forming societies and unions on national grounds and by peaceful means in accordance with the stipulations specified by law,\textsuperscript{72} permits public assemblies and processions provided they are of peaceful purposes and means and are not incompatible with morals,\textsuperscript{73} and guarantees personal liberty.\textsuperscript{74}

All these assurances of liberties are expected to promote political maturity and consciousness among the people; and consequently foster the influence of public opinion, which a democratic regime encourages to become ultimately the backbone of its popularity. Another feature of Kuwait's democracy is displayed by the effort to preserve the dignity and rights of the individual. The Constitution regards the people as peers in human dignity and equalizes them in respect of public rights and obligations.\textsuperscript{75}

\textsuperscript{69} Ibid., Art. 35.
\textsuperscript{70} Ibid., Art. 36.
\textsuperscript{71} Ibid., Art. 37.
\textsuperscript{72} Ibid., Art. 43.
\textsuperscript{73} Ibid., Art. 44.
\textsuperscript{74} Ibid., Art. 30.
\textsuperscript{75} Ibid., Art. 29.
The Constitution has apparently sought a democratic system of government that is intermediate between the parliamentary and the presidential forms of government, though seemingly inclining more towards the former system. The inclination towards the parliamentary system arises from the fact that the Head of the State is not elected directly by the people as it is the practice in the presidential system. It also originates from the desire to preserve the traditional popular character of the Government and maintain the practice of "shoura" or consultation through parliamentary checks and controls. As it is the practice in constitutional democratic states, the system of government in Kuwait is established on the principle of separation and cooperation of powers. The legislative power is vested in the Amir and the National Assembly; the executive power is vested in the Amir, the Cabinet, and the Ministers; while the judicial power is exercised by the Courts in the Amir's name.

The Constitution provides for the liberty of establishing societies and unions on national bases and by peaceful means, but does not expressly allow the establishment of political parties or agencies. According to the explanatory memorandum of the Constitution, the permission of forming political agencies was not expressed in order not to institute a constitutional

\[76\text{Ibid., Art. 50.}\]
obligation of granting such a permission. The lack of such a written commitment does not, however, imply prohibiting the establishment of political parties in the future. In fact the constitutional text neither allows nor prohibits the formation of political parties, but leaves the matter for future legislation, as convenient.

In fact the short independence period until now has not been sufficient for political doctrines and trends to propagate and consolidate themselves in the form of organized political parties. The absence of officially licensed political parties does not, however, mean that political trends and pressure groups are completely non-existent. Actually, different political views are espoused by the press and parliamentary pressure groups. The two apparently outstanding political trends are the pro-Arab nationalist view cherishing the aspiration of a unified Arab world; and, on the other extreme, the isolationist view advocating the preservation of Kuwait's independent status and its detachment from schemes of Arab unity or federation. Officially the Constitution clearly states that the people of Kuwait are part of the Arab nation.77 As a member state of the Arab League Kuwait honours its commitments in full and cooperates with the member states for the promotion of Arab welfare. Within the League it pursues strict neutrality in conflicts arising between

77 Ibid., Art. 1.
Arab states and acts as a remover of grievances making for Arab understanding and unity. Kuwait's foreign policy is dominated in one degree or another by a sense of Arabism extending from generous economic aid on one hand to the demonstration of Arab nationalist feelings on the other.\textsuperscript{78}

On the international scene, Kuwait's policy is that of cooperation with other member states of the United Nations Organization, and of non-alignment or neutrality in the "cold war" between the Western alliance and the Communist bloc.\textsuperscript{79}


\textsuperscript{78}Kuwait Today: A Welfare State, op. cit., p. 9.

\textsuperscript{79}Ibid., p. 10.
CHAPTER II
ORGANIZATION AND STRUCTURE OF THE GOVERNMENT

With the promulgation of the Constitution on November 11, 1962, basic changes were brought about in the central structure of the Kuwaiti government. Prior to that date, the ultimate power of government, both legislative and executive, resided with the Amir. The Amir acted both, as head of the State and head of the ruling family. In the second capacity, his authority would seem to have been as absolute as in the first except that the family had a collective voice in the selection of a successor from among descendants of the Mubarak branch of the Sabah family.\(^1\) Apart from domestic relationships, the family character of the government was reflected in the fact that the highest advisory and deciding body in the state was the Supreme Council, which consisted of ten presidents of departments\(^2\) belonging to the governing branch of the Sabah family; and was responsible for assisting the Amir in discharging the functions of ratifying laws and

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\(^{2}\) Departments were converted into ministries in January, 1962; and accordingly, presidents of departments became ministers. The highest administrative officials below the president of a department were the director general and deputy director general (now undersecretary and assistant undersecretary).
regulations, approving the budget, and directing the various affairs of the country.\textsuperscript{3} In the absence of the Ruler, who could preside over its sessions, the council had no chairman, which marked the equal status of its members and underlined its character as a family council.

The principal weakness in the central government was the lack of unity and coordination. The all-embracing authority of the Ruler would have made for unity had it not been that as a result of his exalted position and the inadequate capacity of his secretariat, he was almost isolated from the daily business of government and even from the policy making centers in the agencies.\textsuperscript{4} The elements of coordination and unity weakened rapidly below the Ruler’s level of authority because of the observed principle of absolute equality among the members of the Supreme Council. Each was in full charge of one or more separate segments of the administration, with neither a prime minister nor a party-in-power to coordinate among those segments. The resulting departmentalization was further intensified down the hierarchy by an eminent bureaucratic tendency to build little empires under each chief in the absence of coordination from above.


\textsuperscript{4} The Economic Development of Kuwait, op. cit., p. 31.
The establishment of the office of Prime Minister by the Constitution carried therefore special significance as an essential step towards instituting coordination and integration among the various ministries. The other fundamental change effected by the Constitution was the establishment of a National Assembly, and the clear distribution of functions and authorities among the three branches of government: The executive, the legislative, and the judicial.

The system of government is currently based on the principle of separation of powers functioning in cooperation with each other in compliance with the provisions of the Constitution. None of the powers may relinquish all or part of its jurisdiction as prescribed in the Constitution.

Executive power is vested in the Amir, the Cabinet, and the Ministers;⁵ legislative power is vested in the Amir and the National Assembly;⁶ and judicial power is vested in the Courts which exercise it in the Amir's name within the limits of the Constitution.⁷ The discussion on these powers shall reveal their functions, authorities, organization, and interrelationships.

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⁵ Kuwait, Constitution, Art. 52
⁶ Ibid., Art. 51
⁷ Ibid., Art. 53
A. The Executive Power

The executive functions are committed to the Amir, the Cabinet, and the Ministers.

The Amir

The Amir is the Head of the State whose person is immune and inviolable. He exercises his powers by medium of his ministers. He appoints the Prime Minister, after traditional consultations, and relieves him of office. He also appoints the ministers and relieves them of office upon the recommendation of the Prime Minister.

The Amir has the right to propose, sanction, and promulgate laws. The promulgation of laws takes place within thirty days following the date of their submission by the National Assembly. In case of urgency, decided upon by a majority vote of the National Assembly, the mentioned period is curtailed to seven days. If the period stipulated for the promulgation of a law expires without the Amir demanding reconsideration, such law would be deemed ratified and would be accordingly promulgated.

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8 Ibid., Art. 54
9 Ibid., Art. 55
10 Ibid., Art. 56
11 Ibid., Art. 65
In accordance with the Constitution, the Amir lays down by means of decrees, or other less formal instruments, the regulations necessary for the implementation of laws without amending or suspending such laws or allowing any exemption from their execution.\textsuperscript{12} He also issues, by decree, the necessary regulations and other rules for the organization of public services and administration in such a manner as to avoid conflict with the laws.\textsuperscript{13}

The Amir has the right to propose the amendment of the Constitution, with the exclusion of some articles specified therein;\textsuperscript{14} and is constitutionally empowered to dissolve the National Assembly by a decree indicating the reasons for dissolution.\textsuperscript{15}

The Amir appoints civil and military functionaries and diplomatic representatives to foreign states and dismisses them in accordance with the law.\textsuperscript{16}

Should incidents requiring urgent measures occur while the National Assembly is not in session or dissolved,

\textsuperscript{12} Ibid., Art. 72
\textsuperscript{13} Ibid., Art. 73
\textsuperscript{14} Ibid., Art. 174
\textsuperscript{15} Ibid., Art. 107
\textsuperscript{16} Ibid., Art. 74
the Amir can promulgate decrees in respect thereof which would carry the force of law under the condition that they do not infringe the Constitution or violate the budgetary appropriations. Such decrees should nevertheless be referred to the National Assembly within a fortnight when it is in session. In case it is dissolved, or if its legislative term has expired, the decrees should be referred to the next Assembly at its first meeting. If they are not thus referred or if the Assembly refuses to confirm them, they would retrospectively cease to have the force of law unless the Assembly sanctions their validity for the preceding period or settles in some other manner the effects deriving therefrom.  

The Cabinet

The cabinet is composed of the Prime Minister and the Ministers who are appointed and relieved of office by the Amir. Ministers are selected from amongst members of the National Assembly as well as other quarters, and their entire number may not exceed one third that of the members of the National Assembly. Ministers who are not elected members of the National Assembly are considered ex-officio members thereof. While the cabinet is collectively

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17 Ibid., Art. 71
18 Ibid., Art. 56
19 Ibid., Art. 80
responsible to the Amir for the general policy of the State, ministers are also individually answerable to the Amir for the affairs of their respective ministries. Every minister is further accountable for the actions of his ministry to the National Assembly where he should be prepared for questions and interpellations with regard to matters falling within his competence.

The Prime Minister presides over the meetings of the cabinet and undertakes the task of supervising the coordination of activities of the various ministries. He does not hold any portfolio and is not subject to a vote of no-confidence at the National Assembly. If the Assembly decides, however, that it cannot cooperate with the Prime Minister, the issue would be referred to the Amir who either relieves the Prime Minister of his post or dissolves the Assembly. If the latter alternative is applied and the new Assembly confirms by a majority vote that it cannot, likewise, cooperate with the Prime Minister, he would be considered to have resigned with effect from the date of the Assembly's decision, and a new cabinet would be accordingly formed. The resignation of the Prime Minister or his release from office entails the

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20 Ibid., Art. 58

21 Ibid., Art. 102
resignation or removal of all other ministers.\(^{22}\)

The primary function of the cabinet comprises, broadly speaking, the control and supervision over the interests of the State, the formulation of the Government's general policy and pursuance of its enforcement, and the control of operations in Government departments.\(^{23}\)

The cabinet seems to enjoy a remarkable degree of security and power vis-à-vis the National Assembly. Thus it is not collectively subject to a vote of confidence by the Assembly; and even the issuance of a no-confidence vote against a minister has to go through a detailed cumbersome procedure. The question of confidence in a minister may not be raised except upon his request or that of one-fifth of the Assembly members following the debate of an interpelation; and the Assembly may not announce its decision upon the request before the lapse of seven days from the date of its submission thereof. Furthermore, a majority vote of the members composing the Assembly — excluding ministers — is stipulated for the withdrawal of confidence from a minister. While it is constitutionally qualified to call the attention of the Amir, when necessary, that it cannot cooperate with

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\(^{22}\) Ibid., Art. 129

\(^{23}\) Ibid., Art. 129
the Prime Minister, the Assembly hesitates in practice to resort to this action which may involve its dissolution. In fact the Assembly has never yet passed a no-confidence vote against a minister or declared that it cannot cooperate with a prime minister.

The Constitution has further consolidated the power of the executive authority vis-a-vis the legislature by empowering the Amir to act without prerequisite reference to the National Assembly in a number of important situations, including the designation of a Deputy Amir (to exercise the authorities of the Amir during his absence), the declaration of defensive war, the proclamation of martial law, and the maintenance of a cabinet in power by force of the Amir's confidence rather than the National Assembly's.

Apart from the forementioned legal framework of security provided for the cabinet, its power has been hitherto enhanced by the inaptitude and reluctance of the National Assembly to exercise stringent control over the executive authority for diverse reasons. The parliamentary experiment was introduced only recently in the country and the majority of the National Assembly members are not yet sufficiently versed in parliamentary practices. In fact the major proportion of the members of the first Assembly elected in January, 1963 lacked the adequate educational qualifications and comprehension of the
dimensions of their legislative authority. Consequently, it has been observed that these members had been much more occupied with securing services for their electorate - including the appointment and promotion of their supporters in the civil service - than with scrutinizing legislation and supervising the conduct of work in the executive machinery of the state. The educational incompetence of the Assembly members has obstructed their appropriate examination of legislative bills referred to the Assembly by the Government which possesses the advantage of expertise over the legislature, as it employs a large number of experts who draft its bills.

Since ministers are considered ex-officio members of the National Assembly even when they are not elected members thereof, their votes contribute in guaranteeing a majority vote at the Assembly in support of Government bills.

In view of the special esteem with which the people regard the Sabah family which has been ruling Kuwait for about two centuries, members of the Assembly have been refraining from directing severe criticisms to the governments, which had been all so far headed by members of the ruling family. Even stricture against actions of individual ministers is infrequently directed to ministers who are members of the ruling family.
The security and stability afforded as such to the executive authority can, if adequately utilized, enable it to implement its policies and programs with mitigated worries about checks and obstacles which arise normally from rigorous legislative control.

The power of the legislature is anticipated, however, to increase gradually as parliamentary life becomes more firmly established in the country by time; and as more capable and educated individuals are elected for future assemblies. This point throws light, in the judgment of some political circles, on the sympathy of the Government with the idea recently advocated by some newspapers of establishing a senate which would moderate the power of future National Assemblies in confronting cabinets.\(^{24}\)

Ministerial Organization

There are at present fourteen ministries through which the business of Government is carried out. They are the ministries of: Foreign Affairs, Interior, Finance and Oil, Commerce and Industry, Justice, Education, Public Works, Electricity and Water, Guidance and Information,

\(^{24}\) Interview with Mr. Sulaiman Mutawa', a former member of the National Assembly, November 23, 1966.
Awqaf and Islamic Affairs, Social Affairs and Labour, Public Health, Posts and Telegraph, and Defense.

There is no uniform and systematic pattern of administrative organization applied in all ministries. The organizational set-up almost varies from one ministry to the other in view of the fact that the organization of each ministry is the function of its minister, and that no coordinating central or ministerial C & M offices exist. Ministries are, however, organized in general in the manner described hereunder.

The business of a ministry is transacted under the direction of a minister who is the political head of the ministry, and who is answerable to the Amir and the National Assembly for its policy and the execution of its work. But the actual execution of the work of the ministry, however, is the responsibility of the undersecretary. The undersecretary is the administrative head of the ministry and the principal advisor to the minister on all matters of policy and administration.

In some ministries, where the volume of the work exceeds the manageable charge of an undersecretary, one

or more wings are established with an assistant undersecretary in charge of such wing. The assistant undersecretary is usually vested with the maximum measure of independent functioning and responsibility in connection with all business falling within the wing; subject, however, to the general responsibility of the undersecretary for the administration of the ministry as a whole.

Under the level of undersecretary and assistant undersecretary the work is organized in a number of departments, each under a director.

A department consists usually of a number of divisions, each headed by a controller. The division is practically the basic unit in the administrative structure where the actual work is carried out and the majority of decisions are initiated.

Where the volume and importance of work are not sufficient to justify a full-fledged division, the administrative unit is called a section under the charge of a section officer.

The above description of ministerial organization may be illustrated by the sample organization chart of the Ministry of Posts, Telegraph, and Telephone shown on the next page.
CHART II - 1

ORGANIZATION CHART OF THE MINISTRY OF POSTS, TELEGRAPH, AND TELEPHONE

- Minister
  - Undersecretary
    - Assistant Undersecretary for Administrative Affairs
      - Director of The Financial Affairs Department
        - Warehouse Controller
        - Budget Section Officer
        - Purchasing Section Officer
        - Warehouse and Cost Accounting Section Officer
      - Director of the Administrative Affairs Department
        - General Register Controller
        - Public Relations Section Officer
        - Transportation Section Officer
        - Labour Affairs Section Officer
    - Director of the Telegraph and Telephone Department
      - Personnel Controller
      - Movement Controller
      - Telephone Directory Section Officer
      - Contracts Section Officer
      - International Relations Section Officer
      - Telegraph Controller
      - Telephone Controller
    - Assistant Undersecretary for Technical Affairs
      - Senior Engineer
      - Internal Services Controller
      - External Accounts Section Officer
      - International Relations Section Officer
      - Post Offices
B. The Legislature (The National Assembly)

The National Assembly in Kuwait is composed of fifty members elected directly by universal suffrage and secret ballot for a four-year term not extendible except for a war contingency.

Membership of the Assembly is incompatible with the assumption of public office except in cases where cumulation is permitted in accordance with the Constitution.

The Assembly's annual session may not be of less than eight months duration and may not be prorogued before approving the budget. The Amir inaugurates the annual session with an Amiri speech reviewing the state's prevailing conditions and the important public matters which occurred during the preceding year, and surveying the projects and reforms the Government intends to accomplish in the course of the new year. The Assembly prepares a reply to the

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27 Constitution, op. cit., Art. 83.

28 Ibid., Art. 120.


speech embodying its comments and wishes.\footnote{Ibid., Art. 105.}

During the first week of its annual session the Assembly forms the committees necessary for its functions. The permanent committees of the Assembly are those of petitions and complaints, financial and economic affairs; legislative and legal affairs, education and guidance, health, social affairs and labour, foreign affairs, and public utilities.\footnote{Al-Kuwait Al-Yawm, No. 427, \textit{op. cit.}, Law No. 12/1963, Art. 43, p. 9.}

The Assembly elects at its first sitting, and for the duration of its term, a president and a vice-president from amongst its members. The president represents the Assembly in its contacts with other agencies, supervises virtually its entire activities, and controls its committees and general secretariat in accordance with the provisions of the Constitution as well as the Assembly's Internal Regulations and other applicable laws.\footnote{Ibid., Art. 30, p. 7.} He exercises with respect to the administration and personnel of the Assembly an equal authority as that granted to a minister in controlling his ministry.\footnote{Ibid.}
In addition to these expressed functions, the president wields remarkable informal influence, particularly in the political sphere. He is usually among the first outstanding officials consulted by the Amir when designating the prime minister. The opinion of the president counts further heavily in nominating ministers. The validity of this statement may be inferred from the active role played by the former president of the Assembly, Mr. 'Abdul-Aziz al-Saqr, in the well-known political crisis that ensued the formation of the short-lived cabinet towards the close of 1964. At that time the cabinet resigned and the same prime minister, then Heir-Apparent (presently Ruler), Sheikh Sabah al-Salem al-Sabah was asked by the Amir to form a new cabinet. The president of the Assembly was requested by the Amir to cooperate with the prime minister in choosing the competent ministers, and he accordingly recommended six persons. Among the other influential persons with whom the prime minister conferred was the Minister of Guidance and Information, an eminent member of the ruling family. The minister recommended in turn four other persons for participation in the new government. The prime minister attempted to make a compromise by selecting half the names from each list; but upon the insistent declination of the National Assembly's president and the six candidates he nominated, the prime minister decided to accept the president's list without amendment, and the cabinet was formed accordingly. This action
provoked naturally the Minister of Guidance and Information as well as some other prominent officials who took his stand on the issue. The majority of members of the National Assembly sided with the minister and withdrew from the Assembly's sitting during which the new ministers were going to swear their constitutional oath. The resulting crisis culminated in the resignation of the cabinet, and comprised a prime reason of the resignation of the National Assembly's president shortly afterwards. 35

The National Assembly may be dissolved by the Amir by means of a decree explaining the reasons of dissolution, which cannot be employed again to justify another action of dissolution. Elections for a new Assembly should be held within a period not exceeding two months from the date of dissolving the Assembly. Where no elections take place within that interim, the dissolved Assembly recovers its full constitutional capacity and resumes functioning until a new Assembly is elected. 36

The legislative capacity of the National Assembly is indicated by a number of important functions which it assumes. As no law may be promulgated unless it has been passed by the National Assembly and sanctioned by the Amir, 37 the Assembly

35 Al-Jumhuriyah (Cairo), January 8, 1965, p. 5.
37 Ibid., Art. 79.
wields a liberal potential of authority in deciding the laws which govern and direct the course of the country. Members of the Assembly have the right to initiate bills, express whatever comments they deem appropriate on the programmes presented by cabinets upon their formation, and convey to the Government their wishes in respect of public matters. Should the Government be unable to comply with those wishes, it has to state to the Assembly the reasons therefor.

An important manifestation of the Assembly's legislative authority is the control it can exercise over the cabinet through questions and interpellations. Every member of the Assembly is empowered to direct to the Prime Minister and to ministers questions and interpellations concerning matters that fall within their jurisdiction. Interpellations may lead to the question of no-confidence in ministers. If the Assembly passes a vote of no-confidence against a minister, he would be required to submit his resignation immediately.

The power of the National Assembly in relieving ministers — and indirectly the Prime Minister — of office is, however, restricted if contrasted with the power of legislatures in other democratic states in that respect. Thus the Assembly

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39 Constitution, op. cit., Art. 98.
40 Ibid., Art. 113.
41 Ibid., Art. 101.
cannot pass a vote of no-confidence against the Prime Minister or the cabinet collectively. Even when the Assembly decides that it can not cooperate with the Prime Minister, the possibility of its dissolution becomes existent, which makes members refrain from taking such action in order to avoid running for new elections that may cost them their seats. Even a no-confidence vote against an individual minister is conditioned by a majority vote of the Assembly and should be initiated following a debated interrogation upon the request of the minister or one fifth of the Assembly members. Cabinets are not subject to a vote of confidence at the Assembly when they are formed, and the authority of the Assembly is confined to merely debating the programmes presented by cabinets. This situation evidently provides excessive security to the cabinet and restricts considerably the power of the Assembly which should normally be able, as a legislative authority, to oust a cabinet that does not earn its confidence.

The Government budget and financial statements afford another important tool which the National Assembly can utilize to exercise effective control over the executive branch. The Assembly can influence substantially the activities of the various ministries through the budgetary appropriations it approves for their operations.

As a further device of control over the executive machinery, the National Assembly has the right to form, at any
time, investigation committees or delegate one or more of its members to investigate any matter falling within its competence. Ministers and civil servants are required to supply any documents and statements requested from them.\(^{42}\)

An important jurisdiction of the Assembly is inherent in its right to suggest, at the proposal of one third of its members, the revision of the Constitution by amending or deleting one or more of its articles, save those specified in the Constitution itself, or by adding new provisions.\(^{43}\)

Despite its infancy and shortcomings, the parliamentary experiment in Kuwait has none the less indicated prospects of success and realized noteworthy accomplishments. Of particular significance here is the control of the National Assembly over the functioning of the executive departments, which has been motivating them to carry out their duties carefully and attentively in order to avoid criticisms of the Assembly. The creation of an alert spirit in the executive branch - through its awareness of the existence of parliamentary checks and observation - is in itself a blessing of the parliamentary system.


\(^{43}\)Constitution, op. cit., Art. 174.
C. The Judiciary

Judicial power is vested in the Courts which exercise it in the name of the Amir. The honour of the judiciary and the integrity and impartiality of judges are emphasized in the Constitution as the basis of rule and the guarantee of rights and liberties. To secure the integrity and autonomy of the judiciary, the Constitution sets it clear that judges are not subject to the dominion of any authority in rendering justice; and that no interference whatsoever with the conduct of justice may be tolerated.

The courts settle all disputes pertaining to personal affairs as well as civil and commercial cases, consider all criminal offences except those excluded by special law, and can view civil and commercial disputes arising between individuals and the Government.

The two main courts in Kuwait are the "Al-Kulliyah" Court and the High Court of Appeal. The "Al-Kulliyah" Court comprises four departments: the Department of Personal Affairs, the Civil Department, the Commercial Department, and the Penal Department.

\[\text{\textsuperscript{44} Ibid.}, \text{ Art. 163}.\]

\[\text{\textsuperscript{45} Abdul-Aziz al-Masa'id and Mohammad al-Sahili (eds.), Collection of Legislations and Laws of the State of Kuwait (Kuwait: Dar al-Ra'y al-'Am, 1963), Amiri Decree No. 19/1959 dated December 19, 1959, Arts. 1 and 2.}\]

\[\text{\textsuperscript{46} Ibid.}, \text{ Art. 3}.\]

\[\text{\textsuperscript{47} Ibid.}, \text{ Art. 4}.\]
The Department of Personal Affairs settles all disputes pertaining to personal matters such as marriage, divorce, inheritance, wills, and donations.

The Civil Department handles disputes relating to civil matters.

The Commercial Department settles commercial disputes including those occurring between individuals and the Government.

The Penal Department embraces two divisions. One division considers all felonies except those excluded by law; while the other division considers criminal acts and appealed sentences pertaining to felonies.\(^4\)

The High Court of Appeal is composed of two departments whose decisions are irrevocable.\(^5\) The first department considers appealable decisions of the Personal Affairs Department and the Civil Department of the "Al-Kulliyah" Court. The second department views appealable decisions of the Commercial Department and the sentences for criminal offences pronounced by the Penal Department of the "Al-Kulliyah" Court.

Except when martial law is in force, the jurisdiction of military courts is restricted to military offences committed

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\(^4\) Ibid., Art. 8, p. 118.

\(^5\) Constitution, op. cit., Arts. 10 and 11.
by members of the armed and security forces, within the limits prescribed by law.\(^{50}\)

Although the Constitution permits the establishment of a special chamber or court to assume administrative jurisdiction and a Council of State,\(^{51}\) such administrative courts have not been established yet.

In addition to the aforementioned courts, there exists a Supreme Council of the Judiciary composed of the president of the High Court of Appeal, as chairman; and the public prosecutor, the undersecretary of the High Court of Appeal, and the president of the "Al-Kulliyah" Court as members.\(^{52}\) The Council is consulted on the appointment and promotion of the judiciary and members of the Public Prosecution Office; and may render advice on matters pertaining to the judicial system of the country.\(^{53}\)

The Public Prosecution Office, which is headed by a Public Prosecutor, conducts penal charges on behalf of the society; supervises matters relating to judicial seizures; and watches over the enforcement of penal codes, the pursuit of offenders, and the execution of sentences.\(^{54}\)

\(^{50}\)Ibid., Art. 164,
\(^{51}\)Ibid., Arts. 169 and 171.
\(^{52}\)Al-Masa'id and al-Sahili, \textit{op.cit.}, Art. 27,
\(^{53}\)Ibid., Art. 28,
\(^{54}\)Constitution, \textit{op.cit.}, Art. 167.
Field Administration

The country is divided into three provinces (Muhafazat): The province of Kuwait - the capital, the Province of Ahmadi, and the Province of Hawalli. Each province is governed by a Muhafez who is held responsible to the Minister of Interior for public security and order in the province. In addition, the scope of jurisdiction of the Muhafez embraces the following functions:

1. Supervising the work of the police and the general administration and finance of the province.
2. Deciding on annual leaves of police officers and civil servants of the province, their punishment for offences and inadequate performance of duty, and their transfer within districts of the province.
3. Acting as a link of liaison between the provincial offices of the Ministry of Interior and its central departments.
4. Executing various regulations and instructions issued by the Ministry of Interior, and assisting other ministries and Government agencies when requested, within the scope of his responsibilities.

