



وزارة العدل
Ministry of Justice
State of Qatar • دولة قطر

The Permanent Constitution of the State of Qatar

1

First Edition
2024



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The Permanent Constitution of the State of Qatar

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First Edition
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**The Promulgation of
The Permanent Constitution of the State of Qatar^(*)**

We,

Hamad Bin Khalifa Al-Thani,

Amir of the State of Qatar,

In pursuit of achieving our goals to lay down the basis of democratic rule for our beloved homeland by adopting a Permanent Constitution that establishes the fundamental foundations of the community, embodies the people's participation in decision-making, and guarantees the rights and freedoms of the sons of this benevolent homeland,

Recognizing the importance of our Arab and Islamic affiliation, that we are proud of,

And after perusing the results of the Referendum on the Permanent Constitution of the State of Qatar held on the 29th of April 2003, and the approval of the overwhelming majority of the citizens thereof,

And Article (141) of the Permanent Constitution,

Have issued the following Constitution which shall be published in the Official Gazette one year after the issuance date thereof, during which time constitutional institutions shall be completed, and the necessary measures thereto shall be taken in accordance with the law.

Hamad Bin Khalifa Al Thani

Amir of the State of Qatar

Issued at the Amiri Diwan on : 20/04/1425 (H)

Corresponding to : 08/06/2004 (AD)

(*) The Official Gazette, Issue No. (6), 8th of June, 2005.

**The Permanent Constitution of the State of Qatar,
The Explanatory Memorandum Issued Therefor,
and The English Translation Thereof.^(*)**

^(*) The Official Gazette, Issue No. (6), 8th of June, 2005.

Part One

The State and the Bases of the Rule

Article (1)

Qatar is an independent sovereign Arab State. Its religion is Islam and Shari'a law shall be a main source of its legislations. Its political system is democratic. The Arabic Language shall be its official language. The people of Qatar are a part of the Arab nation.

Article (2)

The capital of the State is Doha City; and it may be transferred to any other place by a law. The State shall exercise its sovereignty on its territory and it may not relinquish its sovereignty nor may it cede any part of its territory.

Article (3)

The law shall specify the flag of the State, the emblem, decorations, badges, and the National Anthem thereof.

Article (4)

The law shall determine the financial and banking system of the State, and specify its official currency.

Article (5)

The State shall preserve its independence, sovereignty, territorial safety and integrity, security and stability, and defend itself against aggression.

Article (6)

The State shall respect the international charters and conventions, and strive to implement all international agreements, charters, and conventions to which it is a party.

Article (7)

The foreign policy of the State shall be based on the principle of strengthening international peace and security by means of encouraging peaceful resolution of international disputes; and shall support the right of peoples to self-determination; and shall not interfere in the domestic affairs of states; and shall cooperate with peace-loving nations.

Article (8)

The rule of the State is hereditary in the family of Al Thani and in the line of the male descendants of Hamad Bin Khalifa Bin Hamad Bin Abdullah Bin Jassim.

The rule shall be inherited by the son named as Heir Apparent by the Amir. In the case that there is no such son, the prerogatives of rule shall pass to the member of the family named by the Amir as Heir Apparent. In this case, his male descendants shall inherit the rule.

The provisions of the rule of the State and accession shall be determined by a special law that shall be issued within a year commencing as from the date of coming into force of this Constitution. This law shall have the power of the Constitution.

Article (9)

The Amir shall, by an Amiri Order, appoint an Heir Apparent after consultation with the members of the Ruling Family and the people of wisdom (Ahal Alhal wal agd) in the State. The Heir Apparent must be a Muslim of a Qatari Muslim Mother.

Article (10)

The Heir Apparent, on his appointment, shall take the following of oath:

“I swear by Almighty God to respect Shari’a law, the Constitution and the law, maintain the independence of the State and safeguard its territorial integrity, defend the freedom and interests of its people, and be loyal to the State and the Amir.”

Article (11)

The Heir Apparent shall assume the powers and discharge the functions of the Amir on his behalf during his absence outside the country or in the event of temporary compelling circumstances.

Article (12)

The Amir may, by an Amiri Order, confer upon the Heir Apparent the exercise of some of his powers and the discharge of some of his functions. The Heir Apparent shall preside over the sessions of the Council of Ministers whenever he is in attendance.

Article (13)

Without prejudice to the provisions of the two preceding Articles, and where it is not possible to delegate powers to the Heir Apparent, the Amir may, by an Amiri Order, designate a deputy from the Ruling Family to discharge some of his powers and functions; and where the person who has been so designated holds a post or performs a function in any institution, the same person shall cease to discharge the duties of that post or function during his deputation of the Amir; and the Deputy Amir shall, as soon as he is so designated, take, before the Amir, the same oath as taken by the Heir Apparent.

Article (14)

There shall be established a Council by an Amiri Decision named "The Council of the Ruling Family". The Amir shall appoint the Members of such Council from amongst the members of the Ruling Family.

Article (15)

The Council of the Ruling Family shall determine the vacancy of the position of the Amir in the event of his demise or when he becomes totally

incapacitated to discharge his functions. Following this, the Council of Ministers and Al-Shura Council shall after an in camera joint session announce the vacancy and declare the Heir Apparent as the Amir of the State.

Article (16)

Where the Heir Apparent, at the time he is named Amir of the State, is less than eighteen (18) years of age according to the Gregorian calendar, the reins of Government shall be conferred upon a Regency Council to be appointed by the Council of the Ruling Family.

The Regency Council shall be composed of a chairman and not less than three or more than five Members; and the chairman and the majority of Members shall be from amongst the Ruling Family.

Article (17)

The financial emoluments of the Amir as well as the funds allocated for gifts and assistance shall be specified by a decision issued annually by the Amir.

Part Two

The Guiding Principles of the Society

Article (18)

The Qatari society shall be based on the values of justice, benevolence, freedom, equality, and high morals.

Article (19)

The State shall maintain the pillars of the society and ensure security, stability, and equal opportunities for all citizens.

Article (20)

The State shall strive to strengthen the spirit of national unity, cooperation, and fraternity among all citizens.

Article (21)

The family shall be the basis of the society. A Qatari family shall be founded on religion, ethics, and patriotism. The law shall regulate adequate means to protect the family, support its structure, strengthen its ties, and protect maternity, childhood, and old age in the shadow thereof.

Article (22)

The State shall provide care for the young, and protect the same from corruption, exploitation, evils of physical, mental and spiritual neglect. The State shall also create conducive circumstances for developing their capabilities in all fields based on sound education.

Article (23)

The State shall foster public health, provide means of prevention from diseases and epidemics and the cure thereof in accordance with the law.

Article (24)

The State shall foster, preserve and help disseminate sciences, arts, cultural and national heritage, and encourage scientific research.

Article (25)

Education is one of the basic pillars of social progress. The state shall ensure, foster, and endeavor to spread it.

Article (26)

Ownership, capital and labour constitute the fundamental foundations of the social structure of the State; and the same are individual rights with a social function and which shall be regulated by the law.

Article (27)

Private property is inviolable; and no one shall be deprived of his property save by reason of public benefit and in the cases prescribed by the law, and in the manner stated therein provided that the person concerned is fairly compensated.

Article (28)

The State shall guarantee freedom of economic enterprise on the basis of social justice and balanced cooperation between private and public activity in order to achieve socio-economic development, increase in production, achieve public welfare, raise standard of living, and provide job opportunities in accordance with the provisions of the law.

Article (29)

Natural wealth and its resources shall be the property of the State; and the State shall preserve and exploit the same in the best manner in accordance with the provisions of the law.

Article (30)

The employee-employer relationship shall be based on the ideals of social justice and shall be regulated by law.

Article (31)

The State shall encourage investment and shall provide the necessary guarantees and facilities therefor.

Article (32)

The law shall regulate State loans.

Article (33)

The State shall preserve the environment and its natural balance in order to achieve comprehensive and sustainable development for all generations.

Part Three

Public Rights and Duties

Article (34)

Citizens shall be equal in public rights and duties.

Article (35)

All persons shall be equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion.

Article (36)

Personal freedom shall be guaranteed and no person may be arrested, detained, searched, neither may his freedom of residence and mobility be restricted save under the provisions of the law.

