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## Institutionalising Hereditary Succession in Saudi Arabia's Political Governance System: The Allegiance Commission

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On December 10, 2007, thirty-five sons and grandsons of Saudi Arabia's founder, King Abdul Aziz bin Abdul Rahman Al Faisal Al Saud, officially were appointed by King Abdullah bin Abdul Aziz members in The Allegiance (Bay'a) Commission. The formation of The Allegiance Commission was the culmination of a political process that began in the mid-1990s, when hereditary succession emerged as a central issue in the future of the Kingdom's governance.

Saudi Arabia's internal political stability is vital to the political and economic stability of the Middle Eastern region, not to mention, of central importance to a multitude of global interests. As such, governance and succession in Saudi Arabia has been the subject of open academic debate, as well as widespread but discreet speculation within the local, regional, and international community. Since the Kingdom's unification in 1932, the royal family has been careful to establish rules for hereditary succession of power. However, until recently, succession was dictated by traditional customs, rather than mandated laws.

In 1992, King Fahd passed the first in a series of official decrees, which were designed to create a legal basis for succession of power within the royal family. The final law in the series, known as the "The Allegiance Commission Law," was passed by King Abdullah bin Abdul Aziz on October 20, 2006, and established a legal framework through which the ruling family would appoint its successors. A relevant set of bylaws was passed in October of 2007, immediately followed by the formation of The Allegiance Commission in December. The establishment of the Allegiance Commission indicates that the Saudi royal family has begun to address complicated issues in heredity and governance, as the House of Saud prepares to pass political power from the founder's sons to his grandsons.

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### **Brief Historical Overview**

Succession of power has been a central governance-related issue throughout Arab and Islamic history. As such, Saudi Arabia's founder, King Abdul Aziz, was well aware of the importance of creating rules for hereditary succession in his country. In Article 6 of the Kingdom's Unification Declaration of 1932, the King ordered the Council of Wakla (Council of Public Administrators) to formulate a basic law of governance as well as a law of succession to the throne.

Historical sources do not indicate whether the Council of Administrators did or did not formulate these two laws. However, the Council and the *Shura* (Consultative) Council together named the King's eldest living son, Prince (later King, 1953-1964) Saud bin Abdul Aziz, as the country's Crown Prince. King Saud acceded to the throne after his father's death, on November 11, 1953, and named Prince Faisal bin Abdul Aziz, the late King's second eldest son, Crown Prince, through a process of allegiance.

Thereafter, allegiance became the traditional mode of succession in the Saudi ruling family. In naming a crown prince, age was the deciding factor, with older sons receiving preference for appointment. Exception was given for personal concerns. For example, in 1964, King Faisal designated Prince Khaled bin Abdul Aziz as his successor, after his older brother, Prince Mohammad, declined to accede to the throne. Age, however, remained a deciding factor when Prince King Fahd bin Abdul Aziz was named Crown Prince in 1975, and when Prince Sultan bin Abdul Aziz became Crown Prince in 2005.

In addition to family hierarchy, the traditional mode of succession was reinforced politically. Within the Saudi political system, the King is the Head of the Council of Ministers and the Crown Prince is Deputy Prime Minister. Given the

political structure, it followed logically that the Second Deputy to the Prime Minister would become the next Crown Prince and Deputy Prime Minister, after the current Crown Prince accedes to the throne and to the position of Head of the Council of Ministers. In a survey of the royal family's history, we see the ascension from Second Deputy Prime Minister to Deputy Prime Minister repeatedly took effect: King Faisal appointed his brother, King Fahd, as Second Deputy to the Prime Minister in 1967, then King Khaled appointed his brother, Prince Abdullah bin Abdul Aziz, to that same post in 1975. Later, King Fahd appointed his brother, Prince Sultan bin Abdul Aziz to the same position in 1982.

Following these well-established rules of ascension, the royal family ensured a smooth transition of power, without internal disagreement. These rules continued to function without lapse, even during periods of internal conflicts, including the dispute between the King and the Crown Prince between 1958 and 1964.

