The Role of the Crown Prince in the Political System of Kuwait

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This paper aims to study and analyse the role of the Crown Prince in the political system of Kuwait.This paper uses analytical and descriptive methods in analysing the role of the Crown Prince in the political system of Kuwait, describing and analysing the rules, methods and duties related to choosing the Crown Prince in Kuwait. The Kuwaiti constitution specified how to assume the position of Crown Prince, defined the duties of the Crown Prince, and linked the position of Prime Minister in the government to that of the Crown Prince, until the position of Crown Prince was separated from the position of Prime Minister in 2003. The position of Crown Prince in Kuwait has played an important role since the issuance of the Kuwaiti Constitution in 1962, as the constitution specified how to assume the position of Crown Prince, the functions of the Crown Prince, and linked the position of Crown Prince to the position of Prime Minister until 2003, when the two positions were separated.

Key words: *Kuwait, Crown Prince, Political System, Royal systems, Monarchy.*

1. Introduction

The position of Crown Prince is considered as one of the important positions in the monarchy, because the transfer of power in these systems is based on the principle of inheritance, and it is known that the position of Crown Prince today in the kingdom is the prince or king of tomorrow**.** Therefore, these systems have been concerned with training and qualifying the person who will occupy the position of the Crown Prince, so that the system guarantees the continuation of his efficiency, stability and performance. It is noticed that there is a difference between monarchy systems in the methods and determining of the constitutional and legal status of the position of the Crown Prince, in terms of the methods of selecting him and the tasks that he performs during his tenure of this position, and his removal if necessary. In Kuwait, there is no arrangement for the mandate of the covenant; the Emir of Kuwait nominates any member of the descendants of Sheikh Mubarak the Great, and submits this nomination to the National Assembly for approval.

The emergence of the State of Kuwait was the result of a mixing of immigrant tribes, forming a new society in Kuwait. The people of Kuwait chose the first ruler, Sheikh Sabah the First in 1716, in a consensual and consultative manner.

After his inauguration as an Emir, he took from the tribal leaders the pledge of hearing and obedience, and this event represented the first seed for the establishment of the Kuwaiti political system, despite the absence of legislative councils or shuras in the sense now known. Ruling in Kuwait was known at that time as joint rule, and this method remained in force in Kuwait until the end of the nineteenth century.

The Kuwaiti political system witnessed many developments since the inception of Kuwait until the establishment of the modern Kuwaiti state in 1961. The historical roots of this experience go back to the early stages of the emergence of Kuwait, where governance in it since its establishment was based on the principle of Shura, and the method of choosing the ruler was closer to a social contract.

The State of Kuwait witnessed more than one case of changing the Crown Prince, after the establishment of the Kuwaiti Constitution, which established an important and influential role for the position of Crown Prince in the State of Kuwait.

In this context, the main research question of the study is:

*RQ1. What is the role of the Crown Prince in the political system of the State of Kuwait***?**

This includes number of sub-questions as follows:

Q1. What is the legal-political status of the Crown Prince in Kuwait?

Q2. What are the rules and methods concerning the selection of the Crown Prince in Kuwait?

Q3. What are the ways to disqualify the Crown Prince?

Q4. What are the duties of the Crown Prince in Kuwait?

2. The emergence of the political system in the State of Kuwait:

Documents and historical indications indicate that the emergence of Kuwait was in 1613, when a group of families and tribes began arriving in this region, emigrating from Najd, realising the importance of this site and its spatial features.

The tribes that descended in the area of Kuwait have turned into an urban society, with a clear political entity characterised by stability and prosperity, witnessed by travellers who visited the region.

British archive documents indicate that the rule was for the Al-Sabah family in the year 1716. This indicates that the emergence of this community extends for a previous period, in which the Kuwaiti society settled, where an urgent need appeared for leadership that people could refer to in their affairs, and that possessed the legitimacy and ability to secure and protect their society, their interests and their representation in the bodies and societies that surround them. Thus, they entrusted the presidency to a man among them from the Al-Sabah family, who saw him distinguished with goodness and honesty. And the rule in this family has been passed down to the elder of them to this day (KRSC, 2014).

Since the establishment of the State of Kuwait, the system of it has been based on the principle of Shura, which in turn regulates the relationship of the ruler and the ruled. This guarantees the citizens the right to choose the ruler, to pledge allegiance, and to hold the ruler accountable in all matters related to governance and administration of the country.