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5. Supervising civil defence activities in the province,
6. Employing all possible means for the development of the province, from all aspects, and contacting concerned agencies for collaboration in the realization of this objective.

Each one of the three provinces is divided into a number of residential districts.\(^{57}\) Each district has a mayor "Mukhtar" entrusted with the following functions:\(^{58}\)

1. Assisting the various ministries in contacting the citizens of the district and facilitating extension of public services to them.
2. Communicating to the ministries the needs and wishes of the citizens.
3. Assisting in population census schemes by reporting to the concerned authorities adequate data about the inhabitants of the district.
4. Reporting death and birth cases in the district.
5. Executing the special regulations governing the residence of foreigners.
6. Taking the preliminary measures in assisting the police in checking criminal offences in the district and carrying out the necessary investigations in that respect.

\(^{57}\)The Metropolis province is presently divided into 14 districts, the Hawalli province into 6, and the Ahmadi province into 3.

7. Helping the citizens in planning and coordinating schemes of social and educational reform in the district.

It is understood from the above functions that the mayor serves essentially as a link and medium of communication between the Government and the citizens of his district. He transmits the wishes of the citizens to the Government and acts as a watchdog for the latter in keeping peace and order in the district.

Unlike the status of the mayor in some government jurisdictions where the post exists in their local administrations, the mayor in Kuwait is considered a government official in the formal sense. He is appointed by the Council of Ministers, and is dismissed by a decision of the Minister of Interior or the Mayors' Committee. He is also paid a regular monthly remuneration for his services. Although the Muhafez of the province in which a district is situated is regarded as the administrative supervisor of the district's mayor, the mayor seems to be chiefly accountable to the Mayors' Committee which is the authority in charge of nominating mayors, controlling and directing them in the course of carrying out their functions.

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59 The Mayors' Committee nominates five citizens from each district - after supposedly considering the opinion of its inhabitants - to the Council of Ministers who appoint one of them as mayor for a renewable four-year term. *Ibid.*, Art. 8, p. 9.


within the framework of the general policy it draws for them, and disciplining and dismissing them in certain instances. 62

Local Government

The small area and compactness of the country have not hitherto motivated the evolution of effective local government. Indeed very few are the local problems which the central government cannot directly handle.

There exists at present only one municipality which serves the whole country. Though not a ministry, the Kuwait Municipality functions as such in some respects, and is actually an organization of unusual character. It is attached directly to the Council of Ministers; 63 and unlike municipal bodies in other countries, it does not serve a local urban area only but its jurisdiction extends over the whole country.

The objective of the municipality as laid down in the municipal law is the development and advancement of Kuwait in constructional and hygienic fields, the planning and beautification of towns and villages, the protection of public health and foods, and the maintenance of public comfort and cleanliness. 64

The functions of the municipality are carried out by a Municipal Council and an Executive Machinery.

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62 Ibid., Art. 5, p. 9.
64 Ibid., Art. 19, p. 10.
The municipal council has a general representative character of the whole country, albeit at a limited level of authority. It consists of sixteen members, ten of whom are elected by the populace, one from each of the ten electoral constituencies into which the country is divided, while the remaining six members are appointed by decree. The council elects from amongst its members the municipality's mayor and deputy mayor for a two-year term. After he is elected by the council, the mayor is formally appointed by a decree.\(^65\)

The mayor holds a ministerial rank\(^66\) and functions both as chairman of the municipal council and head of the executive machinery.

The basic functions of the municipal council comprise the following:\(^67\)

1. Supervision of the enforcement of regulations pertaining to public health and maintenance of buildings; acquisition of land for public purposes; and distribution of land plots in residential, industrial, and agricultural areas.
2. Preparation of town and urban districts beautification schemes and constructional projects such as roads, parks, and sewage systems.

\(^{65}\)Ibid., Art. 3, p. 9.
\(^{66}\)Ibid., Art. 11, p. 10.
\(^{67}\)Ibid., Art. 20, p. 10.
3. Preparation of schemes for construction of public markets, slaughterhouses, and cemeteries; and the drafting of special rules concerning such places.

4. Endorsement of the municipality's budget before its submission to the concerned authorities.

Although the executive machinery of the municipality is headed by the mayor, it is practically run by a director of undersecretarial rank,\(^6\) appointed by a decree on nomination by the mayor. The responsibilities of the executive machinery are mainly the following:\(^6\)

1. Execution of the decisions of the municipal council.
2. Administration of the various departments of the municipality.
3. Preparation of the municipality's budget and closing accounts for consideration by the municipal council.
4. Maintenance of public health and comfort within the scope of the municipality's responsibility. In this respect, the executive machinery is mainly concerned with conservancy functions such as road and street cleaning, inspection of food stuffs and markets, issuance of tradesmen's municipal licences, inspection of places where inflammable materials are stored, and fire fighting.

From a study of the forementioned functions of the municipality it appears that an overlapping of jurisdiction

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\(^6\) Ibid., Art. 14, p. 10.

\(^6\) Ibid., Art. 15, p. 10.
exists between the municipality and other Government agencies. For example the Ministry of Public Works deals with all the engineering matters and carries out construction even in the municipal field, like roads, streets, and sewage schemes. It can therefore easily take over all the engineering functions of the municipality except town planning which can be entrusted to the Planning Board. Similarly, the Ministry of Public Health can assume the health and sanitation functions; while the issue of tradesmen's licences can be transferred to the Ministry of Commerce and Industry.

As the U.N. administrative expert in Kuwait had suggested, the municipality may be accordingly dissolved and its functions distributed as suggested above. Such action would imply considerable saving to the public treasury as the extra expenditure of the various ministries which may assume the municipality's functions will be much less than the existing budget of the municipality. It would also eliminate duplication of efforts and delay in despatch of public business.\(^7\)

Prior to the adoption of the Constitution, the municipal council was apparently intended to be the only elected body representing the entire country. Recently, however, there seems to have been considerable uncertainty about what is its present role that the National Assembly has been established. This

\(^7\)Interview with Mr. S. Kar, U.N. Administrative Expert, Civil Service Commission, June 14, 1965.
tendency was confirmed by the news reports that followed the dissolution of the last municipal council in May, 1966 to the effect that the Government is seriously considering a suggestion of establishing a new ministry of municipalities as well as effective provincial municipal councils. 71

71 Al-Ha'iy al-'Am (Kuwait), May 23, 1966, p. 1.
CHAPTER III
PERSONNEL PROCESSES

A. The Significance and Functions of Public Personnel Administration.

The business of the Government employee is society itself, and his product... is service in behalf of an ideal.¹

Although public service is an ancient institution, its activities have never been affecting before so much of life as at present time. In fact, bureaucracies have become indispensable adjuncts of Government. As the complexity of civilization increases the activities of Government are bound to expand both in the field of services and in the regulation of private activities. The fact of this expansion, besides the growing complex and technical character of administration, determine to a large extent the size and organization/the public service.

Felix Nigro views personnel administration as "the art of selecting new employees and making use of old ones in such manner that the maximum quality and quantity of output and service are obtained from the working force."² In this definition

Nigro emphasizes the objective of efficiency—measured both quantitatively and qualitatively—and stresses the importance of human relations in his recognition of the need to motivate employees to their best accomplishment.

The personnel function is actually something of a state of mind pertaining to "the totality of concern with the human resources of organization." It is an attitude compounded of understanding both the forces which shape our manpower needs and problems and, at the same time, the significance of human personality. Viewed from this perspective, the most critical role of the personnel function is to focus attention on the work-centered motivation—the concept that ties the organization and its employees by means of a common cause.

In line with Nigro's conception of the personnel function, Thomas G. Spates, another prominent leader in the profession, states that:

Personnel administration is a code of organizing and treating individuals at work so that they will each get the greatest possible realization of their intrinsic abilities, thus attaining maximum efficiency for themselves and their group, and thereby giving to the enterprise of which they are a part its determining competitive advantage and its optimum results.

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4. Ibid.
Personnel administration is viewed in other words as a set of techniques for developing the potentialities of employees in order to achieve utmost gratification out of their work and contribute maximum effort to the organization.

In brief, public personnel administration is thus concerned with the public enterprise viewed from the standpoint of its human resources --their acquisition, development, motivation and utilization, and their relationship to their society and environment. The primary objective of public personnel administration in this context is to increase effectiveness of Government as demonstrated by higher efficiency, reduced costs, improved morale, and better service rendered to the public. 6

In so far as public personnel administration is primarily concerned with the human resources of public enterprise, it has to be organically intertwined in varying degrees with other social sciences which bear upon human behavior; particularly social psychology and sociology. 7

Although the functions of personnel administration may vary from one place to another, yet they represent a corps of duties or services which should be performed in each organization.

6 Political Studies and Public Administration Department, American University of Beirut, Public Personnel Administration (Selected Readings, 1958), p. 251. (Mimeoographed.)

The basic operation to be completed is referred to as job analysis and position classification which describes the work to be accomplished so that people can be fitted to it. The ensuing step is recruitment and placement, which involves matching individual aptitudes and skills with job requirements and specifications. Besides initial employment, this step embraces also promotion and transfer. The third duty of personnel management which follows in order is the establishment of a compensation plan that ensures equal pay for equal work. The fourth function relates to the supervision of a variety of services that aim at motivating employees through training, counselling, and improvement of working conditions. In addition to these functions, personnel management assumes the tasks of handling relations with employee organizations and unions, supervising disciplinary measures, and maintaining personnel records. 8

It was pointed out that public personnel administration is undivorceable from the rest of social sciences. This idea rests on the frame of reference that the objective and character of the personnel function are conditioned by its total context, including the social and political aspects; and that human relations, as a core of active management, constitutes the essence of the personnel task. 9

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9 Powell, op. cit., p. 7.
Thus public personnel management operates in an administrative setting imbedded in a political structure that is, in turn, highly correlated with the social mores shaped by the experience and values of the society. Public personnel administration within this framework not only reflects the society it serves, but contributes as well in determining its structure.  

B. The Staffing Process

Despite the broadening scope of public personnel administration the staffing process remains to be the most important function carried out by civil service agencies, and the cornerstone of the whole personnel structure. In fact the quality of the personnel of any organization depends to a great extent upon the effectiveness and soundness of its initial recruiting campaign.  

The first phase in the staffing function is the recruitment process through which candidates are induced to compete for appointment to the public service. It is the preliminary step in the broader process of selection which includes, in addition, the ensuing procedures of examination and certification.

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10 Ibid.
11 Stahl, op. cit., p. 51.
12 The Civil Service Assembly of the United States and Canada, Readings in Public Personnel Administration (a reprinting of selected articles from the Public Personnel Review, Chicago: 1942), p. 63.
Examinations are specially necessitated today by the growing range of occupations and skills of Government. They furnish "the answer to the twin problems represented by democracy and the requirements of good administration."\(^{13}\); and comprise the means by which equality of opportunity may be united with efficiency.

Once the "eligible list" is prepared following the administration and rating of an examination the ultimate stage in the selection process, namely that of certification and appointment, starts.

Almost all civil service laws provide for a probationary or trial period before an appointment becomes permanent for the purpose of enabling the appointing authority to gauge those intangible personal qualities that can not be detected by the formal testing procedures.\(^{14}\)

Before discussing the various stages of the staffing process in the Kuwaiti civil service it is appropriate to describe briefly the classifications of positions and the categories of civil servants, as these will be recurrently referred to in the course of the discussion.

The Civil Service Law classifies posts from more than one respect. From the standpoint of duration they are either

\(^{13}\) Stahl, \textit{op.cit.}, p. 67.

\(^{14}\) Ibid., p. 105.
permanent or temporary. A post is considered permanent if it involves the performance of a job for an unlimited period of time. A temporary post, on the other hand, is described as that which involves the carrying out of a temporary job to be completed within a fixed period of time, or which is created for a temporary purpose.\textsuperscript{15} From the standpoint of rank, permanent posts are grouped in four ranks. Rank I embraces superior posts of leadership; Rank II comprises senior posts of supervision and guidance; Rank III includes intermediate posts of execution; and Rank IV comprises jobs that involve simple duties which require no special educational competence.\textsuperscript{16} The posts in Rank II and Rank III are divided on the basis of the character of their duties into two categories: technical and administrative.\textsuperscript{17}

Incumbents of posts in the first three higher ranks are called "Muwazzafun"\textsuperscript{18}—officials; whereas incumbents of posts in Rank IV are referred to as "Mustakhdamun"\textsuperscript{19}—employees.


The four ranks are actually associated with the four salary schedules comprising the pay plan. Each of the higher three ranks— or salary schedules— consists of four grades, while the fourth rank— or salary schedule— includes only three grades. Each grade has a minimum and a ceiling rate of pay.

\textsuperscript{17}Ibid., Amiri Decree No. 7/1960, Art. 3, p.1.

\textsuperscript{18}Ibid., Art. 11, p. 2.

\textsuperscript{19}Ibid., Art. 153, p. 12.

Prior to the promulgation of the current Civil Service Law of 1960, "Muwazzafun" and "Mustakhdamun" were called "Classified Personnel" and "Unclassified Personnel" respectively. Classified personnel were divided into Junior Personnel and Senior Personnel.
Officials and employees are either temporary or permanent. Only Kuwaiti civil servants may be engaged on a permanent basis. Engagement of all non-Kuwaitis in Government posts is made on a temporary basis.  

Non-Kuwaiti officials and employees employed in permanent posts are divided into two categories: (1) officials and employees engaged under Contract Form "A" and Contract Form "B" respectively; and (2) Indian or Pakistani officials and employees engaged under the special Contract Forms "E" and "F" respectively.

Non-Kuwaiti officials employed in temporary posts are also classified into two groups: (1) experts and highly qualified technicians engaged under the special Contract Form "C"; and (2) officials engaged under the special Contract Form "D" for the execution of new projects provided for in the budget.

1. Recruitment

Appointment to a post of Rank I is effected by an Amiri decree on representation by the concerned minister and the

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20 Ibid., Art. 25, p. 3.
approval of the Council of Ministers, without going through the procedures of advertisement and examination. Although not explicitly stated in law, positions in this rank are - with scarce exceptions - reserved for Kuwaitis. The Civil Service Law has deliberately overlooked stipulating educational requirements for officials of this rank for the purpose of facilitating the selection of candidates for the superior positions in the civil service without restrictions.

The procedures of advertisement and examination through the Civil Service Commission do not also apply with respect to the employment of temporary officials for temporary posts under the special Contract Forms "C" and "D"; and employees. These are engaged directly by the various ministries and other Government agencies, subject, however, to the approval of the Civil Service Commission.

Since the employment of Rank I officials, as well as temporary officials engaged in temporary posts, and employees does not take place through the normal recruitment and examination procedures, the following description of the various phases


of the staffing process applies only to the selection of officials for permanent posts in Rank II and Rank III.

Up to the middle of January, 1963 personnel selection used to be made directly by ministries; usually without examinations. The Civil Service Law did not stipulate passing an examination as a requisite for appointment; nor did it outline precisely the steps of the selection process. When a vacancy, whether administrative or technical, arose in a certain ministry, the ministry itself used to advertise it or ask the Civil Service Commission to do so. Advertisements were posted on the ministry's notice - bulletin and published in the official gazette and local newspapers. The personnel office in the ministry was responsible for receiving the applications for the vacancy and preparing a register showing serially the applicants' respective names, addresses, and the dates of submitting their applications. This register was then submitted to the concerned department in the ministry which had the free choice of selection on the basis of examination, or interview, or mere evaluation of educational qualifications and experience.

Under the apparent heavy burden laid on the budget by extensive appointments made by ministries on the basis of personal and humane considerations, without proper regard to the actual needs of the service or the qualifications of

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appointees; the Council of Ministers took a decision on January 13, 1963 to the effect of banning recruitment in the various State agencies and centralizing employment in the Civil Service Commission; with the view of making future engagements on the basis of competitive examinations. The decision excluded, however, from the scope of its application the employment of officials for technical posts (such as those of physicians, engineers, and pharmacists) and Kuwaiti university graduates.

Following the issuance of that decision the procedures of recruitment and selection were radically modified; particularly with respect to administrative posts which have been since then usually advertised by the Civil Service Commission and filled through competitive examinations administered by the Commission.

Regarding technical posts, which have been distinguished as those demanding high technical qualifications, ministries have retained the choice of either advertising them directly or asking the Civil Service Commission to advertise them. In practice, however, technical vacancies are infrequently advertised by the Commission.

When an administrative vacancy arises in a certain ministry the ministry reports it to the Civil Service Commission

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29 Ibid.
which sends thereupon one of its staff to the ministry for assessing the duties and responsibilities of the post and determining, with the appropriate authorities in the ministry, its qualification requirements. Having collected and reviewed the relevant data about the vacancy, the Civil Service Commission prepares the advertisement notice.30

Advertisements are usually inconsistent with regard to the information they include. They invariably indicate the title of the vacancy and the ministry where it exists, its requirements of education and experience, and the deadline for accepting applications which have to be submitted by hand to the Selection Division at the Civil Service Commission.31 An advertisement usually states that salary and grade will be decided in the light of the successful candidate’s educational achievement and experience. Very recently, however, some advertisements have been designating the minimum and maximum rates of the salary ranges for vacancies. Advertisements do not normally describe the duties and responsibilities of the posts, though a few advertisements for technical posts have included a brief resume of the job duties. A noticeable shortcoming of advertisements is that they do not point out the fringe benefits associated with vacancies, and which may comprise an inducement.

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30 Interview with Mr. M. Kishk, Controller of the Selection Division, Civil Service Commission, December 18, 1965.

31 Ibid.
for qualified candidates to sacrifice the higher salaries offered by some private enterprises, particularly oil companies, and seek employment in the civil service. Almost without exception advertisements fail to fix the date and place of examinations. They simply mention instead, that applicants will be notified of them later.

The method of recruitment in the Kuwaiti civil service is more or less of the negative type. The Civil Service Commission does not attempt to take the initiative in locating and approaching prospective candidates to attract them to the civil service. Recruitment is merely confined to an announcement in the official gazette and sometimes in a few international scientific journals for highly technical posts only\(^{32}\). Aggressive techniques of positive recruitment, such as announcement in radio and television or contacts with colleges and reputable professional and technical associations, are not utilized.\(^{33}\) Even advertisement in local newspapers has been lately discontinued for administrative vacancies.

The primary reason of this deficient effort in recruitment seems to be the conviction of the Civil Service Commission that the supply of candidates in Kuwait is sufficiently large that an advertisement in the official gazette suffices to invite an ample number of applications. In a dis-

\(^{32}\)Ibid.

\(^{33}\)Ibid.
cussion with the controller of the Selection Division at the Civil Service Commission on this subject the writer proposed that the small population of Kuwait and the lack of a sufficient number of adequately qualified Kuwaitis for senior administrative positions justify the assumption that the local supply of competent candidates is so meagre that more positive techniques of recruitment, including the advertisement of vacancies on a wide scale in Kuwait and some other Arab countries, are necessary. The selection controller replied that though my hypothesis was theoretically logical, yet a liberal supply of applications pours into the Civil Service Commission from inside Kuwait alone for administrative and sometimes technical vacancies. To substantiate his statement he added that he had recently received three hundred applications for five vacancies, and eighty applications for only one vacancy.\(^{34}\) It is apparent that the Civil Service Commission tends to overestimate the significance of the number of applications which satisfy the minimum requirements of ability; without proper regard to the essential objective of positive recruitment, namely inducing the best qualified candidates to apply for vacancies rather than merely those who possess the minimum qualification requirements.

The Civil Service Commission has devised a standard application form to be filled out by candidates. The form comprehends information about an applicant's name, educational

\(^{34}\) *Ibid.*
qualifications, age, nationality, experience, and address.

The recruitment phase ends with the receipt of applications accepted by the Selection Division at the Civil Service Commission as satisfying the requirements stipulated for vacancies.

2. Examinations

Though the Civil Service Law did not provide for holding examinations as a prerequisite step for selection, examinations have been held for administrative vacancies in Ranks II and III since the middle of January, 1963 when the Council of Ministers passed its decision to that effect. Technical posts are still filled without examinations. Selection of personnel for technical vacancies is made by concerned ministries, subject to the approval of the Civil Service Commission, on the basis of evaluation of training and experience, supplemented sometimes by interview.35 Semi-technical posts are also filled directly by the ministries without examinations when the supply of applicants is limited. The technical and semi-technical posts which are filled without examinations, as described above, constitute about 18% of the total positions in the Civil Service.36

Since no examinations are also held for vacancies in Ranks I and IV as explained earlier; examinations are restricted to administrative vacancies— and semi-technical vacancies when

35 Ibid.
36 Ibid.
there is a large supply of candidates— in Ranks II and III only. An examination is dispensed with and substituted by an interview when the number of applicants happens to be less than the number of vacancies; and when a vacancy is applied for only by graduates of the Teachers Training Center or the Industrial Training College whom the Government is committed to employ should appropriate vacancies suiting their qualifications arise. 37

Examinations apply in practice to non-Kuwaiti candidates only. Though no formal ruling has been made to exempt Kuwaitis (except university graduates) from examinations, they are actually appointed without examination in administrative posts of Ranks II and III once they satisfy the basic requirements of education and experience. 38

An examination is usually prepared on the basis of the duties and educational requirements of the vacancy for which it is held. The Civil Service Commission designates any reputable person in the field of the job, whether within or outside the civil service, to prepare the questions and later grade the candidates' answer sheets. Although the forementioned Council of Ministers' decision of January 13, 1963 has provided for the establishment of an examinations committee to be composed of the Civil Service Commission's senior Kuwaiti officials and administra-

37 Ibid.
38 Ibid.
tive expert, this committee has not been yet established.

Examinations in the Kuwaiti civil service are of the competitive type; written; and subjective—except for typists who are given practical performance tests in typing. The written examinations are of the achievement type, in the sense that they are designed to measure a candidate's knowledge or ability to perform the job at the time he applies for it. The examination system is not sufficiently developed to assess, besides the applicant's aptitude to perform the job, his capacity for advancement to higher rungs in the hierarchy. The lack of a position classification plan which describes the duties of each position and specifies its educational requirements comprises a major hindrance in overcoming this shortcoming of the examination system. The examination techniques applied are not also developed to allow testing examinations with view to evaluating their validity and reliability.

Following the rating of an examination an eligible list of successful candidates (those who earn the passing grade of 50/100) is prepared ranking them in the order of the scores


40. Interview with Mr. M. Booz, Legal Analyst, Civil Service Commission, January 13, 1966.

41. Interview with Mr. M. Kishk, Controller of the Selection Division, Civil Service Commission, January 13, 1966.
they have achieved. These candidates are referred by the Civil Service Commission to the requisitioning ministry or ministries for appointment in the order of their relative standing in the eligible list. When the number of successful candidates exceeds the number of vacancies the candidates who are not appointed are placed on a waiting list for selection once a similar vacancy arises. The period for which this waiting eligible list remains valid is indeterminate; though no waiting list has ever survived for more than six months before all persons included in it were engaged for vacancies similar to that for which they were examined.

3. Appointment

Passing an examination represents but one of the requirements for appointment in the civil service; and it applies only to administrative and sometimes semi-technical posts in Ranks II and III. The Civil Service Law specifies the following additional requirements for the appointment of officials and employees.

1. An official or employee must be a Kuwaiti national. If

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42 Interview with Mr. Hamad al-Issa, ex-President of the Civil Service Commission, December 19, 1965.

43 Interview with Mr. M. Kishk, Controller of the Selection Division, C.S.C., January 13, 1966.

qualified Kuwaitis are not available, priority is given to subjects of other Arab countries.

2. An official or employee must be of good character, and not below the age of eighteen years.

The law defines the minimum age required for engagement in the civil service but does not explicitly specify the maximum age beyond which employment is not permissible. But since the service of an official or an employee is terminated upon reaching the age of sixty or sixty-five years respectively, it is implied that persons over these two age limits can not be appointed.

3. An official or employee must not have been previously convicted in a dishonourable offence or crime, unless rehabilitated.

A crime is defined by the Kuwaiti Penalties Law as the wrongdoing punishable by capital punishment, or life-long imprisonment, or imprisonment for more than three years besides the payment of a fine exceeding KD. 225. An offence is regarded by the same law as that wrongdoing for which an offender is punished by imprisonment for a term shorter than three years in addition to the payment of a KD. 225 fine; or either penalty.

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46 Ibid., p. 11.
The law does not describe which offences are regarded "dishonourable", but the Civil Service Commission has been considering as "dishonourable" all offences which justify ordinarily disrespecting and distrusting the offenders.

4. An official must not have been previously discharged from Government service by a final decision of the disciplinary board, unless eight years have elapsed since that decision. Similarly, an employee should not have been previously discharged from service by a disciplinary decision, unless six years have passed since that decision.

5. An official or employee must be certified medically fit for service by an official medical board.

6. An official (but not an employee) is required to possess the educational qualifications specified for his post.

A university diploma or a certificate of higher education suitable to the nature of the job is required for appointment in posts of Rank II.⁴⁷ This does not imply, however, that candidates in possession of such qualifications are necessarily appointed in Rank II. They may be actually engaged in posts of Rank III provided that the number employed during one fiscal year does not exceed half the number of

vacant posts in each grade. 48

A certificate of intermediate education suitable to the nature of the job is required for appointment/posts of Rank III. Engagement may, nevertheless, be made in grade four of Rank III if a candidate possesses at least five years experience in/technical job similar to the post for which he is appointed. 49

With the exception of Rank I officials who are appointed by Amiri decrees on representation by the concerned ministers and the approval of the Council of Ministers, ministries are the appointing authorities for all other officials as well as employees. Appointment in posts of Rank II is effected by a ministerial decision on representation by the ministry's undersecretary. Appointment in posts of Rank III and Rank IV is effected by a decision of the undersecretary. 50


Though ministries are the ultimate appointing authorities, their decisions of appointment do not become final until the approval of the Civil Service Commission is secured.