No person shall be subjected to torture, or any degrading treatment; and torture shall be considered as a crime punishable by law.

Article (37)

The sanctity of human privacy shall be inviolable, and therefore interference into privacy of a person, family affairs, home of residence, correspondence, or any other act of interference that may demean or defame a person shall not be allowed save as limited by the provisions of the law stipulated therein.

Article (38)

No citizen shall be banished nor shall he be denied re-entry to his country.

Article (39)

An accused person shall be presumed innocent until his conviction is proved before a court of law wherein the necessary guarantees of the right of self-defense are secured.

Article (40)

No crime and no punishment save as prescribed by the law and no penalty save on the acts committed subsequent to the enforcement of that law; and punishment shall be personal.

The provisions of the laws shall have no effect save on the acts committed from the date of the enforcement of the said laws. These provisions shall have no effect on the acts which occurred prior to the enforcement of the said laws; however, it may be stipulated otherwise by a majority of two-thirds of Al-Shura Council in case of non-criminal provisions.

Article (41)

The Qatari nationality and the rules governing it shall be prescribed by law, and the same shall have the similar power as that of the Constitution.

Article (42)

The State shall ensure the right of citizens to elect and be elected in accordance with the law.

Article (43)

Taxes shall be founded on social justice and henceforth shall not be levied save by a law.

Article (44)

The right of the citizens to assemble is guaranteed in accordance with the provisions of the law.

Article (45)

The right of citizens to establish association is guaranteed in accordance with the conditions and circumstances set forth in the law.

Article (46)

Each Individual has the right to address public authorities.

Article (47)

Freedom of expression of opinion and scientific research is guaranteed in accordance with the conditions and circumstances set forth in the law.

Article (48)

Freedom of press, printing and publication shall be guaranteed in accordance with the law.

Article (49)

All citizens have the right to education; and the State shall endeavor to make general education compulsory and free of charge in accordance with the applicable laws and regulations of the State.

Article (50)

Freedom to practice religious rites shall be guaranteed to all persons in accordance with the law and the requirements of the maintenance of public order and morality.

Article (51)

The right of inheritance shall be maintained and governed by Shari'a law.

Article (52)

Every person who is a legal resident of the State shall enjoy the protection of his person and property in accordance with the provisions of the law.

Article (53)

Defending the country is a duty of every citizen.

Article (54)

A public post is a national service; and a public employee shall make public interest his only objective when performing the duties of his post.

Article (55)

Public funds are inviolable and its protection shall be a duty of everyone in accordance with the law.

Article (56)

General confiscation of property is prohibited. The penalty of confiscation of private property shall only be imposed by a court judgment and in cases stated by the law.

Article (57)

The respect of the Constitution, compliance with the laws issued by Public Authority, abiding by public order and morality, observing national traditions and established customs is a duty of all who reside in the State of Qatar or enter its territory.

Article (58)

Extradition of political refugees is prohibited; and the law shall specify conditions of granting political asylum.

Part Four
Organization of Powers
Chapter One : General Provisions

Article (59)

The people are the source of power, and they shall exercise the same in accordance with the provisions of this Constitution.

Article (60)

The system of Government is based on the separation of powers and shall be exercised in collaboration with the manner specified in this Constitution.

Article (61)

The Legislative Authority shall be vested in Al-Shura Council as prescribed in this Constitution.

Article (62)

The Executive Authority shall be vested in the Amir and he shall be assisted by the Council of Ministers as stated in this Constitution.

Article (63)

The Judicial Authority shall be vested in courts of law as prescribed in this Constitution; and court judgments shall be pronounced in the name of the Amir.

Chapter Two : The Amir

Article (64)

The Amir is the head of State. His person shall be inviolable and he must be respected by all.

Article (65)

The Amir is the Commander-in-Chief of the armed forces. He shall supervise the same with the assistance of the Defence Council under his direct authority. The said Council shall be constituted by an Amiri Decision, which will also specify the functions thereof.

Article (66)

The Amir shall represent the State internally and externally and in all international relations.

Article (67)

The Amir shall discharge the following functions:

1. Drawing up the general policy of the State with the assistance of the Council of Ministers,
2. Ratification and promulgation of laws; and no such law may be issued unless it is ratified by the Amir,
3. Summoning the Council of Ministers to convene at any time deemed necessary for public interest; and the Amir shall preside over the meetings of the Council of Ministers that he attends,
4. Appointment of civil servants and military personnel and terminating their service in accordance with the law,
5. Accrediting diplomatic and consular missions,

6. Granting pardon or commuting penalty in accordance with the law,
7. Conferring civilian and military orders and badges of honor in accordance with the law,
8. Establishment and organization of ministries and other Government bodies and specifying their functions,
9. Establishment and organization of such consultative bodies to assist him in directing the high policies of the State, and the supervision, and specification of the functions thereof.
10. Any other functions vested upon him by this Constitution or the law.

Article (68)

The Amir shall conclude treaties and agreements by a decree and refer them to Al-Shura Council accompanied with appropriate explanatory notes. The treaty or agreement shall have the power of law after ratification and publication in the official Gazette; however, reconciliation treaties and treaties pertaining to the territory of the State or those relating to the right of sovereignty or public or private rights of the citizens, or those that involve an amendment of the laws of the State shall come into force when the same are promulgated by a law.

Under no case may a treaty include secret conditions contradicting its publicized conditions.

Article (69)

The Amir may, by a decree, declare Martial Laws in the country in the event of exceptional cases specified by the law; and in such cases, he may take all urgent necessary measures to counter any threat that undermine the safety of the State, the integrity of its territories or the security of its people and interests or obstruct the organs of the State from performing their duties,

provided that, the decree must specify the nature of such exceptional cases for which the martial laws have been declared and clarify the measures taken to address this situation. Al-Shura Council shall be notified of this decree within the fifteen (15) days following the issuance thereof; and in the event that the Council is not in session for any reason whatsoever, the Council shall be notified of the decree at its first convening.

Martial laws shall be declared for a limited period and the same shall not be extended unless approved by Al-Shura Council.

Article (70)

The Amir may, in the event of exceptional cases that require measures of utmost urgency which necessitate the issuance of special laws and in case that Al-Shura Council is not in session, issue pertinent decrees that have the power of law.

Such decree-laws shall be submitted to Al-Shura Council at its first meeting; and the Council may within a maximum period of forty (40) days from the date of submission and with a two-thirds majority of its Members reject any of these decree-laws or request the amendment thereof to be effected within a specified period of time; such decree -laws shall cease to have the power of law from the date of their rejection by the Council or where the period for effecting the amendments have expired.

Article (71)

Defensive war shall be declared by an Amiri order and aggressive war is prohibited.

Article (72)

The Amir shall appoint the Prime Minister, accept his resignation and remove him from office by an Amiri order.

The resignation of the Prime Minister or his removal from office shall entail all Ministers. In the event of acceptance of resignation or removal from the office, the same Council shall continue to run urgent matters until such a time the new Council is appointed.

Article (73)

The Amir shall appoint Ministers by an Amiri order upon nomination by the Prime Minister; and he shall accept resignations of Ministers and relieve them from office in the like manner.

Where a resignation of a minister has been accepted, the Minister may be entrusted with running urgent matters until his successor is appointed.

Article (74)

The Amir shall take the following oath prior to the discharge of his functions in a special session convened by Al-Shura Council:

“I swear by Almighty God to respect Sharia law, the Constitution and the law, protect the independence of the State, safeguard its territorial integrity, and defend the freedom and interests of its people.”

Article (75)

The Amir shall may conduct a public referendum on important issues pertaining to the interests of the State. The subject of such a referendum shall be deemed acceptable if acknowledged by the majority of voters; and the results of the referendum shall be binding and effective from the date of its announcement. The results shall be published in the official Gazette.

Chapter Three : The Legislative Authority

Article (76)

Al-Shura Council shall assume the legislative authority, approve the general budget of the State, and it shall exercise control over the executive authority as stated in this Constitution.

Article (77)

Al-Shura Council shall consist of forty-five (45) Members, thirty of whom shall be elected by direct, general secret ballot; and the Amir shall appoint the remaining fifteen (15) Members from amongst the Ministers or any other persons.