This trend practically translated through the establishment of the first legislative council in Kuwait in 1938. This council constituted the true starting point for building a democratic society based on the division of authorities and participation in governance, ensuring the provision of political participation and legislative oversight mechanisms. This step was followed by the approval of the country's constitution to further consolidate this democratic approach, by working to build a constitutional democracy, after the State of Kuwait gained its independence in 1961 during the reign of Sheikh Abdullah Al-Salem Al-Sabah.

Thereby the nature of the political leadership in the State of Kuwait is that it mixes the parliamentary system with the presidential system, so it is similar in composition to the French system. (Al-Sabbagh, 2014)

The succession of the emirate continued from father to son until the fifth emir, Sheikh Abdullah bin Sabah, who during his reign Kuwait developed greatly, and who helped Medhat Pasha in the Ottoman Empire to conquer Al-Ahsa and Qatar in 1871.

The period after Sheikh Abdullah Al-Sabah witnessed the division of power between his brothers, then his brother Sheikh Mubarak Al-Sabah seized power and inherited it from his sons until Sheikh Salem Mubarak Al-Sabah, until the beginning of the twentieth century, when the Kuwaitis complained about this policy, and there were petitions to demand the return to the Shura system. With the death of Sheikh Salem in February 1921, the people of Kuwait moved to demand a Shura Council, and they prepared a document that was subsequently signed. With

the approval of Sheikh Ahmed Al-Jaber on this document, the first Shura Council established in 1921. (Al-Deen, 2012)

During this period, the people demanded political participation, reform of conditions and the development of the emirate's system. These matters led to the formation of a national bloc that began demanding the existence of an elected parliament and a constitution. A group of Kuwaitis sent a message to Sheikh Ahmad Al-Jaber in June 1938; all of this coincided with British advice. The British Resident in the Gulf presented it to the British Commissioner in Kuwait, who delivered a letter to Sheikh Ahmed Al-Jaber, asking him to make reforms in the emirate.

Sheikh Ahmad Al-Jaber responded to the local movement and external pressure, to popular demands. Indeed, elections for the first legislative nation council in Kuwait took place on June 29, 1938 in the Al-Saqr Diwan, and the number of candidates was twenty, of whom fourteen won the seats of the first National Assembly. (Al-Deen, 2012)

In 1958, there was a tendency for Kuwait to gain its independence, so that it would become part of the Arab Hashemite Union between the Kingdom of Jordan and Iraq. They brought in a legal expert, Abd Al-Razzaq Al-Sanhouri, who was assigned to draw up laws for a modern state. The foundation for a modern state continued, despite the failure of the project.

In 1961, Kuwait gained independence. The first step towards constitutional order was the establishment of the Joint Council. At the same time, the conditions for the elections for a Constituent Assembly were prepared. The "patriots" demanded that Kuwait be a single district. This requirement was rejected. A law passed that dividing Kuwait into twenty districts. Then there were tendencies towards boycotting the elections, until a compromise, a formula, was reached, represented by dividing Kuwait into ten districts. Law No. 1 of 1962 was issued, which is the basic system of government during the transition period. The national opposition, as a result of its adherence to social and societal reality and its leadership of the political movement, succeeded in winning the elections, then a constitution-drafting committee was formed that included opposition figures. (Al-Deen, 2012)

Kuwait transformed into a state of institutions with the issuance of the 1962 Constitution, which defined the relationship between the ruler and the ruled. Of note, it was not issued through the honour of an Emir, but rather through a popularly elected Constituent Assembly until it became a solid basis for democracy and for the majority of laws issued in Kuwait. (Al-Najjar, 2001)

Despite the great powers granted by the 1962 constitution to the Emir of Kuwait, they are not absolute, but rather limited in part by the people's will. This will is expressed by the National Assembly, that participates from the beginning in choosing the Emir of the country by determining the Crown Prince, which supports and confirms the original direction of the

constitution to approve the foundations of the practice of democracy, consolidating the principles of political participation. The Kuwaiti legislator was also keen for the members of the National Assembly to be chosen through the free election of citizens to confirm their popular participation in governance and to consolidate the principles of democracy. (al-Dahab, 2001)

3. The Crown Prince in the Kuwaiti constitution:

The Kuwaiti constitution, in Article 4 of Chapter One (The state and the system of government), states:

The Crown Prince shall be appointed within a year at most of the Amir's inauguration. An Emiri Decree shall base his appointment, and on Amir's recommendation, and with the pledge of allegiance to the National Assembly, and it shall take place in special sessions with the approval of the majority of the members of whom the Council is composed.