### **Enshrining Succession into Saudi Laws**

King Fahd formally enshrined the rules of succession into Saudi Basic law through a royal decree issued on March 1, 1992. In this decree, the King reaffirmed that "Saudi Arabia is a monarchy," and that "the throne is reserved to the sons and grandsons of the founder King Abdul Aziz bin Abdul Rahman Al Faisal Al Saud." The decree further stated that the "best among the latter would be named King by acclamation, based on the Holy Book and the teachings of his Blessed Messenger," and that "the King appoints and relieves the Crown Prince of his duties by royal decree."

The decree confirmed what had already been well established regarding succession within the royal family and regarding good conduct as a condition of allegiance, with a

few notable exceptions. It did not mention age as a priority factor, as was customary up to this point; nor did the article delineate how the throne would be handed from one brother to the next, or from sons to grandsons. At the time, however, the decree had little practical effect, as the Crown Prince Abdullah bin Abdul Aziz, and his successor, Prince Sultan bin Abdul Aziz, had been appointed to their posts ten years earlier.

Even after King Fahd issued the 1992 decree, the royal family might have continued to address the issue of succession through established traditions. However, a number of factors complicated adherence to traditional rules of succession. Currently, there are twenty-one living sons of the Saudi founder, King Abdul Aziz. These twenty-one sons have a traditional claim to the throne; however, as their generation ages, it will be necessary to pass governance on to their children, of whom there are many possible representatives. To continue the royal lineage, the King might have chosen one of King Abdul Aziz's numerous grandsons as his successor, but there are no established traditions to determine which of his father's grandchildren he might have selected. Furthermore, there are no customary procedures through which the King's grandson would then choose his own successor, while maintaining family legitimacy, unity, and stability.

At this critical juncture, the traditional rules of governance did not provide answers to the full-range of questions facing the Kingdom's future leaders. Additionally, the structure and size of the royal family necessitated the adoption of a legal framework to choose future leaders, preserve family unity, and ensure the future of hereditary succession in the Kingdom.

### **Institutionalising Succession: The Allegiance Commission**

After King Abdullah bin Abdul Aziz acceded to the throne in August 2005, he followed established tradition in naming Prince Sultan as Crown Prince. Contrary to custom, no Second Deputy Prime Minister was named to replace Prince Sultan in this role. Not surprisingly, the King's actions prompted a great deal of speculation about the future of the Kingdom's leadership, despite the fact that his assignments were not in conflict with the Basic Law.

A year later, King Abdullah bin Abdul Aziz issued a decree to amend Section "C" of Article 5 of the Basic Law of Governance. The original article read: "The King appoints the Crown Prince, and relieves him of his duties, by royal decree." In the amended text, the article states, "The invitation to pledge allegiance to the King and select the Crown Prince would take place according to the provisions of the Allegiance Commission's Law".

In conjunction with the amendment, the King passed "The Allegiance Commission Law." Comprised of 25 articles, the Allegiance Commission law provided for a new body known as The Allegiance Commission, outlined the process of giving allegiance, and mandated a selection process for future Crown Princes, in the case of illness, death, or incapacity of the current Crown Prince or King. King Abdullah bin Abdul Aziz had already appointed the current Crown Prince, and therefore the new law applied only "to future conditions, but not to the current King and Crown Prince." A year later, on October 8, 2007, the King issued a set of Bylaws establishing the rules of membership to the Allegiance Commission, its mode of operation, and its administrative and financial status.

## **Composition of The Allegiance Commission**

In keeping with the tradition of hereditary succession that has been central to the royal family's transfer of power, Article 1 of the Allegiance Commission Law limits The Allegiance Commission membership to the sons of founder King Abdul Aziz Al Saud. For each of the Founder's sons who are deceased, incapable, or otherwise unwilling to accept the appointment, one of his sons will be appointed by the King to the Allegiance Commission. One of the current King's sons and one of the Crown Prince's sons are likewise counted among the members of the Allegiance Commission.