The term of service of the appointed Members in Al-Shura Council shall expire when these Members resign their seats or are relieved from their posts.

Article (78)

The system of election shall be specified by law in which the conditions and procedures of nomination and election are specified.

Article (79)

The electoral constituencies into which the State is divided and the districts thereof shall be specified by a decree.

Article (80)

The member of Al-Shura council should fulfill the following conditions:

1. To be a holder of an original Qatari nationality.
2. His age shall not be less than thirty (30) calendar years at the closing date of nomination,
3. To be fluent in Arabic: reading and writing,

4. Not to have been convicted by a competent court of law for an offense involving moral turpitude or dishonesty unless rehabilitated in accordance with the law, and

5. To be eligible to vote as specified in the elections law.

Article (81)

The term of Al-Shura Council shall be four (4) calendar years commencing from the date of the first meeting thereof; and the elections of the new Council shall be conducted during the last ninety (90) days of the aforementioned term. The Member whose term of service expires may be re-elected; and where the elections are not held at the expiry of the term of the Council or delayed for any reason whatsoever, the term of the Council shall remain intact until a new Council is elected. The legislative term shall not be extended save for necessity and by decree provided that the said extension shall not exceed the period of one (1) legislative term.

Article (82)

The law shall determine the competent Judicial Authority that shall decide on the validity of the Members' election of Al-Shura Council.

Article (83)

Where for any reason a seat of one of the elected Members of Al-Shura Council falls vacant at least six (6) months before the term of the Council expires, a successor shall be elected within two (2) months from the date of notification of such vacancy. Where, on the other hand, a seat of an appointed Member falls vacant, a new Member shall be appointed to fill the vacancy. In both cases, the new Member shall complete the term of his predecessor.

Article (84)

The annual term of session of the Council shall at least be eight (8) months and the Council may not be allowed to adjourn the session until the budget of the State is approved.

Article (85)

Al-Shura Council shall commence its annual ordinary session upon convocation by the Amir within the month of October every year.

Article (86)

Notwithstanding the provisions of the preceding two Articles, the Amir shall call the Council for the first meeting following the general elections of the Council within one (1) month of the end of election.

Where the convening of the Council is delayed during this term from the date prescribed by the preceding Article, then the duration of the term of the Council shall be reduced by the time difference between the two aforementioned dates.

Article (87)

The Amir or his nominated representative shall open the annual term of the session of Al -Shura Council and give a comprehensive speech in which he addresses the affairs of the State.

Article (88)

In the case of necessity, the Amir shall, by a decree, or upon a request by a majority of the Members of the Council call Al-Shura Council to an extraordinary meeting. In case of an extraordinary session, the Council shall not look into matters other than those for which the Council is convoked.

Article (89)

Summoning and adjourning the ordinary and extraordinary sessions of the Council shall be by a decree.

Article (90)

The Amir may by a decree postpone the meeting of Al-Shura Council for a period of time not exceeding one (1) month; and the postponement of the meeting of Al-Shura Council shall not be repeated during one (1) term save by the approval of the Council and for one (1) period and such period shall not be considered as part of the term of the session.

Article (91)

The Council shall hold its meetings in its seat in Doha City; however, the Amir may call the Council to convene in any other place.

Article (92)

Prior to the discharge of their duties before Al-Shura Council and in an open session, the Members shall take the following oath:

“I swear by the Almighty God to be loyal to the country and to the Amir, respect Sharia law, the Constitution and the law, and safeguard the interests of the people and perform my duties with honesty and integrity.”

Article (93)

The Council shall in its first convening and for the duration of its term of session elect a Speaker and Deputy Speaker from amongst the Members. In the event of a vacancy of office of either of them, the Council shall elect to replace either of them for the rest of the duration of the term of Council. The election shall be by secret ballot and by absolute majority of the votes of attending Members; and should such a majority not be attained on the first

vote, a second vote shall be taken between the two Members who obtained the highest number of votes of attending Members. Where there is a tie between the second of the two who obtained the most votes and another candidate, this other candidate shall run for the second voting and in such case the election shall be determined by relative majority. In the event that more than one candidate obtains equal votes, a lot is cast. The session shall be chaired by the most senior Member until the Speaker is elected.

Article (94)

The Council shall set up from amongst its Members, within two (2) weeks from the commencement of its annual term of session, committees as may be necessary for the performance of its functions. Such committees may discharge their functions during the recess of the Council in preparation for submission of the outcomes of their work to the Council at the beginning of the following term of session.

Article (95)

The Council shall have a bureau consisting of the Speaker, his deputy and chairs of committees, and it shall have a general secretariat to assist the Council in the discharge of its functions.

Article (96)

Maintaining order in the Council shall be the function of the Speaker.

Article (97)

Al-Shura Council shall make its internal regulation comprising its internal order and the conduct of its business, the work of committees, organization of sessions, rules of proceedings, voting and all functions stipulated in this Constitution. The regulation shall determine the disciplinary sanctions for the

Members' violation of order or failure to attend sessions of the Council or committees without acceptable reason; and the aforementioned regulation shall be promulgated by law.

Article (98)

Sittings of the Council shall be public, and they may also be held in camera upon a request of one third of the Members of the Council or upon a request from the Council of Ministers.

Article (99)

For the sessions of the Council to be valid, the majority of the Members must be present provided that the Speaker or his Deputy is present. In the event that quorum is not attained, the session shall be adjourned to the next sitting.

Article (100)

The decisions of the Council shall be passed by an absolute majority of the attending Members save in cases that require a special majority; and in case the votes are equal, the Speaker shall have a casting vote.

Article (101)

The membership of the Council shall expire by reason of:

1. Death or total disability,
2. Expiration of term of membership,
3. Resignation,
4. Removal from office,
5. Dissolution of the Council.

Article (102)

The resignation of a Member shall be made in writing to the Speaker. The Speaker shall submit the resignation to the Council to decide its acceptance or refusal.

The internal regulation shall specify the rules pertaining to this matter.

Article (103)

No member may be removed from the Council unless he loses confidence and esteem, or becomes disqualified for lacking one of the conditions of the membership on the basis of which he was elected, or is in breach of the duties of membership. The decision of removal from the Council shall be taken by a two-thirds majority of the Members of the Council.

Article (104)

The Amir may dissolve the Council by a decree in which the reasons for the dissolution shall be stated; however, the Council shall not be dissolved twice for the same reasons. Where the Council is dissolved, the elections of the new Council shall take place within a period not exceeding six (6) months as of the date of dissolution.

Until a new Council is elected, the Amir with the assistance of the Council of Ministers shall assume the power of legislation.

Article (105)

1. Every Member of the Council shall have the right to propose legislative bills; and every proposal shall be referred to the relevant committee in the Council to study, express opinion thereon, and then submit it to the Council. If the Council accepts the proposal, the same shall be referred in draft form to the Government for studying and expressing opinion thereon. Such a draft shall be returned to the Council during the same or the following term of the session.

2. Any legislative bill rejected by the Council may not be re-introduced during the same term of session.

Article (106)

1. Any draft law passed by the Council shall be referred to the Amir for ratification.

2. If the Amir declines to ratify the draft law, he shall return it along with the reasons for such declination to the Council within a period of three (3) months from the date of referral.

3. In the event that a draft law is returned to the Council within the period specified in the preceding paragraph and the Council passes the same once more with a two-thirds majority of all its Members, the Amir shall ratify and promulgate it. The Amir may in compelling circumstances order the suspension of this law for the period that he deems necessary to serve the higher interests of the country. If, however, the draft law is not passed by a two-thirds majority, it shall not be reconsidered within the same term of session.

Article (107)

The draft general budget shall be submitted to Al-Shura Council at least two (2) months from the commencement of the fiscal year and it shall not be in force unless the Council approves it.

Al- Shura Council may, with the approval of the Government, make amendments to the draft budget; and in case that the new budget is not passed before the start of fiscal year, the previous budget continues to be effective until the new budget is passed.

The law shall define the method of preparing the budget and shall specify the fiscal year.