An official engaged in the civil service for the first time is assigned the basic salary of the lowest grade of the rank if placed in Rank II or Rank III. Subject to the approval of the Civil Service Commission a candidate may be appointed, however, in a grade higher than the lowest grade if he has spent, after obtaining his educational qualification, at least five years in a job relevant to the post for which he is engaged. In this case the candidate may be considered as having spent at least five years in each grade.\footnote{Ibid., Art. 19, p. 3.}

If his experience is less than five years he may be awarded an increase of salary at the rate of one annual increment of his grade for each year of experience; and against each annual increment granted in this manner one year of service is added to his order of seniority in his grade.\footnote{Al-Kuwait Al-Yawm, No. 321, \textit{op.cit.}, Amiri Decree No. 9/1961, Art. 1 (amendment of par. 2 of Art. 19 of Amiri Decree No. 7/1960 dated March 24, 1960), p. 3.} In exception of this rule, officials who are in possession of intermediate specialization diplomas which are necessarily acquired after two years of study following the completion of secondary education may be engaged in grade two of Rank III directly, provided that the number of such officials
together with those of university or higher education employed in the same fiscal year does not exceed 50% of the number of vacant posts in this grade.\textsuperscript{53} As a further exception, officials who are in possession of the secondary education certificate or its equivalent may be appointed in grade three of Rank III directly.\textsuperscript{54} Employees are offered the basic rates of pay of their respective grades of Rank IV in which they are placed.\textsuperscript{55}

A few remarks may be concluded from the foregoing description of the staffing procedures in the Kuwaiti civil service.

In spite of the fact that competitive examinations are not held for all vacancies in the civil service and are restricted to non-Kuwaiti candidates only, yet they have obviously contributed in improving the selection standards. They have to a certain extent instituted conformity to the principles of merit in selecting candidates on the basis of relative merit and ability as gauged by competitive tests. The possibilities of employment on the basis of humane and

\textsuperscript{53} Ibid., (amendment of Art. 20 of Amiri Decree No. 7/1960 dated March 24, 1960), p. 3.

\textsuperscript{54} Ibid.

\textsuperscript{55} Annex to Al-Kuwait Al-Yawm, No. 268, \textit{op.cit.}, Amiri Decree No. 7/1960, Art. 155, p. 12
other considerations irrelevant to ability and qualifications have been substantially reduced. Examinations have been also serving in certain instances as a remedial device by means of which unfair misplacements in the service are corrected. Before the Council of Ministers decided to centralize recruitment in the Civil Service Commission and to introduce examinations as a criterion of selection ministries had free hand in making appointments almost with no curbs. Many persons were consequently recruited for jobs and salaries they did not actually qualify for; whereas others who lacked support were hired for jobs and salaries lower than what they deserved. The introduction of competitive examinations has extended the opportunity to those officials assigned to posts and grades below the levels they merited by virtue of their qualifications to compete with outside applicants for vacancies of higher levels.

A basic flaw in the examinations system and the staffing process as a whole is the deviation from the spirit of the merit system underlying the discrimination between Kuwaiti and non-Kuwaiti candidates. Kuwaiti applicants are selected for vacancies without examinations once they satisfy the general conditions of employment and possess the minimum requirements of education and experience. Actually they are often employed even when they do not meet
the basic requirements of training and experience.  

The Civil Service Law itself permits exemption from any or even all of the requirements for employment by means of resolutions taken by the Council of Ministers at the request of the ministers concerned. The objective behind such exemptions is to facilitate the assignment of as many Kuwaitis as possible in senior administrative posts; recognizing the infant educational development in the country and the lack of a sufficient number of qualified citizens who are educationally competent for senior positions.

The special justification for overlooking deficiencies in educational qualifications with respect to the employment of Kuwaiti nationals can not, however, eclipse the misgivings of such a policy from the administrative viewpoint. It adversely affects the efficiency of the entire service by permitting the employment of incompetent individuals who can not effectively assume the responsibilities involved in their posts. Actually the practice of exemption

56 Interview with Mr. M. Kishk, Controller of the Selection Division, C.S.C., January 13, 1966.

from the requirements of adequate educational achievement has resulted in a high percentage of incompetent officials recruited into the civil service. The classification of officials according to their educational standards shown on the following page reveals that, as at the end of 1963, 25.8% of Kuwaitis and 0.09% of non-Kuwaitis were illiterates, and that 52.7% of Kuwaitis and 15.11% of non-Kuwaitis were just literate - i.e. they could read and write but did not hold any educational certificates. The policy of exemption from the requirement of educational competence results also in the appointment of supervisors who are less qualified than their subordinates; and it accordingly hurts the morale of those subordinates, besides weakening the proper supervisor—subordinate relationships. Instead of controlling and guiding his subordinates an unqualified supervisor is, on the contrary, directed by them. This is, unfortunately, the familiar situation in the Kuwaiti civil service at present. As a senior official once remarked, the activity of many high ranking Kuwaiti officials is confined to signatures; whereas real work is performed by their foreign subordinates.

The civil service has been so far able to absorb virtually all Kuwaitis interested in government employment. But when it becomes better organized in the future, the "open-door" practice in employment cannot be conceivably
<table>
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<th>Year</th>
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<th>2011</th>
<th>2017</th>
<th>2022</th>
<th>2025</th>
<th>2026</th>
<th>2029</th>
<th>2040</th>
<th>2060</th>
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<th>19.5%</th>
<th>1860</th>
<th>6.0%</th>
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<td>40.6%</td>
<td>4205</td>
<td>19.3%</td>
<td>960</td>
<td>8.6%</td>
<td>929</td>
<td>8.1%</td>
<td>996</td>
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<td>366</td>
<td>3.2%</td>
<td>96</td>
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<tr>
<td>Kuwaiti</td>
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<td>360</td>
<td>3.2%</td>
<td>979</td>
<td>8.1%</td>
<td>929</td>
<td>8.1%</td>
<td>996</td>
<td>8.2%</td>
<td>366</td>
<td>3.2%</td>
<td>96</td>
<td>1.6%</td>
<td></td>
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</tr>
</tbody>
</table>

**Table III - 1**

- Educational standards as at the end of 1969.
- Classification of officials according to their educational level.
continued. When that future arrives the authority extended to ministers in respect of exceptional appointments through the Council of Ministers may be abused for making appointments on the basis of favoritism and political or electoral affiliations. Ministers selected from amongst members of the National Assembly may resort to the extension of "employment services" as a means for supporting their popularity among their electorate.

The lack of a position classification plan in the civil service hampers tremendously the observance of the principle of equal pay for equal work in the staffing process. Salaries and grades are until now decided in accordance with the qualifications of the incumbent rather than the duties and responsibilities of the post. In fact the assignment of salaries and grades is more or less a matter of bargain between the appointing ministries and the candidates. The prevailing trend is to apply the theory of supply and demand when determining a candidate's pay and grade.\(^5\) Whether the salary and grade offered to a candidate are recommended to the appointing ministry by the Civil Service Commission or proposed by the ministry

\(^5\) Interview with Mr. Hamad al-Issa, ex-President of the Civil Service Commission, December 21, 1965.
itself, the usual practice is to offer the least that may be accepted by the candidate. The controller of the Selection Division at the Civil Service Commission informed the writer that in the past few years university graduates used to be appointed in grade four of Rank II; but that with the increasing application of the theory of supply and demand at present university graduates in arts—particularly law—are not usually offered more than the basic salary of grade two in Rank III.

Although the theory of supply and demand can be perfectly applied in the economic sphere for determining prices of commodities, it cannot be applied with equal validity for determining the compensation of civil servants. The reason is not difficult to conceive. An unemployed person may be obliged to accept employment against an inadequately low salary, but he would not be expected to perform his job efficiently so long as the recompense is unfair. The determination of salaries on the basis of supply and demand can reduce the impact of personnel remunerations on the budget; but it entails, on the other hand, a gravely negative effect on the morale and devotion of civil servants.

4. **Probationary Period**

The Civil Service Law provides for a probationary period that applies to some categories of officials only.
Employees are not required to pass a probationary period. Exemption from probation is also extended to temporary officials engaged in temporary posts under Contract Form "C" and Contract Form "D" as well as Kuwaiti officials appointed in Rank I.

A Kuwaiti official appointed in Rank II or Rank III is required to serve a probationary period of one year during which, or during one month thereafter, he may be discharged if he is deemed incapable of undertaking the duties of his post.\footnote{Al-Kuwait Al-Yawm, No. 321, \textit{op.cit.}, Amiri Decree No. 9/61, Art. 1 (amendment of Art. 24 of Amiri Decree No. 7/1960 dated March 24, 1960), p. 3.} A non-Kuwaiti official appointed in a permanent post under Contract Form "A" or Contract Form "E" in Rank I or Rank II or Rank III is subjected to a probationary period of eleven months during which, or during one month thereafter, his service may be terminated on grounds of unfitness for the job.\footnote{\textit{Ibid.}, Amiri Decree No. 2/1961 dated March 26, 1961, Art. 1, p. 7.} If an official is not discharged during the specified probationary period or during a month following its expiry his appointment is considered final, without the issue of a decision to that effect.

During the probationary period the personnel office in the probationer's respective ministry calls for monthly
appraisal reports about his performance; and submits to the undersecretary at the end of the probationary period a resume of those reports in the light of which the authority in charge of appointment decides whether the official is qualified for his post or not.\textsuperscript{61}

A successful probationary period is included in an official's rewarded service period;\textsuperscript{62} but no service gratuity is paid for an unsuccessful probationary period.\textsuperscript{63}

The probationary period is inconsistent with regard to its duration for the same jobs. Whereas it should not normally be of varying length for officials employed in the same or similar jobs, the Civil Service Law specifies a complete year probationary period for Kuwaitis, but only eleven months for others.

Employees are exempted from serving a probationary period under the assumption that the duties involved in their

\textsuperscript{61} Annex to \textit{Al-Kuwait Al-Yawm}, No. 280, \textit{op.cit.}, Amiri Decree No. 19/1960, Arts. 18 and 19, p. 8.


jobs are so simple that they do not demand a trial period. This assumption is inaccurate because the probationary period is not devised merely to gauge an incumbent's ability to perform the duties of his job; but to detect, in addition, such intangible personal qualities as attitude, behavior, and reliability which may be equally important as ability.

The lack of a position classification plan that defines in objective terms the contents of jobs obstructs an accurate evaluation of a probationer's performance because it implies the absence of an objective criterion on the basis of which the evaluation can proceed.

In practice the fitness of a probationer for his post is decided mainly by the subjective judgment of his supervisor; which allows personal relationships and biases to interfere in the evaluation process. In the particular situation of the Kuwaiti civil service where officials are of diverse nationalities and social backgrounds, the factor of nationality plays a significant role in shaping the supervisor—subordinate formal and informal relationships, and influencing subsequently the supervisor's appraisal of his subordinate's performance, whether during the probationary period or after-

\[64\] Interview with Mr. M. Kishk, Controller of the Selection Division, C.S.C, December 22, 1965.
wards.  

Averagely, about twenty cases of service termination due to failure in the probationary period occur annually. The majority of these cases emanate from personal conflicts between the supervisor and the probationer, rather than the latter's inaptitude.

On the whole, the probationary period is not yet effectively utilized in the Kuwaiti civil service towards orienting new officials with their job duties and work environment, or evaluating objectively their aptitudes and personal qualities. The dominant feeling is that the probationary period is a mere formality; and that once an official is appointed it is inconceivable to dismiss him on grounds of inability.

C. Movement of Personnel

1. Promotion.

Promotion refers to the process whereby an employee is advanced to a higher or better job involving a change of title and duties, greater responsibilities, more prestige or

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66 Interview with Mr. M. Bocz, Legal Analyst, C.S.C., January 13, 1966.
status, greater skill, and an increased rate of pay. The importance of promotion lies in the fact that it is consistent with the merit system and the concept of career service which involve giving the most meritorious employees the opportunity to progress to the fullest extent of their skills and abilities. In fact one of the most difficult problems in personnel administration is the establishment of formal methods of selection for promotion. The difficulties encountered in this respect may be greater than those faced in devising formal methods of recruitment.

An effective promotion policy must meet an array of objectives which include securing the best talent for the higher positions while maintaining the morale of the whole organization, adhering to the democratic imperative of equity and fairness, and making the process economical in terms of administrative time and public money.

The methods or bases which are normally employed for promotion or the measurement of promotability may be grouped under four headings: (1) seniority, (2) examination, (3) com-

68 Stahl, op. cit., p. 112.
69 Ibid., p. 117.
70 Bartholomew, op. cit., p. 77.
parative performance, and (4) trial on the job.\footnote{Stahl, op. cit., p. 118.}

Promotion in the Kuwaiti civil service does not fully comply with the essence of promotion as the advancement of a civil servant to a post of greater responsibilities and higher rate of pay. Although the Civil Service Law stipulates that an official or employee may not be promoted except to a vacant post of the same category of his post whether technical or administrative, and on condition that he satisfies the requirements of the vacant post,\footnote{Annex to Al-Kuwait Al-Yawm, No. 268, op. cit., Amiri Decree No. 7/1960, Art. \&4, p. 4.} the actual practice in promotion does not always adhere to this rule. Promotion often takes the form of advancing an official or an employee to a higher grade, or a higher rank when permissible, without changing his job. The budget specifies for each ministry a number of grades (or the maximum number of personnel who may be placed in each grade) in each rank during the fiscal year. Promotion to a higher grade whether in the same or a higher rank requires, therefore, the existence of a vacant grade rather than a vacant post. This system of promotion to a higher grade rather than a higher post may be partially attributed to the lack of a sound position classification that groups positions in logical relation to one another and indicates clearly the lines of promotion on the basis of
the duties of positions.

Promotion of an official or an employee within the same rank involves advancing him only to the grade immediately above his grade.\(^73\) This promotion entitles an official or an employee to draw the starting rate of pay of the grade to which he is promoted, or one annual increment of the same grade, whichever is greater.\(^74\)

Promotion from one rank to another is permissible only for officials because employees cannot be promoted from Rank IV to the higher ranks which are designated for officials.\(^75\)

The Civil Service Law explains the requisites of promotion from Rank III to Rank II; but does not illustrate the conditions for advancement from Rank II to Rank I. To be eligible for promotion from the highest grade in Rank III to the lowest grade in Rank II an official must have spent two years in his grade and should be in possession of the educational qualifications required for appointment in Rank II. An official may still be eligible for this promotion when he lacks the necessary educational qualifications provided he has spent three years in his grade and has been rated "excellent" in the last two annual performance reports rendered on him.\(^76\)

\(^73\)Ibid.
\(^74\)Ibid., Art. 55, p. 5.
\(^75\)Ibid., Art. 160, p. 12.
The number of officials promoted on this basis during the same fiscal year can not, however, exceed one third of the vacant posts in the lowest grade of Rank II.\textsuperscript{77}

It is recognized that from the standpoint of merit promotion should be, whenever feasible, based on talent and ability as measured by examinations. The Civil Service Law does not adhere to this theory, but adopts the classical criteria of seniority and comparative performance as bases for promotion. A civil servant’s performance or ability is assessed in the annual appraisal reports submitted about him. With the exception of promotion to or within Rank I, which takes place by selection according to ability,\textsuperscript{78} promotion in the other ranks is based primarily on seniority. Thus promotion of employees from one grade to another in Rank IV is effected absolutely on the basis of seniority.\textsuperscript{79} Promotions in Ranks II and III are based essentially on the order of seniority; though they may be made by selection according to ability within the limits of 50\%,\textsuperscript{80} provided

\textsuperscript{77} \textit{Ibid}.

\textsuperscript{78} Annex to Al-Kuwait Al-Yawm, No. 268, \textit{op.cit.}, Amiri Decree No. 7/1960, Art. 47, p. 5.

\textsuperscript{79} \textit{Ibid.}, Art. 159, p. 12.

that for the purpose of this proportion each fiscal year is considered an independent unit. 81

Whereas an official's seniority in a grade is deemed according to the date of his engagement in or promotion to that grade, 82 an employee's order of seniority is based on the date of his appointment. 83 If the same date of engagement covers more than one official or employee in the same grade, an official or employee with higher educational qualifications is listed ahead of others in the order of seniority, then the one with the earliest date of graduation, and then the eldest. 84

When an official or an employee is degraded his order of seniority in the new grade is determined on the basis of his previous service in it, when he does not have a previous service in that grade his order of seniority is considered equivalent to the minimum status that qualifies for promotion from the same grade. 85

83 Ibid., Art. 159, p. 12
84 Ibid., Arts. 46 and 159, pp. 5, 12.
85 Ibid., Art. 137, p. 10.
The foregoing description covers the requirements for promotion from Rank III to Rank II. Promotion from one grade to another within either of these two ranks requires the fulfilment of the following three conditions.

1 - Completion of the specified minimum period in the grade. This period shortens gradually as we ascend from lower grades to higher ones. The minimum period to be completed in the grades of Rank II is three years for grades four and three, but two years for grades two and one. The minimum period to be completed in the grades of Rank III is five years for grade four, four years for grade three, and three years for grade two. No minimum period is specified for grade one. The Civil Service Law has deliberately overlooked specifying a minimum period to be completed in grades of Rank I in order to allow mobility in promotion within this rank whose superior posts, forming the peak of the pyramidal hierarchy, can not be left vacant due to the interference, of minimum service periods.

2 - The existence of a vacant post of the same category as the official's post, whether technical or administrative, and on condition that the official recommended for promotion possesses the qualifications required for engagement in the vacant post.

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86 Ibid., Art. 45, p. 4.
87 Ibid., Art. 44, p. 4.
3 - When promotion is based on seniority the official
nominated for promotion should be the first in the
order of seniority. If promotion is made, on the
other hand, by selection according to ability an
official should be a Kuwaiti who has completed the
specified minimum service period in his grade, and
has above all secured a rating of "excellent" in the
last two annual performance reports. Only when no
Kuwaiti official satisfies the mentioned requirements
may the opportunity be extended to non-Kuwaiti officials
who fulfil those requirements. 88

Promotion of employees within grades of Rank IV is
based entirely on seniority and requires the fulfilment of
three conditions: (1) completion of four years in the same
grade, 89 (2) eligibility in accordance with the order of
seniority, and (3) existence of a vacant post (grade).

When promotion takes place on the basis of seniority,
an official who has achieved a rating of "satisfactory" in the
annual performance report may be overstepped, provided that the
official to be promoted instead secures a rating of "good"
at least. 90

88 Al-Kuwait Al-Yawm, No. 406, op. cit., Law No. 37/1962,
Art. 1 (amendment of art. 48 of Amiri Decree No. 7/1960

89 Annex to Al-Kuwait Al-Yawm, No. 268, op. cit., Amiri

90 Ibid., Art. 50, p. 5.
In accordance with the Civil Service Law an official's or employee's promotion is withheld in certain instances, as described hereunder.

An official who obtains a "weak" appraisal report cannot be promoted during the same year in which the report is rendered, and until another report of better rating is submitted about him. 91

When a disciplinary penalty is imposed on an official he may not be considered for promotion until the following periods have elapsed: (1) three months in the case of deduction of salary for three to seven days, (2) six months in the case of deduction of salary for eight to fifteen days, (3) one year in the case of deduction of salary for a period exceeding fifteen days or suspension from duty without pay, and (4) two years in the case of salary reduction or degrading.

An official may not also be considered for promotion during the period of postponement or deprivation of annual increment. If his turn in promotion falls due during that period he is overstepped.92

91 Ibid., Art. 49, p. 5.
92 Ibid., Art. 133, p. 10.
An official or employee can not be considered for promotion while he is serving a sentence of imprisonment for one month or more and is concurrently suspended from duty thereafter.  

Promotion in the Kuwaiti civil service is strictly intraministerial. When a vacancy (or a vacant grade) exists in a certain ministry, only officials or employees of that particular ministry may be considered for promotion to it. One defect of this policy is that it conflicts with the basic interest of the service which can be better served by making promotion interministerial—that is, promoting to a vacancy the best qualified civil servant irrespective of the ministry to which he belongs. Another shortcoming of the present promotion system is that it tends to influence unfavourably the spirit of career service and impede the launching of an effective recruiting program by narrowing the scope of opportunities for promotion.

Besides, it is obvious that seniority is the emphasized method of promotion/all ranks, save Rank I. The main drawback of emphasis on seniority is that the concept of promotion may shrink to a process of automatic advancement instead of being a reward for meritorious civil servants.

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and an incentive for improved performance. Furthermore, a policy of promotion by seniority may in the long run be detrimental to the efficiency of the entire civil service as it can result in advancing incompetent individuals to high supervisory positions they do not qualify for. The other method applied for promotion is selection according to ability. Ability is evaluated subjectively in the annual appraisal reports prepared by job supervisors, rather than objectively by examinations. The subjective evaluation of ability can not be held completely reliable as it permits the interference of the supervisor's prejudices in the evaluation process. In the unique situation of the Kuwaiti civil service which embraces a multitude of nationalities, narrow national sentiments are actually playing a significant role in the supervisors' rating of their subordinates. It is even believed that chairmen of the ministerial personnel committees are inclined usually to give preference to officials of their same respective nationalities when opportunities of promotion are available.\textsuperscript{94} I presume that if examinations are employed as a basis for promotion, at least in Ranks II and III, many of the foresaid shortcomings of the current promotion system can be rectified.

\textsuperscript{94} Interview with Mr. Mohammad Taha, Controller of the Legal Opinions Division, C.S.C., December 22, 1965.
In accordance with the Civil Service Law the upgrading of a post does not entail a simultaneous promotion of its incumbent.\textsuperscript{95} Although this provision serves the interest of the civil service in that it prevents ministers from otherwise abusing their authority to promote unqualified personnel by means of upgrading their posts,\textsuperscript{96} yet it is inconsistent with the basic assumption in personnel administration that a person should be assigned the salary and grade of his post in order to ensure that pay is equitably commensurate with duties and responsibilities.

The promotion of an official is decided by the concerned minister on proposal of the personnel committee of the ministry and the approval of the Civil Service Commission;\textsuperscript{97} while the promotion of an employee is decided by his ministry's undersecretary.\textsuperscript{98}

An official's promotion becomes effective from the date of its sanction by the minister;\textsuperscript{99} and an official or an

\textsuperscript{95}Annex to Al-Kuwait Al-Yawm, No. 268, \textit{op. cit.}, Amiri Decree No. 7/1960, Art. 10, p. 2.

\textsuperscript{96}Interview with Mr. Mohammad Taha, Controller of the Legal Opinions Division, C.S.C., December 22, 1965.

\textsuperscript{97}Annex to Al-Kuwait Al-Yawm, No. 268, \textit{op. cit.}, Amiri Decree No. 7/1960, Art. 52, p. 5.

\textsuperscript{98}\textit{Ibid.}, Art. 157, p. 12.

\textsuperscript{99}\textit{Ibid.}, Art. 55, p. 5.
employee becomes entitled to the salary raise deriving from a promotion as of the beginning of the month succeeding its approval. 100

The foregoing discussion pertains only to ordinary promotions which are decided by ministries subject to the approval of the Civil Service Commission for the promotion of officials. The Civil Service Law provides, in addition, for extraordinary promotions decided by the Council of Ministers only for officials. An official who is not entitled to ordinary promotion may be promoted by a decision of the Council of Ministers at the request of the minister concerned and on representation by the Civil Service Commission. 101 Like ordinary promotion, extraordinary promotion is made to the grade immediately above an official's grade, and only when there is a vacant post (grade). 102

The system of extraordinary promotion was devised for the purpose of providing the opportunity for qualified young officials to advance quickly to higher posts, and consequently supply the top rungs of the hierarchy with vigour and educational competence. 103 However, with the establishment

100 [Ibid., Art. 60, p. 5.]
102 [Ibid.]
103 [Interview with Mr. Hamad al-Issa, ex-President of the Civil Service Commission, December 21, 1965.]
of the National Assembly (the parliament) in the country one misgiving of extraordinary promotions started materializ-
ing. Some Assembly members holding ministerial portfolios
have seized the opportunity to extend favours in the form
of extraordinary promotions to their supporters among
officials. And although the Council of Ministers had
decided in April, 1962 to allow only two extraordinary
promotions annually for each ministry, ministries are still
effecting excessive extraordinary promotions despite the
said decision. During the fiscal year 1964–65 the ministries
of Education and Guidance and Information effected -- with
the approval of the Council of Ministers -- three hundred
and eighty extraordinary promotions respectively. In
the course of five and a half months (from July 1, 1965
till December 16, 1965) the following extraordinary promo-
tions to and in Ranks II and III were approved for the
ministries mentioned before them respectively:

\[104\] Ibid.

\[105\] Al-Jazzar, op. cit., Council of Ministers' Secretariat's Correspondence Ref. No. 251 dated April 23, 1962 addressed to the Mayor of the Municipality, p. 425.

\[106\] Interview with Mr. Mohammad Taha, Controller of the Legal Opinions Division, C.S.C, December 22, 1965.

\[107\] Data obtained from the Statistics Division, Civil Service Commission.
Ministry of Guidance and Information 3
Ministry of Public Health 4
Ministry of Electricity and Water 55
Ministry of Finance and Oil 40
Ministry of Commerce and Industry 4
Ministry of Education 80
Ministry of Interior 8
Ministry of Social Affairs and Labour 4
Ministry of Posts, Telegraph, and Telephone 7

Unless the flow of extraordinary promotions is controlled and the system properly handled to eliminate patronage, the effects will be undesirable for general morale in the civil service; and they may actually defeat the basic objectives for which the system was originally instituted.

2. **Transfer**

Transfer refers to the horizontal movement of an employee to another job of the same class or occupational level in another organization unit. The distinguishing characteristic of this movement is that it does not involve any appreciable increase or decrease in duties and responsibilities or salary level; but entails a change from the jurisdiction of one executive to that of another. 108

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108 Pigors and Myers, *op. cit.*, p. 207.
A flexible policy of transfer contributes in remedying unsatisfactory placements and developing versatility in employees. It may also comprise a source of economy through facilitating adjustments in the work force in various organization units to correspond with seasonal and other casual fluctuations in the work volume; and can, when skilfully administered, squeeze lay-offs and dismissals. Moreover, it can be advantageously used as a tool to promote the training and development of employees.\(^{109}\)

Transfers in the Kuwaiti civil service are either intraministerial or interministerial. In either case, an official can not be transferred except to a vacant post of the same category and grade as the post he occupies.\(^{110}\) In other words an official assuming an administrative post may not be transferred to a technical post, or vice versa; nor can he be advanced to a higher grade or degraded as a result of transfer.

The transfer of an official or employee from one post or department to another within the same ministry is decided by the ministry’s undersecretary without reference to the Civil Service Commission.\(^{111}\) The transfer of an official

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\(^{109}\) Stahl, \textit{op. cit.}, p. 126


\(^{111}\) Ibid., Arts. 66 and 164, pp. 6, 12.
from one ministry to another is made by agreement between the personnel committees of both ministries, subject to the approval of the Civil Service Commission and the two concerned ministers.\textsuperscript{112} The transfer of an employee from one ministry to another goes into effect once it is approved by the undersecretaries of both ministries;\textsuperscript{113} without being initiated by the personnel committees as in the case of interministerial transfers of officials. The approval of the Civil Service Commission is also required for interministerial transfers of employees before they are ultimately endorsed by undersecretaries.\textsuperscript{114}

The function of the Civil Service Commission with respect to interministerial transfers is confined to checking the conformity of those transfers with the relevant provisions of the Civil Service Law. I propose that the role of the Commission should be more positive and aggressive. The status of the Commission as a central personnel agency should enable it not merely to review the legality of transfers, but to also initiate them when necessary for reducing the pressure of overstaffing in some ministries by shifting their redundant personnel to other ministries where additional manpower is

\textsuperscript{112} Ibid., Art. 65, p. 6.
\textsuperscript{113} Ibid., Art. 164, p. 12.
\textsuperscript{114} Interview with Mr. Mohammad Taha, Controller of the Legal Opinions Division, C.S.C., December 22, 1965.
needed to fill new vacancies and meet frequent peak loads. It seems reasonably surprising to have a continuous influx of new appointees in the civil service of a small country which employs over 28,000 officials and over 15,000 employees. Instead of making new appointments the Civil Service Commission can just reassign surplus personnel to fill new vacancies, and consequently reduce the burden of extravagant salary appropriations on the budget. Being supposedly the authority best informed about the status and qualifications of all civil servants, the Commission can also make effective use of transfers to remedy misplacements in the civil service by transferring misplaced officials to posts more suitable to their qualifications.