While the article does not expressly establish how the King will appoint the sons of the deceased or unable to the committee, the Commission's Bylaws outlines a process of nomination: "The King asks the sons of the deceased or unable, who have reached the age of 17, to nominate two or three among them for membership of the Commission. The sons of the deceased or unable would also nominate one of them to participate in designating the nominees for the Commission's membership, within 15 days from receiving the nomination request. If the deadline expires without any nominees designated, the King will have the right to appoint whomever he deems suitable for membership to the Commission."

Within the same context, and based on the same Section and Article, "The King will ask one of the sons of King Abdul Aziz, or sons of his sons, to nominate three of the sons of the deceased or unable, one of them for membership in the Commission. The King has the right to charge one of the sons of the founder to designate one of the three nominees for the Commission's membership." As for those who are unable to perform their duties, Section 2 of Article 3 explains that this appointee should "notify the King in writing, and nominate one of his sons for membership of the

Commission. If his notification does not include a nomination, or if the King does not approve of his choice, the appointment will be made according to the above-mentioned Section 1, of Article 1."

Articles 2 and 3 of the Bylaws stipulate that, in addition to being a son or grandson of the founder King, the Allegiance Committee members should be no less than 22 years of age, and be recognized for integrity and good conduct. The membership term, provided there is no violation of the Allegiance Commission's Law regarding its composition, is "four years non-renewable... except in the case where the brothers agree to an extension, conditional on the King's approval."

The Bylaws also cover the potential violation of the Commission's provisions, stating: "If a member fails to perform his duties and responsibilities as member, the matter will be investigated by a committee comprising three of the Commission's members, to be named by its chairman. The committee will submit the outcome of the investigation to the Commission. If the Commission, with the approval of two thirds of its members, decides to dismiss the member who fails to perform his duties and responsibilities, the matter will be submitted to the King to decide on what he views as the best course of action." In summary, a violation of provisions will be addressed via a resolution agreed upon by committee members.

## **The Allegiance Commission's Responsibilities**

The Allegiance Commission Law defines the body's various responsibilities with regards to selecting a new Crown Prince, and outlines procedures for the full-range of eventualities, including the King's death, illness, or incapacity, the Crown Prince's death, illness, or incapacity, as well as the simultaneous death or illness of the King and Crown Prince.

Article 6 states, “If the King passes away, the Allegiance Commission will pledge allegiance to the Crown Prince in accordance with this Law and the Basic Law of Governance.” Article 7 delineates the process through which the Allegiance Commission will select a new Crown Prince, through a process of nomination and election: “After consultation with the members of the Allegiance Commission, the King will choose one, two or three candidates for the position of Crown Prince. He will present his nominees to the Allegiance Commission, which will then designate one of them as Crown Prince. In the event where the committee rejects all of the nominees, it will designate a Crown Prince whom it considers to be suitable.” The article further stipulates that the King may in turn reject the committee’s nomination, in which case, the Allegiance Commission will vote to elect either the King’s nominee or the Committee’s; “The nominee who secures the majority of votes will be named Crown Prince,” and, according to Article 9, must be appointed within 30 days of the new King’s accession to the throne.

Under the law, the Allegiance Commission also has the right to establish a five-member Transitional Ruling Council, which would temporarily run state affairs. As an interim governmental body, The Transitional Ruling Council does not have the right to amend any of the seminal laws of the Saudi constitution, such as the Basic Law of Governance, the Allegiance Commission Law, the Council of Ministers Law, the *Shura* Council Law, the Law of the Provinces, the National Security Council Law, or any other laws relevant to issues of governance. Likewise, the Transitional Ruling Council is denied the right to dissolve or reshuffle the Cabinet or the *Shura* Council. As stipulated by law, the Transitional Ruling Council’s primary function is to protect the State’s laws and unity, and to protect the Kingdom’s internal and external interests, during the transitional period.