Article (108)

Al-Shura Council shall have the right to express its interest in public matters to the Government. If the Government fails to take such interest into consideration, it must give to the Council the reasons therefor. The Council may comment but once on the statement of the Government.

Article (109)

Every Member of Al-Shura Council may address a point of clarification to the Prime Minister and to any of the Ministers pertaining to matters within their jurisdiction; and only the person who raised the question has the right to comment but once on the response.

Article (110)

Every Member of Al-Shura Council may address an interpellation to Ministers on matters within their jurisdiction. An interpellation shall not be made unless it is agreed on by one third of the Members of the Council. Such interpellation shall not be discussed before a period of at least ten (10) days from the date of submission save in urgent circumstances and provided that the Minister agrees to reduce such period.

Article (111)

Every Minister shall be responsible before Al-Shura Council for the performance of his ministry; and the Minister shall not be subjected to a vote of confidence save after an interpellation addressed to him. The vote of confidence shall be discussed if the Minister so desires or upon a request signed by fifteen (15) Members. The Council shall not take a decision in this respect before at least ten (10) days from the date of the submission of the request or expression of desire; and the vote of no confidence on the Minister shall be a majority of two thirds of the Members of the council. The minister shall be considered to have relinquished his office as of the date of the no confidence decision.

Article (112)

The Minister of the Council shall in no circumstances be accountable for opinions or statements he makes in respect of matters within the jurisdiction of the Council.

Article (113)

1. Save when a Member of Al-Shura Council is found flagrante delicto, he shall not be arrested, detained, searched or subject to investigation without prior permission from the Council. Where the Council has not issued a decision on the request for permission within a period of one (1) month from the date of receipt of the said request, this shall be virtually considered as a permission. The permission shall be issued by the Speaker of the Council when the latter is not in session.

2. In the case of flagrante delicto, the Council must be notified of the measures taken against the offending Member; and where the Council is not in session, such notification should be made at the first subsequent session.

Article (114)

Combination of membership of the Council and the assumption of public posts shall not be permissible save in cases where combination is permissible in accordance with the Constitution.

Article (115)

The Members of Al-Shura Council shall target in their conduct to serve the interests of the country and shall not, in any way, use their official positions for their own interests, nor for the interests of their own acquaintances. The law shall specify the acts that are restricted for the Member of Al- Shura Council.

Article (116)

The Speaker of the Council, his Deputy and the Members shall be granted a remuneration to be specified by law. Such remuneration shall be due as of the date of taking oath before the Council.

Chapter Four : The Executive Authority

Article (117)

No one shall assume a Ministerial Post save a holder of an original Qatari nationality.

Article (118)

The formation of the Council of Ministers shall be by an Amiri Order on a proposal by the Prime Minister. The Amir may entrust the Prime Minister or any other Minister with the functions of one or more ministries.

The law shall specify the powers of Ministers.

Article (119)

Prior to assuming office, the Prime Minister and the Ministers shall take before the Amir the following oath:

“I swear by Almighty God to be loyal to the country and to the Amir, respect Shari’a Law, the Constitution and the law, fully safeguard the interests of the people, perform my duties faithfully, conscientiously, and with honour, and fully safeguard the territorial integrity and safety of the State.”

Article (120)

The Council of Ministers shall assist the Amir in discharging his functions and exercising his powers in accordance with this Constitution and the provisions of the law.

Article (121)

It shall be conferred upon the Council of Ministers, in its capacity as the highest executive organ, to administer all the internal and external affairs falling within its jurisdiction as specified in this Constitution and the provisions of the law. The

Council of Ministers shall specifically perform the following functions:

1. Proposal of draft laws and decrees and submission of the same to Al-Shura Council for discussions. If such proposed laws are approved by the Al-Shura Council, they shall be referred to the Amir for ratification and promulgation in accordance with the provisions of this Constitution,

2. Approval of the regulations and decisions prepared by the Ministries and other Government organs relevant to their respective jurisdiction for the implementation of the laws in accordance with their provisions,

3. Supervision of the implementation of laws, decrees, regulations, and decisions,

4. Proposals of establishing and organizing of the Government departments, public authorities and corporate bodies according to the law,

5. High control of the financial and administrative system of the Government,

6. Appointment and dismissal of civil servants in the cases where such appointment and dismissal do not fall within the jurisdiction of the Amir or the power of the Ministers as specified by the law,

7. Drawing up the general rules that adequately ensure the maintenance of internal security and public order in all parts of the State in accordance with the law,

8. Administration of the State finance and preparation of its draft budget as specified by this Constitution and the provisions of the law,

9. Approval of economic projects and methods of their implementation,

10. Supervision of the means for preserving the interests of the State abroad and maintenance of its international relations and foreign affairs,

11. Preparation of a report at the beginning of every fiscal year including a detailed survey of the important tasks accomplished internally and abroad. The report shall be accompanied with a plan drawing up the most adequate ways for achieving comprehensive development of the State, providing the necessary conditions for its development and prosperity, and consolidating its security and stability in accordance with the basic guiding principles of the policy of the State as stated in this Constitution. The said report shall be submitted to the Amir for approval,

12. Any other functions vested thereupon by this Constitution or the law.

Article (122)

The Ministers shall implement the general Government policy, each within the limits of his jurisdiction.

The Amir may request the Prime Minister and the Ministers to submit reports on any matter of the State that falls within the scope of their functions.

Article (123)

The Prime Minister and the Ministers shall be collectively responsible before the Amir for the implementation of the general Government policy; and each one of them shall be individually responsible before the Amir for the manner in which he carries out his duties and exercises his function.

Article (124)

The law shall specify allowances of the Prime Minister and the Ministers; and all provisions pertaining to the Ministers shall apply to the Prime Minister unless otherwise stipulated.

Article (125)

The Prime Minister shall preside over the sessions of the Council, organize its proceedings and supervise coordination of work among the various Ministries in order to achieve unity and harmony among the Governmental organs of the State. The Prime Minister shall sign, in the name and on behalf of the Council of Ministers, decisions made by the Council. He shall also submit to the Amir the decisions of the Council on matters requiring an Amiri decision for approval and issuance in accordance with the provisions of this Constitution.

Article (126)

The meetings of the Council of Ministers shall be valid if a majority of its Members are present, provided that the Prime Minister or his Deputy are present. The Council deliberations shall be secret; and its decisions shall be made by a majority of the present Members. When the votes are equal, the Prime Minister shall have a casting vote. The minority shall abide by the opinion of the majority.

Article (127)

The Council of Ministers shall set up its internal regulation and it shall have a general secretariat to assist in the discharge of its functions.

Article (128)

When assuming their positions, the Ministers shall aim to serve the interests of the country and shall not, in any way, misuse their official positions for their own interests, or for the interests of their own acquaintances. The law shall specify the acts that are restricted for Ministers and the acts committed during their term of office that entail accountability; and the said law shall specify the manner of accountability.

Chapter Five : The Judicial Authority

Article (129)

The supremacy of law is the base of rule in the State. The honour of the judiciary, its integrity, and impartiality of judges are a safeguard of rights and liberties.

Article (130)

The judicial authority shall be independent and it shall be vested in courts of different types and grades. The courts shall make their judgments according to the law.

Article (131)

Judges are independent and they shall not be subject to any power in the exercise of their judicial functions as provided by the law, and no interference of whatsoever shall be permitted with court proceedings and the course of justice.

Article (132)

The law shall regulate the categories and divisions of courts and define their jurisdiction and powers. The jurisdiction of Military tribunals shall be restricted, save when martial law is in force, to military crimes committed by staff of the armed and the security forces within the limitations specified by the law.

Article (133)

Court sessions shall be public save when a court decides, for the interest of public order or morality, to hold them in camera. In all cases, the pronouncement of judgments shall be made in an open session.

Article (134)

Judges shall not be subject to removal from office save in cases specified by the law. The said law shall also specify the rules and disciplinary matters applicable to Judges.

Article (135)

The right of litigation is inviolable and it shall be guaranteed to all people. The law shall specify the procedures and manner of exercising such right.

Article (136)

Public prosecution shall conduct public actions in the name of the people, supervise the law enforcement, and ensure the enforcement of criminal laws. The law shall regulate the functions of this body, specify the condition and guarantees pertaining to the staff discharging the functions of the same.