The lack of job description and analysis in the Kuwaiti civil service constitutes an obstacle that handicaps effective handling of transfers. In the absence of a sound position classification plan it is hard to accurately decide which positions are of the same class or occupational level among which transfers are supposedly made. It is also difficult to objectively assess the fitness of a civil servant for a certain post in the absence of a job description that illustrates the duties and responsibilities of that post.

3. Secondment

Secondment in the Kuwaiti civil service refers to the act of commissioning an official or employee to perform
temporarily the duties of a post other than that which he holds, whether in the same or in another ministry. A secondment can not be made except to a vacant post whose grade is not lower than the official's or employee's grade.\footnote{Annex to Al-Kuwait Al-Yawm, No. 268, \textit{op.cit.}, Amiri Decree No. 7/1960, Art. 68, p. 6.} When temporarily seconded to another post an official is either relieved from his original post during the period of secondment or required to perform simultaneously the duties of both posts; without being entitled, however, to the salaries of both posts combined.

Like transfer, secondment is either intraministerial or interministerial. An official or employee is seconded to perform the duties of a vacant post within the same ministry by decision of the undersecretary. Interministerial secondment of an official or employee from one ministry to another is effected by decision of the authority in charge of appointment (the minister or the undersecretary, as the case may be) in the latter ministry, with the approval of the similar authority in the former ministry.\footnote{Ibid., Arts. 70 and 165, pp. 6, 12.} The approval of the Civil Service Commission is required only for the interministerial secondment of an official which extends beyond the end of the fiscal year during which it takes place.\footnote{Ibid., Art. 69, p. 6.}
Interministerial secondments in the Kuwaiti civil service are rarely made due to the reluctance of any ministry to second its personnel to work for other ministries meanwhile it continues supporting their salaries. A ministry also hesitates to second its staff, specially for long periods, lest secondment conveys the impression that it does not actually need them, and is hence overstaffed.\footnote{118}

4. Separation

The service of an official or an employee, whether permanent (Kuwaiti) or temporary (non-Kuwaiti), can be terminated in accordance with the Civil Service Law for any of the reasons illustrated hereunder.\footnote{119}

1 – Reaching the age of sixty in the case of officials or sixty five in the case of employees -- with the exception of the imams, preachers, announcers, and servants of mosques whose services terminate at the age of seventy.

The Civil Service Law is, however, flexible in this regard as it allows taking advantage of specially qualified or experienced personnel even after they reach the age

\footnote{118}{Interview with Mr. Mohammad Taha, Controller of the Legal Opinions Division, C.S.C., December 22, 1965.}

\footnote{119}{Annex to Al-Kuwait Al-Yawm, No. 266, \textit{op. cit.}, Amiri Decree No. 7/1960, Arts. 141 and 176, pp. 11, 13.}
specified for release from service. Thus the service of an official may be extended for a period not exceeding five years by a decision of the Council of Ministers on the recommendation of the ministry concerned and representation by the Civil Service Commission. On the other hand, the undersecretary of a ministry may keep an employee in service after reaching the specified maximum age for a period not exceeding three years, provided he obtains the sanction of the appropriate medical board to the effect that the employee is fit for additional service. During the period of service extension an official or employee enjoys all the rights and fulfils all the obligations of regular officials or employees, unless otherwise specifically provided for.

2 - Medical unfitness.

The physical unfitness of an official or employee should be certified by the appropriate medical board to which he is referred either at his request or that of his ministry. An official or employee cannot be discharged on grounds of medical unfitness before the expiry of the sick leave as well as other leave to which he is entitled; save with his consent.

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120 Ibid., Art. 142, p. 11.
121 Ibid., Art. 177, p. 13.
122 Ibid., Arts. 142 and 177, pp. 11, 13.
123 Ibid., Art. 143, p. 11.
3 - Resignation

An application for resignation must be written and unconditional. A resignation to which any conditions or requests are attached is not considered unless the ministry decides to accept it and to respond sympathetically to the requests or terms it carries.\textsuperscript{124} A resignation becomes effective as from the date of its acceptance by the undersecretary of the concerned official's or employee's ministry. If thirty days elapse without such acceptance is formally given the resignation would be deemed accepted by force of the law. During this thirty-day period the acceptance of a resignation may be postponed for reasons connected with the interest of the work; or due to disciplinary measures being actually taken or expected to be taken against the concerned official or employee.\textsuperscript{125}

Apart from voluntary resignation, an official or employee would be deemed to have resigned by force of the law--without submitting formally his resignation--if he joins the service of a foreign government without securing permission from the Kuwaiti Government;\textsuperscript{126} or if he absents himself from duty for thirty days; or fails to return to duty within a fortnight following the expiration of his leave.\textsuperscript{127}

\textsuperscript{124}\textit{Ibid.}, Art. 145, p. 11.
\textsuperscript{125}\textit{Ibid.}, Art. 98, p. 8.
\textsuperscript{126}\textit{Ibid.}, Art. 147, p. 11.
\textsuperscript{127}\textit{Ibid.}, Art. 97, p. 8.
4 - Discharge by disciplinary decision or court verdict.

A disciplinary penalty involving discharge from service, with or without deprivation of full retirement pension or service gratuity or part thereof, can be imposed on officials only by the board of discipline;\(^{128}\) whereas it can be imposed on employees by the concerned ministry's undersecretary, provided his decision is sanctioned by the personnel committee of the ministry when forfeiture of full pension or gratuity or part thereof is involved.\(^{129}\) The board of discipline in respect of officials of Rank I is composed of the President and Undersecretary of the High Court of Appeal and the Public Prosecutor.\(^{130}\) For officials of Rank II it is composed of the undersecretary of the official's ministry, the Advocate General or Chief Prosecutor, and a representative of the Civil Service Commission who should be an official of Rank II.\(^{131}\) For officials of Rank III it is composed of the assistant undersecretary of the official's ministry, a prosecuting attorney designated by the Public Prosecutor, and a representative of the Civil Service Commission who should be an official of Rank II.\(^{132}\)

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\(^{128}\) \textit{Ibid.}, Art. 117, p. 9.

\(^{129}\) \textit{Ibid.}, Art. 172, p. 13.

\(^{130}\) \textit{Ibid.}, Art. 119, p. 9.


Discharge of an official or employee on the basis of a judicial verdict can be effected only when the verdict itself embodies that penalty. 133

5 - Cancellation of post.

When the post of an official or employee is cancelled he is released from service unless a suitable vacant post that requires the same qualifications as the cancelled post (in the case of officials' posts) or is of the same grade as the cancelled post (in the case of employees' posts) exists in the same or in another ministry, in which case the concerned official or employee is transferred to it in his same grade. 134 An official or employee separated from service due to the cancellation of his post retains his right in the retirement pension or service gratuity to which he may be entitled. 135

6 - Discharge by a decision of the Council of Ministers.

The Council of Ministers may discharge an official or employee for "reasons pertaining to public interest"; or at the request of his ministry, provided the request is substantiated with sufficient evidence. 136 The entitlement of the official or employee to pension or service gratuity

133 Sulaiman, op. cit., p. 88.
135 Ibid.
136 Ibid., Art. 149, p. 11.
is reserved when such discharge is effected. In practice the Council of Ministers does not openly pass decisions of discharge but resorts instead to advising personnel who flagrantly breach laws or become publicly notorious for proved misconduct or dishonesty to tender their resignations. Since the promulgation of the current Civil Service Law in March, 1960 only one case of discharge by a decision of the Council of Ministers took place. 138

7 - Forfeiture of the Kuwaiti nationality.

If the Kuwaiti nationality is forfeited by or withdrawn from a Kuwaiti official or employee he would be deemed discharged from service with effect from the date of the decision covering such forfeiture or withdrawal of the nationality. 139 Actually no cases of discharge for this reason have occurred since the issuance of the Civil Service Law in 1960. 140

8 - Sustainment of a sentence that curtails liberty in a crime detrimental to honour or honesty.

When an official or employee is accused of or convicted in an offence or crime detrimental to honour or honesty the public prosecutor reports the case to his ministry and

137 Ibid.


140 Interview with Mr. S. Sulaiman, Director of the Technical Office, C.S.C., March 27, 1966.
notifies it of the measures taken against him. When a ministry is duly informed by the public prosecutor of the incrimination of one of its civil servants it promptly issues the decision of his suspension from work and the concomitant suspension of his salaries until the court verdict is passed. If he is proved innocent he would be reinstated in the service and paid his outstanding salaries retrospectively from the date of his suspension. But if he is declared guilty he would be deemed discharged from service as of the date of his suspension.

In addition to the foregoing reasons which justify the termination of any official's or employee's service, temporary civil servants may be released upon the expiration of their contracts. Thus a temporary official engaged in a permanent post under Contract Form "A" or Contract Form "E" may be dismissed upon the expiration of his contract provided he is notified of his termination at least two months prior to the expiry of the contract. If notice is not served in accordance with this procedure the contract would be deemed extended for a further period of one year, which may be similarly renewed year after year. When a temporary employee

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engaged in a permanent post under Contract Form "B" is to be terminated at the expiry of his contract he should be notified accordingly at least one month before the expiry of the contract, otherwise it would be deemed renewed for a further period of six months, similarly renewable for equal periods. 143 Temporary employees engaged in permanent posts under Contract Form "F" (Indian and Pakistani employees) have to be notified of their termination two months at least before the expiry of their contracts; which would otherwise be deemed renewed for similar periods of one year each. 144 A temporary official employed in a temporary post under Contract Form "C" or Contract Form "D" is released from service as of the date of expiry of his contract, unless it is renewed at least one month before that date. 145 These two contracts are renewed for such periods as may be agreed upon between the concerned officials and the civil service. 146

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146 Ibid.
When the service of an official or employee is terminated, the personnel office of his ministry forwards to the Civil Service Commission a copy of the decision of termination, accompanied with the necessary supporting documents. The duty of the Civil Service Commission when receiving the decision is quite important because it is charged with checking its legality in respect of its conformity with the civil service regulations in force. If it is found out that the action of termination is inconsistent with the regulations it would be annulled and the terminee reinstated in service. If the decision of termination is deemed, on the other hand, legal the Commission determines the retirement pension or service gratuity to which the terminee is entitled. ¹⁴⁷

The table presented on the next page about the number of civil servants separated from service for various reasons, during a period of four months (From January 1, 1965 till April 30, 1965) may convey an idea about the rate of turnover in the Kuwaiti civil service. It may be inferred from the table that resignation and separation upon expiry of contract represent the two prominent reasons of service termination. In this connection, it is appropriate to point out that no analysis of the rate of turnover is undertaken in the

¹⁴⁷ Sulaiman, op. cit., p. 91.
### Table

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### Table III - 2

Rate of Separation during Four Months (January 1, 1965 - April 30, 1966)
Kuwaiti civil service; nor are exit interviews conducted with officials and employees who quit the service.

5. Re-engagement.

It is deemed usually desirable to re-employ efficient employees who had been separated from service because of staff reductions if an expansion in staff takes place within a reasonable interim following their separation.\(^{148}\) It is likewise healthy to reinstate, whenever feasible, personnel who had quit the service voluntarily for one reason or another.\(^ {149}\)

The Kuwaiti Civil Service Law is liberal with regard to the re-engagement of civil servants who leave the service for reasons which do not legally inhibit their reinstatement. Thus the law permits re-employing an official or employee who quits the service, in the same grade and at the same rate of pay which he was drawing on leaving the service.\(^ {150}\) Moreover, an ex-official may be re-engaged, subject to the approval of the Civil Service Commission, in a grade or at a rate of pay higher than that which he had achieved before leaving the service -- provided, however, that he does not exceed the grade immediately above his previous grade or overstep his colleagues.

\(^{148}\) Stahl, \textit{op. cit.}, p. 413.

\(^{149}\) Nigro, \textit{op. cit.}, p. 351.

\(^{150}\) Annex to \textit{Al-Kuwait Al-Yawm}, No. 268, \textit{op. cit.}, Amiri Decree No. 7/1960, Art. 21, p. 3.
in salary or seniority— if the period he had spent outside the civil service was in a job where he acquired experience relevant to his new post.\textsuperscript{151}

An ex-official or ex-employee may be reinstated as described above provided that: (1) the period during which he had been away from the service does not exceed five years, (2) his termination was not due to a disciplinary action or a court verdict entailing discharge from service, and (3) neither of the last two annual performance reports during his previous service rated him "weak."\textsuperscript{152} In addition to these three conditions stipulated explicitly in the law for reinstatement, it is implied that re-engaged personnel should also fulfill the general requirements for employment.

A point of concern in the system of re-engagement in the Kuwaiti civil service is that a reinstated official is not required to pass the examination held for the vacancy to which he is assigned.\textsuperscript{153} This exemption does not apparently comply with the principles of merit which imply extending equal opportunity to all applicants for government employment, rather than giving exceptional preference to ex-officials over other candidates. It may be sufficient as a privilege for an ex-official that he can be reinstated in a grade or at a rate of pay higher than that he had achieved before leaving the service.

\textsuperscript{151}\textit{Ibid.}, Art. 22, p. 3.
\textsuperscript{152}\textit{Ibid.}, Art. 21, p. 3.
\textsuperscript{153}Interview with Mr. M. Kishk, Controller of the Selection Division, C.S.C., December 22, 1965.
CHAPTER IV

TRAINING

A. The Significance of Training in the Civil Service

Every institution should be prepared to answer this question posed by society: "What is the institution doing to foster the development of the individuals within it?" ¹

In any successful organization, staff training is bound to occupy an important place because it represents—particularly when adequately planned, systematized, and evaluated—an essential aspect of the direction of human effort. ² Training is in fact a continuing necessity within an organization. It assumes a role of great significance to the quality of service and output inasmuch as it promotes the effectiveness of employees for their immediate and future duties. ³ Training is also identified with the whole process of communication in an organization. It may be broadly viewed as the


³ Ibid., p. 307.
process of imparting new information, emotions, and attitudes to employees; and consequently influencing them in desired directions.\(^4\)

Training is of two types: pre-entry training, and post-entry or in-service training. Pre-entry training refers to the training or education a person acquires at school or college prior to joining the civil service. Post-entry or in-service training refers to the training or new skills and competence an employee is equipped with while in service. In-service training serves a number of objectives. Its fundamental objective is to improve employee performance and morale, largely through the imparting of knowledge and the development of supplementary skills and abilities.\(^5\) Another objective of in-service training programs is the institution of career service. The spirit of a career service implies that an organization should make intensive efforts to develop the capacities of employees to qualify them for promotion to higher posts.\(^6\) A third important objective sought by in-service training programs is broadening the usefulness of employees by


\(^5\)Political Studies and Public Administration Department, American University of Beirut, Public Personnel Administration (Selected Readings, 1958), p. 259. (Mimeographed.)

increasing their organizational fitness through continuous re-orientation with the total scope of the organizational policies and procedures, and development of the supervisory abilities of potential and present supervisors.\footnote{Stahl, \textit{op. cit.}, p. 293.}

\section*{B. Pre-entry Training in Kuwait}

Pre-entry training in the form of regular academic education in Kuwait had until the opening of the Kuwait University in October, 1966, terminated at the high school stage; and was not generally directed to meet the needs of the civil service or qualify students for engagement in Government jobs. The lack of a public administration institute has constituted a further obstacle to the training of prospective officials for effective undertaking of senior positions in the civil service. Specialized pre-entry training has been until the opening of the Kuwait University this year restricted in external training through educational missions sponsored by the Ministry of Education for Kuwaiti high school graduates only. The policy regulating these educational missions is outlined annually by a missions committee that also determines the number and duration of scholarships as well as the fields of specialization in which they are offered, in the light of the needs of the country, particularly in the areas of specialization not available in
When selecting the applicants for these scholarships the missions committee takes into consideration their preferences of the different lines of study, their grade averages achieved for the high school diploma, and their grades in the subjects relating to the proposed fields of university study. The missions sponsored by the Ministry of Education are of two types: (1) academic missions for the purpose of obtaining degrees or diplomas, and (2) practical missions for the sake of acquiring experience or training in particular jobs, rather than attaining academic certificates.

The number of bursary students delegated by the Ministry of Education abroad was 597 in 1961-62, 661 in 1962-63, 723 in 1963-64, 953 in 1964-65, and 1234 in 1965-66. The number of these students is expected, however, to decrease in the future due to the opening of the Kuwait University which has already absorbed in the first year of its operation 400 students and the higher qualifications recently required by the Ministry of Education of bursary students (such as having achieved a minimum grade average

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9 Ibid., Art. 2, p. 18.
10 Information obtained from the Educational Missions Office, Ministry of Education.
11 The Daily News (Kuwait), November 13, 1966, p. 5.
of 70 in their high school courses).  

The previous regulations of the Ministry of Education's missions-- which had been in effect until the promulgation of the current regulations in May, 1966-- emphasized that graduates were given priority in selection for openings in the civil service, because they were required to serve the Government for a period equivalent at least to the number of years of their respective scholarships. Unless a graduate was exempted for special considerations from this rule, he was charged half the total expenses which the Government supported for his university study should he decline engagement in the civil service.

Although the field of study of each bursary student had to be approved by the Government, very few students have majored in Public Administration to be professionally competent for assuming superior positions in the civil service. Moreover, the majority of graduates have been assigned to jobs not quite fitting their specific fields of specialization.

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14 Ibid., Art. 4, p. 10.

15 Ibid., Art. 7, p. 10.

16 Al-Hadaf (Kuwait), January 27, 1966, p. 4.
The other sole attempt of formal pre-entry training was made in 1965 when the Civil Service Commission was entrusted with the task of training thirty two unemployed Kuwaiti citizens, all of whom were of the preparatory academic level, to qualify them for civil service. These were actually trained by the Commission within five months as typists of Arabic, and were employed by various ministries.17

C. Post-entry Training in the Civil Service

Post-entry training in the Kuwaiti civil service may be discussed under two headings: (1) internal training within the civil service, and (2) external training abroad.

1. Internal Training within the Civil Service

Internal post-entry training within the Kuwaiti civil service is still in the embryonic phase, and is carried out by the Civil Service Commission and the Kuwait Institute of Economic and Social Planning in the Middle East.

a) Training by the Civil Service Commission

The training undertaken by the Civil Service Commission was started only in 1962 and is still deficient

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17Interview with Mr. I. Sun'allah, Controller of the Training Division, Civil Service Commission, January 6, 1966.
with regard to the variety of its programs and the categories of personnel benefiting of them. The operating ministries where actual training should be undertaken, with the help of the Civil Service Commission in supplying the general framework of the training policy, have not yet assumed this basic responsibility. The role of ministries is presently confined to furnishing the Civil Service Commission with information about their training needs and the personnel they nominate for different training programs.\textsuperscript{18} The indifference of some ministries with regard to training is displayed by their negative response to the appeals of the Civil Service Commission to check illegitimate absence of their personnel in the training programs.\textsuperscript{19}

The Civil Service Commission performs the duties of assessing the general training needs in the civil service, in consultation with the various ministries, and administering the training courses necessary to satisfy those needs. More specifically, the tasks entrusted to the Civil Service Commission in the realm of training include:\textsuperscript{20}

\textsuperscript{18}Ibid.

\textsuperscript{19}Civil Service Commission, Training Division, Annual Training Report of 1963-64, p. 6. (In the files of the Division).

1. Organizing conferences and panel discussions that seek to promote an awareness of the usefulness of training and explore the training needs of the civil service.

2. Determining the standards of proficiency to be accomplished through training for various job levels.

3. Programming and administering the training courses, and selecting the training staff.

4. Evaluating the results of training at various stages.

5. Following up and reviewing international research dealing with the trends and development of training, and proposing the types and methods of training that suit the requirements and circumstances of the Kuwaiti civil service.


In-service training programs were commenced in the middle of 1962 when the Civil Service Commission conducted a field survey of the basic training needs in the various ministries, and drafted a detailed plan for coping with those needs and selecting the necessary qualified training staff. In September, 1962 the Council of Ministers approved the propositions of the Commission concerning training, but decided to confine training to Kuwaiti officials only in the
first instance. Thus training was restricted to a minor proportion of civil servants, namely Kuwaiti officials. All employees, as well as all non-Kuwaiti officials were accordingly excluded from training opportunities. Moreover, the training programs conducted by the Civil Service Commission have been in practice mainly directed to improving the competence of officials of Rank III, the majority of whom are of an elementary or a preparatory educational background. Officials of Rank I have been completely excluded from the Commission's training schemes. Supervisory training which is of prime importance in every organization is not yet undertaken in the Kuwaiti civil service, although it was provided for in the comprehensive training plan drafted by the Civil Service Commission. The lack of a public administration institute or specialized staff for supervisory training has hitherto impeded launching this program.

The training programs conducted by the Civil Service Commission are classified under three broad categories:

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(1) general orientation for new officials, (2) general training for similar posts in various ministries, and (3) specialized training for specific jobs in particular ministries.

**General Orientation for New Officials**

The Civil Service Commission has incorporated this type of training in its training plan for the purpose of orienting every new official with the general functions of his respective ministry and its relationships with other public agencies, besides indoctrinating him with the civil service regulations in force.\(^{24}\) Actually, this kind of orientation had been given so far only to some new officials in the Ministry of Posts, Telegraph, and Telephone; and is not yet extended to other ministries.

**General Training for Similar Posts in Various Ministries**

This kind of training has until now covered the courses described hereunder.\(^{25}\)

**Personnel Administration:** This course is devised to improve the proficiency of officials concerned with personnel administration at various ministries by means of

\(^{24}\) Ibid., p. 3.

\(^{25}\) Ibid., pp. 8-9.
familiarizing them with personnel regulations and procedures.

**Secretaryship:** This course aims at improving the aptitude of private secretaries and other clerical officials performing secretarial assignments.

**Storekeeping and Purchasing:** This course is devised to equip officials engaged in storekeeping and purchasing jobs with general knowledge pertaining to their duties.

**General Accounting:** This course is offered to orient officials engaged in accounting work with the modern theories and practices applied in this field.

**Budgeting:** This course seeks to improve the performance of budget officials at various ministries by orienting them with modern budgetary procedures and techniques.

**Arabic Typing:** This course is given to qualify some officials for typing jobs.

**Statistics:** This course aims at training statistical clerks at various ministries in methods of data collection and statistical analysis.

**Arabic Shorthand:** This course is designed to qualify some officials to assume the jobs of committee secretaries, which demand shorthand skills for recording minutes of committee meetings.
English Language: This course is given to officials whose jobs involve using English, in order to improve their command of the language.

Specialized Training for Specific Types of Jobs

This type of training, which is given for specific posts in particular ministries, has embraced the undermentioned programs during the past three years. 26

Public Relations and Correspondence: This program was designed to promote the ability of clerical staff of the municipality, whose functions involve formal communication with the public, in establishing favourable relations with their clientele.

Pharmacy: The purpose of this program is the improvement of the technical proficiency of assistant pharmacists at the Ministry of Public Health, and the training of some clerical staff as assistant pharmacists.

Social Education: This program is offered to some officials of the Ministry of Social Affairs and Labour to provide them with general education related to social welfare, and to acquaint them with the functions of the various divisions in the Ministry and their relations with other ministries.

Sanitary Inspection: This program seeks to develop the performance of sanitation inspectors of the

26 Ibid., pp. 10-12.
Police Investigation: The objective of this program is to improve the performance standard of police investigators at the Ministry of Interior by orienting them with the legal procedures pertaining to their functions.

Shorthand: This course seeks to qualify some female officials at the Ministry of Education for the jobs of secretaries of committees in the ministry.

Social Welfare: This program is offered to social welfare analysts of the Ministry of Social Affairs and Labour for the purposes of: (1) developing their awareness of the obligations of the ministry in the field of social welfare and increasing their comprehension of their role in the fulfilment of those obligations, (2) orienting them with modern techniques of serving the individual and the community in order to enable them to establish adequate relations with individuals and groups, and (3) helping them to continually follow up new developments in the field of social welfare through reference to pertinent books and periodicals regularly supplied to the ministry's library.

Labour Affairs: This program seeks to develop the competence of officials of the Labour Affairs Offices which belong to the Ministry of Social Affairs and Labour and are responsible for organizing the local labour market,
supervising industrial relations between employers and employees, and observing the application of the labour laws in the public and private sectors.

**School Secretaryship:** The purpose of this program is to train some female officials of the Ministry of Education for the posts of school secretaries.

During the first three years --1962-1965-- a total of 784 Kuwaiti officials, mostly of Rank III, were trained in the various aforementioned programs. Their distribution over the programs was as follows:

- **General Orientation For New Officials:** 240
- **General Training Programs:** 268
- **Specialized Training Programs:** 276

As the majority of trainees had been of the preparatory academic level it was often found necessary to provide them with basic academic training in order to enable them to comprehend adequately the training for their jobs.

Although the budgetary appropriations for training are usually considerable there are no full-time instructors yet. Instructors are usually selected from amongst specialized

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27 Ibid., p. 9.
28 Ibid., p. 13.
29 In the 1965/1966 Budget KD. 25,000 were appropriated for training.
officials in the civil service to work in the training programs on part-time basis. This may be regarded as a basic defect in the whole training scheme, because the importance of the training function requires engaging qualified and adequately trained trainers to devote their full concentration to programming courses and tutoring trainees.