Of particular note, the Law gives the Allegiance Commission an important and powerful role in the event of an emergency. According to Article 11, if the Allegiance Commission is convinced that the King is incapable of carrying out his duties for health reasons, “it will issue a request, in accordance with this Law, for a medical committee to prepare a report on the condition of the King’s health. If the report finds that the King’s inability to exercise his power is temporary, the Allegiance Commission will certify this finding, and his powers would be temporarily transferred to the Crown Prince until the King recovers. If the King informs the Allegiance Commission’s chairman in writing that he has recovered, and the Allegiance Commission is convinced of that, it will authorize the medical committee to prepare a report on the King’s health within 24 hours. If the medical report finds that the King is capable of exercising his powers, the Allegiance Commission will certify this finding and the King will resume his powers. If the medical report finds that the King’s inability to exercise his powers is permanent, the Allegiance Commission will certify that finding and invite the Crown Prince to assume the position of King, after receiving pledges of allegiance. These procedures must be carried out in accordance with this Law and with the Basic Law of Governance, within 24 hours.”

The Law also foresaw, in Article 12, the eventuality whereby both the King and the Crown Prince would be unable to exercise their powers for health reasons. In this case, “the Commission will ask the medical committee to prepare a report on the health conditions of both. If the report finds that their incapacitation is temporary, the Allegiance Commission will certify that finding, and Transitional Ruling Council will assume administration of the affairs of State, and oversee the interests of the people, until either the King or the Crown Prince recovers.” The Law continues, “If the medical report finds that the King and

Crown Prince are permanently incapacitated, the Allegiance Commission will certify as such, and the Transitional Ruling Council will assume administration of State affairs. The Allegiance Commission will select a suitable candidate from among the sons or grandsons of King Abdul Aziz Al Saud within seven days, and call on him to take over as King of the country in accordance with this Law, and the Basic Law of Governance.”

Equally, the Law addresses the possibility of simultaneous death of the King and the Crown Prince. Under that circumstance, “the Allegiance Commission will select a suitable candidate for governance from among the sons or grandsons of King Abdul Aziz Al Saud. It will call for a pledge of allegiance to the new King in accordance with this Law, and the Basic Law of Governance. The Transitory Ruling Council will then take over administration of the affairs of State until the new King ascends the throne.”

The Law indicates that only health-related reasons permit the Allegiance Commission to assume an emergency role, and that an emergency role is specifically limited to the simultaneous incapacity of the King and the Crown Prince. In order to thoroughly assess the medical condition of either of these parties, Article 14 calls for the “formation of a committee that includes 1) the supervisor of the Royal Clinics; 2) the medical director of the King Faisal Specialist Hospital, and 3) three medical college deans, to be selected by the Allegiance Commission. The medical committee shall issue the medical reports mentioned in this Law, and may seek, at its discretion, assistance from any doctors as it deems appropriate.”

### **The Allegiance Commission’s Mode of Operation**

The Allegiance Commission’s Law outlines how the Allegiance Commission will operate, hold meetings, and make decisions. Per law, meetings can only be held with the

King’s approval, except in the case of his death or, more specifically, the King’s and Crown Prince’s simultaneous incapacity or death. In that case, the Allegiance Commission’s Chairman, a position held by the eldest son of King Abdul Aziz, will call the meetings. In case neither the Committee Chairman nor his Deputy is available, the eldest grandson of late King Abdul Aziz will chair the meetings.

Attendance at Allegiance Commission meetings is limited to members of the Commission, its Secretary-General, and its rapporteur, and attendance is mandatory, unless the committee Chairman grants an exemption. With the King’s approval, the Commission may also invite individuals to provide explanations or information during a session. The chairman is awarded comprehensive administrative powers, as he “opens and closes the meetings, moderates discussions, allows members to speak, determines the agenda, ends discussions and puts issues to the vote. A new item can be included in the agenda with the approval of ten members.”

