

Chapter I General Provisions

Article 50 [Separation and Constitutionality of Powers]

The system of Government is based on the principle of separation of powers functioning in co-operation with each other in accordance with the provisions of the Constitution.

None of these powers may relinquish all or part of its competence specified in this Constitution.

Article 51 [Legislative Power]

The legislative power is vested in the Emir and the National Assembly in accordance with the Constitution.

Article 52 [Executive Power]

The executive power is vested in the Emir, the Cabinet, and the Ministers, in the manner specified by the Constitution.

Article 53 [Judicial Power]

The judicial power is vested in the Courts, which exercise it in the name of the Emir within the limits of the Constitution.

Chapter II The Head of State

Article 54 [Head of State, Immunity, Inviolability]

The Emir is the Head of the State. His person is immune and inviolable.

Article 55 [Government]

The Emir exercises his powers through his Ministers.

Article 56 [Prime Minister]

(1) The Emir, after the traditional consultations, appoints the Prime Minister and relieves him of office. The Emir also appoints Ministers and relieves them of office upon the recommendation of the Prime Minister.

(2) Ministers are appointed from amongst the members of the National Assembly and from others.

(3) The number of Ministers in all shall not exceed one-third of the number of the members of the National Assembly.

Article 57 [New Government]

The Cabinet is re-constituted in the manner specified in the preceding Article at the beginning of every legislative term of the National Assembly.

Article 58 [Responsibility]

The Prime Minister and the Ministers are collectively responsible to the Emir for the general policy of the State. Every Minister also is individually responsible to the Emir for the affairs of his ministry.

Article 59 [Powers of the Emir Specified by Law]

The Law referred to in Article 4 specifies the conditions under which the Emir exercises his constitutional powers.

Article 60 [Oath of the Emir's Office]

Before assuming his powers, the Emir takes the following oath at a special sitting of the National Assembly:

"I swear by Almighty God to respect the Constitution and the laws of the State, to defend the liberties, interests, and properties of the people, and to safeguard the independence and territorial integrity of the Country."

Article 61 [Deputy Emir]

In the event of his absence outside the Country and the inability of the Heir Apparent to act as Deputy for him, the Emir shall appoint, by an Emiri Order, a Deputy who shall exercise his powers during his absence. The said Emiri Order may include a specified arrangement for the exercise of the said powers on behalf of the Emir, or a limitation of their scope.

Article 62 [Qualification of Deputy Emir]

The Deputy Emir has to satisfy the qualifications laid down in Article 82. If he is a Minister or a member of the National Assembly, he may not take part in the ministerial functions or in the work of the Assembly during the period he is acting as Deputy for the Emir.

Article 63 [Oath of the Deputy Emir's Office]

(1) Before assuming his powers the Deputy Emir, at a special sitting of the National Assembly, takes the oath mentioned in Article 60 with the following phrase added thereto: "and be loyal to the Emir."

(2) In case the National Assembly is not in session, the Oath shall be taken before the Emir.

Article 64 [Incompatibilities of the Deputy Emir]

The provisions of Article 131 apply to the Deputy Emir.

Article 65 [Promulgation of Laws, Initiative of the Emir]

(1) The Emir has the right to initiate, sanction, and promulgate laws. Promulgation of laws takes place within thirty days from the date of their submission by the National Assembly to the Emir. This period is reduced to seven days in case of urgency. Such urgency is decided upon by a majority vote of the members constituting the National Assembly.

(2) Official holidays are not counted in computing the promulgation.

(3) If the period of promulgation expires without the Head of State demanding reconsideration, the bill is considered as having been sanctioned and is promulgated.

Article 66 [Bills]

Reference of a bill for reconsideration is by a decree stating the grounds therefore. If the National Assembly confirms the bill by a two-thirds majority vote of its members,

the Emir sanctions and promulgates the bill within thirty days from its submission to him. If the bill does not receive the said majority, it may not be reconsidered during the same session. If the National Assembly, in another session, considers the same bill by a majority vote of its members, the Emir sanctions and promulgates the bill as law within thirty days from its submission to him.

Article 67 [Chief-of-Command]

The Emir is the Supreme Commander of the Armed Forces. He appoints and dismisses officers in accordance with the law.

Article 68 [War]

The Emir declares defensive war by decree. Offensive war is prohibited.

Article 69 [Martial Law]

(1) The Emir proclaims Martial Law in the cases of necessity determined by law and in accordance with the procedure specified therein. The proclamation of Martial Law shall be by decree. Such decree is referred to the National Assembly within the fifteen days following its issue, for a decision on the future of Martial Law. If the proclamation takes place during the period the National Assembly is dissolved, it is referred to the new Assembly at its first sitting.

(2) Martial Law may not continue unless a decision to that effect is made by a majority vote of the members constituting the Assembly.

(3) In all cases, the matter is referred to the National Assembly in accordance with the foregoing procedure, every three months.

Article 70 [Treaties]

(1) The Emir concludes treaties by decree and transmits them immediately to the National Assembly with the appropriate statement. A treaty has the force of law after it is signed, ratified, and published in the Official Gazette.

(2) However, treaties of peace and alliance; treaties concerning the territory of the State, its natural resources or sovereign rights, or public or private rights of citizens; treaties of commerce, navigation, and residence; and treaties entailing additional expenditure not provided for in the budget, or involving amendment of the laws of Kuwait; shall come into force only when made by a law.

(3) In no case may treaties include secret provisions contradicting those declared.

Article 71 [Emergency Decrees]

(1) Should necessity arise for urgent measures to be taken while the National Assembly is not in session or is dissolved, the Emir may issue decrees in respect thereof which have the force of law, provided that they are not contrary to the Constitution or to the appropriations included in the budget law.

(2) Such decrees are referred to the National Assembly within the fifteen days following their issue if the Assembly is in session. If it is dissolved or its legislative term has expired, such decrees are referred to the next Assembly at its first sitting. If they are not thus referred, they retrospectively cease to have the force of law, without the necessity of any decision to that effect. If they are referred and the Assembly does not confirm them, they retrospectively cease to have the force of law, unless the Assembly approves their validity for the preceding period or settles in

some other way the effects arising there from.

Article 72 [Execution of Laws]

The Emir issues, by decree, the regulations necessary for the execution of laws without amending or suspending such laws or making any exemption from their execution. A law may prescribe a less formal instrument than a decree for the issue of the regulations necessary for its execution.

Article 73 [Regulations]

The Emir issues, by decree, regulations for public order and health, and regulations necessary for the organization of public services and administration, not conflicting with any law.

Article 74 [Diplomacy]

(1) The Emir appoints and dismisses civil and military officials and diplomatic representatives to foreign countries in accordance with the law.

(2) He also accepts credentials of the representatives of foreign countries.

Article 75 [Pardon, Amnesty]

(1) The Emir may, by decree, grant a pardon or commute a sentence.

(2) However, general amnesty shall not be granted except by a law and then only in respect of offences committed prior to the proposal of the amnesty.

Article 76 [Orders of Honor]

The Emir confers Orders of Honor in accordance with the law.

Article 77 [Minting Coins]

Coins are minted in the name of the Emir in accordance with the law.

Article 78 [Remuneration of the Emir]

Upon the accession of the Head of State, his annual emoluments are fixed by a law for the duration of his reign.