In view of the fact that Kuwaiti officials enjoy remarkable security of tenure and many other privileges, it is hard to induce them to join training programs and perform homework assignments without offering them some incentives. Realizing this fact, the Civil Service Commission instituted some inducements. Thus training has been given during the regular working time in the morning, under the assumption that officials would be otherwise reluctant to sacrifice their leisure time for attending training programs.\(^{30}\) As a second incentive, the first five trainees in each program are granted financial rewards, depending in amount on the number of lectures in each program.\(^{31}\) A third significant incentive is embodied in the recommendations sent by the Civil Service Commission to all ministries to re-assign officials

\(^{30}\) "Al-Tadrīb wa-Ahdāfuḥu fī al-Khidma al-Madaniya, \(\textit{op. cit.}\), p. 3.

who complete successfully general training programs to posts suitable to the training they had received.\textsuperscript{32} Though some ministries have not been applying the Commission's recommendations, some others -- including the ministries of Public Health, Education, Justice, Guidance and Information, Finance and Oil, Foreign Affairs, and Public Works -- did affirmatively respond, and accordingly transfer successful trainees to appropriate posts compatible with their new skills acquired from training.\textsuperscript{33}

The discussion on the training programs administered by the Civil Service Commission can not be concluded without touching on the process of evaluation of those programs. Evaluation of training is actually a difficult and delicate task, because training often deals with intangibles, and may be only one of several circumstances that bring about a given result in administration.\textsuperscript{34} Bearing this fact in mind, the Civil Service Commission is credited for setting some specific criteria on the basis of which it has been attempting to evaluate the results of its training programs. The Commission views the evaluation it makes for the results of

\textsuperscript{32}\textit{Al-Tadrīb wa-Ahdāfuhu fī al-Khidma al-Madaniya}, op. cit., p. 6.

\textsuperscript{33}Interview with Mr. I. Sun'allah, Controller of the Training Division, C.S.C., January 6, 1966.

\textsuperscript{34}Stahl, \textit{op. cit.}, p. 305.
the training programs as discovering the deficiencies in those programs, and the reasons therefor, in order to introduce the necessary remedial improvements which can make the objectives of training more attainable. In carrying out the evaluation process the Commission employs the following criteria:

1. **Enquiries.** Enquiries are used to envisage the aspects of both success and weakness in each program, for accordingly developing it in the light of past experience.

2. **Attendance.** An analysis of the fluctuation in the rate of attendance of trainees is made for determining the reasons.

3. **Reports.** Reports are prepared by officials in charge of supervising the training programs to convey their remarks and suggestions for improvement.

4. **Research Work.** Trainees are required sometimes to undertake research work relevant to their training programs for the purpose of appraising their comprehension of the training given to them,

5. **Examinations.** Examinations are given to gauge the trainees' understanding of the material covered in

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36 Ibid.
In addition to these criteria, the Civil Service Commission often follows up the progress of officials after completing their training by conferring with their job supervisors on the improvement of their performance and the correlation of the training with their actual job duties. The remarks of supervisors are taken into account when planning changes in the training programs. A questionnaire distributed by the Civil Service Commission in 1965 to various ministries for evaluating the results of the training programs attended by their officials revealed the following general results:

<table>
<thead>
<tr>
<th>Increase in general education</th>
<th>74%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development of ability to adequately comprehend and approach social problems</td>
<td>66%</td>
</tr>
<tr>
<td>Pride in the training acquired</td>
<td>69%</td>
</tr>
<tr>
<td>Increase in productivity</td>
<td>55%</td>
</tr>
<tr>
<td>Increase in proficiency</td>
<td>61%</td>
</tr>
<tr>
<td>Progress of speed in performing job duties</td>
<td>63%</td>
</tr>
<tr>
<td>Increase in cooperation with colleagues</td>
<td>79%</td>
</tr>
<tr>
<td>Improvement of accuracy in work performance</td>
<td>66%</td>
</tr>
</tbody>
</table>

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37 Interview with Mr. I. Sun'allah, Controller of the Training Division, C.S.C., January 6, 1966.

Under the presumption that the above results represent a fairly authentic reflection of the reality, they constitute a clear indication that the training programs conducted by the Civil Service Commission have yielded encouraging results which should promote greater interest in large-scale and varied training schemes.

b) Training by the Kuwait Institute of Economic and Social Planning in the Middle East.

Aside from the training programs offered by the Civil Service Commission, an advanced type of internal post-entry training of a comparatively high intellectual character is provided by the recently established Kuwait Institute of Economic and Social Planning in the Middle East. The institute, which is jointly sponsored by the United Nations and the Kuwaiti Government, was established in 1966 for the training of specialists and officials responsible for economic and social planning and development in Government agencies, and for the provision of research and advisory services in these fields. More particularly, the functions of the institute with respect to public personnel training include the following:


\[40\] Ibid., Art. 3, p. 9.
1. Providing annual training courses for officials in charge of development programming and execution.

2. Organizing special training programs in aspects of economic and social planning for incumbents of senior positions in the civil service.

3. Conducting, in cooperation with specialized agencies of the United Nations, special brief courses of three or four months' duration at the under-graduate and graduate level on specific aspects of programming and implementation in specialized areas of planning.

4. Organizing annual or bi-annual symposia, extending over nearly three weeks, to enable senior personnel of the planning and other related Government agencies to discuss and compare experience on selected topics of economic development planning and execution.

The institute has commenced its activities in its first current year of operation by selecting forty senior officials in the civil service to attend, for two hours per day, the training seminars it has organized. These officials were carefully selected for their concern with the function of planning in their respective ministries, and their intellectual
competence, as the majority of them were university graduates. 41 Definite standards of selection of trainees have not been, however, finally established yet.

The institute has started by offering three courses, of four months' duration each, on "Statistics and National Accounts", "General Development Planning", and "Project Formulation". The languages of instruction are Arabic and English, as appropriate and feasible.

Though an evaluation of the institutes training programs is difficult to make at this very early stage, it is hoped that this advanced type of training will develop the ability of officials engaged in planning jobs at various public organizations to carry out their tasks more competently; and accordingly facilitate the decentralization of planning, which is almost centralized in the Planning Board, to the various ministries.

2. External Training Abroad

Apart from internal training within the civil service, external training in advanced professional and technical fields at universities or institutes abroad is also provided for qualified officials, when feasible and

41 Interview with Mr. Sulaiman Mutawa*, Co-Director of the Kuwait Institute of Economic and Social Planning in the Middle East, November 17, 1966.
necessary. This type of training is provided through educational missions and educational leaves.

a) Educational Missions

Educational missions are restricted to Kuwaiti officials only. Non-Kuwaiti officials as well as all employees are not eligible for this training privilege.

Educational missions are of three categories: (1) missions for obtaining degrees and diplomas or undertaking scientific research, (2) missions for acquiring practical training or experience, and (3) missions for attending particular seasonal programs or brief training courses.

In practice, the Educational Missions Committee has been disposed to give priority when considering nominations for educational missions to officials recommended for special technical training courses not leading to degrees first, then to officials nominated for special non-technical training courses, and last to university graduates recommended

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42 Al-Kuwait Al-Yawm, No. 352, (November 12, 1961), Educational Missions Regulations dated November 12, 1961, issued by the Civil Service Commission, Art. 1, p. 3.

43 Ibid., Art. 3, p. 3.
for pursuing their postgraduate studies. About 80% of officials sent until now on special brief training courses have been of the technical staff, while approximately 80% of those sent to study for university degrees have been of the administrative staff.\textsuperscript{44}

The requirements for educational missions are not difficult to meet as they have been in fact deliberately made simple in order to facilitate sending the largest possible number of promising Kuwaiti officials on missions. To be eligible for an educational mission an official is required to be of good character, physically fit, and fairly familiar with the language of the country designated for the mission. In addition, candidates of missions for obtaining academic degrees and diplomas or undertaking scientific research must be in possession of college degrees or advanced educational qualifications.\textsuperscript{45}

Nominations for educational missions are submitted by the initiating ministries, through the Civil Service Commission, to the Educational Missions Committee for consideration and subsequent approval or rejection.\textsuperscript{46} The

\textsuperscript{44} Interview with Mr. Ahmad Labbad, Controller of the Educational Missions Division, Civil Service Commission, January 20, 1966.

\textsuperscript{45} Al-Kuwait Al-Yawm, No. 352, op. cit., Educational Missions Regulations, Art. 5, p. 3.

\textsuperscript{46} Ibid., Art. 9, p. 3.
committee is composed of the president of the Civil Service Commission, as chairman; and of the undersecretary of the Ministry of Education, the director of the Planning Board, the assistant undersecretary of the Ministry of Finance for financial affairs, and the director of the Selection and Training Department of the Civil Service Commission.

As the educational missions program seeks essentially to provide Kuwaiti officials with the opportunity to improve their education or technical proficiency, inducements are offered to officials to utilize the opportunity. One inducement lies in the handsome allowances paid -- besides the regular basic salary -- during the period of training abroad.\textsuperscript{47} An official sent on an educational mission to Lebanon or Egypt, for example, receives a regular monthly allowance of L. L. 600 or £ 60, an annual clothing allowance of L. L. 500 or £ 60, and L. L. 300 or £ 30 annually for purchasing textbooks. To my mind, these allowances alone can be scarcely hoped for as total earnings by young university graduates in Lebanon or Egypt. As a further encouragement, the Government supports the travel expenses of members of educational missions, as well as their wives' and childrens'.\textsuperscript{48}

\textsuperscript{47}Ibid., Art. 29, p. 4.

\textsuperscript{48}Ibid., Arts. 25 and 26, p. 4.
As the purpose of educational and training missions is the development of officials’ competence for more effective service it is stipulated that an official sent on a mission should, after completing his training, serve the Government for two years against each year of the period of his mission.\(^4^9\) If an official declines to serve the Government; or if his service is terminated by a disciplinary decision or a court verdict, or because of being convicted in a dishonourable crime he would be required to refund to the Government all the expenses it supported for his training during the mission period.\(^5^0\)

An apparent shortcoming in the administration of the educational missions program is that no formal evaluation is made of the new skills and potentialities acquired by officials benefiting from the missions.\(^5^1\) Because of the lack of this kind of evaluation, members of these missions return usually to their same posts, instead of being shifted to new jobs where they can apply more adequately the new skills they had achieved.

In view of the particular circumstances of the Kuwaiti civil service which embraces a considerable propor-


\(^{5^0}\) *Ibid*.

\(^{5^1}\) Interview with Mr. Ahmad Labbad, Controller of the Educational Missions Division, C.S.C, January 20, 1966.
tion of Kuwaiti officials who are either illiterate or of an elementary educational background, educational and training missions should be reasonably resorted to on a large scale as a means of raising the inadequate educational standard of those personnel. Considering the large size of the civil service (which included at the beginning of 1966 28457 officials, 15138 of whom were Kuwaitis), the number of officials sent on educational and special training missions is relatively meagre. The members of educational and special training missions numbered 54 in 1960, 61 in 1961, 134 in 1962, 172 in 1963, 125 in 1964, and 195 in 1965. 52

b) Educational Leaves

Educational Leaves represent the second means of external post-entry training in the Kuwaiti civil service. Like other in-service training opportunities, educational leaves are allowed to officials, but not to employees. Unlike training programs within the civil service and educational missions, educational leaves are not confined to Kuwaitis only, but are allowed to non-Kuwaiti counterparts as well. In fact the original article in the Civil Service Law restricted educational leaves to Kuwaiti officials only. 53

52 Ibid.

but the privilege was extended to non-Kuwaiti officials by succeeding amendments of the original provision. The first amendment, subsumed in Amiri Decree No. 38/1960, permitted granting a non-Kuwaiti official a study leave without pay for a period not exceeding three years. In accordance with the second amendment, comprehended in Amiri Decree No. 9/1961, non-Kuwaiti officials were formally subjected to the same treatment applicable to Kuwaiti officials with respect to educational leaves. The current operative article states that any official may, with the approval of the Civil Service Commission, be granted study leave with full, reduced, or without pay for a period not exceeding four years, extendible under the same terms for a further period of two years, provided such extension is justifiable. In practice, however, educational leaves at reduced pay are very rarely given. Kuwaitis are ordinarily granted the leave with full pay, whereas non-Kuwaitis are customarily granted the leave without pay.


In November, 1965 the Civil Service Commission issued a decision specifying the conditions for granting Kuwaiti officials of the secondary or lower educational levels educational leaves with full pay. In accordance with the said decision, Kuwaiti officials who are in possession of the secondary education diploma and have completed a minimum of five years service may be granted educational leave with full pay for a period not exceeding six years, provided they enroll in recognized institutes where studies lead to a degree or diploma. Kuwaiti officials who do not hold academic diplomas but who complete over five years service may be granted study leave with full pay for a maximum period of one year in order to undertake studies directly related to their posts at recognized vocational or technical institutes.

In the course of six years, from 1960 till the end of 1965, 316 officials were granted educational leaves; 173 officials of whom proceeded on the leave in 1965.

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57 Ibid., Art. 4, p. 88.

58 Information obtained from the Educational Missions Division, Civil Service Commission.
The foregoing discussion on training in the Kuwaiti civil service inspires two concluding remarks. First, training opportunities are provided to officials only, and are not made available to employees. The underlying assumption seems to be that the functions assigned to employees are so easy that they require no special training. The assumption can not, however, be tacitly accepted as convincing. Even though the duties involved in the jobs of employees are not intellectually demanding, that should not vindicate depriving them of training that qualifies them for more effective service and develops their skills in anticipation of improving the status of promising individuals.

The second observation concerns the restriction of all chances of in-service training— with the exception of educational leaves — to Kuwaiti officials only. The notion comprising the foundation of this practice is that non-Kuwaiti officials are supposed to have had sufficient training before joining the civil service, otherwise they should not have been originally employed. 59 I tend to disapprove this exculpation for not extending appropriate training opportunities to all civil servants, irrespective of their nationalities.

59 Hamad al-Issa, "Ass'ila Hā'ira wa-Jawāh" (translation of Arabic title, "Bewildered Questions and an Answer") Al-Muwazzaf, VII (June, 1962), 44.
In the first place, confining training to Kuwaiti officials only implies a discrimination among civil servants on the basis of nationality, which can unfavourably affect the morale of non-Kuwaiti personnel. In the second place, not all non-Kuwaiti officials are adequately trained. The classification of officials according to educational achievement shown on page 88 reveals that as at the end of 1963 only 15.9% of non-Kuwaiti officials were university graduates, while 40.5% were high school graduates, 19.3% of an intermediate level, 8.8% of levels below the intermediate stage, 15.1% barely literate, and 0.0% illiterate. Those percentages indicate that a considerable proportion of non-Kuwaiti officials obviously lack the appropriate educational qualifications required for effective service. Since the dismissal of these officials is inconceivable at present for various considerations, the only alternative for ameliorating their competence is providing them with the necessary training together with their Kuwaiti colleagues. The training of these officials will still serve the interest of the civil service in terms of developed capabilities and higher efficiency. In the third place, training should be viewed as a continuous process of development; and officials should be accordingly trained for more progressive performance even where they are deemed to possess the basic qualifications required for their posts.
CHAPTER V
POSITION CLASSIFICATION AND REMUNERATIONS

A. Classification of Positions

Position classification constitutes one of the fundamental foundations on which present day personnel management rests. It refers to the organizing or allocation of positions to classes on the basis of job analysis—duties performed, responsibilities involved, and qualifications required.¹

A class of positions should embrace those positions sufficiently similar with respect to duties, responsibilities and authority thereof to warrant use of the same descriptive title to designate each position allocated to the class, the same description of duties and responsibilities, the same basic requirements as to education and experience, the same methods and tests of fitness for personnel selection, and the same scale of pay applied with equity under substantially the same employment conditions.²


An increasingly significant role is attributed to position classification plans in personnel administration in view of their potential uses and advantages in the effective administration of public agencies and the facilitation of other personnel objectives.

Position classification provides a rational criterion for controlling pay scales by making it possible to equate whole classes of positions with common salary ranges,\(^3\) attain the primary objective of "equal pay for equal work", and eliminate favoritism salary-wise.\(^4\) It facilitates the processes of recruitment, examination, and selection of employees by providing information about the nature of jobs in the service;\(^5\) and aids in setting standards of performance evaluation by defining the content of jobs against which the performance of incumbents can be measured.\(^6\) It furnishes a systematic view of opportunities and position relationships essential to an orderly promotion and placement procedure;\(^7\) and facilitates the preparation


\(^4\) Bartholomew, *op. cit.*, p. 92.


\(^6\) The Civil Service Assembly of the U.S. and Canada, *op. cit.*, pp. 36 - 37.

\(^7\) Stahl, *op. cit.*, p. 152.
of informative budgets by establishing uniform and defined terminology for the naming of positions. The analysis and class specifications furnished by a position classification plan can comprise the basis upon which the content of orientation and other in-service training programs may be developed.

It should be pointed out, however, that position classification is not an end in itself; and that while it may be effectively used as a valuable administrative tool for facilitating the accomplishment of many ends of personnel administration, it is not intended to be used as a cure-all for personnel problems.

Position classification in its proper meaning as an allocation of all positions in the civil service to classes on the basis of the duties and responsibilities involved and the qualifications required is not yet developed in the Kuwaiti civil service.

Positions are grouped in accordance with the Civil Service Law into four ranks indicative of their respective general levels of authority and responsibility. The higher

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8 The Civil Service Assembly of the U.S. and Canada, *op. cit.*, p. 35.
three ranks include the posts of officials while the fourth rank comprises the posts of employees. Rank I embraces superior posts involving authority of command. Rank II includes senior posts involving responsibility of supervision. Rank III comprehends intermediate posts involving responsibility of execution. Rank IV subsumes the posts of employees. 11

Except for the two posts of "Undersecretary" and "Assistant Undersecretary" which are by law placed in Rank I, 12 no organized classification of posts in these ranks is made, because no description and analysis of the duties and responsibilities involved in each position had been undertaken. 13

In view of the fact that a person's salary and grade are decided upon engagement on the basis of his personal qualifications rather than his post, many positions which are similar with respect to their titles or responsibilities are placed in different grades and ranks because of the


13 Interview with Mr. A. Tawfiq, Position Classification Section Officer, Civil Service Commission, March 27, 1966.
difference in the personal qualifications of their incumbents. The actual arrangement of positions in the civil service seems to follow the rank classification system where positions are grouped together into categories in accordance with the personal qualifications of their incumbents rather than their functions and responsibilities.

I have concluded from interviews with the senior officials of the Civil Service Commission that they are now aware of the imperative necessity of a well-rounded position classification plan to be employed as an effective tool in resolving the intricate problems of general administration and facilitating the accomplishment of many objectives of organization. In fact the Civil Service Commission is contemplating at present the commencement of a job description program for all positions in the civil service, preparatory to their analysis, evaluation, and ultimate allocation to classes which would be accorded similar treatment in respect of the requirements of education and experience, methods and tests for personnel selection, and compensation. 14

As a preliminary step, the Commission has started recently compiling data concerning the titles of posts in

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14 Interview with Mr. Hamad al-Issa, Ex-President of the Civil Service Commission, March 29, 1966.
each ministry and the respective ranks and grades in which they are placed. The data collected so far reveals a fairly consistent assignment of some broad categories of positions in respective ranks and grades. Thus in Rank I, which includes the posts of Undersecretary and Assistant Undersecretary, Distinguished Grade "A" has been assigned to the post of "Muhafaz", while Distinguished Grade "B" has been given to the posts of "Director of the Municipality" and "President of the Civil Service Commission."¹⁵ In Ranks II and III posts are divided according to the nature of their duties into two categories: administrative posts and technical posts; the latter being identified as those posts which require special professional competence (such as the posts of physicians, engineers, and pharmacists).

The grades of Rank II are assigned to broad class titles in the following manner:¹⁶

Grade one for the level of "Department Director-A".
Grade two for the levels of "Department Director-B" and "Division Controller-A".
Grade three for the levels of "Division Controller-B" and "Section Officer".
Grade four for the level of "Analyst".

¹⁵Ibid.
¹⁶Condensed from documents obtained privately from the Position Classification Division, Civil Service Commission.
The grades of Rank III are similarly designated for broad class titles in accordance with the following description.  

Grade one for the level of "Branch Chief".

Grade two for the levels of "Clerk-A" and "Technician-A".

Grade three for the levels of "Clerk-B" and "Technician-B".

Grade four for the levels of "Assistant Clerk" and "Assistant Technician".

Rank IV is reserved exclusively for the posts of employees which involve only simple duties that demand no special educational achievement. The jobs usually included in this rank are those of office boy, messenger, driver, cook, guard, chief guard, steward, first aid man, telephone exchange operator, tailor, and barber.

The sample grouping shown in Chart V-1 on the following page of positions in Ranks II and III in the Ministry of Posts, Telegraph, and Telephone according to their categories (administrative or technical) and grades may illustrate more specifically the types of positions that fall under each of the forementioned broad class titles.

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17 Ibid.


19 Condensed from documents obtained privately from the Position Classification Division, Civil Service Commission.
### Chart V-1

**Classification of Rank II and Rank III Positions in the Ministry of Posts, Telegraph, and Telephone**

#### Rank II

<table>
<thead>
<tr>
<th>Grade One</th>
<th>Administrative</th>
<th>Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director of Administrative Affairs</td>
<td>Telegraph Supervisor</td>
<td>Telephone Supervisor</td>
</tr>
<tr>
<td>Director of Financial Affairs</td>
<td>Director of the Minister's Office</td>
<td>External Postal Services Controller</td>
</tr>
<tr>
<td>Director of Posts and Telephone</td>
<td>Internal Postal Services Controller</td>
<td>Telephone Installation Controller</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade Two</th>
<th>Administrative</th>
<th>Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director of Administrative Affairs</td>
<td>Telephone Installation Controller</td>
<td>Telephone Maintenance Controller</td>
</tr>
<tr>
<td>Director of Financial Affairs</td>
<td>Telephone Network Controller</td>
<td>Administrative Inspector</td>
</tr>
<tr>
<td>Director of Posts and Telephone</td>
<td>Administrative Affairs Controller</td>
<td>Financial Affairs Controller</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade Three</th>
<th>Administrative</th>
<th>Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Telegraph Engineer</td>
<td>Director of the Undersecretary's Office</td>
<td>Administrative Inspector</td>
</tr>
<tr>
<td>Senior Radio Engineer</td>
<td>Telephone Maintenance Controller</td>
<td>Telephone Network Controller</td>
</tr>
<tr>
<td>Senior Installations Engineer</td>
<td>Administrative Affairs Controller</td>
<td>Financial Affairs Controller</td>
</tr>
<tr>
<td>Senior Maintenance Engineer</td>
<td>Telephone Installation Controller</td>
<td>Telephone Network Controller</td>
</tr>
<tr>
<td>Wireless Station Officer</td>
<td>Telephone Installation Controller</td>
<td>Telephone Network Controller</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade Four</th>
<th>Administrative</th>
<th>Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant</td>
<td>Senior Telegraph Engineer</td>
<td>Senior Radio Engineer</td>
</tr>
<tr>
<td>Translator</td>
<td>Administrative Inspector</td>
<td>Telephone Installation Controller</td>
</tr>
<tr>
<td>Radio Engineer</td>
<td>Telephone Maintenance Controller</td>
<td>Telephone Network Controller</td>
</tr>
<tr>
<td>Legal Analyst</td>
<td>Administrative Affairs Controller</td>
<td>Financial Affairs Controller</td>
</tr>
<tr>
<td>Auditor</td>
<td>Telephone Installation Controller</td>
<td>Telephone Network Controller</td>
</tr>
<tr>
<td>Maintenance Engineer</td>
<td>Telephone Installation Controller</td>
<td>Telephone Network Controller</td>
</tr>
</tbody>
</table>

#### Rank III

<table>
<thead>
<tr>
<th>Grade One</th>
<th>Administrative</th>
<th>Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posts Branch Personnel Chief</td>
<td>Telegraph Chief</td>
<td>Accounting Clerk-A</td>
</tr>
<tr>
<td>Accounting Chief</td>
<td>Radio Chief</td>
<td>Typist-A</td>
</tr>
<tr>
<td>Librarian</td>
<td>Installations Chief</td>
<td>Head Postman</td>
</tr>
<tr>
<td>Secretary</td>
<td>Workshop Chief</td>
<td>Translator</td>
</tr>
<tr>
<td>Translator</td>
<td>Transportation and Garage General Foreman</td>
<td>Maintenance Technician-A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade Two</th>
<th>Administrative</th>
<th>Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting Clerk-B</td>
<td>Accounting Clerk-B</td>
<td>Accounting Clerk-B</td>
</tr>
<tr>
<td>Typist-B</td>
<td>Records Clerk-B</td>
<td>Records Clerk-B</td>
</tr>
<tr>
<td>Transportaion Foreman</td>
<td>Transportation Foreman</td>
<td>Transportation Foreman</td>
</tr>
<tr>
<td>Maintenance Technician-B</td>
<td>Maintenance Technician-B</td>
<td>Maintenance Technician-B</td>
</tr>
<tr>
<td>Calligrapher-B</td>
<td>Draftsman-B</td>
<td>Draftsman-B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade Three</th>
<th>Administrative</th>
<th>Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile Mechanic-B</td>
<td>Telephone Technician-B</td>
<td>Telephone Technician-B</td>
</tr>
<tr>
<td>Radio Technician-B</td>
<td>Installations Technician-B</td>
<td>Installations Technician-B</td>
</tr>
<tr>
<td>Maintenance Technician-B</td>
<td>Calligrapher-B</td>
<td>Draftsman-B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade Four</th>
<th>Administrative</th>
<th>Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Accounting Clerk</td>
<td>Assistant Accounting Clerk</td>
<td>Assistant Accounting Clerk</td>
</tr>
<tr>
<td>Postman</td>
<td>Assistant Telegraph Technician</td>
<td>Assistant Telegraph Technician</td>
</tr>
<tr>
<td>Transportation Foreman</td>
<td>Assistant Installations Technician</td>
<td>Assistant Installations Technician</td>
</tr>
<tr>
<td>Assistant Maintenance Technician</td>
<td>Assistant Maintenance Technician</td>
<td>Assistant Maintenance Technician</td>
</tr>
</tbody>
</table>
The construction of a sound position classification plan in the Kuwaiti civil service is hampered by two major obstacles. In the first place, a position classification developed in accordance with the proper principles of classification has to specify, among other things, the minimum requirements of education and experience for every class of positions. As the majority of Kuwaitis— including those already engaged in the civil service— do not possess high educational qualifications, they will not be accordingly eligible for employment in or promotion to high ranking positions requiring advanced educational backgrounds. Such a consequence deriving from the establishment of position classification will not be publicly tolerated nor will it be reconcilable with the prevailing policy of assigning superior and senior positions in the service to Kuwaiti nationals, even if they are not adequately competent from the educational standpoint.20

In the second place, the undertaking of position classification in a large civil service comprising over forty thousand officials and employees requires a sufficient number of staff with appropriate specialization to carry out the various processes involved in the development of the classification plan. The present staff of the Position Classification Division

20Interview with Mr. Hamdi Ibrahim, Consultant of the Civil Service Commission, March 28, 1966.
of the Civil Service Commission who will be naturally entrusted with constructing the classification plan -- if it has to be necessarily completed by officials from within the service -- are few in number for the project and are not, generally speaking, specialized in this aspect of public personnel administration. This difficulty of shortage in specialized personnel can be, however, overcome by engaging a team of experts from outside the civil service to carry out the classification scheme.