Article (137)

The judiciary shall have a Supreme Council to supervise the proper functioning of courts of law and their auxiliary organs. The law shall set forth the composition, powers and functions of the said Council.

Article (138)

The law shall specify the competent body entrusted with the settlement of administrative disputes and set forth its structure and manner of discharging its functions.

Article (139)

The law shall regulate the method of settling conflicts of jurisdiction and also judgments among the judicial bodies.

Article (140)

The law shall specify the competent judicial body for settling of disputes pertaining to the constitutionality of laws and regulations, define its powers and method of challenging and procedures to be followed before the said body. It shall also specify the consequences of judgment regarding unconstitutionality.

Part Five : Final Provisions

Article (141)

The Amir shall promulgate this Constitution and it shall come into force as of the day immediately following the date of its publication in the official Gazette.

Article (142)

The laws shall be published in the Official Gazette after ratification and promulgation within two (2) weeks from the issuance date thereof, and unless otherwise stated in the laws themselves, such laws shall come into force a month as of the date of their publication.

Article (143)

All provisions embodied in laws and regulations in force upon the entering of this Constitution into force shall continue to be valid and effective unless they are amended in accordance with it. The enforcement of this Constitution shall not affect the provisions of the treaties and international agreements to which the State of Qatar is a party.

Article (144)

The Amir and one third of the Members of Al-Shura Council each shall have the prerogative to apply for the amendment of one or more of the Articles of this Constitution. If the majority Members of the Council accept the amendment in principle, the Council may discuss it Article by Article. The amendment shall be passed by a two-thirds majority of the Members of the Council. The said amendment shall not come into force before the approval of the Amir and its publication in the Official Gazette.

If the proposal for amendment is rejected in principle or in subject, it shall not be re-introduced before the lapse of one (1) year from the date of its rejection.

Article (145)

Provisions pertaining to the rule of the State and the inheritance thereof shall not be subject to application for amendment.

Article (146)

Provisions pertaining to rights and public liberties shall not be subject to amendment save for the purpose of granting more rights and guarantees for the interest of the citizen.

Article (147)

The functions of the Amir set forth in this Constitution shall not be subject to an application for amendment during the term of his deputation.

Article (148)

No Article of this Constitution may be proposed for amendment before the lapse of a period of ten (10) years from the date of its coming into force.

Article (149)

No provision of this Constitution shall be suspended save where martial laws are in force and within the limits specified by the law; however, the convening of the session of Al-Shura Council shall not be suspended nor shall the immunity of its Members be violated during such period.

Article (150)

The Amended Provisional Constitution, issued on the 19th of April 1972, in force in the State, shall be repealed. The provisions pertaining to the current Al-Shura Council shall remain in force until the new Council is elected.

The Promulgation of
The Explanatory Memorandum to the Permanent Constitution^(*)

We,

Hamad Bin Khalifa Al Thani,

Amir of the State of Qatar,

After having perused the Constitution,

Pursuant to the findings of the Constitution Drafting Committee of the importance of issuing the Explanatory Memorandum, which it has prepared, to make the content thereof a reference for the interpretation of the provisions of the Constitution,

have issued this Memorandum, and it shall be published in the Official Gazette.

Hamad Bin Khalifa Al Thani

Amir of the State of Qatar

Issued at the Amiri Diwan on: 14/5/1426 (H)

Corresponding to : 21/6/2005 (AD)

(*) The Official Gazette, Issue No. (7), 7th of July, 2005.

The Explanatory Memorandum to the Permanent Constitution of the State of Qatar^(*)

The Bases of the Constitution :

The Amended Provisional Constitution of 1972 specified the regime in the State of Qatar and organized its powers, laying down the fundamental bases for its policy. Since then, more than thirty (30) years have passed, during which time the parameters and objectives of the State's policies and the Gulf, Arab and Islamic affiliations have been determined, while its authorities and bodies have derived expertise from actual practice, both internally and externally. Qatar has always been a partner in the issues of an Arab and Islamic nations, and has never been immune from global events and developments.

In continuation of our Islamic heritage in building the society and establishing the rules of governance, and in the consecration of the Shura and popular participation in decision-making, and on the basis of the importance of establishing a permanent constitution for the country that takes account of the development experienced by the State in various fields in recent years that in the shadow thereof the public experience was developed, and the capacity of the executive, legislative and judicial authorities of the State to perform their functions efficiently and effectively were strengthened, we moved forward.

His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of the State of Qatar, has engaged himself to complete the building of the modern State by strengthening the role of Shura and democracy with the participation of citizens in determining their affairs, defining their path, and drawing up the

(*) The Official Gazette, Issue No. (7), 7th of July, 2005.

policies of their homeland. Thus, he issued an Amiri decree to form a committee of people of thought, opinion, and experience to draft a Constitution for the country that would be a guide to the path and the building manner, the defining means of the system of government, the clarification of the powers of the State and its relationship with each other and its relationship with the citizens, based on the principles of the Islamic faith and the original Arab traditions and the fact of the Gulf and Arab and Islamic belonging, characterized by stability and continuation, and meets the aspirations and expectations of the citizens.

The committee developed different perceptions of the provisions of the Constitution, holding free, transparent, objective and careful discussions to choose that suits the religious, historical, cultural and economic customs and traditions, as well as the authentic circumstances of Qatari society, resulting in a Constitution of the State based on several founding principles.

First : Islam is the State's religion and faith and the essential ingredient of its civilization, being the fertile and inexhaustible source, throughout the ages, of its legislation and laws.

Second : The State of Qatar is an independent Arab State. It is an integral part of the Arab nation and a member of the Gulf Cooperation Council (GCC) for the Arab Gulf States, the Arab League, the Organization of the Islamic Conference (OIC) and the United Nations.

Third : The characteristics of the Qatari society through the ages that have been passed down from generation to generation. The most important of such has been a family system that has been a cornerstone in the stability of this country that,

accordingly, have resulted in a strong social fabric that has been a crucial factor in strengthening the relationship between the ruler and the ruled. Hence, the text of the Constitution provides that the rule of the State is hereditary in the family of Al-Thani and in male descendants of Hamad Bin Khalifa Bin Hamad Bin Abdul-Allah Bin Jassim. Since the system of rule of the State and its inheritance is a fundamental constitutional principle in the Qatari constitutional system, the Constitution has sought to ensure that the Amir remains to be the head of the State, father of the people of this country, an arbiter between the various authorities, and a source of stability and consistency. Hence, his person shall be inviolable and respect for him shall be obligatory.

Fourth : Strengthening the basic pillars and components on which Qatari society is built, such as justice, charity, freedom, equality and good morals. The Constitution makes the State responsible for maintaining these pillars and guaranteeing security, stability, equal opportunities among citizens, along with working to strengthen the spirit of national unity, solidarity and fraternity among them. The Constitution also guarantees the protection of private property, capital and work, and turns them into fundamental pillars of the core of the social and economic structure of the State.

The Constitution has also highlighted the role of the family as the basis of society; its foundation is religion, morality and love of the homeland, and it has defined the responsibility of the State towards it. The Constitution has also paid attention to the youth and has obligated its protection from the causes of corruption, protection from exploitation, and protection from the evil of physical, mental, and spiritual neglect, and the provision of appropriate conditions for the development of its talents in accordance with the guidance of sound Islamic upbringing.

In defining the basic components of the State, the Constitution has been guided by Islamic heritage which has called for social integration for more than

fourteen (14) centuries and which has cared for the family and maintained its structure and existence within the framework of the Shari'a,

Fifth : Ensuring the public rights and freedoms of the citizen, including political rights to election and being elected (Article 42), as well as personal freedoms, whether those inherent in the individual or others such as freedom of the press, printing and publication (Article 48) and freedom of association formation (Article 45). The Constitution is also concerned to protect public funds, deals with the right of inheritance as being protected and governed by Islamic Law (Article 51), and makes citizens equal in terms of their public rights and duties (Article 34). In that, in light of the enjoyment of those rights, democratic culture and awareness would increase in society and the citizen would accordingly become aware of his status within society.

