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OPTION REPORTS

MONARCHY

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The following report is one of a series produced by the Constitutional Design Group, a group of scholars dedicated to distributing data and analysis useful to those engaged in constitutional design. The primary intent of the reports is to provide current and historical information about design options in written constitutions as well as representative and illustrative text for important constitutional provisions. Most of the information in these reports comes from data from the Comparative Constitutions Project (CCP), a project sponsored by the National Science Foundation. Interested readers are encouraged to visit constitutionmaking.org for further resources for scholars and practitioners of constitutional design.

Note that the dates provided herein for constitutional texts reflect either the year of initial promulgation *or* of a subsequent amendment, depending on which version was used for analysis. For example, Brazil 2005 refers to the Brazilian Constitution of 1988, as amended through 2005.

1. introduction

We describe trends in constitutional monarchies, identify the set of modern (post-1944) cases, present summary data on powers across these cases, and provide excerpts from representative or illustrative text. Some of the findings regarding the powers of monarchs are preliminary, since such powers are often highly conditional on either formal or informal rules. Our data will ultimately allow us to elaborate upon these conditions, at which point we can say something more authoritatively about the various constraints on monarchical power.

2. DATA SOURCE(S)

The analysis reported below is based on data the Comparative Constitutions Project (please see the appendix to view the question text). As of this writing, the project's sample includes 550 of the roughly 800 constitutions put in force since 1789, including more than 90% of constitutions written since World War II.

3. CLASSIFICATION AND HISTORICAL TRENDS

Ours is a nominal classification (based on the Head of State's title), although we could look more closely at methods of selection (e.g., heredity versus other processes) to verify the categorization. We exclude commonwealth cases in which the monarch is based in another country.

Figure 1 lists the proportion of constitutions in force that provide for at least some power for monarchs since 1830 (before 1830 the universe of countries with formal constitutions is simply too small for such a calculation). As the figure suggests, nearly half of constitutions had such a monarch around the turn of the 19th century, but even today there are a fair number of cases (37 constitutions in force in 2006). We identify 33 modern constitutions that provide for a monarch and subject these to further analysis. These 33 cases are listed in Table 1.

Figure 1. Proportion of Constitutions in force with a Monarch as Head of State Universe: All independent states since 1830

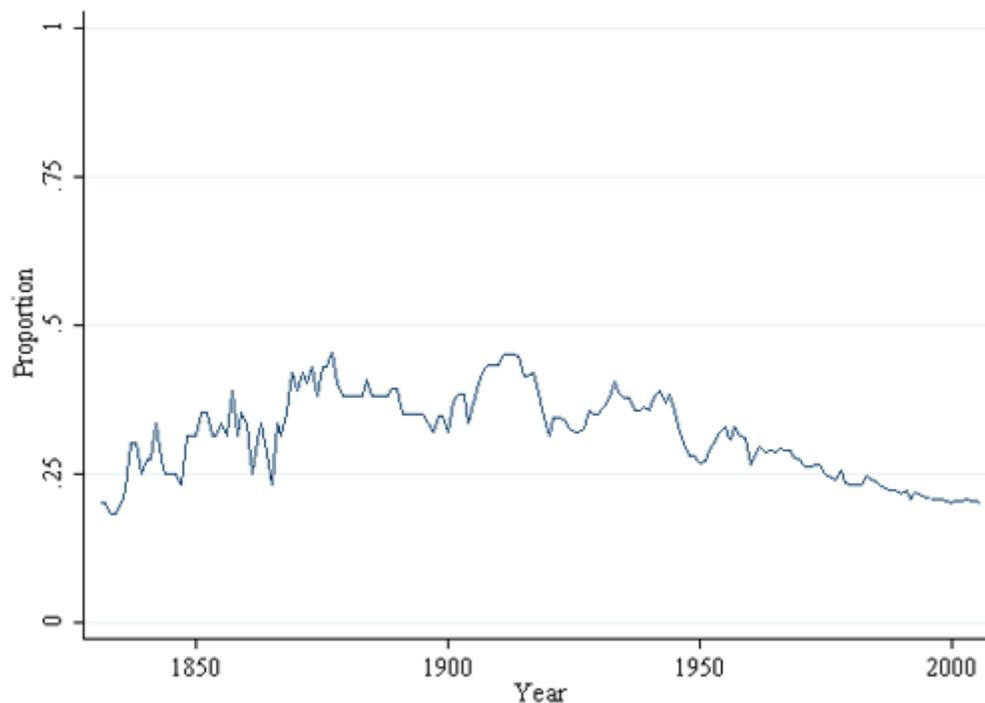


Table 1. Constitutions With Monarchical Heads of State Universe: All independent states since 1944*