B. Salaries

A well developed and administered pay plan, operating in close conjunction with a sound system of position classification, is an essential element of a well-rounded personnel program. The lack of a comprehensive compensation policy entails, among other consequences, inequality in salary schedules, difficulties in recruitment and turnover, decreased efficiency, and lowered morale.

A definite and precise pay plan may be viewed as a structural blue-print of the whole service that indicates the

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21 Interview with Mr. S. Sulaiman, Director of the Technical Office, Civil Service Commission, March 27, 1966.

22 Political Studies and Public Administration Department, American University of Beirut, Public Personnel Administration (Selected Readings, 1958), p. 255. (Mimeographed.)

23 Stahl, op. cit., p. 192.
relationships between classes of positions in terms of pay differentials, and supplies the basis for the standardization of salaries so that similar work is compensated by similar pay.\textsuperscript{24} A pay plan embraces two parts: (1) the scale of pay established for each class of positions, and (2) the formal rules for salary administration.

In the discussion about position classification in the Kuwaiti civil service it was pointed out that posts are assorted with respect to their relative levels of authority and responsibility into four ranks. As there is no proper position classification based on the duties and responsibilities of positions, the distinction between posts is in reality made on the basis of their respective pay schedules; and the aforesaid ranks refer actually to the four salary schedules comprising the pay plan.

Salary schedule No. 1 is assigned for superior posts of Rank I. It embraces two grades: Distinguished Grade "A" and Distinguished Grade "B", besides the posts-or grades-of "Undersecretary" and "Assistant Undersecretary". Salary schedule No. 2 is designated for senior posts of Rank II, and consists of four grades. Salary schedule No. 3 is specified for intermediate posts of Rank III, and comprises four grades.

\textsuperscript{24}\textit{Ibid.}, p. 178.
Salary schedule No. 4 is assigned for posts of employees (Rank IV), and includes three grades.

With the exception of the grades of salary schedule No. 1 which have flat salary rates, each grade in the remaining three schedules has a basic and a ceiling salary rate, but with no specific intermediate steps between them.

The amount of the regular annual increment and the minimum period to be completed in each grade (save grade one in each of schedule No. 3 and schedule No. 4) are specified in each schedule except in schedule No. 1 where no annual salary increments are awarded and no definite period is stipulated for completion in any grade before an official becomes eligible for promotion to a higher grade.

It is obvious from the salary schedules shown on page 171 that the pay ranges in schedules 2, 3, and 4 are separate and seriate rather than overlapping. The minimum rate of pay of any grade is exactly the same as the ceiling rate of the preceding grade. This system does not conform to the practice in most modern jurisdictions where "the trend seems to be in the direction of overlap which, on balance, appears to be preferable to separate pay ranges."²⁵ Despite their weakness lying in the occasional case where the pay of a subordinate

²⁵Powell, op. cit., p. 360.
is -- at least temporarily -- higher than that of his superior, overlapping pay ranges are yet preferable in view of their recognition of the value of experienced persons; their mitigation of the budgetary impact of promotions; and their elasticity. A non-overlapping pay schedule, as the one adopted in the Kuwaiti civil service, results in so small a number of grades that clear distinction in the levels of difficulty or responsibility of different jobs can not be recognized by different classifications. It also results in grouping in the same grade a wide range of jobs substantially different in respect of their difficulty or responsibility and qualification requirements; provides too few minimum rates with which to make job offers; and entails a considerable financial differential between the entrance rates.

The undesirable consequences of the small number of grades in the non-overlapping salary schedules applied in the Kuwaiti civil service were clearly conceived by the economic mission organized in 1963 by the International Bank for Reconstruction and Development at the request of the Government of Kuwait. The mission concluded that:

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26 Ibid.


A difficulty may be caused in the long run by the small number of grades. If the highest grades in each group (schedule) are destined for selected officials and the posts in those remain relatively few, the point will soon be reached where the annual increments of the lower grades are exhausted and the salary of an official may remain stationary for years. During the period of expansion, promotion must generally have been quick. In the coming years the pressure from below may, however, become quite strong and the danger of inflation of the number of higher positions may increase.

Since the pay plan in the Kuwaiti civil service was not initially devised in accordance with distinct principles or recognized methods, and was not based on a comprehensive position classification plan, it can not be considered to insure equal pay for equal work.

It is known that a number of factors are taken into account when formulating a public compensation plan. Most of these factors may be classified broadly under two major headings: (1) The economic considerations, and (2) the ethical and social considerations. Among the important economic factors are the prevailing market rate, the cost of living, supply and demand, and the financial ability of the government. From the social and ethical standpoints, the state, being charged with providing for the common welfare, is under a special obligation to its servants that even the lowest salaries should afford civil servants the means for

\[29\] Stahl, *op. cit.*, p. 171.

\[30\] Bartholomew, *op. cit.*, p. 93.
maintaining a minimum standard of living in accordance with
the requirements of health and decency. 31

The salary schedules applied in the Kuwaiti civil
service were not actually based on the forementioned factors,
because when they were developed no basic data pertaining to
those factors were collected and systematically analyzed.
The pay rates in the four salary schedules were as a matter
of fact based on common sense in an arbitrary manner. 32 The
consultant of the Civil Service Commission (formerly president
of the Civil Service Commission in Egypt) who drafted the
present Civil Service Law and the pay scale confirmed to me
that pay rates of the various grades were, with slight
modifications, kept the same as those of the former pay scale
established in 1955; and that no survey of pay rates in the
private sector or of the cost of living or other essential
factors was undertaken to aid in the development of the salary
schedules. 33

Contrary to the situation in many economically developed
countries, such as the U.S.A., where salary offers in private
business are, generally speaking, considerably higher than

31 Stahl, op. cit., p. 192.
32 Interview with Mr. S. Sulaiman, Director of the Technical Office, Civil Service Commission, March 27, 1966.
33 Interview with Mr. Hamdi Ibrahim, Consultant of the Civil Service Commission, March 28, 1966.
those in government; the salary structure in the Kuwaiti
Government compares reasonably well with that in the private
sector. In fact if the various allowances and difference
in hours and tempo of work are taken into account, the payment
conditions in the civil service are more favourable than
those afforded by major private employers. Underlying
this situation is the exceptionally strong financial ability
of the Government, deriving from its abundant oil revenues.

Thus although not based on rational analysis and
definite considerations, the compensation plan in the Kuwaiti
civil service is sufficiently liberal to make the Government
stand in a favourable position should it compete with private
enterprise for attracting qualified personnel. Compared also
to the salary scales available in the governments and
private sectors of the majority of other Arab countries,
the pay scale in the Kuwaiti civil service has the advantage
of affording higher salaries; thus enabling the civil service
to rely on these countries as the primary source of its
foreign personnel, particularly for technical positions for
which qualified Kuwaiti candidates are still very few.

34 The Economic Development of Kuwait, op. cit., p. 43.

35 Interview with Mr. S. Sulaiman, Director of the
<table>
<thead>
<tr>
<th>Grade</th>
<th>Range</th>
<th>Schedule No.</th>
</tr>
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<tbody>
<tr>
<td>I</td>
<td>From KD.4,120 to KD.5,900</td>
<td>Schedule No. 2</td>
</tr>
<tr>
<td>II</td>
<td>From KD.5,900 to KD.7,900</td>
<td>Schedule No. 2</td>
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<tr>
<td>III</td>
<td>From KD.7,900 to KD.9,400</td>
<td>Schedule No. 2</td>
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<tr>
<td>IV</td>
<td>From KD.9,400 to KD.11,200</td>
<td>Schedule No. 2</td>
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<tr>
<th>Grade</th>
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<tr>
<td>I</td>
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<td>From KD.5,900 to KD.7,900</td>
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<td>From KD.7,900 to KD.9,400</td>
<td>Schedule No. 2</td>
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<td>IV</td>
<td>From KD.9,400 to KD.11,200</td>
<td>Schedule No. 2</td>
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</table>

**Schedule of Salaries and Grades**

**TABLE I**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Minimum Period to be Completed in the Grade</th>
<th>Annual Increment</th>
<th>Annual Increments to be Earned</th>
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<tbody>
<tr>
<td>I</td>
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*Note: This is a simplified representation of the document.*
C. Allowances

Salaries in the Kuwaiti civil service are supplemented by a variety of allowances which comprise a high proportion of the budgetary appropriations for personnel remunerations. Out of the KD. 62,122,702 salary appropriations in the 1965/66 budget, approximately 29\% (KD 18,077,799) was apportioned for various allowances.\textsuperscript{36}

The following discussion shall briefly describe each of the main allowances.

1. Overtime Work Allowance

Overtime work allowance is applicable only to officials of Rank III and employees. Officials of Rank I and Rank II are not entitled to this allowance.\textsuperscript{37}

The allowance is paid only for overtime work in excess of two hours per day or the maximum working time of 48 hours per week.\textsuperscript{38} In other words though the regular working hours for administrative staff are only six per day, no work is considered as overtime except that

\textsuperscript{36} Kuwait, Ministry of Finance, Budget of 1965/1966.


\textsuperscript{38} Kuwait, Civil Service Commission, Circular No. 11/1965 dated September 25, 1965.
exceeding eight hours per day. Overtime work which can be estimated in hours is compensated at the rate of one third of a day's wage (a month is deemed to comprise 30 days for this purpose) for every overtime work not less than two hours per day, provided that the total remuneration does not exceed 25% of the monthly basic salary. The maximum recompense is, nevertheless, raised to 30% of the basic monthly salary in case the overtime work cannot be estimated in hours. Officials who receive proficiency allowance cannot be simultaneously entitled to overtime work allowance.

2. Social Allowance

The social allowance was instituted with effect from April 1, 1963 to cancel and replace the housing allowance which used to be granted until that date.

This allowance is granted to officials and employees who are engaged in permanent posts and are not provided with government accommodation. Temporary officials engaged in temporary posts under Contract Form "C" and Contract Form "D" are not paid social allowance but are

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40 Ibid., Art. 4, p. 34.
41 Ibid., Art. 7, p. 34.
provided instead with free furnished government accommodation.

A woman official or employee married to a non-government official or employee is granted social allowance at bachelor rate, but if she is married to a civil servant she is not entitled to the allowance.*

Table V-2 on the next page shows the monthly social allowance granted to eligible bachelor personnel, as well as the allowance granted to a married official or employee for his wife and the maximum of six children.

Payment of the allowance to an official or employee for his sons is ceased when they reach the age of 24 (unless they are disabled and cannot earn their living) or become self-supporting even before reaching that age.

Payment of the allowance for a daughter is discontinued as from the date of her marriage; but is resumed in the event of divorce or death of husband."*

3. Transportation Allowance

Officials and employees engaged in permanent posts--except those who are afforded free transportation facilities by the Government, as well as those who are provided with free government accommodations located in the zones of their work--are granted monthly transportation

*43 Ibid., Art. 2, p. 456.
*44 Ibid., Arts. 5, 6, and 7, p. 456.
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**Social Allowance Rates**

- Table 2

- Table 1
allowance at the rates of: KD. 25,000 for Rank II officials, KD. 10,000 for Rank III officials, and KD. 3,000 for employees. 45

Payment of the allowance is ceased during educational missions and all leaves but sick leave. 46

Officials of Distinguished Grade "A" and Distinguished Grade "B" of Rank I are assigned government cars; and are paid transportation allowance only when they relinquish those cars, at the rate of KD. 90,000 per month. 47

Officials of the grades of Undersecretary and Assistant Undersecretary of Rank I are entitled to transportation allowance at the rates of KD. 90,000 and KD. 75,000 respectively per month. 48

4. Proficiency Allowance

Proficiency allowance is granted to officials and employees whose jobs require particular technical skills or involve duties of special character. The allowance is paid in full or reduced in accordance with the payment of the recipient's basic salary.

46 Ibid., Art. 2, p. 63.
48 Ibid., Art. 2.
Proficiency Allowance for Physicians, Pharmacists, Veterinarians, and Assistant Pharmacists

Physicians — including dentists who possess the degree of Bachelor of Medicine and Surgery or a university qualification equivalent thereto, and are engaged in posts specified for their profession in the budget, are granted proficiency allowance at the following rates:

30% of the basic rate of pay of grade for physicians in grades 4 and 3 of Rank II.

40% of the basic rate of pay of grade for physicians in grades 2 and 1 of Rank II.

50% of the basic rate of pay of grade for physicians in the grades of Undersecretary and Assistant Undersecretary.

Pharmacists and veterinarians in possession of the Bachelor Degree who are engaged in posts specified for their professions in the budget are entitled to proficiency allowance at the following rates:

25% of the basic rate of pay of grade for those in grades 4 and 3 of Rank II.

35% of the basic rate of pay of grade for those in grades 2 and 1 of Rank II.

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Assistant pharmacists are granted proficiency allowance at the rate of 15% of the basic rate of pay of the grade specified for their jobs in the budget.\(^{52}\)

**Proficiency Allowance for Engineers**

Engineers -- including agricultural engineers\(^{53}\) -- who hold the degree of Bachelor of Engineering or an equivalent university qualification, and are employed in posts specified for their profession in the budget, are entitled to proficiency allowance at the following rates:\(^{54}\)

- 25% of the starting rate of pay of grade for engineers in grades 4 and 3 of Rank II.
- 25% of the basic rate of pay of grade for engineers in grades 2 and 1 of Rank II.
- 50% of the starting rate of pay of grade for engineers in the grades of Undersecretary and Assistant Undersecretary.

**Proficiency Allowance for Oil Gaugers, Nursing Staff, and Sea Pilots**

Oil gaugers, officials of the nursing staff, and sea

\(^{52}\) *Al-Kuwait Al-Yawm*, No. 546, (September 26, 1965), Ministry of Finance’s Decision No. 35/1965 dated September 18, 1965, Art. 1, p. 18.

\(^{53}\) *Al-Jazzar*, op. cit., Ministry of Finance’s Decision No. 13/64 dated June 1, 1964, Art. 1, p. 477.

pilots engaged in Rank II and Rank III are granted Proficiency allowance at the rates of 25%, 15%, and 25% respectively of the basic salaries of their grades.

**Proficiency Allowance for Ambulance Drivers and Fire Truck Drivers**

Ambulance drivers and fire truck drivers are entitled to a fixed proficiency allowance of KD. 7,500 per month.

**Proficiency Allowance for Guest House Personnel**

Officials and employees who serve at the Government guest houses are granted a proficiency allowance comprising 25% of the basic rates of pay of their respective grades.

**Proficiency Allowance for Duty at Mental Asylums**

Nurses and employees whose jobs involve direct communication with patients at mental asylums are paid a proficiency allowance comprising 15% of the basic rates of pay of

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57 Ibid., Ministry of Finance's Decision No. 22/64 dated August 4, 1964, Art. 1, p. 480.
the respective grades specified for their posts in the budget, provided that this allowance is not simultaneously received with infection allowance or X-ray hazard allowance.

Proficiency Allowance for Laboratory Analysts, Massagists, and Medical Assistants

Laboratory analysts, massagists, and medical assistants are granted proficiency allowance at the rate of 15% of the basic salaries of the respective grades designated for their jobs in the budget.

5. Representation Allowance

A representation allowance is granted, at the following rates, to officials engaged in grades of Rank I, as well as department directors who are assigned to grade 1 of Rank II and other officials of similar status who hold supervisory positions. The allowance is granted to those officials for the purpose of enabling them to support the expenses deemed necessary to facilitate the performance of their duties and ensure adequate representation of the State.


61 Ibid., Art. 2, p. 25.


Rates of the Representation Allowance

<table>
<thead>
<tr>
<th>Rank/Grade</th>
<th>Monthly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distinguished Grade 'A'</td>
<td>KD, 80,000</td>
</tr>
<tr>
<td>Distinguished Grade 'B'</td>
<td>70,000</td>
</tr>
<tr>
<td>Undersecretary</td>
<td>60,000</td>
</tr>
<tr>
<td>Assistant Undersecretary</td>
<td>45,000</td>
</tr>
</tbody>
</table>

Rank II:

| Grade 1                     | 25,000       |

6. Allowance for Assignment Abroad

Officials and employees who are engaged in permanent posts and are posted outside the State of Kuwait are granted an allowance for assignment abroad according to their respective ranks and grades, in three categories of rates, as shown on the following page. 65

The first rate of the allowance is applicable to the following countries: U.S.A., England, West Germany, France, and Japan. The second rate is applicable to the United Arab Republic, Iraq, Syria, Lebanon, Saudi Arabia, Jordan, Libya, Tunisia, Algeria, Morocco, and

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64 Ibid., Attached schedule, p. 483.
65 Ibid., Ministry of Finance's Decision No. 18/64, dated June 20, 1964, p. 486.
Iran. The third rate is applicable to Yemen, Arabian Gulf Emirates, India, and Pakistan. 66

<table>
<thead>
<tr>
<th>Rank/Grade</th>
<th>First Rate KD. Per Month</th>
<th>Second Rate KD. Per Month</th>
<th>Third Rate KD. Per Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rank I</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Undersecretary</td>
<td>300,000</td>
<td>250,000</td>
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</tr>
<tr>
<td>Assistant Undersecretary</td>
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<td>Grade 4</td>
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<tr>
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<tr>
<td>Grade 1</td>
<td>50,000</td>
<td>25,000</td>
<td>15,000</td>
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7. **Infection Allowance**

An infection allowance is granted to the following groups of personnel, at the rate of 15% of the basic salaries of the respective grades assigned for their posts in the budget:

1. Nurses and employees who are engaged in cleanliness work in chest diseases sanitariums and infectious diseases hospitals, provided that they are not concurrently paid X-ray hazard allowance.  

2. Social analysts whose duties entail direct contact with chest diseases patients.

3. Drivers of garbage disposal vehicles.

4. Barbers and waiters who are employed in chest diseases sanitariums or communicable diseases hospitals to serve the patients.

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5. Massagists and massageuses of chest diseases sanitariums and infectious diseases hospitals who are involved in direct contact with the patients.\(^71\)

6. Vocational training instructors engaged for training patients of chest diseases sanitariums.\(^72\)

7. Slaughterhouse inspectors.\(^73\)

8. Autopsy room nurses.\(^74\)

8. **Village Allowance**

A village allowance is granted in three different rates (KD. 3.750, KD. 7.500, and KD. 11.250) to officials engaged in posts whose stations are in districts outside the city.\(^75\) The allowance is paid on a monthly basis in full or reduced according to the payment of an official's basic salary.\(^76\)


9. **Summons Allowance**

The public prosecutor, public attorney, chief prosecutors, and prosecuting attorneys who are engaged in Ranks I and II are entitled to a summons allowance comprising 25% of the basic rates of pay of their respective grades.\(^77\) The allowance is paid in full or reduced in conjunction with the payment of the recipient’s basic salary.\(^78\) A summons allowance is likewise granted at the same forementioned rate to the investigators and chief investigators of the Ministry of Interior who are engaged in Rank II; for being required to be ready for summons at any time.\(^79\)

**D. Fringe Benefits**

The fringe benefits associated with a position constitute a significant means of inducement for prospective applicants, and are usually taken into account when determining the general pay level in the civil service. Fringe benefits in the Kuwaiti civil service may be discussed under the following topics: service termination gratuity and

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\(^{79}\) *Al Jazzar, op. cit.*, Ministry of Finance’s Decision No. 24/64 dated August 25, 1964, Art. 1, p. 510.
retirement pension, leaves, hours of work, public holidays, and medical treatment.

1. Service Termination Gratuity and Retirement Pension

It is convenient to clarify before discussing service gratuities and retirement pensions that distinction is made with respect to these benefits between Kuwaiti and non-Kuwaiti civil servants. Retirement pensions are granted only to Kuwaiti officials and employees who are engaged in permanent posts and meet some specific conditions.

Kuwaiti officials and employees employed in temporary posts\(^a\), as well as all non-Kuwaiti officials and employees, are not eligible for retirement benefits upon separation from service; but are entitled instead to service gratuity.

**Service Gratuity**

The rates of service gratuity and retirement pensions, illustrated in the Pensions and Gratuities Regulations, are applicable to Kuwaiti officials and employees only. The rates of gratuity for non-Kuwaiti officials and employees are specified in their contracts.\(^80\)

\(^a\)Although in practice Kuwaiti personnel are normally engaged in permanent posts.

The gratuities granted to Kuwaiti civil servants are obviously more generous than those fixed for their non-Kuwaiti counterparts. The underlying assumption is probably that the obligation of the Government should be greater toward its native staff in respect of securing them against economic difficulty after leaving its service.

In view of the variance between the rules and rates of service gratuity applicable to Kuwaiti civil servants and those applicable to non-Kuwaiti personnel, it is appropriate to discuss them separately.

Service Gratuity for Non-Kuwaiti -- or Temporary-- Officials and Employees.

Service gratuity is granted only to officials and employees engaged in permanent posts. Temporary officials employed in temporary posts under Contract Form "C" and Contract Form "D" are not entitled to gratuity.

Temporary officials engaged in permanent posts are entitled to service gratuity at the rate of 8% of the annual salary, calculated on the basis of the last monthly salary earned, for each year of the first five years of actual service, and at the rate of 12% of the same salary for each

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*Service gratuity is granted for actual service in the sense that when an official’s service is terminated due to cancellation of post, or some other non-disciplinary reason, he is granted full salary for the remaining period.*
year of additional service; provided that the total gratuity does not exceed two years' salary.  

Temporary employees engaged in permanent posts are granted service gratuity at the rate of half a month's salary -- based on the last salary earned -- for each of the first five years of service; and at the rate of one month's salary for each year of additional service; provided that the total gratuity does not exceed eighteen months' salary.

The fore-mentioned rates of gratuity are doubled if an official's or an employee's separation from service is due to death or total disability arising out of and in the course of employment, as certified by the appropriate medical board. They are, on the other hand, reduced by one quarter if an official's or an employee's service termination is due to voluntary resignation before the expiry of his contract.

of his contract if he is serving under Contract Form "A" or three months' salary if he is engaged under Contract Form "E"; but that period is not included as actual service when calculating his gratuity.

Al-Kuwait Al-Yawm, No. 271, op. cit., Civil Service Commission's Circular No. 7/60, Art. 7.5., p. 6.


Ibid., Contract Form "B", Art. 4, p. 26; and Contract Form "F", Art. 9, p. 12.

Al-Kuwait Al-Yawm, No. 271, op. cit., Civil Service Commission's Circular No. 7/60, Art. 7.3, p. 5.
Service Gratuity for Kuwaiti Officials and Employees.

Kuwaiti officials and employees are entitled upon separation from service to monthly retirement pensions provided they satisfy certain conditions for that purpose. If these conditions are not met, an official or an employee would be entitled instead to service gratuity.

Unlike the rates granted to non-Kuwaiti personnel, the rates of gratuity for Kuwaiti officials and employees are the same. A Kuwaiti official or employee who is not eligible for retirement pension is paid service gratuity at the rate of one month's salary for each year of the first five years of service, provided the total period of service is not less than one year; two months' salary for each of the second five years; and three months' salary for each additional year.\(^8\) The gratuity is computed on the basis of the last salary attained by the official or employee;\(^8\) and it can not exceed a maximum of five years' salary.\(^8\)

When the termination of an official's or an employee's service is due to resignation, the service gratuity to which he is entitled is reduced by a certain percent that varies

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\(^8\)\footnote{Annex to Al-Kuwait Al-Yawm, No. 266, \textit{op. cit.}, Amiri Decree No. 3/1960, Art. 31, p. 3.}

\(^8\)\footnote{Ibid., Art. 32, p. 3.}
in accordance with his service period and age. Thus the gratuity rates are reduced by 20% when the period of service is less than five years, by 15% when it exceeds five years but falls short of ten, and by 5% when it reaches fifteen or more years. In exception of this provision, however, the gratuity is not reduced if resignation is due to a medical handicap that endangers the life of the concerned civil servant if he continues in service. The gratuity rates are reduced by 5% if upon resignation an official or employees is under the age of forty five years; and by 2% if he is over forty five but under fifty two. This reduction does not apply to a woman official or employee who tenders her resignation within one year from the date of her marriage.

On the other hand, the forementioned gratuity rates are increased when termination of service is due to non-disciplinary reasons, or to death or total disability incurred in the course of performance of duty. Accordingly, the gratuity is increased by 50% if separation from service is due to a non-disciplinary reason, such as the cancellation of post; and is doubled, provided it does not

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87 Ibid., Art. 34, P. 4.
88 Ibid., Arts. 34 and 9, pp. 4, 2.
89 Ibid., Arts. 34 and 10, pp. 4, 2.
90 Ibid., Art. 35., P. 4.
subsequently exceed ten years' salary, in case service termination is due to death or total disability that is attributable to and takes place while the official or employee is carrying out the duties of his post.\textsuperscript{91}

The service gratuity of an official or employee is divided, upon his death, in specified proportions among his beneficiaries, designated as his widow (s), sons and unmarried daughters, father, mother, brothers, and sisters.\textsuperscript{92} If none of the mentioned beneficiaries is available, the gratuity devolves upon Government treasury.\textsuperscript{93}

Apart from the foregoing regular service gratuity, the Council of Ministers may, on suggestion by the Minister of Finance, grant extraordinary increase of gratuity to Kuwaiti officials and employees (or their beneficiaries) upon termination of service.\textsuperscript{94} The regulations do not specify the maximum rate of this extraordinary increase of gratuity; which is eventually governed by the same regulations of regular gratuity, but without prejudice to any special ruling that may be made by the Council of Ministers.\textsuperscript{95}

\textsuperscript{91}Ibid., Art. 36, p. 4.
\textsuperscript{92}Ibid., Art. 37, p. 4.
\textsuperscript{93}Ibid., Art. 38, p. 4.
\textsuperscript{94}Ibid., Art. 40, p. 4.
\textsuperscript{95}Ibid.
A Kuwaiti ex-official or ex-employee who has received his gratuity upon service termination may, if re-engaged in service, be treated on the basis of continuous service with respect to gratuity if he pays back the gratuity he had received previously.\textsuperscript{96}

In accordance with the regulations an official or employee forfeits his gratuity if he is convicted in a case of embezzlement of Government funds, or bribe, or forgery of official documents. Following his death, however, his beneficiaries are paid half the gratuity, apparently for humane considerations.\textsuperscript{97}

\textbf{Retirement Pension}

Retirement plans for civil servants have met a wide acceptance that their administration and basic characteristics are seldom debated. A planned system of retirement is highly desirable even from the viewpoint of government: If no appropriate pensions are provided, the service is destined to become overburdened with superannuated employees with lowered efficiency.

\textsuperscript{96}\textit{Ibid.}, Art. 49, p. 5.

\textsuperscript{97}\textit{Ibid.}, Art. 42, p. 4.
A retirement system may be actually considered from two angles: the interest of the government, and the concern of the employee. The primary object sought by the government unit when it adopts a retirement system is the improvement of its staff. A proper retirement system facilitates the elimination of superannuated and disabled personnel, and contributes to the improvement of the morale and efficiency of civil servants by providing opportunities of advancement to higher posts vacated by retiring incumbents.  