The Constitution has also confirmed the importance of not restricting or diminishing such rights, on the pretext of organizing or modifying them. Article (146) stipulates that the provisions of the rights and freedoms of the people shall not be amended except within the limits that are intended to provide more guarantees for the benefit of the citizen. The Constitution has also linked such rights to some duties. As the citizen has rights as well as duties.

Sixth : The Amiri democratic regime is an essential means to rule together with all the consequences of such system including the people's participation in and contribution to decision-making in public life through their representatives in the Shura Council, so the Constitution states that the people are the source of the authorities, which are exercised as stipulated and set out in all the Articles of the Constitution. The Constitution also lays down the principle of having three balanced and independent authorities cooperating on an equal

basis and exercising control in the best interests of the public. Whilst the Constitution has, for example, given the fundamental right to legislation to the Shura Council representing the people and the right to question ministers as indicated, the Constitution was keen to maintain the stability of the executive authority as the backbone of the modern State. Therefore, the Constitution does not take account of the joint liability of the ministry before the Shura Council and restricts the individual responsibility of ministers with a number of controls so as not to prejudice the principle of ministerial responsibility as a whole, and at the same time not to provide the Shura Council with an easy means to undermine ministerial stability whenever it pleases.

Seventh : Interest in maintaining the stability of the judiciary, as justice is the basis of rule and does not expose the judges to the authority of anyone but the Law. The Constitution relies on the honour and impartiality of judges to ensure the people's rights and freedoms.

The Constitution has also adopted the idea of control of the constitutionality of laws and has left regulation of such control to the Law, which is the approach taken by most modern constitutions.

The idea of judicial control over the constitutionality of laws and over the legislative process so as not to contravene the provisions of the Constitution is one of the most important principles of the balance between the authorities.

In light of these principles on which the Constitution is based, and through the views and discussions conducted during the development of the Articles of the Constitution, a number of its provisions shall be interpreted as follows :

The Interpretation of Certain Articles of the Constitution :

Article : (1)

This Article emphasizes the Arab identity of the State of Qatar and, importantly, asserts the independence of the State of Qatar and its enjoyment of full sovereignty over its territory.

The expression “its religion is Islam” is not just a theoretical one but has the practical and fundamental result that Islamic Shari’a Law is a major source of legislation and laws and regulations. There was a serious objective discussion at the time of drafting this paragraph of Article (1), and there were two trends of thought, the first viewed that the Shari’a is the main source of legislation, and the second saw that the Islamic Shari’a is a main source of legislation. But everyone agrees that it is not permissible to issue any legislation in Qatar that violates the principles of peremptory texts well established by Islamic Law. The Constitution intends by this Article to hold the Shura Council responsible for honoring the provisions of Islamic Law, so that the Article is not to be understood in a negative way to be a call to abandon the provisions and principles of Islamic Shari’a.

Article : (6)

The text of the Constitution provides that the State of Qatar is committed to international charters and conventions and strives to implement all international agreements, charters and conventions as long as it is signed thereby and to which it is party, in compliance with the verse: “And fulfill (every) covenant. Verily! the covenant will be examined”.

Article : (8)

The text of this Article of the Constitution makes clear that the regime in the State of Qatar is hereditary with regard to the head of State, and it is hereditary in the family of Al-Thani and in a specific branch of this family which is a branch of

the male descendants of Hamad Bin Khalifa Bin Hamad Bin Abdullah Bin Jassim, as being the father of the Constitution and the founder of the modern State.

The current Amir shall have the right to designate the Heir Apparent, in the sense that the Amir shall not be obliged to name the eldest son, but he may choose any of his male children and name him the Heir Apparent. If the current Amir does not have a son, he shall choose the Heir Apparent from the males subject to the provisions referred to in the foregoing.

The Constitution sets out in this Article the basic principles governing heredity but leaves the detailed provisions of the regime and hereditary principles to be specified in a special law, provided that such law shall be issued within a year from the date the Constitution comes into force. Such law shall have a constitutional status: the law's provisions shall be preserved in terms of the immunization thereof as Articles of the Constitution.

This Article of the Constitution - Article 8 - is one of the Articles which shall not be amended at all under the Constitution.

Article : (12)

The normal assumption is that if the Amir is absent from the country, the Heir Apparent shall act on his behalf. But it may happen that the Heir Apparent is a minor or is absent from the country for any reason and cannot act on behalf of the Amir, in which case the Amir may appoint by an Amiri order a deputy who may exercise some of his powers and functions as specified by the Amir in the said order. The Deputy Amir, who shall be a member of the Ruling Family, shall only exercise the specified powers and authorities.

The Constitution decides that the person chosen by the Amir as his deputy may be someone who holds public office or has a job either inside or outside the State. The Constitution requires that in such case that person should

cease to perform the duties of his work so as to devote himself to carrying out the functions and powers deputized thereto by the Amir.

Once the Amiri order has been issued appointing such a person as Deputy Amir with the powers and terms of reference set by the Amiri order, he shall take the constitutional oath in front of the Amir in the same formulation as the Heir Apparent.

Article : (15)

Life is in God's hands, continued health is not guaranteed, and the Amir is susceptible to any calamity like all people. If – God forbid – the Amir died or fell ill with an incurable disease causing total disability, the affairs of the country should not be left unattended, and we must face this fact no matter how painful it is.

The Constitution deals with this matter in two stages. The first stage is the decision of the Ruling Family Council – a council appointed by the Amir from among the members of his family – to announce the vacancy of the Amir position due to the death of its holder or his total disability without any hope of a cure. Noting that the law pertaining to the rule of the State and the inheritance thereof shall define the competencies of the Ruling Family Council. The second stage is the formal procedure of a secret joint session of the Council of Ministers and the Shura Council to announce the vacancy and call for the Heir Apparent to be the Amir of the country. Thus, both executive and legislative authorities are involved in addressing the emergency vacancy of the Amir and the declaration of the Heir Apparent as his successor.

Article : (16)

This Article deals with the assumption of the vacancy of the position of Amir in the event of his death or total disability at a time when the Heir Apparent is not yet eighteen (18) years of age.

The Constitution entrusts to the Council of the Ruling Family the choice of a Regency Council in which the president and a majority of its members are of the Ruling Family; and this Regency Council shall consist of not less than three (3) or more than five (5) members.

It is natural for the Regency Council, besides ruling the country in accordance with the Constitution, to assist in preparing the Heir Apparent to take on future responsibilities, and to prepare him for the exercise of his constitutional powers, in accordance with the special Law referred to in Article (8) of the Constitution.

Article : (21)

The Article shows that a principle of the Constitution is to maintain children within the family, supported by religion and community; and such does not mean that illegitimate children are excluded from the protection provided for in this Article as they are victims of a crime that is recognized by religion and morality, and furthermore, regarding them as the victims of this crime makes them in need of more care to ensure their integration into society. As for elderly people, the Constitution stresses the importance of maintaining them in their natural place in the family as religion and community acknowledge. As a verse of the Quran says: “And that you be dutiful to your parents”. The State in this context provides the necessary care as much as its capabilities allow.

Article : (23)

The State is concerned with public health issues, and seeks, according to available means, to provide treatment and prevention of disease free of charge to all citizens, whether through health insurance or directly, and the Law regulates matters relating thereto.

Article : (29)

As the natural resources granted by God to the State are the backbone of development and prosperity, the Constitution affirms that all of these resources are in the public ownership of the State. The State with all its organs shall be responsible for their preservation and proper exploitation for the present and future. Since this public ownership is considered a public asset, it enjoys the same penal protection as public money. The exploitation of those natural resources owned by the State shall be according to the Law. This does not mean the issuance of a special law for each individual project with regard to the exploitation of those natural resources, but it is intended that the applicable provisions of the laws be taken into account in such projects.

Article : (33)

Given the importance of the environment in people's lives and the natural balance of resource conservation, the Article provides for the need of the State and the community to protect the environment from anything that might damage it, to preserve the natural balance and to achieve sustainable and comprehensive development to the benefit of future generations.