Afghanistan 1964	Luxembourg 2000
Bahrain 2002	Malaysia 1994
Belgium 2005	Monaco 1962
Bhutan 2005	Morocco 1996
Brunei 1984	Nepal 2006
Burundi 1962	Netherlands 2002
Cambodia (Kampuchea) 1999	Norway 1995
Denmark 1953	Oman 1996
Ethiopia 1955	Qatar 2003
Greece 1968	Saudi Arabia 1992
Japan 1946	Spain 1992
Jordan 1952	Swaziland 2005
Kuwait 1962	Sweden 1998
Laos 1947	Thailand 1997
Lesotho 1993	Tibet 1991
Libya 1951	Tonga 1988
Liechtenstein 2003	

* Years represent the year the constitution came into force

Table 2 describes the power of monarchs as encoded in the 33 monarchical constitutions written since 1944. We focus on five important powers, although one could broaden the scope to other issue domains.

Table 2. Percent of Monarchical Heads of State with Selected Powers Universe: 33 Monarchical Constitutions since 1944

Power	Number	Percent
Dismiss the legislature	29	88%
Initiate legislation	14	42%
Command the armed forces	24	73%
Issue decrees	22	67%
Approve legislation	27	82%

This analysis most likely overestimates the power of monarchs. This is a formal (constitutional) accounting of powers and their de facto power, due to custom, will often be diminished. Also, sometimes power is shared (or at least checked) by other bodies. For example, dissolving the legislature can require the approval of (or even initiation by) the prime minister. Or, in the case of military actions, 6 of the 24 constitutions that grant military power to the monarch require approval by another body.

Also, some of this power may be restricted to particular policy domains or particular situations (e.g., crisis). Legislative decrees, understood as executive edicts that have the force of law, is a good example. An extraordinarily "thin" version of decree power is the relatively common case in which decrees are limited to implementing legislation. The Greek constitution, for example, states:

"The King shall issue the decrees necessary for the execution of the law, but he shall under no circumstances suspend the operation of the law nor exempt anyone from the execution thereof."

Actually, the Greek constitution (in another article) also allows for decrees in "urgent" matters and situations in which the parliament is recessed. These too are common restrictions on decree power that are not reflected in Table 2.

4. NOTES ON ATYPICAL CASES

None.

5. SAMPLE CONSTITUTIONAL PROVISIONS

(Note: dates provided reflect the version of the constitution used to obtain sample provisions, and represent either initial year of promulgation or year through which subsequent amendments are included.)

The set of sample provisions is divided into sections on:

1. Character of the State and Monarchy
2. Immunities
3. Royal Property and Privileges
4. Selection Issues/Qualifications/Succession
5. Regency
6. Removal/Abdication
7. Powers/Restrictions

5.1. Character of the State and Monarchy

Bhutan is a sovereign kingdom and the sovereign power belongs to the people of Bhutan.

The form of government shall be a Democratic Constitutional Monarchy.

- *Bhutan 2005, Articles 1.1-1.2*

Kuwait is a hereditary Emirate held in succession in the descendants of the Mubarak Al Sabah.

- *Kuwait 1962, Article 4*

Morocco is a constitutional, democratic and social monarchy.

- *Morocco 1996, Article 1*

The political form of the Spanish state is the parliamentary monarchy.

- *Spain 1992, Article 1.3*

Thailand is a unified and indivisible Kingdom. Thailand adopts a democratic regime of government with the King as head of state.

- *Thailand 1997, Sections 1, 2*

The form of government shall be that of the constitutional monarchy. The Royal Power shall be inherited by men and women in accordance with the provisions of the Succession of the throne Act.

- *Denmark 1953, Article 1.2*

The King is the Head of State.

- *Thailand 2006, Article 1*
- *Sweden 2003, Article 5*
- *Bahrain 1973, Article 33.a*
- *Kuwait 1962, Article 54*
- *Luxembourg 2000, Article 33*
- *Oman 1996, Article 41*
- *Spain 1992, Article 56.1*

The supreme executive authority of Brunei Darussalam shall be vested in his majesty the sultan and Yang-Di Pertuan.

- *Brunei 1984, Article 4.1*

The Emperor shall be the symbol of the state and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

- *Japan 1946, Article 1.1*

The Grand Duke is the Head of State, symbol of its unity and guarantor of the national independence. He exercises the executive power conforming to the Constitution and to the laws of the country.

- *Luxemburg 2000, Article 33*

Art. 19: The King, commander of the faithful, supreme representative of the nation, symbol of its unity and guarantor of the permanence and continuity of state, ensures the observance of Islam and this Constitution. He is the protector of all rights and liberties of citizens, social groups and collectivities. He guarantees independence of the nation and the territorial integrity of the Kingdom within its authentic border.

Art. 106: The monarchy form of state as well as the provisions related to Islam religion cannot be subjected of constitutional revision.