From the standpoint of the employee, the advantages of a good retirement scheme are obvious. It increases the opportunities of promotion to higher level jobs, and affords protection and economic security for aged employees against pauperism and dependence on others in the future.

Thus retirement benefits are not to be looked upon as gratuities offered as a reward for long and loyal service, but rather as a business proposition in which the interests both of the service and of the employees, are mutually involved.

The retirement scheme in the Kuwaiti civil service applies only to Kuwaiti officials and employees who are

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98 Stahl, op. cit., p. 397.
99 Ibid., p. 398.
100 Ibid.
engaged in permanent posts and satisfy certain conditions. Non-Kuwaiti officials and employees (excluding officials engaged in temporary posts under Contract Forms "C" and "D"), as well as Kuwaiti personnel not eligible for retirement pensions, are entitled instead to service gratuity.

The retirement plan in the Kuwaiti civil service is partly contributory with regard to its financial basis. A pension contribution of five percent of the salary of every Kuwaiti official or employee engaged in a permanent post is deducted monthly, throughout his service, and credited to pension account.\textsuperscript{101} The amounts collected by means of these salary deductions and the corresponding amounts paid by the Government are invested by a special Pension Contribution Fund\textsuperscript{102} which has a special budget, separate from the general Government budget. The Fund administers the contributions and employs them in any profitable investment utilities as it deems profitable, in a sheer banking system.

The concept of retirement is applied in the Kuwaiti civil service in the modern generic sense to refer not merely to retirement on grounds of old age, but also to other contingencies leading to separation from service: disability,


\textsuperscript{102} \textit{Ibid.}, Art. 4, p. 1.
removal for disciplinary purposes, discharge on account of abolition of positions, voluntary resignation, and superannuation.

Like most modern retirement systems, the retirement plan in the Kuwaiti civil service combines the factors of age and length of service, with an apparent emphasis on the latter; and it embraces both voluntary and compulsory retirement features. The underlying judgment is that a flexible retirement plan permits the retention of highly skilled personnel beyond the mandatory retirement age, and facilitates dignified separation of persons who have not reached the retirement age but cannot measure up to the full requirements of their jobs. 103

An official or an employee becomes entitled to retirement pension when he spends in the service: 104

1. Fifteen years if the service terminates on grounds of reaching the maximum age specified for release from the service (sixty years for officials and sixty five for employees), or because of a disciplinary decision or a court verdict.

103 Interview with Mr. S. Sulaiman, Director of the Technical Office, Civil Service Commission, April 28, 1966.

When termination of service is based on a decision of the disciplinary board a termee is still entitled to retirement pension unless the decision itself provides for depriving him of all or part of the pension.

2. Five years if service termination is due to death or total disability. In this case the pension is calculated on the basis of fifteen years service; and the maximum rate of pension is granted when the death or total disability is attributable to and takes place in the course of performance of duty.

3. Ten years if the termination of service is due to cancellation of post, or other non-disciplinary reasons. Under this circumstance the pension is computed on the basis of fifteen years service.

4. Fifteen years if the termination of service is due to resignation, provided that the official has reached the age of fifty; otherwise his service period should not be less than twenty years.

When termination of service is due to resignation, the rate of pension is reduced by 5% if the official or employee is under forty five years of age; and by 2% if he is over forty five but under fifty two. This reduction is not, however, applicable to a woman official or employee who tenders her resignation within one year from the date of her marriage.\textsuperscript{105}

\textsuperscript{105}Ibid., Art. 10, p. 2.
The monthly retirement pension of an official or an employee is computed at the rate of 2.5% of his last monthly salary multiplied by the number of years of pensionable service; provided that the pension does not exceed three quarters of that salary. 106

In order to ensure an acceptable minimum standard of living for a pensioner, and for his beneficiaries after his death, the minimum amounts of monthly pension have been fixed by law as KD. 15 for an official, KD. 9 for an employee, and KD. 3 for a beneficiary; provided that the total pensions granted to beneficiaries do not exceed the amount that used to be paid to the deceased pensioner himself. 107

In the event of death of an official or employee or pensioner, seven-eighths of his pension are transferred to his beneficiaries; while the remaining one-eighth comprises the share of the public treasury.

As in the case of service gratuity, the Council of Ministers possesses the authority to grant extraordinary pension or increase of pension to officials, employees, and pensioners whose services are terminated for any reason; or to their beneficiaries. Such extraordinary pension is also

subject to the aforementioned pension regulations except where the Council of Ministers itself makes any special ruling. 108

2. Leaves

Leaves granted to officials and employees include annual leave, sick leave, pilgrimage leave, delivery leave, compassionate leave, and educational leave (which had been already discussed in Chapter IV under "post-entry training").

Annual Leave

An official is entitled to an annual leave of 45 days; raised to 60 days when he reaches the age of fifty. During his first year of service, however, an official is granted only 21 days leave, which he cannot take before completing at least six months in the service. 109

An employee is entitled to 15 days annual leave for his first year of service; and to 30 days per annum thereafter. 110

108 Ibid., Art. 40, p. 4.


An employee may accumulate his annual leaves which he does not avail of for a period of three years;\textsuperscript{111} while an official may accrue his annual leaves for five years.\textsuperscript{112} The accumulated balance of annual leave may be availed of in one year provided that the exigencies of work permit, and that the total leave does not exceed three months.\textsuperscript{113} An accrued annual leave can not be compensated monetarily except in the case of separation from service, whereupon a terminee may be paid his salaries for the accumulated leave of a maximum of three months.\textsuperscript{114}

Annual leaves for officials of educational institutes and schools are granted during the summer vacations according to the special rules laid down by the Ministry of Education.\textsuperscript{115}

Temporary officials employed in temporary posts under Contract Form "C" and Contract Form "D" are entitled to an annual leave of two months and 45 days respectively;\textsuperscript{116}

\textsuperscript{111}\textit{Ibid.}
\textsuperscript{112}Annex to \textit{Al-Kuwait Al-Yawn, No. 268, op. cit.}, Amiri Decree No. 7/1960, Art. 82, p. 7.
\textsuperscript{113}\textit{Ibid.}
\textsuperscript{114}\textit{Al-Jazzar, op. cit.}, Civil Service Commission's Circular No. 9/60, n.d., Art. 5, p. 365.
\textsuperscript{115}Annex to \textit{Al-Kuwait Al-Yawn, No. 268, op. cit.}, Amiri Decree No. 7/1960, Art. 80, p. 7.
and can avail of accrued annual leaves within the limits of three months in one year, if the exigencies of work permit.\footnote{117}

**Sick Leave**

When an official sustains a sickness he is granted sick leave for six months at full pay, six months at half pay, six months at quarter pay, and six months without pay.\footnote{118} An employee's entitlement to sick leave comprises three months at full pay, a similar period at half pay, another similar period at quarter pay, and another similar period without pay.\footnote{119}

If it is established that an official or an employee is suffering from tuberculosis, he is granted the above periods all at full pay.\footnote{120}

\footnote{117}Ibid., Contract Form "C", Art. 7, and Contract Form "D", Art. 5, pp. 8-9.


\footnote{120}Ibid.
If the sickness or injury of an official or employee is sustained by reasons related to the exercising of his duties, and through no fault or failure on his part, he is granted sick leave with full pay up to two years. If he does not become fit again for duty after this period, he is released from service while maintaining his right in the retirement pension or service gratuity to which he may be entitled according to regulations.\textsuperscript{121}

Permission for a sick leave of less than seven days may be given if the official or employee produces a certificate issued by a physician or a health center confirming his sickness. But if the sick leave extends for more than seven days, permission to proceed on or to extend same is given only with the approval of the appropriate Government medical board.\textsuperscript{122}

If the medical board decides that the case of an official or employee who is injured because of and while on duty requires treatment abroad, the Government supports the transportation and medication expenses, as determined by the medical board.\textsuperscript{123}

\textsuperscript{121}Annex to \textit{Al-Kuwait Al-Yawm}, No. 268, \textit{op. cit.}, Amiri Decree No. 7/1960, Arts. 90 and 168, pp. 7, 13.

\textsuperscript{122}Ibid., Art. 88, p. 7.

\textsuperscript{123}Annex to \textit{Al-Kuwait Al-Yawm}, No. 280, (June 20, 1960) Amiri Decree No. 19/60 dated June 2, 1960, Art. 72, p. 12.
The forementioned sick leaves are applicable only to civil servants employed in permanent posts. Temporary officials engaged in temporary posts under Contract Form "C" are entitled to sick leave within the limits of two months at full pay, one month at half pay, and another month at quarter pay. Temporary officials engaged in temporary posts under Contract Form "D" are entitled to sick leave up to one month at full pay, another month at half pay, and a third month at quarter pay. If those periods elapse without a temporary official engaged under either contract becoming medically fit to resume duty, his contract would be deemed terminated.

Pilgrimage Leave.

A moslem official or employee is entitled to a pilgrimage leave of 30 days with full pay once throughout his service.

Delivery Leave

Apart from the other leave entitlements, a woman official or employee is granted two months with full pay for delivery.


\[125\] Ibid. -- Contract Form "D", Art. 6, p. 9.

\[126\] Ibid.


\[128\] Ibid., Art. 93, p. 7.
Compassionate Leave

An official or employee may be granted, by decision of the minister, a special compassionate leave with full, reduced, or without pay for 15 days per year in addition to his annual leave. Such leave is granted under special circumstances, as when an official or employee intends to sit for an examination at a time when his annual leave is not due.

3. Hours of Work

The maximum number of working hours per week in the Kuwaiti civil service is 48. The minimum number (which is actually worked) is 44 hours for personnel holding technical posts and their auxiliary administrative jobs; but only 34 hours for personnel occupying other administrative posts. The working hours are distributed over six days in the week: Saturday through Thursday; with Friday being observed as a regular day-off.

129 Ibid., Arts. 94 and 168, pp. 8, 13.
130 Al-Jazzar, op. cit., Civil Service Commission's Decision No. 2/64 dated February 27, 1964, Arts. 1 and 2, p. 274.
4. **Public Holidays**

Officials and employees enjoy annually twelve days with pay as public holidays. These comprise the following:

- **Moslem New Year** 1 day
- **Prophet’s Birthday** 1 day
- **Calendar New Year** 1 day
- **Prophet’s Ascension** 1 day
- **Kuwait’s National Day** 1 day
- **Id-al-Fitr (The Lesser Bairam)** 3 days
- **Waqfah of Id-al-Adha** 1 day
- **Id-al-Adha (Feast of Immolation)** 3 days

5. **Medical Treatment**

Officials and employees are entitled to medical treatment free of charge at Government hospitals. In addition, the family members of Kuwaiti civil servants are, like all other Kuwaiti citizens, exempted from defraying fees for treatment at Government medical centers.

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133 Ibid., Art. 7.
CHAPTER VI

PERSONNEL MACHINERY

Central personnel agencies were created historically with the primary aim of directing merit systems and eliminating spoils politics. The functions of these agencies have increased by time that they nowadays cover a wide gamut of activities. The range of tasks undertaken normally by a modern central personnel agency -- commonly a civil service commission -- include: (1) Administering the systems of recruitment, examination, and selection for government jobs; as well as probation and reinstatement procedures. (2) Establishing standards for position classification. (3) Administering pay scales. (4) Establishing broad policies and standardized procedures for such areas as probation, transfers and promotions, attendance and leave, conduct and discipline, separation, and grievances. (5) Developing guides and information and stimulating the best practice in supervision, health and

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Ibid., pp. 429 - 430.
safety, performance evaluation, and in-service training. (6) Conducting fundamental personnel research. (7) Conducting in-service training that cannot be provided within individual departments, or in fields common to several departments. (8) Operating an employee retirement system. (9) Maintaining a constructive plan of public reporting and public relations. (10) Recommending personnel management and policy improvements to the chief executive or the legislature.

The central personnel agency is not the only part of the organizational framework for personnel administration. The tendency is prevailing toward decentralization to the operating agencies of all possible functions; and the establishment of departmental personnel offices to handle the personnel work of individual departments and to maintain liaison contacts with the central personnel agency.³

More specifically, a departmental personnel office must assume the responsibilities of:⁴ (1) Helping supervisors to fill departmental jobs with the best talent,


(2) Helping supervisors to plan, organize and direct the work of their units, (3) helping employees to understand and carry out their duties and responsibilities, (4) helping employees and supervisors to understand their relations and to collaborate effectively, and (5) helping meet special personnel problems.

The central personnel agency is also concerned in these responsibilities. But its concern is with setting general policy, formulating rules, doing work that cuts across departmental lines, and serving as an aide to the top executive. In contrast, the departmental personnel office is concerned with applying central personnel rules to individual cases, working out policies not covered in the general rules, and helping the departmental supervisory staff to cope with their personnel problems.5

The organizational framework of public personnel administration in Kuwait comprises a central personnel agency—The Civil Service Commission—and ministerial personnel offices and personnel committees. Following the prevailing general trend in the majority of public jurisdictions, the Civil Service Commission has been entrusted basically with the functions of setting general personnel

policies, framing standard rules, and rendering advisory service to the executive authority -- the Council of Ministers. The ministerial personnel offices are responsible for applying central personnel rules to individual cases, handling the personnel activities of individual ministries, and maintaining liaison contacts with the Civil Service Commission.

In addition to the Civil Service Commission and the ministerial personnel offices, personnel committees are established in individual ministries to perform some functions and act as advisory bodies to the ministers on matters pertaining to personnel administration.

A. The Civil Service Commission

The Civil Service Commission was created in 1955 under the name of "The Personnel Department" as a central personnel agency administratively independent of the other departments. In March, 1960 the designation of the Personnel Department was changed to become "The Civil Service Commission" but without entailing any amendment of its

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functions or autonomous status. The scope of jurisdiction and status of the Commission were, however, modified by the Amiri Decree No. 10/1960 of April 7, 1960 in accordance with which the Commission was recognized as an independent agency but was attached to the Minister of Finance. It did not, however, forfeit its autonomy or become wholly subordinated to the Ministry of Finance. Its attachment to the Minister of Finance did not actually go beyond the direct responsibility of its president to the Minister who represented it in the Council of Ministers and was held accountable to the Amir for its functioning. In confirmation of the Commission's internal autonomy its president was empowered to control its affairs independently. He was made responsible for the appointment, promotions, leaves, and discipline of the staff of the Commission; the preparation of its budget proposals; and the organization of its divisions.

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In April, 1963 the status of the Civil Service Commission was again modified to become an independent agency attached directly to the Council of Ministers.\textsuperscript{11}

The functions and authority of the Civil Service Commission as a central personnel agency have been gradually increasing since its establishment. When it was first created in 1955 its responsibilities were defined as:\textsuperscript{12}

1. Supervising the execution of personnel rulings, including retirement and service gratuity regulations.

2. Considering the determination of the number of personnel and their grades in individual ministries in the light of their respective work requirements.

3. Checking and expressing comments on the budget drafts proposed by various ministries, especially in connection with the number of posts and their grades.

4. Proposing future civil service regulations, and drafting suggestions which guarantee satisfactory performance of government work.

5. Deciding the working hours schedule for various ministries after consulting the ministers.


The Amiri Decree No. 10/1960 issued in April, 1960 concerning the organization and responsibilities of the Civil Service Commission embodied an obvious expansion in the gamut of functions entrusted to the Commission. The range of functions included:\[13\]

1. Drafting regulations and rulings in connection with the affairs of the public service and giving opinion on proposed projects connected with such affairs before they are approved.

2. Supervising the execution and interpretation of employment regulations and rulings.

3. Framing policy rules governing wages and salaries, and determining the number of posts and their grades according to the requirements of the work.

4. Classification of jobs in accordance with their categories, duties and responsibilities, and qualification requirements.

5. Reviewing the budget proposals and other funds in connection with posts and all salary appropriations. The comments of the Civil Service Commission on the civil service budget are attached to the budget proposals and submitted to the National Assembly for approval.

6. Laying down procedures for the selection of the best qualified candidates to fill vacant posts in the civil service and determining the qualifications required for each vacancy.

7. Preparation of in-service training programs for officials and supervising their execution.

8. Preparation of rules for a general staff register and seeing to it that this register is maintained.a

Although the Civil Service Commission has accomplished considerable progress in coping with the forementioned responsibilities, it has not been yet able to carry out all of them exclusively. In fact it has neither established a position classification plan for jobs in the civil service--mainly due to the lack of adequately qualified staff to assume this function -- nor prepared the general staff register. 14

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aThe general register refers to the records maintained about the status of each individual civil servant and about the number of civil servants, their respective nationalities, service periods, social status, educational backgrounds, experiences, grades, and their distribution among various ministries and other Government agencies.-- Hamad al-Issa, "Ahdāf Diwan al-Muwazzafīn," (translation of Arabic title, "Objectives of the Civil Service Commission") Al-Muwazzaf, II (October, 1960), 8.

14 Interview with Mr. S. Sulaiman, Director of the Technical Office, Civil Service Commission, November 21, 1966.
With the progress of time, the Commission's control over the civil service became steadily stronger as it was vested with additional responsibilities. Thus in addition to the functions specified in the Amiri Decree No. 10/1960, the Commission was later entrusted with the tasks of examining applications for educational missions before they are submitted to the Educational Missions Committee— which is headed by the president of the Civil Service Commission—and giving opinion on all exceptional appointments and promotions requested by ministries prior to their consideration by the Council of Ministers. The decision taken by the Council of Ministers in January, 1963 to centralize all recruitment in the Civil Service Commission and to entrust it with holding examinations for filling vacancies further consolidated its power. The expansion of the functions of the Commission and its supervisory authority over the personnel affairs of the civil service was not, however, unaccompanied with severe difficulties and problems which retarded the effective promotion of public service.

The major difficulty that confronted the Commission at the beginning was the bitterly negative attitude of the various ministries towards it, and their reluctance to cooperate with it. Prior to the establishment of the Com-
mission and the gradual growth of its authority, ministries administered their personnel affairs freely and beha
d very independently with respect to appointment, promotion,
service termination, and other aspects of personnel administra-
tion without being withheld by any central coordinating authority. The laying down of civil service regu-
lations and procedures and the interference of the Civil Ser-
vice Commission whenever deviation from those regula-
tions occurred constituted in the eyes of ministries un-
welcome restraints to their absolute authority and arbitrary
discretion. It took time and flexibility on the part of the Civil Service Commission to gain gradually the coopera-
tion of ministries and their acceptance of its checks and
controls.  

Another difficulty that the Civil Service Commis-
sion had to overcome was the lack of civil service conscious-
neness among the majority of public personnel who resented the "restrictions" imposed by the Commission on rapid and
easy promotions, and developed consequently an unfavorable
outlook toward the Commission. Whenever promotions or
increments were awarded, the civil servants concerned gave
credit to their ministries. But where such promotions and
increments were withheld, the blame was showered lavishly

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15 Interview with Mr. Yusuf al-Nisf, Undersecretary of the Civil Service Commission, May 12, 1966.
on the Civil Service Commission. The legacy of a large proportion of inefficient and unqualified officials employed on the basis of favoritism and humane considerations before the stipulation of minimum educational qualifications in the Civil Service Law of 1960 and the introduction of competitive examinations for administrative openings in 1963 will continue to be one of the serious obstacles which the Civil Service Commission has to challenge for promoting adequate civil service consciousness among officials and rectifying many of their attitudes.

Another dismaying problem the Civil Service Commission had to withstand was the aggressive hostile campaigns launched by some newspapers against it. Some papers had gone so far in their unfriendly criticisms to regard the Commission as an agency that does not help Kuwaiti civil servants to achieve their full "rights".

A pro-Government newspaper once remarked that the Civil Service Commission "has become a complex in the social life and administrative discipline of Kuwait, and that it constitutes the basis of all confusion in view of

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17 Ibid., pp. 45-46.
the complications it has created." The paper concluded its article by calling for mitigating the authorities of the Commission or abolishing it. 18

These and other problems have in certain instances urged the Civil Service Commission to be lenient in enforcing the provisions of the Civil Service Law; and have in other instances obstructed thorough application of the law. In spite of the adverse effects of these problems, the Civil Service Commission has made significant contributions to the improvement of public personnel administration in Kuwait. It has, most importantly, fostered the merit system by instituting to a certain degree equality of opportunity in employment by means of competitive examinations; and in ordinary promotions by means of enforcing strictly the provisions of the Civil Service Law in that respect. In fact the interference of the Commission in examining the legality of personnel actions initiated by various ministries has substantially curtailed the influence of favoritism and personal considerations in appointment and promotion.

The Commission has also accomplished creditable progress in developing the general competence of a sizeable

18 Al-Ra' y al-' Am (Kuwait), May 22, 1966, p. 4.
portion of Kuwaiti officials in the lower grades by means of the various in-service training programs it has been conducting.

It is true that the difficulties faced by the Civil Service Commission have impeded rigid execution of civil service regulations, yet the Commission has succeeded, as reported by its former president, in applying at least 80% of the Civil Service Law.\(^\text{19}\)

Organization of the Civil Service Commission

The organizational structure of the Civil Service Commission follows more or less the general pattern of ministerial organization described in Chapter II. The Commission is headed by a president assisted by an under-secretary, and embraces four departments: The Department of Administrative and Financial Affairs, the Department of Legal Affairs, the Department of Selection and Training, and the Department of Personnel. Each department is headed by a director and is in turn divided into a number of divisions, each of which is headed by a controller and subsumes a number of sections.

In addition to the general supervision of the activities of the four departments, the president of the

\(^{19}\) Al-issa, "Ass\'ila Ḥāʾira wa-Jawāb", op. cit., p. 19.
Commission undertakes the duties of determining the functions of each department; the appointment, promotions, and discipline of the Commission's staff; the preparation of the budget proposals of the Commission; and the preparation of an annual report conveying the Commission's remarks on employment in general, with recommendations for its improvement.\textsuperscript{20}

The undersecretary of the Commission relieves the president and takes over his powers in his absence.

The Department of Administrative and Financial Affairs handles the general affairs of the Commission from the administrative and financial aspects. It comprehends the divisions of Personnel, Accounting, Statistics, Translation, and the General Register. It also includes the Cash, the Registration, and the Public Relations sections; together with the Purchasing Office, the Stationery Office, the Transportation Office, and the Library.

The Department of Legal Affairs is entrusted with the broad function of checking the legality of various personnel actions (appointment, promotion, service termination, etc.) initiated by various ministries from the standpoint of their consistency with the provisions of the Civil

\textsuperscript{20} \textit{Al-Kuwait Al-Yawm}, No. 270, op. cit., Amiri Decree No. 10/1960, Arts. 4, 6, 7, and 8, pp. 1-2.
Service Law and other regulations in force. The department embraces the divisions of Retirement Pensions and Service Gratuities, Position Classification, External Contracts, Research, and Legal Opinions.

The Division of Retirement Pensions and Service Gratuities determines whether officials and employees separated from service are eligible for pensions or gratuities and the respective amounts they are entitled to. It is divided into two sections: The Section of Retirement Pensions, and the Section of Service Gratuities.

The Division of Position Classification includes three sections: The Position Classification Section, the Budget Section, and the Organization Section.

The grouping of these three sections in the same division does not seem reasonable in view of their different and uncorrelated functions.

The External Contracts Division supervises appointments made under Contract Form 'C' and Contract Form 'D'; and is responsible for the engagement of Indian and Pakistani personnel, as well as highly technical personnel recruited through the United Nations.

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21 Interview with Mr. Mustafa Yasin, Administrative Expert's Office, Civil Service Commission, May 12, 1966.

22 Ibid.
The Division of Legal Opinions supervises the application of the Civil Service Law with respect to appointments, promotions, salary increments, and general legal matters pertaining to posts. 23

The Research Division was established for carrying out research work in the realm of civil service, but has not actually done any significant research as yet. 24

The Department of Selection and Training undertakes the duties of advertising openings and conducting competitive examinations for administrative vacancies, besides administering in-service training programs for officials. This department comprises three divisions: The Division of Selection, the Division of Educational Missions, and the Division of Training.

The Department of Personnel Administration is concerned basically with the control and supervision of the Personnel controllers at various ministries, who eventually belong to the Civil Service Commission but are detailed to administer the personnel affairs of the ministries in conformity with the Civil Service Law and supplementary instructions of the Commission.

23 Ibid.
24 Ibid.
Apart from the foresaid four departments there is the Technical Office which is headed by a director who reports directly to the President of the Commission. The duties of this office include checking the legal soundness of all actions initiated by the various departments before they are submitted to the president for concurrence, and communicating the interpretations and opinions of the Commission in reference to the application of the Civil Service Law to particular cases to the various ministries to guide them should they be confronted with similar cases.\(^{25}\)

In practice, however, the latter duty is inadequately carried out despite its importance. The interpretations and formal opinions of the Commission are not always communicated to the personnel controllers of various ministries. Moreover, conflicting opinions are sometimes expressed by the Commission in connection with identical cases referred by different ministries.\(^{26}\)

The foregoing description of the structural organization of the Civil Service Commission may be further clarified by the organization chart shown on the next page.

\(^{25}\)Ibid.

\(^{26}\)Interview with Mr. Umar 'Urabi, Personnel Controller, Ministry of Public Health, May 19, 1966.
CHART VI - 1

ORGANIZATION CHART OF THE CIVIL SERVICE COMMISSION

President

Technical Office Director

Undersecretary

Director of the Personnel Department

Personnel Controllers of Various Ministries

Director of the Selection & Training Department

Educational Missions Controller

Selection Controller

Training Controller

General Training Section

Specialized Training Section

New Officials and Unemployed Persons Training Section

Administrative Affairs Section

Director of the Legal Affairs Department

Position Classification Controller

Pension and Gratuities Controller

Pensions Section Officer

Gratuities Section Officer

Organization Section Officer

Research Controller

External Contracts Controller

Legal Opinions Controller

Director of the Administrative and Financial Affairs Department

Accounting Controller

Personnel Controller

Translation Controller

Statistics Controller

Cash Section Officer

General Register Controller

Public Relations Section Officer

Registration Section Officer

Purchasing Office

Stationery Office

Library

Transportation Office
B. Ministerial Personnel Offices

An operating personnel office exists in each ministry and large agency in the executive branch of the Government to handle its personnel affairs and apply the Civil Service Law and other pertinent ordinances and decisions; besides carrying out liaison contacts with the Civil Service Commission. The ministerial personnel offices are headed by personnel controllers who belong to the Civil Service Commission and are consequently accountable to it. Apart from the controller, the rest of the staff of a personnel office in any ministry belong to the same ministry, but are directly supervised by the controller. The direct contact of a personnel controller in the respective ministry where he is posted is with the Director of Administrative Affairs or the Assistant Undersecretary for Administrative and Financial Affairs.

The following functions represent the essential scope of responsibility entrusted to the personnel controller

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28Kuwait, Civil Service Commission, Circular No. 15/1965 dated October 17, 1965, Art. 2.