Articles : (34 and 35)

There are public rights and duties shared by all Qataris and non-Qataris, and here the Constitution uses the generalized and non-specific terms 'persons', 'people' etc. Citizens have equal rights and duties under Article (34), while persons, in the sense of all residents in the territory of the State, are equal before the Law, without discrimination on grounds of sex, origin, language, or religion under Article (35). This Article equates all people (People are like the teeth of a comb, each one is equal to the other). Therefore, the Constitution prohibits discrimination between people because of their racial origins. This

was adopted by other provisions of this chapter of the Constitution which give to all people equally personal freedom and human dignity, and freedom from being arrested, imprisoned, searched, or subject to other constraints except in accordance with the provisions of the Law.

Article : (45)

The Article stipulates that freedom of association formation shall be in accordance with the terms and conditions of the Law. The text of the Article does not include the freedom to form trade unions, and the Article does not provide for the freedom of forming bodies of association such as political parties.

Article : (49)

This Article of the Constitution shows that education is the right of every citizen and that the State should support this right and disseminates it as one of the main pillars of society's progress and advancement. The State shall, within its available resources, provide compulsory education free of charge, and the Constitution explains this in the context of organizing rights and duties.

Article : (50)

The Constitution regulates the freedom of worship provided that it should not be used to hurt the feelings of others or cause aggression against them. Thus, the Constitution provides that this freedom shall be practised in accordance with the requirements of public order and morality; this right shall not be taken to extreme.

Article : (57)

This Article establishes general provisions that should be observed even without their being written in the text. But the Constitution, in order to clarify the importance of these provisions and duties, covers them in a special constitutional text explaining how vital and important they are. The text starts

by acknowledging respect for the Constitution, and this respect is a duty imposed on public authorities, all citizens and residents in Qatar, and anyone who enters its territory. The Constitution is the foundation of the State, and the result of its social and legal philosophy. Therefore, it is not possible to leave its provisions to different interpretations and variations. Respect for the Constitution and its enforcement is mandated by the Constitution itself and necessitated by the very existence of the State.

The same applies to the laws, provisions and orders which have been developed to be honored and obeyed by people. If they do not do this voluntarily, they will be forced to do so by the power of the State. If this is the case of the Constitution and the Laws, then public order and public morals and established customs and traditions are part of the national and social fabric, and they form a system which must be taken account of and preserved by every Qatari citizen, and everyone who lives in Qatar, even those who are not its citizens. Even incidental passers-by shall be also committed to all of the above.

Article : (69)

The life of a country does not pass without difficulty. It is not always generous, prosperous and secure. But sometimes a country may face turmoil which threatens its security and exposes it to many risks. Legal rules may not be sufficient to address these dangers and calamities. Therefore, the constitutions of different countries, no matter how democratic they are, have envisaged that these conditions and calamities sometimes require deviation from the ordinary principles of legality to a special and exceptional kind of legitimacy.

Constitutions that are based on the principle that necessity knows no law may thus permit the executive power to resort to exceptional legal action to address extraordinary risk. This Article of the Constitution stipulates that in such a decided case of necessity the Amir may declare martial law

in the country. Upon the declaration of martial law, in such exceptional circumstances, the Amir may take all rapid action necessary to meet the risks that threaten the safety of the State, its territorial integrity or the safety of its people, or hinder institutions of the State from the performance of their functions. These examples given by the Constitution reveal the extent of the risk and the need for exceptional procedures.

An Amiri decree that declares martial law must be temporary and limited to a specific period, must be in response to exceptional circumstances, and must include a statement of the action taken to address them. The Constitution provides that the Amir must notify the Shura Council of the decree declaring martial law within fifteen (15) days from the issuance date of such decree. In addition, the Constitution provides that an extension of a period of martial law shall be with the approval of the Shura Council. It is understood in the constitutional provision that there shall be a Law specifying the conditions under which martial law may apply and the powers that will be granted by these provisions to the authority in charge.

Article : (76)

This Article identifies the powers of the Shura Council in the development of legislation, the adoption of the general budget, and the exercise of control over the executive branch, by the means prescribed by the Constitution. Control of the executive branch shall be interpreted within the framework of the control exercised by the Council over the country's ministries and the subsidiary organs thereof and does not extend to the bodies and special services formed by the Amir to provide him with assistance, opinion and advice on the direction of the high politics of the State in certain areas under paragraph (9) of Article (67), such as the Supreme Defence Council, the National Security Council and the Supreme Council for the Investment of State Reserves, and other similar agencies and bodies.

Article : (77)

This Article explains the formation and composition of the Shura Council, in that the the Shura Council shall consist of forty-five (45) members.

The Constitution does not stipulate two chambers, one elected and one appointed, but rather the formation of one Council which includes both elected and appointed members, provided that those elected shall have a clear majority, and those appointed shall be one-third of the Council members, that is, fifteen (15) members. The remaining thirty (30) members shall be elected by direct secret general ballot. There should be a law regulating general elections. A decree that defines the constituencies must also be issued. The second paragraph of the Article deals with how to end the membership of appointed members of the Shura Council, and gives two reasons for termination of membership. The first reason is resignation and the second is exemption. This means that a Shura Council appointed member may be relieved from membership at any time during the duration of the Council.

Article : (81)

In its last paragraph this Article stipulates that the legislative term of the Shura Council may be extended only by necessity and by a decree, provided that such extension shall not exceed one (1) legislative term. The legislative term shall be of four (4) calendar years, as stated at the beginning of the Article, and necessity here shall be as determined by the Amir.

Article : (82)

This Article deals with a situation which occurs often in parliamentary life, that is, the vacancy of a seat at the Shura Council resulting from the death, resignation or removal from office for any other reason of a member.

In this respect, the Constitution differentiates between elected and appointed members. If the vacancy announced is the seat of an elected

member, the Council shall announce the vacancy of the seat and elections shall be held to choose a successor within two (2) months of the announcement of the vacancy, provided that the vacancy occurs not less than six (6) months before the end of the term of the Council.

If the seat of an elected member becomes vacant within less than six (6) months to the end of the term of the Council, the Constitution stipulates that there is no need to hold an election for such a short term and that it is appropriate to wait for the general elections when the Council is to be totally renewed.

If the vacant seat was that of an appointed member, the Constitution provides that since the matter does not require an election with all the money, effort and time it entails, but it is instead limited to a decision to appoint a successor, the Constitution is not limited by the six- month (6) period or any other term. In either case, a new member, whether elected or appointed, shall serve for the remainder of the Council's term and the membership thereof shall expire by the end of the term of the Council.

Article : (93)

The last paragraph of this Article provides that the first session of the Shura Council shall be presided over by the most senior member until the election of a Speaker. If the senior member of the Council is not in attendance at the first session, then the most senior member present shall preside the session.

Article : (98)

A public session is intended to ensure the right of citizens and the media to attend and follow up; it does not include, unless approved by two-thirds of Council members, live broadcasts of meetings with the aim of achieving the public's best interest that may conflict with the said broadcast given the importance and seriousness of the issues that are discussed in the Council.

Article : (104)

A parliamentary system is based on a balance between the legislative and executive authorities. Notwithstanding that the legislative authority has the ability to hold the executive power accountable and control it as outlined by the Constitution; the executive authority represented by the Amir has the right to dissolve the Shura Council. This Article stipulates that this right grants the Amir the power to decree the dissolution of the Shura Council, and the Constitution asserts the need for the decree to include the grounds for dissolving the Council so as not to repeat the dissolution for the same reasons. The Constitution, as a sign of the commitment thereof to the continuation of the parliamentary life, provides that in the case of dissolution of the Shura Council then elections must take place for a new Council no later than six (6) months from the date of dissolution. The Constitution provides that for any period in which the Shura Council has been dissolved, then the Amir, assisted by the Council of Ministers, is empowered to issue laws and legislation; this is one of the cases when the function of the legislature is transferred to the executive authority.

Article : (106)

This Article describes the normal legislative process; it is a common knowledge that laws are proposed by the government and by members of the Shura Council. Then the proposals go through the channels specified by the Constitution and the Regulations of the Council and when the Shura Council adopts the legislation, it is submitted to the Amir for ratification.

The principle is that the Amir ratifies legislation adopted by a Council majority, as stipulated by the Constitution. But the Amir may for certain reasons related to the public interest decide not to ratify legislation adopted by Shura Council. In such case, within three (3) months of the date of submission to the Amir, the Law shall be returned to the Council accompanied by a statement of the reasons for the refusal to ratify.