- *Morocco 1996, Articles 19; 106*

His majesty the Druk Gyalpo is the Head of State and a symbol of unity of the kingdom and of the people of Bhutan.

- *Bhutan 2005, Article 2.1*

The Sultan is the Head of the State and the Supreme Commander of the Armed Forces. His Person is inviolable. Respect of him is a duty and his command must be obeyed. He is the symbol of national unity and the guardian of its preservation and protection.

- *Oman 1996, Article 41*

The King is the Chief of state, the symbol of its unity and permanence. He arbitrates and moderates the regular functioning of the institutions, assumes the highest representation of the Spanish State in international

relations, especially with the nations of its historical community, and exercises the functions expressly attributed to him by the Constitution and the laws.

- *Spain 1992, Article 56.1*

Sec. 7: Whenever no provision under this constitution is applicable to any case, it shall be decided in accordance with the administrative practice in the democratic regime of government with the King as head of state.

Sec. 66: Every person shall have the duty to uphold the nation, religions, the King and the democratic regime of government with the King as Head of State.

- *Thailand 1997, Sections 7; 66*

5.2. Immunities

The King's person is inviolable and sacred.

- *Morocco 1996, Article 23*
- *Bhutan 2005, Article 2.15*
- *Bahrain 1973, Article 33.a*
- *Kuwait 1962, Article 54*

The King shall be enthroned in a position of revered worship and shall not be violated. No person shall expose the King to any sort of accusation or action.

- *Thailand 1997, Section 8*
- *Thailand 2006, Article 1*
- *[Similar provisions in Netherlands 2002, Article 42.2; Sweden 2003, Article 5.7; Spain 1992, Article 56.3; Denmark 1953, Article 3.13]*

5.3. Royal Property and Privileges

The Druk Gyalpo and the Royal family shall be entitled to: a) annuities from the state in accordance with a law made by parliament; b) all rights and privileges including the provision of palaces and residences for official and personal use; c) exemption from taxation on the royal annuity and properties mentioned before.

- *Bhutan 2005, Article 2.13*

The Civil List of the King shall be granted for the duration of his reign by statute. Such statute, shall also provide for the castles, palaces, and other

state property which shall be placed at the disposal of the King for his use.

- *Denmark 1953, Article 2.10*

The Amir shall have an annual privy purse to be determined by a special amiri decree. The privy purse may not be revised throughout the reign and shall be fixed by law.

- *Bahrain 1973, Article 33.i*

The Grand Ducal Palace and the Castle of Berg are reserved for the residence of the Grand Duke.

- *Luxemburg 2000, Article 44*

The King receives an overall amount from the state budget for the maintenance of his family and the household and disposes it freely.

- *Spain 1992, Article 65*

All property of the imperial household shall belong to the State. All expenses of the imperial household shall be appropriated by the Diet in the budget.

- *Japan 1946, Article 88*

5.4. Selection Issues/Qualifications/Succession

The title to the throne shall be hereditary and shall vest in the legitimate descendants of King William I, Prince of Orange- Nassau.

- *Netherlands 2002, Article 24*

The imperial throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the diet.

- *Japan 1946, Article 1.2*

The King or Queen who occupies the throne in accordance with the Act of Succession shall be the Head of State.

- *Sweden 2003, Article 1.5*

The throne shall be inherited by the descendants of King Christian X and Queen Alexandrine. The Royal Power shall be inherited by men and women in accordance with the provisions of the Succession of the Throne Act.

- *Denmark 1953, Article 1.2*

The crown of Spain is hereditary for the successors of H.M. Don Juan Carlos I of Bourbon, legitimate heir of the historic dynasty. Succession to the throne will follow the regular order of primogeniture and representation, the first line always having preference over subsequent lines, within the same line, the closer grade over the more remote, in the same grade, the male over the female, and in the same sex, the older over the younger.

- *Spain 1992, Article 57.1*

Rule, in Bahrain, being hereditary, shall pass from his highness sheik Isa Bil Sulman Al- Khalifa to his eldest son and from him to eldest son again and so forth generation after generation, except when Amir has appointed, during his lifetime, as succession a son other than the eldest according to the rules of special Amiri Succession Decree.

- *Bahrain 1973, Article 1*
- *[similar provision in Morocco 1996. Article 20]*

The title to the golden throne of Bhutan shall vest in the legitimate descendants of Druk Gyalpo Ugyen Wanchuck as enshrined in the inviolable and historic Gyenja of the thirteen day, eleventh month of the earth monkey year, corresponding to the seventeen day of december, nineteen hundred and seven and shall : a) pass only to children born of lawful marriage ; b) passed by hereditary succession to the direct lineal descendants on abdication or demise of the Druk Gyalpo, in order of seniority, with a prince taken precedence over a princess, subject to the requirement that, in the event of shortcomings in the elder prince, it shall be the sacred duty of the Druk Gyalpo to select and proclaim the most capable prince or princess as heir to the throne.