In the case of not being appointed as previously, the Emir recommends to the Crown Prince at least three of the aforementioned offspring, and the council pledges allegiance to one of them as Crown Prince.

The Crown Prince is required to be sane and the legitimate son of Muslim parents. A special law shall regulate all the provisions relating to the inheritance of the emirate.

It shall be issued within one year from the date on which this Constitution comes into force, and it shall have a constitutional character. It may not be amended except in the manner prescribed for amending the Constitution. (Constitution, 1962)

Article 61 of Chapter Two of section Four of the Kuwaiti Constitution states:

"In the case of his absence outside the emirate and the Crown Prince is unable to represent him, the Prince shall appoint a representative who exercises his powers during his absence, by an Emiri decree. This order may include a special regulation for the exercise of these powers on his behalf or a determination of their scope. (Constitution, 1962)

It is clear through the constitution how to investiture the Crown Prince. Also, a deputy to the Emir, in the case that the Crown Prince cannot represent him in case of his absence, and the constitution specifies how to appoint him.

The Crown Prince is thus a major part of the executive authority in the State of Kuwait, where the executive authority is vested in the Emir, the Council of Ministers and the Ministers. (Constitution, 1962) We find that the Kuwaiti constitution has adopted a system of executive

body dualism. Thus, the Emir is chosen through the mandate of the Covenant, which is the normal way in which he is the Crown Prince, and for the transition, it is normal for the Crown Prince to become the Emir of the country, just as the Crown Prince will represent the Emir in case of his absence from the state. The Emir has the right to seek the assistance of the Crown Prince in matters within his powers. (Al-Saleh, 1989)

In the case that the position of the Emir is lost, the Council of Ministers shall exercise all the authorities of the Head of State until the next Emir is chosen, the procedures by which the Crown Prince pledges allegiance to the National Assembly (Constitution, 1962).

The mandate of the Emir ends with his resignation or when the Emir abdicates his position to the Crown Prince, or the Emir loses the ability to carry out the duties of his position.

The 1962 constitution in Kuwait limits the right to rule in the lineage of Sheikh Mubarak Al-Sabah. This has led, over several years, to the adoption of an informal arrangement based on the alternation of authority between the descendants of two of Mubarak's sons, Salem and Jaber.

Four princes have ascended to the throne of Kuwait since independence in 1961, and the last caliphate in 2006 was not bound by the prevailing power-sharing arrangement between the Jaber and Salem dynasties in the ruling Al Sabah family. With few exceptions, the two dynasties took turns ruling and created an informal balance in power, and this ended with the death of Prince Jaber Al-Ahmad Al-Sabah, who ruled Kuwait for 29 years, along with his Crown Prince Saad Al-Abdullah Al-Sabah of the Salem dynasty, but the impotence of the latter two increased at the end of their reigns. This opened the way to the ambitious Foreign Minister Sabah Al-Ahmad Al-Sabah, who was appointed Prime Minister in 2003, thus ending an old practice of requiring the Crown Prince to head the government. (Diwan, 2017)

The Kuwaiti parliament is distinguished by the role it plays in the royal succession, as stipulated in the constitution. The majority of votes must approve the selection of the new Emir, in an extraordinary session of the National Assembly.

If this approval is refused, parliament has the power to choose a successor from among three alternative options presented by the Emir, also by a majority of votes.

It is also custom in the State of Kuwait to choose the Crown Prince as the Prime Minister. In turn he selects the ministers and nominates them for the Emir of the country by an official letter. Accordingly, he issues a decree forming the new cabinet, and the cabinet performs several tasks such as drawing the general policy of the government and following up on the implementation of this policy. It also supervises the progress of work in government

departments in Kuwait, but then this was modified by custom and the Prime Minister was no longerer the Crown Prince. (Al-Otaibi, 2005)

4. Crown Prince Saad Al-Abdullah Al-Salem Al-Sabah (1977-2006):

Sheikh Saad Al-Abdullah Al-Salem Al-Sabah is the eldest son of the late Emir Sheikh Abdullah Al-Salem Al-Sabah, who is known as "the father of independence and the constitution," the fourteenth ruler of Kuwait. (Al-Jarida, 2018)