But if the draft law is returned to the Shura Council within three (3) months with the reasons for not ratifying, then the Shura Council may adopt one of two positions:

a) to accept the reasons for rejection; or

b) to adhere to its opinion, in which case a two-thirds majority of Council members must be available. In this case, the representatives of the people will have affirmed their viewpoint and the Amir shall ratify and issue the draft law to become a law. But the Amir may in dire necessity suspend the implementation of such Law for the period that he deems appropriate in the best interest of the State.

If the draft law, after being returned by his highness the Amir, does not achieve the required two-thirds majority of the Council, it may not be reconsidered during the same session. The draft law may be discussed anew by the government or the members in a subsequent session.

Article : (109)

Each member of the Shura Council may address questions to the Prime Minister or a minister to clarify a matter related to the actions of the government or operational matters within the jurisdiction of the ministries. The question establishes a limited dialogue between the questioner and the respondent in the sense that the question does not entail a general discussion in the Council; furthermore, the questioner may only comment on the answer once and other members of the Council may not participate in the discussion unless the questioner agrees to this.

Articles : (110 and 111)

These Articles start with the interpellation provided for in Article: 110, and end with the vote of confidence provided for in Article: 111. As the vote of confidence is not envisaged except after questioning, the process shall be as follows:

Interpellation implies confrontation and opposition, and may even mean an accusation. Therefore, the Constitution gives each member of the Shura Council the right to direct the questioning. But the Constitution is keen to achieve ministerial stability and limits the direction of questioning to the minister in the sense that the said member may not direct an interpellation to the Prime Minister. The Constitution's approach in this regard is logical because interpellation may result at a later stage in a vote of confidence in those who face interpellation. Since the Constitution does not adopt the principle of joint responsibility of ministers before the Council, it is deemed appropriate that questioning shall be directed to ministers alone and shall not be directed at the Prime Minister which may have led to a vote of confidence in him.

As the Constitution only permits the direction of interpellation to ministers, it limits this right with certain safeguards and procedures to protect against misuse.

The first of these safeguards is that interpellation may not be directed to ministers without the consent of a third of the members, and at least by fifteen (15) members. This means that the interpellator shall gather the signatures of one-third of the Council agreeing to the direction of such interpellation. In the case of the gathering of the defined number of signatures has been fulfilled, the time is then due for the discussion of the interpellation. The Constitution assumes that interpellation may occur in a moment of anger or temper. Thus,

the Constitution deems it appropriate not to discuss the interpellation until, at least, ten (10) days after its submission.

However, the Constitution authorizes that an interpellation may be open for discussion - the period of ten (10) days - in the following conditions:

Urgency: It is left to the discretion of the Council to decide whether the matter is urgent or not and the Council decides by a normal majority; however, the agreement of the minister to be questioned to a shorter period is also needed. Interpellation is held in an open forum. Council Regulations shall state the rules to be followed when conducting the interpellation. But it is the custom in most parliaments of the world that the interpellator shall explain the interpellation first. Then the minister has to respond to the questions immediately or after a period to be determined by the Council.

After discussion of the interpellation there are two possibilities:

a. The first is that the Council decides to end the questioning and decides to move on to its regular agenda. The Council may or may not decide to thank the minister after the end of the discussion and move to the normal agenda.

b. The second is the most strenuous form of parliamentary control permitted by the Constitution, which is a vote of confidence in the minister questioned.

Thus, it is clear that interpellation is a necessary introduction to vote of confidence in a minister. Votes of confidence may not be considered except after the submission of the interpellation and a discussion as indicated above.

Votes of confidence shall be made after discussing the interpellation in one of two ways:

a. The minister questioned may request a vote of confidence in himself in order to ensure that the representatives of the people still consider him trustworthy, and that he has not lost that trust. When a minister requests a vote of confidence in himself after an interpellation, this reflects his self-confidence, the soundness of his position and his desire to clarify it.

b. Fifteen (15) members of the Council submit a signed request for a review of the matter of confidence in the minister questioned in the Council.

As the two forms of confidence vote follow a discussion on the interpellation, the Council is required to decide whether to have confidence in the minister or not. The Council may not take a decision in this regard until ten (10) days from the submission of an application to withdraw confidence submitted by at least fifteen (15) members.

The Council's decision to withdraw confidence from a minister shall be by a two-thirds majority of the members constituting the Council; the minister shall be considered removed from the ministry on the date of withdrawal of confidence as aforesaid. Thus, a minister who loses the confidence of the parliament shall be removed from his post immediately.

Article : (112)

This Article provides that a member of the Shura Council is not blameworthy for his opinions or ideas expressed in the Council or its committees, but in any case his opinion should not prejudice the foundations of unity of the country or due respect to the Amir.

Article : (113)

This Article deals with procedural immunity. The Constitution stipulates that in cases of in flagrante delicto, as defined by the substantive and procedural criminal laws, members shall not have any immunity and shall be treated like any other citizen. If the act is not in flagrante delicto, the Constitution stipulates that a member of the Shura Council may be arrested, searched, detained and interrogated only after the Council has given permission for the instigation of criminal proceedings against the member. This permission shall be issued by the President of the Shura Council Parliament when the Council is not in session. However, if the Council were to delay the granting of permission for too long, evidence of the crime in question might be lost. Thus, the Constitution provides that if the Council does not issue its decision on the matter within a month of the application, this shall be deemed permission. The Public Prosecutor and the competent authorities may then instigate the proceedings required, such as arrest, search, detention, and so on.

This is the procedural immunity provided for by the Constitution in cases other than in flagrante delicto, but even in cases of in flagrante delicto, the Council has the right to know what action has been taken with respect to any of its members. Therefore, the Constitution requires that in cases of in flagrante delicto, which allow all criminal proceedings to take place, the Council must be notified of the measures taken against the member who committed the offence. Should the Council not be in session, it must be notified at the first subsequent session.

To be on the safe side, it may be necessary to notify the President of the Council, or the Office of Council, of the measures taken against the member until resumption of sessions. Then all actions taken against the member shall be formally notified to the Council.

Article : (144)

This Article concerns the Constitution which can only be amended by strict and rigid procedures. Thus, it is considered static in this regard. Procedures for the amendment start at the request of the Amir, or of a third of the members of the Shura Council who may propose amendment of one or more Articles of the Constitution, other than those that are restricted permanently or temporarily, such Articles to be modified until the expiration of a given period. Should the Amir, or a third of the members of the Council, submit a motion to amend one or more Articles, the matter is presented to the Shura Council to approve or reject the principle of the amendment. This may be passed by a majority of the members of the Shura Council, (a half plus one), and if the majority of the members of the Council agree on the principle of the amendment, the Council begins to discuss the Articles to be amended, one by one. For the amendment of any Article in the Constitution, the approval of two-thirds of the members of the Council is required. For the amendment to become effective it must be accompanied by the ratification of the Amir.

Thus, the request for amendment shall be submitted by the Amir, or one-third of the members of the Council, independently, but the approval of the amendment requires the approval of both the Amir and a two-thirds majority of the members of the Council. The amendment then applies after publication in the official Gazette.

Article : (145)

The Constitution allows, under Article: 144, the modification of some of its Articles, but Article: 145 imposes an enduring prohibition on the amendment

of certain Articles of the Constitution, namely those related to the rule of the State and the system of hereditary succession among the male descendants of Hamad Bin Khalifa Bin Hamad Bin Abdullah Bin Jassim.

The Rule and succession shall be determined as stated in this Constitution, and may not be subject to change, and nor may the text of this Article: 145 of the Constitution be subject to change.

Article : (146)

In this Article, immutable prohibition applies to provisions pertaining to general rights and liberties because of their importance in the life of the citizen. Therefore, they may not be in any way subject to modification, unless such an amendment is designed to give more guarantees for the benefit of the citizen. Thus, the enduring prohibition in this Article prevents amendment by deletion, but it allows some modification, should this addition be in the interest of the citizen.

The Constitution of the State of Qatar shall be thus interpreted in accordance with the explanatory bases and provisions of certain Articles mentioned above.

Allah is the arbiter of success.