- *Bhutan 2005, Article. 2.3*

The succession to the throne shall be in accordance with the Palace Law on Succession, B.E. 2467. The amendment of the Palace Law on Succession B.E. 2467 shall be the prerogative power of the King.

- *Thailand 1997, Section 22*

The heir apparent shall be appointed within a period not exceeding one year from the date of Amir's investiture, and his appointment shall follow his nomination by the Amir and the swearing of fealty to him by a consenting majority of members composing National Assembly sitting in a special session. When the appointment does not proceed as indicated above, the Amir shall nominate at least three of the above mentioned lineage to the heirdom and the Assembly shall swear fealty to one of them as heir apparent. To qualify, the heir apparent, must attained the age of majority, must be endowed with reason and must be a legitimate son of Muslim parents.

- *Kuwait 1962, Article 4*

Article 25. On the death of the King, the title to the throne shall pass hereditary succession to the King's legitimate descendant in order of seniority, the same rule governing succession by the issue of descendant who predecease the King. If the King has no descendants the title to the throne shall pass in the same way to legitimate of descendants of the King's parents and then of his grandparent who are in the line of succession but are not further removed from the deceased King than the third degree of consanguinity.

Article 28. The King shall be deemed to abdicated if he contracts a marriage without having obtained consent by Act of Parliament. Anyone in the line of succession to the throne who contracts such a marriage shall be excluded from the hereditary succession, together with any children born of the marriage and their issue.

Article 29. One or more persons may be excluded from the hereditary succession by Act of Parliament if exceptional circumstances necessitate.

Article 30. A successor to the throne may be appointed by Act of Parliament if it appears that there will be otherwise no successor. The bill shall be presented by or on behalf of the King, upon which the houses shall be dissolved.

Article 33. The King shall not exercise the royal prerogative before attaining the age of eighteen.

- *Netherlands 2002, Articles 25; 28-30; 33*
- *[see also Denmark secession law, 1953 Sec 3-4; similar provisions in Bhutan 2005, Article 2.3 and Spain 1992, Article 57.4]*

The King is under age until he has turned sixteen.

- *Morocco 1996, Article 21*

The King shall be a member of the Evangelical Lutheran Church. The King shall be of age when he has completed his eighteen years. The same provision shall apply for the successor of the throne.

- *Denmark 1953, Article 2.6.7*

Section 9. The King is Buddhist and upholder of religions.

Section 23. In the case where the throne becomes vacant and the King has already appointed his Heir to the throne, the Council of Ministers shall notify the President of the National Assembly who convokes the National Assembly and invites such Heir to ascend the throne and proclaims such heir King.

In the case where the throne becomes vacant and the King has not appointed his Heir, the Privy Council shall submit the name of the successor to the throne to the Council of Ministers for further submission to the National Assembly for approval. For this purpose, the name of a Princess may be submitted.

- *Thailand 1997, Sections 9; 23*

5.5. Regency

Whenever the King is absent from the Kingdom or unable to perform his functions for any reason, the King will appoint a person regent, and the President of the National Assembly shall countersign the Royal Command.

- *Thailand 1997, Section 18*
- *[similar provisions in Bahrain 1973, Article 34.a; Kuwait 1962, Article 61]*

If the Grand Duke is unable to reign, the regency is ensured as in the case of minority.

- *Luxemburg 2000, Article 7*

If the King dies or abdicates and the heir to the throne has not yet attained the age of eighteen, the Riksdag appoints a Regent and a deputy Regent at the same time.

- *Sweden 2003, Article. 5.4*

The King is under age until he has turned sixteen. During the minority of the King, all powers and constitutional rights of the Throne shall be exercised by a Regency Council, save those concerning the revision of the Constitution. The Regency Council shall function as consultative body to the King until he has turned twenty (20). The Regency Council is headed by the First President of the Supreme Court. It is composed, furthermore, of the President of the Chamber of Representatives, President of the Regional Council of the Ulemas of Rabat and Salé and ten personalities appointed by the King personally [intuitu personae]. The rules of the functioning of the Council are determined by an organic law.

- *Morocco 1996, Article 21*

When the King is minor, the King's father or mother, in their absence the oldest relative closest to succession to the crown shall immediately exercise the regency during King's minority.

- *Spain 1992, Article 59.1*

If by reason of ill health, foreign travel or for any other cause, the King is prevented from performing his duties, that member of the Royal House under the valid order of succession who is not prevented therefrom shall assume and perform the duties of Head of State in the capacity of Regent ad interim.

- *Sweden 2003, Article 5.3*

Provisions relating to the exercising of sovereign power in the event of minority, illness, absence of the King shall be laid down by Statute. Where on the vacancy of the throne there is no successor, the Folketing shall elect a King and establish the future order of succession to the throne.