29Ibid., Art. 3.
of a ministerial personnel office.\textsuperscript{30}

1. Carrying out the necessary procedures in connection with the appointment, promotions, annual increments, leaves, and service termination of the personnel of the ministry in accordance with the previsoes of the Civil Service Law.

2. Executing the decisions of the Personnel committee of the ministry.

The personnel controller in each ministry acts as the secretary of its personnel committee.\textsuperscript{31} In addition to the duty of implementing the decisions of the committee he is required to prepare the agenda of subjects to be discussed in the committee's meetings and keep a record of the decisions taken in every meeting.

3. Distributing forms of the "Annual Appraisal Report" to the concerned supervisors in the ministry to assess the Performance of their subordinates; and referring the forms after they have been duly filled out by supervisors to the ministry's personnel committee for approval, and then keeping them in a manner that insures their confidentiality.

\textsuperscript{30}Ibid., Art. 4.

\textsuperscript{31}Annex to Al-Kuwait Al-Yawm, No. 268, (March 26, 1960), Amiri Decree No. 7/1960 dated March 24, 1960, Art. 29, p. 3.
4. Preparing service files and records for the officials and employees of the ministry.

A confidential dossier and an administrative documents file are maintained by the personnel office for every official and employee of the ministry.

The documents housed in the confidential dossier include the educational certificates, nationality certificate, good conduct certificate issued by the concerned public security authorities, probationary period reports, annual appraisal reports, and copies of any decisions taken by the Board of Discipline concerning the official or employee.32

The administrative documents file contains all documents pertaining to an official or employee other than those which have to be kept in his confidential dossier.

Besides the personal records prepared for every individual official and employee, the personnel office is required to maintain an up-to-date register of the ministry's officials in each rank and category (i.e. there should be a separate register for Rank I officials and two separate registers for each of Rank II and Rank III officials: one for the technical and the other for the administrative staff); and another separate register for the ministry's employees.

32 Annex to Al-Kuwait Al-Yawm, No. 280, op. cit.; Amiri Decree No. 19/1960, Arts. 12, 18, 36, and 41, pp. 8-9.
Both officials and employees are listed in these registers according to their order of seniority, each grade separately.\textsuperscript{33}

The registers indicate each official's or employee's name, date of birth, nationality, educational qualifications, date of employment, grade on engagement, present designation and grade, and the dates as of which he attained such designation and grade.

5. Completing the necessary procedures for the transfer, secondment, and educational leaves of the officials of the ministry.

6. Assisting in the preparation of Part I of the Budget (Salaries and Wages) by supplying the Financial Department in the ministry with all the statistics and other relevant data pertaining to the ministry's personnel.

7. Cooperating with the Civil Service Commission in undertaking the various post-entry training programs.

8. Preparing the personnel rosters and statistical reports demanded by the Civil Service Commission or the Bureau of Accounts.

Among the other duties of the ministerial personnel office is keeping a special record of complaints filed against officials and employees of the ministry; and referring such complaints to the minister, in case they are sub-

\textsuperscript{33}Ibid., Art. 42, p. 10.
mitted against Rank I officials, and to the undersecretary or assistant under-secretary when they are filed against officials of other ranks or employees. 34

Another function of the personnel office is referring officials and employees who sustain sickness or injury in the course of performance of duty to the concerned medical authority for examination; and reporting such cases of sickness or injury when resulting from accidents to the police or the Public Prosecution Office for investigation. 35

Judging by the aforementioned responsibilities formally entrusted to the operating ministerial personnel offices, one can conclude that these offices are undertaking the basic functions usually assigned to line personnel offices from the theoretical standpoint. In practice, however, the difficulties encountered by these offices in the Kuwaiti civil service render it difficult for them to thoroughly assume those responsibilities. In the first place, the superior officials of a ministry are not always sympathetic and cooperative with the personnel office. They sometimes decide on personnel matters arbitrarily without advice from, or even notice to, the personnel control-

34 Ibid., Arts. 77 and 78, p. 12.
35 Ibid., Art. 70, p. 11.
ler who is often looked upon as the "alien" representative of the Civil Service Commission. The inadequacy of the flow of instructions from the Civil Service Commission to the personnel controllers comprises another difficulty for them. Although the Commission is supposed to communicate all of its formal opinions concerning the interpretation or application of the Civil Service Law in respect of particular problems to the personnel controllers so as to guide them when confronting cases of similar nature, the Commission does not perform this function regularly. Everytime a personnel controller is faced with an intricate problem not covered by precise provisions in the Civil Service Law he is obliged to refer it to the Civil Service Commission for advice. I have been told that the opinions of the Commission on similar cases referred by personnel controllers have not even been always consistent.

This problem of deficient coordination may be perhaps soothed by periodic meetings held by the Civil Service Commission for all personnel controllers to exchange points of view on their common personnel problems and hear the appropriate advices from the Commission.

36 Interview with Mr. 'Umar 'Urabi, Personnel Controller, Ministry of Public Health, May 19, 1966.

37 Ibid.
Such meetings are not unfortunately held. Communication among personnel controllers takes place only infrequently and through personal media.  

C. Ministerial Personnel Committees

In addition to the operating personnel office, a personnel committee (or more) is established in each ministry. The committee is formed by a decision of the minister, and is composed of the ministry's undersecretary or assistant undersecretary as chairman, and three of its senior officials and the personnel controller—who acts as the committee's secretary—as members.

As it may be inferred from the character of its responsibilities, the personnel committee functions primarily as a staff body that renders advisory service to the minister and the undersecretary. The meetings of the committee are confidential and are not considered in order unless attended by the chairman, the secretary, and at least one other member. Its decisions are taken by majority of votes, and when there is equal number of votes on either side the

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38 Ibid.
chairman's side has the casting vote. 41

The functions of the ministerial personnel committees are not precisely specified in the Civil Service Law or other regulations. The Civil Service Law, however, briefly states that "the personnel committees are responsible for looking into matters which according to regulations have to be presented to them, as well as any other matters about which ministers or undersecretaries may seek their opinions." 42

The Civil Service Law and its Executive Instructions also embody in some of their articles a general indirect reference to the responsibilities of these committees. It is understood from those articles that a personnel committee is responsible for the following:

1. Rating the performance of each of the ministry's officials of Rank II and Rank III as "Excellent" or "Good" or "Acceptable" or "Weak" upon receiving the annual appraisal report prepared about him by his direct supervisor. 43

2. Deciding on the grievances which may be filed by officials

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42 Ibid., Art. 30, p. 4.

43 Ibid., Art. 35, p. 4.
rated "Weak" in their annual appraisal reports after hearing and if necessary investigating the statements of those officials.  

3. Initiating suggestions for the promotion of officials to vacant posts in the ministry. The proposals of the committee require the approval of the Civil Service Commission and the concurrence of the minister before promotions can be effected.  

4. Deciding on the ordinary annual salary increments of officials and recommending extraordinary increments. The Civil Service Law provides that "the minister may, on proposal by the Personnel committee, grant an official an extraordinary salary increment without prejudice to his entitlement of ordinary annual increment provided that he does not thereby exceed the maximum rate of pay of his grade and provided that he is rated "Excellent" in the last annual appraisal report rendered on him."  

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44 Ibid., Art. 38, p. 4.  
5. Approving interministerial transfers of officials from or to the ministry before the actions of transfer are endorsed by the minister.\textsuperscript{48}

I wish to re-emphasize that the foregoing functions of ministerial personnel committees are not systematically described in the Civil Service Law and its Executive Instructions; but are indirectly pointed out in some of their articles under different chapters. The matters to be referred to the personnel committee by the minister or the undersecretary for advice are not delineated in the law. That is why the authority and status of the personnel committees differ from one ministry to the other in accordance with the willingness of ministers and undersecretaries to cooperate with and seek the advice of the committees of their respective ministries. It is noted, however, that in general ministers and undersecretaries infrequently resort to the advice of the personnel committees, many of which are rendered ineffective by that reason.\textsuperscript{49}


\textsuperscript{49} Interview with Mr. 'Umar'Urabi, Personnel Controller, Ministry of Public Health, May 19, 1966.
CHAPTER VII

CONCLUSION

The concept of a civil service is very novel in Kuwait and largely alien to the manner of thinking and mode of life as they existed little more than fifteen years ago. The work to be performed for the society was as much a family affair as that done in commerce, shipping, and the artisan trades; who participated in it and on what terms was decided as much on a basis of personal relationships in the one case as in the other. ¹ This comprises actually the background of the difficulties which have been impeding the introduction of a modern framework for the public service.

The first Civil Service Regulations which were decreed in 1955 were no more than a patchwork of rules copied from models in a number of Arab countries, which established no prospect of an adequate foundation. ² The Civil Service Law currently in force was promulgated in March, 1960 and had been followed since then by a respectable body of


² Ibid.
executive instructions and supplementary regulations covering a number of special fields. The law is patterned mainly on Egyptian models, and comprises by and large a useful framework for the civil service that should be steadily improved but can be readily maintained in its basic features with few-but profound-changes.

The civil service in Kuwait is characterized by a number of major features. In the first place, there is a high proportion of foreigners in all categories of administrative, professional, and technical personnel. At the beginning of 1966 the general percentage of foreign personnel in the civil service was 49.45. The percentage of non-Kuwaitis among officials was 46.82; while it amounted to 54.15 among employees. This peculiarly high ratio of expatriates in the civil service is connected with the similarly uncommon feature of the many special ordinances decreed for them apart from the general civil service regulations. In the second place, the divorce between private pursuits and interests and the requirements of public service has not been yet accomplished or genuinely attempted. In the third place, classification, employment, training, and supervision are taking shape only sluggishly and laboriously in a tangle of personal rulings, political pressures, and ad hoc decisions. The safeguarding of

3 Ibid. 
Kuwaitis against unemployment in accordance with the Constitution,4 together with the financial powers vested in the National Assembly, has rendered it more difficult to maintain civil service standards.

The compulsion to economize which has in some countries promoted administrative efficiency is non-existent in Kuwait to the same degree as in other poorer countries due to the affluence of the State's economic potentialities.

In fact the Kuwaiti civil service suffers some shortcomings which require resolved and skilled efforts for rectification.

The first and perhaps most intricate problem of the civil service at present is that of excessive over-staffing and redundancy. The number of civil servants is very large compared to the small area and population of the country. As at the beginning of 1966 the civil service comprehended a total of 28,457 regular officials and 15,997 employees. If we include also the labourers who total approximately 22,000 as estimated in the 1965/66 budget,5 and the nearly 1,250 officials who serve under

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4Kuwait, Constitution, Art. 41.

special contracts, the aggregate total approaches 68,000; which implies that the percent of civil servants is over 14% of the entire population (including foreigners), or at least three times higher than in most of the developed countries.

A cursory visit to almost any Government office in Kuwait confirms the impression that it is overstaffed. A large number of civil servants will be found to be away from their seat, and many will be seen either idling away their time or engaged in something unrelated to their official duty. The adverse consequences of overstaffing on efficiency and morale are obvious. An idle civil servant sets a discouraging example to others and tends consequently to lower their efficiency. Furthermore, he tries to create unnecessary work for himself in order to justify his existence. Thus papers and files tend to pass through numerous hands which have no worthwhile contribution to make but to delay the work unjustifiably.

It is astounding to observe that despite the pressing overstaffing of the civil service it is still expanding at a remarkable rate, as shown in table VII-1 on the following page, which reflects the increase of graded officials and employees only over the past five years. The

\[\text{Ibid., p. 335.}\]
<table>
<thead>
<tr>
<th>Year</th>
<th>Rank I</th>
<th>Rank II</th>
<th>Rank III</th>
<th>Sub-total of Kamitit officials</th>
<th>Sub-total of Non-Kamitit Officials</th>
<th>Total of Officials</th>
<th>Rank IV</th>
<th>Grand Total of Officials &amp; Employees</th>
<th>Numerical Increase over previous year</th>
<th>Percentage Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Kamitit</td>
<td>Non-Kamitit</td>
<td>Total</td>
<td>Kamitit</td>
<td>Non-Kamitit</td>
<td>Total</td>
<td>Kamitit</td>
<td>Non-Kamitit</td>
<td>Total</td>
<td>Kamitit</td>
</tr>
<tr>
<td>1960</td>
<td>41</td>
<td>4</td>
<td>45</td>
<td>440</td>
<td>868</td>
<td>1308</td>
<td>638</td>
<td>6399</td>
<td>7037</td>
<td>7256</td>
</tr>
<tr>
<td>1961</td>
<td>41</td>
<td>8</td>
<td>49</td>
<td>567</td>
<td>1166</td>
<td>1733</td>
<td>6734</td>
<td>8871</td>
<td>15605</td>
<td>9245</td>
</tr>
<tr>
<td>1962</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1963</td>
<td>57</td>
<td>11</td>
<td>68</td>
<td>667</td>
<td>1464</td>
<td>2151</td>
<td>10520</td>
<td>9224</td>
<td>11264</td>
<td>10809</td>
</tr>
<tr>
<td>(Until the end of July only)</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>1964</td>
<td>73</td>
<td>12</td>
<td>85</td>
<td>617</td>
<td>1591</td>
<td>2208</td>
<td>11552</td>
<td>10116</td>
<td>21668</td>
<td>12842</td>
</tr>
<tr>
<td>1965</td>
<td>106</td>
<td>6</td>
<td>112</td>
<td>1100</td>
<td>1862</td>
<td>2962</td>
<td>13932</td>
<td>11451</td>
<td>25383</td>
<td>15138</td>
</tr>
</tbody>
</table>

1. Statistics Division, Civil Service Commission.
steady growth in the size of the civil service is accompanied with a concomitantly increasing impact on the budget. The appropriations of Part I (salaries and wages) in the 1965/66 budget amounted to KD 68,122,702; which represented 32.2% of the total budgetary expenditures. The burden of salaries and wages laid on the budget has been motivating the press and the National Assembly to criticize bitterly the redundancy prevailing in the civil service and ask for its curtailment. But the reduction of surplus personnel through layoffs cannot be easily done at present for different considerations. In the first place, redundancy of incompetent personnel exists mainly among Kuwaiti civil servants, and it is inconceivable for the Government to release Kuwaiti persons meanwhile it considers itself obliged to ensure them against unemployment. The president of the Civil Service Commission himself declares that "the Government job has been regarded as an aspect of social security rather than a responsibility and duty"; and professes frankly that there exists a surplus of 50% in the civil service, and that redundant Kuwaiti personnel constitute 80% of that surplus. In the second place, separation of foreign civil servants—the vast majority of whom are

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Arabs— is neither foreseeable nor recommendable at present for various reasons.

One reason is that the Kuwaiti Government views the employment of Arab subjects as an indirect assistance to their sister-countries in which employment opportunities are scarce. 8

Another reason is that it would be calamitous, as the 1963 economic mission of the International Bank for Reconstruction and Development concluded, if at this stage of the education of Kuwaitis the pressures for retrenching the number of foreign public personnel should prevail, since these personnel are particularly needed in those functions which require professional and technical knowledge. 9 Although the top positions, especially those of Rank I, are reserved for Kuwaitis the percentage of foreigners in the grades just below Rank I is higher than further down the scale. Arabs comprise the greatest proportion; with Iranians, Indians, and Pakistanis well behind them. Others are few in number, though usually of high qualifications. It is very doubtful whether without these non-Kuwaiti personnel the business of Government can be

8 Interview with Mr. S. Kar, U.N. Administrative Expert, Civil Service Commission, May 12, 1966.

9 The Economic Development of Kuwait, op. cit., p. 41.
done; and it is rather a fortunate circumstance that Kuwait has been able to draw on the reservoir that an earlier modern training has created in such countries as Egypt, Palestine, Jordan, Lebanon, and Iraq where the same language is spoken.

A third reason is that it takes time to conduct the preparatory thorough study of the work of each ministry, department, and office which is necessary for ascertaining the number of surplus staff. Moreover, the retrenchment of those surplus staff -- even after locating them -- can not be lightly undertaken in view of the personal hardships it involves.

I believe that, in spite of their significance, the foresaid considerations should not obstruct making efforts to prevent the situation from further deterioration. Expansion of the civil service may be partially controlled by banning future recruitment of foreign non-technical or administrative personnel at least, since such a ban is difficult to apply to Kuwaitis. The other essential step that should be taken to remedy the existing situation is the development of the in-service training programs in order to qualify Kuwaiti personnel to gradually replace foreigners. The training programs currently offered are deficient in scope and restricted only to narrow categories of Kuwaiti
officials. Advanced academic and supervisory training, besides advanced instruction in general social and economic subjects and in the functioning and aims of various ministries, are necessary. A well staffed institute of public administration may be established to undertake these programs. It is also recommended that programs of study intimately related to the requirements of the civil service should be offered by the newly established Kuwait University to contribute in qualifying prospective Kuwaiti candidates for public service.

A second unfavourable characteristic of the Kuwaiti civil service is excessive centralization in decision making and general administration. There is a general lack of delegation of authority and a subsequent trend towards the concentration of decisions, even on minor matters, in the hands of the few officials at the top of various organizations. This tendency towards concentration of authority may be in part characteristic of any administration in a state of transition from the traditional to the modern pattern — when the old structure disintegrates in the flux of new personnel with no mutual bonds of family or tribe, and when the concept of responsibility of supervision is still unfamiliar. A civil service in which trust, ethics and control are based on a common code rather than on personal
relationships develops only slowly. The lack of delegation of authority in the Kuwaiti civil service is attributable also to a couple of more specific reasons.

There is in the first place a prevailing conception, understandable in itself, that the power of decision should be reserved for Kuwaiti officials. The paucity of adequately trained Kuwaiti staff in the higher grades, and the reluctance to delegate authority to non-Kuwaitis obstruct delegation of power.  

Old traditions and habits constitute the other obstacle in the way of delegation of authority. The public tends generally to refuse to accept the decisions of subordinates and prefers to address itself directly to the chief, because -- in theory at least -- tradition gives everybody the right to walk into the offices of the highest officials to plead his case in person. This not only slows the process of delegation, but also hampers top officials in their work and makes difficult concentrated consultation on important subjects during office hours. The I.B.R.D's economic mission had suggested as a solution for this difficulty the provision of direct secretarial help to the highest officials, now

10 Interview with Mr. S. Kar, U.N Administrative Expert, Civil Service Commission, May 12, 1966.
still rare, which would substantially relieve them of work on details and act as a screening device against the pressure of visitors.\textsuperscript{11} The old habits when the job of Government was comparatively simple and all decisions were taken by the Amir and his immediate assistants, and in quite a simple manner, seem to still reflect themselves in the dominant feature of concentration of power.\textsuperscript{12} But now that the work is increasing continually, not only in volume but also in complexities, it is practically impossible for the officials at the top to take all the decisions; and I therefore believe the time has come, despite all hindrances, for a large measure of delegation of power and responsibility to the lower levels.

Another aspect of weakness that characterizes the Kuwaiti civil service is inadequate organization and procedures. Though this is not a personnel defect per se it may, nevertheless, have some relevance to the discussion. There is no systematic uniform organizational pattern for all Government agencies. Each ministry or agency devises its organizational structure according to its discretion due to the absence of a definite common model. Procedures are unnecessarily lengthy and complicated. Any simple

\textsuperscript{11} The Economic Development of Kuwait, \textit{op. cit.}, p. 50.

\textsuperscript{12} Interview with Mr. S. Kar, U.N Administrative Expert, Civil Service Commission, May 12, 1966.
operation has to pass through so many levels for signatures. As the functions of different ministries have not been clearly specified by any organizational decree, a striking overlapping of responsibilities exists among various ministries, and even among different departments of the same ministry. Even where the functions of certain agencies have been established by decrees, conflict in their responsibilities is not unfamiliar. A pertinent example of this kind of conflict is the one that exists between the Civil Service Commission and the Bureau of Accounts with respect to the control of appointment and promotion of civil servants. The Civil Service Commission is responsible for checking the legality of appointments and promotions before they are made by ministries. The Bureau of Accounts is also responsible for checking the conformity of appointments and promotions, after being approved by the Civil Service Commission and effected by ministries, with the laws and procedures governing them. Though it is assumed that the Bureau of Accounts checks the soundness of appointments and promotions from

\[\text{Ibid.}\]


\[\text{Al-Kuwait Al-Yawm, No. 485, (July 12, 1964), Law No. 30/1964 dated July 7, 1964, Art. 10, p. 3.}\]
the financial standpoint only, whereas the Civil Service Commission scrutinizes them from the viewpoint of their lawfulness, yet the overlapping in control exists because the Bureau of Accounts insists that it can not examine the financial soundness of appointments and promotions without first ensuring that they are consistent with the appropriate provisions of the Civil Service Law and other relevant regulations. The writer was informed that the Civil Service Commission and the Bureau of Accounts have jointly discussed the matter of this overlapping, but have not reached to a definite agreement as yet. 16

The problem of overlapping in responsibilities among ministries is aggravated by the lack of effective coordination among them. The Council of Ministers which is supposed to scrutinize conflicts and establish proper coordination among ministries is not undertaking this task satisfactorily. It is more or less serving as a "rubber stamp" for the requests and propositions of individual ministries which are behaving so independently as separate states within the State. 17

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16 Interview with Mr. S. Sultaman, Director of the Technical Office, Civil Service Commission, June 25, 1966.

17 Interview with Mr. S. Kar, U.N Administrative Expert, Civil Service Commission, May 12, 1966.
The situation may be improved in my judgment by the establishment of a special committee under the Council of Ministers to consider and recommend reforms in the organization of the executive branch of the Government; and the establishment of a central O & M office at the Civil Service Commission to examine the procedures applied in various ministries and recommend the necessary amendments to eliminate unnecessary steps and delays.

Another defect in the system of personnel administration in Kuwait lies in the sweeping exemptions allowed from the Civil Service Law as a part of normal procedure, rather than with a time limit. These exemptions are particularly serious because they concern matters of vital importance for the progressive enforcement of the Civil Service Law in its most sensitive aspects. The most important clauses of exemptions are found in Article 23 of the law, which permits exemption from rules governing recruitment, qualifications, status of civil servants, grading, and power of appointment; and in Article 54 which allows exemption from the requirements of promotion. As explained already in Chapter III, proposals for exemption emanate from respective ministers who submit them — through the Civil Service Commission — to the Council of Ministers, namely to their equals who may experience similar needs and therefore
are inclined to be lenient towards the wishes of their colleagues. The fact that the Council of Ministers tends to serve as a rubber stamp for the exemptions proposed by its members is displayed by the excessive extraordinary promotions it is approving for some ministries every year, in violation of its decision taken in April, 1962 to the effect of restricting the number of such promotions to two for each ministry per year.

The purpose behind allowing exemptions is apparently to enable Kuwaitis to be appointed and promoted without satisfying fully the requisite conditions. Yet this purpose cannot eclipse the grave effects and misgivings of sweeping exemptions. They have often opened the door wide for the currents of political considerations, including personal relationships, to outweigh merit in selection and promotion of civil servants; and have consequently lowered the general standards of education and performance, as the I.B.R.D's economic mission confirmed. It is suggested for this reason that the possibility of exemption should be curtailed, and the right to deviate from the rules should be allowed only very sparingly and in cases where conditions make it necessary or desirable.

18 The Economic Development of Kuwait, op. cit., p. 13.
A pressing problem in the Kuwaiti civil service, which in reality comprises a legacy of the past, is the non-existence of a clear-cut separation between the public duty and the private interests of the civil servant. Many officials in the higher ranks not only are related to merchants' families, which is but natural and unavoidable in a country where that class has been almost the only well educated one, but they are also still actively engaged in commercial and other private activities. This has its counterpart lower down the scale in the employment of civil servants out of office hours in private jobs such as taxi driving and small trades. This is openly recognized and is not considered incompatible with the position of a civil servant. It is questionable whether, not withstanding the generous salary scales, sufficient competent Kuwaitis could have been induced to join the civil service if that would have implied divesting themselves of all interest in private business.

The operative article of the Civil Service Law in this matter originally said: "An official shall not undertake any other job with pay or gratification even outside the official working hours." The prohibition did not

apply to employees, and seemed not to have been meant as
a restriction against higher personnel actively participat-
ing in business for their own account. A later amendment
of the same article, however, rules that "except with
the permission of the minister an official shall not under-
take any other job with pay or gratification even outside
the official working hours". A permissive rule of this
type is, of course, common in other administrations where
it applies to incidental jobs such as lecturing; but the
strange element is the prevalence of such additional work
from which the official concerned earns the major part
of his income.

Even though the Civil Service Law does not permit
an official to derive any benefit, directly or indirectly,
from any job, contract or tender connected with the work
of his ministry, the widespread intermingling of private
affairs and Government work, in a country stricken with
the fever of incessant new construction, promotes abuse
or the suspicion of abuse. As the schools and the newly
established university in Kuwait begin to increase the

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20 Al-Kuwait Al-Yawm, No. 291, (September 4, 1960),
Amiri Decree No. 38/1960 dated August 31, 1960, Art. 1
(amendment of Art. 102 of Amiri Decree No. 7/1960 dated

21 The Economic Development of Kuwait, op. cit., p. 40.

22 Annex to Al-Kuwait Al-Yawm, No. 268, op. cit.,
number of educated people and accordingly widen the strata of society from which officials can be recruited, stricter enforcement of rules against conflict of interest will be vitally necessary.

Perhaps one of the most eminent handicaps of the Kuwaiti civil service at present is the inadequate general educational standard of civil servants, especially the Kuwaitis. While the educational background is not the only basis of judging the competence of a person, it is certainly of great importance, particularly in the public service. The statistical data shown on page 88 indicate that, as at the end of 1963, only 1.6% of Kuwaiti officials were college graduates, while 3.2% had graduated from secondary school and 16.7% from primary and preparatory school. 25.8% were rated as illiterates. These data perhaps are less a gauge of inefficiency than of the redundancy in the civil service. They reveal that special attention is required for the subject of training and the problem of finding productive employment for the large number of personnel who are drawing salaries without rendering worth-while service. The I.B.R.D's economic mission suggested that a minimum of secondary school education be required for officials, and that unqualified redundant persons be relieved of jobs and supported at public expense
while they are being educated. The proposal seems to have merit.

In concluding these remarks reference should perhaps be made to the inconveniently short terms of the contracts of non-Kuwaiti regular civil servants, and the insecurity they entail for them. The initial duration of the contracts is two years for officials (with succeeding extensions for one year each), and six months or one year for employees (with six months' or one year's following extensions). The contracts are subject to termination with two months' notice (only one month for employees engaged under Contract Form "B"). These arrangements make all expatriates liable to dismissal without sufficient justification, and do not promote an appropriate security that is necessary for concentration to duty. Since the rapid replacement of expatriates by adequately trained Kuwaitis, at least in the higher grades and the more essential functions, does not seem possible in the near future, I recommend making the duration of the contracts twice or thrice as long in order to free non-Kuwaiti civil servants of the most important drawback in their position--insecurity.

\[23\text{The Economic Development of Kuwait, op. cit., p. 41.}\]
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