The Law mandates a quorum for decision-making: “For any meeting to be valid it should have a quorum of two-thirds of the Commission’s members, including its chairman or his deputy. In accordance with Article 7, the Commission will approve its decisions with the consent of the majority of members present. In the event of a tie, the chairman will cast the deciding vote. In the event where the quorum has not been met, meetings may be held with half of the members present, and decisions passed with the approval of two-thirds of the members present.”

Documentation procedures are outlined in Article 21, which states, “For each meeting there should be a record indicating the time and location of the meeting, and the names of its chairman, members present, absent members and the reasons for their absence, if any, and the name of the Secretary-General.” Official documental must also record “a summary of the discussions, the number of yes and no votes, the results of

the voting process and the full text of the decisions taken. The record should also show whether the meeting was postponed or adjourned, and, if so, the time when this took place, and any other matter that the chairman deems necessary. The record should be signed by the chairman, members present at the meeting and the Secretary-General.”

Voting in the Allegiance Commission is conducted by secret ballot. To preserve the secrecy of the Commission’s procedures, Article 23 indicates that members may “only review the agenda and all pertinent documents at the location in which the meeting is being convened, and will not be permitted to remove any documents from the meeting hall.” Although the Law specifies that the Commission is based in Riyadh and will hold meetings at the Royal Court, it “may convene, subject to the King’s approval, at any of the Royal Court’s locations within the Kingdom, or at any location designated by the King.”

### **The General Secretariat**

Article 24 of the Allegiance Commission’s Law states that, “The King appoints the Secretary-General responsible for inviting members of the Allegiance Commission, supervising the process of preparing the minutes and decisions, and announcing the results of meetings, as decided by the chairman. After obtaining the King’s approval, the Secretary-General may seek assistance as he sees fit. The King will appoint a deputy to the Secretary-General to take over during the Secretary-General’s absence.”

Due to the importance of both the Commission’s Secretary General and General Secretariat’s administrative roles, Article 12 of the Commission’s Bylaws stipulates that, “The Secretary General will be in direct contact with the King, and will be responsible for all the financial and administrative affairs of the Commission.” Article 13 continues, “A documentation

centre will be established at the Commission, linked directly to the Secretary General. The centre will keep records of the Commission’s minutes, documents and reports pertaining to its activities, and preserve their confidentiality.” According to Article 14 of the bylaws, the Commission will also have “an annual budget and its expenditures should be in line with rules and instructions approved by the King.”

Article 15 underscores the importance of the Secretary General’s role, stating that, “The Commission’s Secretary General will be granted the rank of minister, and his deputy the rank of excellence.” Article 16 further stipulates, “Positions at the Commission’s General Secretariat will be filled in line with the rules and procedures observed at the Royal Court.”

### **Conclusion**

The establishment of the Allegiance Commission indicates that the Saudi royal family has begun to address complicated issues in heredity and governance, as the House of Saud prepares to pass political power from the founder’s sons to his grandsons. The essential challenge lies in ensuring a smooth transmission of power to the next generation of royal heirs, and to establish principles by which the accession will be passed from fathers to sons, based on family legitimacy.

Since its incorporation into the Kingdom’s Basic Law of Governance, the Allegiance Commission provides a constitutional vehicle for the future selection of Saudi monarchs. It also establishes a legal process through which the royal family will select and appoint the most able person to the role of Crown Prince and later, King, from among the founder King’s extensive lineage.

The establishment of a decision-making body like the Allegiance Commission may seem uncharacteristic of a monarchy. However, given the size and nature of the

Saudi royal family, it was necessary to create a system to ensure the family's continued unity. By reforming long-standing customary procedures, the Allegiance Commission allows the founding King's sons and grandsons to take part in the democratic selection of the country's future kings, from among their ranks. Furthermore, it ensures a smooth transition of power from one generation to the next, in total legitimacy.

In effect, the Saudi monarchy has established a new constitutional body, composed of various constituents from the royal family, whose laws the King himself cannot change or amend, except upon the Commission's approval. Since the Commission has been created to address future events, only the future can judge its efficacy.