- *Denmark 1953, Article 2.9*

There shall be a council of regency when: a) the successor to the throne has not reached the age of twenty one; b) it has been resolved but not less than three-fourths of the total number of members of Parliament in a joint sitting that the Druk Gyalpo is unable to exercise the royal prerogatives by reason of temporary physical or mental infirmity; c) the Druk Gyalpo has temporarily relinquished, by proclamation, the exercise of the royal prerogatives. The Council of Regency shall collectively exercise the Royal Prerogatives and the powers vested in the Druk Gyalpo.

- *Bhutan 2005, Article 2.7.8*

5.6. Removal/Abdication

Article 2.6. Upon reaching the age of sixty-five years, the Druk Gyalpo shall step down and hand over the throne to the crown prince or princess, provided the royal heir has come of age.

Article 2.20. The Druk Gyalpo shall abdicate the throne for willful violations of the constitution or due to permanent mental disability, on a motion passed by a joint sitting of parliament in accordance with the procedure as laid down in sections 21, 22, 23, 24 and 25 of this article.

- *Bhutan 2005, Articles 2.6; 2.20*

If the King has been continuously prevented for six months from performing his duties, or has failed to perform his duties, the Government shall notify this matter to the Riksdag. The Riksdag determines whether the King shall be deemed to have abdicated.

- *Sweden 2003, Article 5.5*

5.7. Powers/Restrictions

Article 3. The Emperor shall perform only such acts in matters of state as provided for in this constitution, and he shall not have powers related to government.

Article 4. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the cabinet shall be responsible.

- *Japan 1946, Articles 3 and 4*

The actions of the King shall be countersigned by the President of the Government, and when appropriate, by the competent ministers.

- *Spain 1992, Article 64.1*

The sovereign power belong to the Thai people. The King as head of state shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of this Constitution.

- *Thailand 1997, Section 3*
- *Thailand 2006, Article 2*

The King has the prerogative power to declare war with approval of the National Assembly.

- *Thailand 1997, Section 223*
- *Spain 1992, Article 63.3*

A declaration that Kingdom is in state of war shall not be made without the prior approval of the states general.

- *Netherlands 2002, Article 96.1*

The Constitutional Court consists of the president and fourteen judges to be appointed by the King upon advice of the senate.

- *Thailand 1997, Section 255 [similar role in appointing members of counter-corruption commission and other independent agencies]*

The Constitutional Court is composed by twelve members appointed by the King.

- *Spain 1992, Article 159*

Amendments to the constitution passed by the states general and ratified by the King shall enter into force immediately after they have been published.

- *Netherlands 2002, Article 139*

A motion to amend the Constitution shall be initiated by a simple majority of the total number of members of Parliament at joint sitting, on being passed by not less than three-fourth of the total number of the members of Parliament, the Constitution shall stand amended on assent being granted by the Druk Gyalpo.

- *Bhutan 2005, Article 34.2*

The King has the prerogative power to grant pardon upon the recommendation of a court designated by Act of Parliament and with due regard to regulations to be laid down by or pursuant of Act of Parliament.

- *Netherlands 2002, Article 122.1*

The Kingdom shall not be bound by treaties, nor shall such treaties be denounced without approval of the states general.

- *Netherlands 2002, Article 91.1*

Without the consent of the Folketing, the King shall not undertake any act whereby the territory of the Realm shall be increased or decreased, nor shall he enter into any obligation which for fulfillment requires the concurrence of the Folketing, or which otherwise is of major importance, nor shall the King except with the consent of the Folketing terminate any international treaty.

Except for purposes of defense against an armed attack upon the Realm or Danish forces the King shall not use any military force against foreign state without the consent of the Folketing.

- *Denmark 1953, Article 3.19.1 and 3.19.2*

In an emergency the King when the Folketing cannot assemble, issue provisional laws, provided that they shall not be at variance with the Constitution Act, and that they shall always immediately on the assembling of the Folketing, be submitted to it for approval or rejection.

- *Denmark 1953, Article 3.23*

The Druk Gyalpo, may on the written advice of the Prime Minister, proclaim an emergency if the sovereignty, the security, and territorial integrity of Bhutan or any part is threatened by an act of external aggression or armed rebellion [and] . . . proclaim a financial emergency is his majesty if satisfied that a situation has arisen whereby the stability or credit of Bhutan is threatened.

- *Bhutan 2005, Article 33.1 and 33.8*

When the integrity of the national territory is threatened, or when events occur which may impair the functioning of the constitutional institutions, the King can after having consulted the Speaker of the chamber of representatives and the chairman of the Constitutional Council, and having addressed a message to the nation, declare by dahir, the state of emergency.

- *Morocco 1996, Article 35*

The independence of the Drangpons of the Supreme Court and the High Court shall be guaranteed, provided that a drangpon may be censured or suspended by a command of the Druk Gyalpo on the recommendation of the National Judicial Commission.