On January 31, 1978, Sheikh Jaber Al-Ahmad Al-Sabah issued a decree recommending Sheikh Saad Al-Abdullah Al-Sabah for the position of Crown Prince. The Council of Ministers agreed to pledge allegiance to him as Crown Prince on February 18, 1978, two days after his formation, based on the recommendation of the Emir. He was chosen from among three candidates for this position, including Sheikh Sabah Al-Ahmad Al-Sabah and Sheikh Jaber Al-Ali Al-Sabah. Sheikh Sabah Al-Ahmad Al-Sabah conceded in his favour, so the Al-Sabah family recommended him as Crown Prince. Since October 22, 1979 he began to meet the people in his office every Monday, and every Sunday evening he received people in his palace. (KUNA, 2018)

4.1. Sheikh Saad Al-Abdullah as a Prime Minister:

Sheikh Saad Al-Abdullah remained the head of the Executive Authority for twenty-five years. He assumed the premiership from February 16, 1978 to July 13, 2003. During that period, he formed ten successive ministries. He was ex-officio Chairman of the Supreme Defence Council, Chairman of the Civil Service Council, Chairman of the Supreme Council for Housing, Chairman of the Board of Directors of the Kuwait Fund for Arab Economic Development, Chairman of the National Security Council, and Chairman of the Supreme Council for Planning. During that period, he faced a large number of social problems, including housing, naturalisation, unemployment and social security. One of the most prominent economic problems faced is the climate crisis. The crisis has led to some effects, including the erosion of oil revenues as a result of the drop in oil prices, and also led to the bankruptcy of a large number of prominent merchants and businessmen.

When Sheikh Saad Al-Abdullah Al-Sabah headed the tenth cabinet 1978-1981, one of his most important tasks was to form a committee on February 10, 1980, to revise the constitution. This committee completed its duties on 22/6/1980. He submitted its recommendations to the Emir of Kuwait, who in turn issued an Amiri decree on 9/24/1980 calling for the National Assembly to convene within a period not exceeding February 1981, and accordingly, the National Assembly elections were held. (Al-Naqib, 1996)

After the election of the fifth National Assembly in 1981, the eleventh cabinet was formed in March 1981, headed by Sheikh Saad Al-Abdullah. Ministry witnessed fluctuations after the stock market crash in mid-1982. The eleventh ministry headed by Sheikh Saad Al-Abdullah on 5/4/1982 referred the draft revision of the constitution to the National Assembly, proposing to amend more than fifteen articles of the constitution. The Council voted on the principle of revision on December 14 1982, with an approval of 37, including the ministers, and an opposition of 27.

Parliament was absent until 1989, when the government headed by Sheikh Saad Al-Abdullah responded to the demands of returning to parliamentary life, and a temporary parliament was formed (the National Council) in a mixed manner, which combined appointment and election, and was weaker than the parliament, in terms of powers or popular representation. The work by this National Council stopped in 1990, due to the Iraqi invasion of Kuwait. (Asiri, 1994)

Sheikh Saad Al-Abdullah assumed the presidency of the twelfth ministry from 1985-1986, which was formed on March 3, 1985 and included fifteen ministers. This ministry lasted only sixteen months, as the worsening relationship between the legislative and executive authorities led to the dissolution of the National Assembly in 1986. That prompted the resignation of the government on July 11, 1986.

Then Sheikh Saad Al-Abdullah assumed the presidency of the thirteenth Ministry from 1986-1990. It was formed on July 12, 1986 and included 21 ministers. It created five new ministries and continued to function until June 19, 1990, when they submitted their resignation after the end of the National Assembly elections and the announcement of the formation of the new council.

The fourteenth ministry existed from 1990-1991. This ministry formed on June 20, 1990, headed by Sheikh Saad Al-Abdullah Al-Salem Al-Sabah and continued until March 20, 1991, the period that witnessed the Iraqi invasion of Kuwait and the war to liberate Kuwait.