- *Bhutan 2005, Article 21.15*

The Election Commission/Royal auditory Authority/Chairperson and members of the Anti-Corruption Commission shall be independent -and shall consist of a Chief Election Commissioner and two Election Commissioners-, appointed by the Druk Gyalpo from a list of names recommended jointly by the Prime Minister, Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party.

- *Bhutan 2005, Articles 23.5; 24.2; 26.2*

The members of the Court of Accounts are appointed by the Grand Duke on proposal by the chamber of deputies.

- *Luxemburg 2000, Article 105.3*

The Druk Gyalpo shall by warrant under his hand and seal, appoint an eminent jurist as Attorney General on the recommendation of Prime Minister.

- *Bhutan 2005, Article 28.2*

The Emperor shall appoint the chief judge of the Supreme Court, as designated by the Cabinet.

- *Japan 1946, Article 6[similar power in Spain 1992, Article 123.2]*

The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people: promulgation of constitutional amendments, cabinet orders, treaties; convocation of the diet; dissolution of the house of representatives; proclamation of general elections of members of the diet; award honors; amnesty; commutation of punishment; appointment and dismissal of ministers; receiving foreigner ambassadors.

- *Japan 1946, Article 7*

The King can after consulting the presidents of the two chambers and the president of the Constitutional Council, address a message to the Nation, dissolve by dahir the two chambers of parliament or only one.

- *Morocco 1996, Article 71*

It shall be lawful for his majesty the sultan and Yang-Di Purtuan, with the advice and consent of the Legislative Council, and subject to the provisions of this Constitution, to make laws for peace, order and good government of Brunei Darussalam.

- *Brunei 1984, Article 39*

A vote of no confidence against the Government, if passed by not less than two-thirds of the total number of members of the National

Assembly, shall require the Government to be dismissed by the Druk Gyalpo.

- *Bhutan 2005, Article 17.7*

If two-thirds of members of National Assembly decide that cannot cooperate with the Prime Minister, the matter shall be submitted to the Amir for settlement. The Amir may either relieve Prime Minister from office and appoint a new Cabinet or National Assembly.

- *Bahrain 1973, Article 69.b[see also Kuwait 1962, Article 102]*

If within two months from the first voting, for investiture no candidate has obtained the confidence of the Congress, the King shall dissolve both chambers and call for new elections with the concurrence of the President of Congress.

- *Spain 1992, Article 99.5*

The other members of the Government shall be appointed and dismissed by the King at the proposal of its President.

- *Spain 1992, Article 100*

The National Assembly consists of no more than 250 members who will be appointed by the King.

- *Thailand 2006, Article 5*

The King appoints the Prime Minister and . . . other ministers to constitute the Council of Ministers.

- *Thailand 1997, Section 201*
- *Thailand 2006, Article 14[similar provisions in Netherlands 2002, Article 43; Denmark 1953, Article 3.14; Bhutan 2005, Article 17.3; Japan 1946, Article 6; Bahrain 1973, Article 33.b; Kuwait 1962, Article 56; Morocco 1996, Article 24; Oman 1996, Article 42-48; Brunei 1984, Article 4.4.6]*

For the purpose of maintaining national security, public safety or national economic security, or averting public calamity, or when it is necessary to urgently enact or confidentially deliberate a money bill related to taxes or currency, the King may issue an emergency decree which will have the force as an act.

- *Thailand 1997, Section 218*
- *Thailand 2006, Article 15*
- *Oman 1996, Article 42*

Whenever appears to the majesty the Sultan and Yang-Di Pertuan that an occasion of public danger exists whereby the security or economic life of Brunei, or any part is threatened whether by war or external aggression

or internal disturbance, he may by proclamation declare state of emergency either in the whole or part of Brunei.

- *Brunei 1984, Article 83.1*

The King has the prerogative power to issue a Royal Decree which is not contrary to the law.

- *Thailand 1997, Section 221*
- *Thailand 2006, Article 16*

The King has the prerogative power to lift and declare the martial law in accordance with the conditions and manner of the Martial Law.

- *Thailand 1997, Section 222*
- *Kuwait 1962, Article 69*

Amir shall declare defensive war by decree.

- *Kuwait 1962, Article 68*

The King has the prerogative power to conclude a peace treaty, armistice and other treaties with other countries or international organizations.

- *Thailand 1997, Section 224*
- *[similar provisions in Bahrain 1973, Article 37; Kuwait 1962, Article 70; Morocco 1996, Article 31; Luxemburg 2000, Article 37; Oman 1996, Article 42]*

The King shall act on behalf of the Realm in international affairs.

- *Denmark 1953, Article 3.19*
- *[similar provisions in Bhutan 2005, Article 2.17; Oman 1996, Article 42; Spain 1992, Article 56.1]*

The King has the prerogative power to grant pardon.

- *Thailand 1997, Section 225*
- *[similar provisions in Denmark 1953, Article 3.24; Bhutan 2005, Article 2.16.c; Bahrain 1973, Article 41; Kuwait 1962, Article 75; Morocco 1996, Article 34; Luxemburg 2000, Article 38; Oman 1996, Article 42]*

The King has the prerogative power to remove titles and recall decorations.

- *Thailand 1997, Section 226*
- *[similar provisions in Luxemburg 2000, Article 40; Oman 1996, Article 42]*

The King has the prerogative power to create titles and confer decorations.

- *Thailand 1997, Section 11*
- *[similar provisions in Bhutan 2005, Article 2.16.a; Bahrain 1973, Article 33.f; Kuwait 1962, Article 76]*

The king may cause money to be coined as provided by Statute.

- *Denmark 1953, Article 3.26*

The King appoints and removes officials in the military service and civil service who holds the position of Permanent Secretary of State, Director General and their equivalents.

- *Thailand 1997, Section 227*
- *[similar provisions in Bahrain 1973, Article 40; Kuwait 1962, Article 74; Luxemburg 2000, Article 35; Brunei 1984, Article 71-74; Spain 1992, Article 62.f]*

Members of the judiciary responsible for the administration of justice and the Procurator General at the Supreme Court shall be appointed for life by Royal Decree.

- *Netherlands 2002, Article 117.1*

The King holds the position of Head of the Thai armed forces.

- *Thailand 1997, Section 10*
- *Thailand 2006, Article 1*
- *[similar provisions in Bahrain 1973, Article 33.e; Kuwait 1962, Article 67; Morocco 1996, Article 30; Luxemburg 2000, Article 37; Oman 1996, Article 41; Spain 1992, Article 62.h]*

Subject to the limitations laid down in this Constitution Act, the King shall have supreme authorities in all affairs on the Realm, and he shall exercise such supreme authority through the ministers.

- *Denmark 1953, Article 3.12*

The Druk Gyalpo may grant citizenship, land kidu and other kidus.

- *Bhutan 2005, Article 2.16.b*

The Druk Gyalpo is the protector of all religions in Bhutan.

- *Bhutan 2005, Article 3.2*

The King selects and appoints qualified persons to be the president of the Privy Council and not more than eighteen of privy councilors to constitute the Privy Council. The Privy Council has the duty to render such advice to the King on all matters pertaining to his functions as he may consult.

- *Thailand 1997, Section 12*
- *Thailand 2006, Article 4*

The selection and appointment or the removal of a privy councilor shall depend entirely upon the king's pleasure.

- *Thailand 1997, Section 13*

The appointment and removal of officials of the Royal Household and of the Royal Chief Aide- de-Camp shall depend entirely upon the king's pleasure.

- *Thailand 1997, Section 17*

The legislative power shall be invested in the King and the Folketing conjointly. The executive power shall be invested in the King.

- *Denmark 1953, Article 1.3*
- *[similar provision in Bahrain 1973, Article 32.b; Kuwait 1962, Article 51]*

There shall be a Parliament for Bhutan in which all legislative powers under this constitution are vested and which shall consist of the Druk Gyalpo, the National Council and the National Assembly.

- *Bhutan 2005, Article 10.1*

A bill passed by Parliament shall come into force upon assent of the Druk Gyalpo. Where the Druk Gyalpo does not grant assent to the bill, he shall return the bill with amendments or objections to deliberate and vote on a bill in a joint sitting. Upon deliberation and passing of the bill in a joint sitting, it shall be resubmitted to the Druk Gyalpo, for assent.

- *Bhutan 2005, Article 13.1.10.11*

When a question of law or fact is of such nature and of such public importance that it is expedient to obtain the opinion of the supreme court, the Druk Gyalpo may refer the question to the Supreme Court for its consideration, which shall hear the reference and submit its opinion to him.

- *Bhutan 2005, Article 21.8*

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

- *Japan 1946, Article 96*

The initiative for revision of the constitution belongs to the King, and the Chambers of Representatives and the Counselors. The King can submit directly the project to a referendum the project of revision which he has initiated.

- *Morocco 1996, Article 102*

Each of the houses may be dissolved by Royal Decree.

- *Netherlands 2002, Article 64.1*

The Amir may dissolve the National Assembly by a decree in which the reasons for the dissolution shall be indicated. However, dissolution of Assembly shall not be repeated for same reasons.

- *Bahrain 1973, Article 65*
- *[similar provisions in Kuwait 1962, Article 107; Morocco 1996, Article 27; Luxemburg 2000, Article 74; Brunei 1984, Article 55]*

Decisions are rendered in the name of the King.