Despite the exposure of Kuwait to the Iraqi invasion in August 1990, this government continued to carry out its operations from the Saudi city of Taif, until the liberation. The government submitted its resignation on April 19, 1991 in preparation for the start of the reconstruction phase. (KUNA, 2019)

After the liberation of Kuwait, the fifteenth government, or as it is called, the Government of Reconstruction and Development, was formed on April 20, 1991, headed by Sheikh Saad Al-Abdullah. It continued its work until October 16, 1992, when it submitted its resignation in preparation for the restoration of the constitution and the return of parliamentary life, represented by the new National Assembly elections.

The sixteenth government formed on October 17, 1992 under the leadership of Sheikh Saad Al-Abdullah and the membership of fifteen ministers, including six representatives in the National Assembly. This government completed its full four-year constitutional life, and submitted its resignation on October 14, 1996, after the end of the legislative term for the National Assembly and in preparation for new elections.

The seventeenth government formed on October 15, 1996, headed by Sheikh Saad Al-Abdullah. The life of this government did not last long as it submitted its resignation on March 21, 1998, as a result of the worsening relationship between the legislative and executive authorities after three representatives submitted an interpellation to the Minister of Information, and then submitted a request for a vote of confidence. (KUNA, 2019)

The eighteenth government formed on March 22, 1998, headed by Sheikh Saad Al-Abdullah. This government lasted only fifteen months and a few days, as it submitted its resignation on 12 July 1999 after the issuance of Amiri Decree No. 134 of 1999 dissolving Parliament. This was a result of the deterioration of the relationship between the two authorities as a result of the questioning of the Minister of Justice and Endowments.

The nineteenth government formed on July 13, 1999, headed by Sheikh Saad Al-Abdullah. Likewise, as in the previous government, and for the same reasons, the government submitted its resignation on January 29, 2001. As a result, the relationship with the National Assembly worsened after a deputy requested to question the Minister of Justice and the Minister of Endowments and Islamic Affairs.

During the year 2000, the Crown Prince was criticised by liberal MPs, who accused him of obstructing economic and democratic reforms due to his combination of the two positions.
The twentieth government formed on February 14, 2001, headed by Sheikh Saad Al-Abdullah, who, due to his health conditions that necessitated his travel abroad, was unable to form government. His Highness Sheikh Sabah Al-Ahmad assumed this mission for the first time. (Al-Jarida, 2018)

4.2.   Separation between the mandate of the crown and the premiership in 2003:

The issue of separation between the mandate of the Covenant and the Prime Minister was settled in 2003. This means that the position of Prime Minister may be assumed politically from outside the ruling family, and thus the position of Parliament. (Al-Jumaili, 2011)

For the first time in the country's contemporary history, the Emir of Kuwait, Sheikh Jaber Al-Ahmad Al-Sabah, separated the duties of the Crown Prince and the Prime Minister, based on the demands of the reformists in the country.

The Emir issued a decree appointing his half-brother and former foreign minister Sheikh Sabah Al-Ahmad Al-Sabah as Prime Minister. He tasked him with forming the next government to replace the Kuwaiti Crown Prince, Sheikh Saad Al-Abdullah Salem Al-Sabah. He has held the position of Prime Minister since 1978. On his part, Sheikh Sabah has held the position of Minister of Foreign Affairs since 1963. The decree put an end to many speculations in this country about the prince's intentions to separate the mandate of the crown and Prime Minister. (Al-Dustour, 2003)

5. Conclusion:

- Kuwait turned into a state of institutions with the promulgation of the 1962 Constitution, which defined the relationship between the ruler and the ruled, especially since it was not issued through a royal honour.
- The Kuwaiti constitution worked to achieve a balance between the parliamentary system and the presidential system in a dual manner. It is clear through the constitution, how to investiture the Crown Prince, also a deputy to the Emir in the event that the Crown Prince cannot represent him in his absence, and the constitution specifies how to appoint him.
- The Crown Prince is thus a major part of the executive authority in the State of Kuwait, where executive authority is vested in the Emir and the Council of Ministers.
- Sheikh Saad Al-Abdullah assumed the mandate of the Covenant from 1978 to 2006, and Sheikh Saad Al-Abdullah remained head of the Executive Authority for twenty-five years, as he assumed the premiership from February 16, 1978 to July 13, 2003.
- During that period of Saad Al-Abdullah as Crown Prince, he formed ten successive ministries, then the mandate of the Covenant was separated from the Prime Minister in 2003, creating the possibility of assuming the position of political Prime Minister from outside the ruling family.

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