- *Morocco 1996, Article 83*
- *[similar provisions in Luxemburg 2000, Article 49; Spain 1992, Article 117]*

Grand Duke has no powers others than those formally vested in him by the Constitution and the special laws passed pursuant to the Constitution, without prejudice to article 3 of this Constitution.

- *Luxemburg 2000, Article 32*

1. The Throne shall be inherited by the descendants of King Christian X and Queen Alexandrine. 2. On the demise of a King the Throne shall pass to his son or daughter so that a son shall take precedence of a daughter, and where there are several children of the same sex the eldest child shall take precedence of a younger child. Where one of the King's children has died the issue of the deceased shall take his place in accordance with the lineal descent and the rules laid down in subsection 1. 3. On the demise of a King who has left no issue entitled to succeed to the Throne, the Throne shall pass to his brother or sister with preference for the brother. Where the King has one or more brothers or one or more sisters, or where any of his brothers or sisters have died, the rules of section 2 shall apply correspondingly. 4. Where there is no person entitled to succeed to the Throne under the rules of sections 2 and 3, the Throne shall pass to the then nearest collateral line of the descendants of King Christian X and Queen Alexandrine in accordance with the lineal descent, and with preference correspondingly for men over women, and for the elder over the younger as laid down in sections 2 and 3. 5. Only children born of lawful marriage shall be entitled to succeed to the Throne. The King shall not enter into marriage without the consent of the Rigsdag. Where a person entitled to succeed to the Throne enters into marriage without the consent of the King given in the Council of State, the person in question shall forfeit his right of succession to the Throne for himself and the children born of the marriage and for their issue. 6. The provisions of sections 2-5 shall apply correspondingly in the case of the abdication of a King. 7. This Act shall come into operation at the same time as the Constitution of the Kingdom of Denmark Act, 5th June, 1953.

- *Denmark 1953, Succession to the Throne Act*

6. APPENDIX

This report is based on the following question(s) from the Comparative Constitution Project's "survey instrument":

[SYSTEM]-What does the constitution call the type of government that is envisioned?

1. [open-ended response]

[HOSNAME]-What name does the constitution assign the office of the Head of State? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. [open-ended response]

Instructions: E.g., "King," "President," etc...

[HOSELECT]-How is the Head of State selected? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. Heredity/Royal Selection
2. Elected by Citizens
3. Elected by Elite Group
90. left explicitly to non-constitutional law
96. other, please specify in the comments section
97. Unable to Determine
98. Not Specified

[HOSTERM]-What is the maximum term length of the Head of State? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. [numbered response]

Instructions: Please answer "0" if the term length is not specified, and answer "100" if there is no term length or the term length is the life of the office holder. For constitutional monarchies, please type "100".

[HOSTERML]-What restrictions are in place regarding the number of terms the Head of State may serve? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if

HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. Only one term permitted, total
2. Only two terms permitted, total
3. No successive terms permitted, but multiple non-successive terms permitted
4. Only two successive terms permitted, but multiple non-successive terms permitted
5. Explicitly no term limits
90. left explicitly to non-constitutional law
96. other, please specify in the comments section
97. Unable to Determine
98. Not Specified

Instructions: For this question, no limit means the constitution specifies there is no limit on the number of terms and not specified means the constitution does not specify whether or not there is a limit.

[HOSAGE]-What is the minimum age limit for becoming the Head of State? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. adult/age of majority
16. 16 or younger
17. 17
18. 18
19. 19
20. 20
21. 21
22. 22
23. 23
24. 24
25. 25
30. 30
31. 31
32. 32
33. 33
34. 34
35. 35
40. 40
45. 45
50. 50
55. 55
90. left explicitly to non-constitutional law
96. other, please specify in the comments section
97. Unable to Determine
98. Not Specified

Instructions: If there are any exceptions, such as for married people, please code the main age limit and note exceptions in comments.

[HOSSUCC]—Should the head of state need to be replaced before the normally scheduled replacement process, what is the process of replacement? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. The normal selection process (whether it be election or appointment) is implemented
2. The legislature appoints a successor
3. The judiciary appoints a successor
4. A predetermined line of succession is followed
90. left explicitly to non-constitutional law
96. other, please specify in the comments section
97. Unable to Determine
98. Not Specified

Instructions: If line of succession, then list the succeeding offices if stated.

[HOSIMM]—Is the Head of State provided with immunity from prosecution? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. Yes, absolute immunity
2. Yes, limited immunity
3. No, specifically denied immunity
90. left explicitly to non-constitutional law
96. other, please specify in the comments section
97. Unable to Determine
98. Not Specified

Instructions: Absolute immunity means immunity from all types of legal process. Limited immunity means immunity only for certain types of actions. Please note in the comments section if there are any time restrictions for immunity or if immunity can be waived.

[HOSSTAFF]—Does the constitution specify a council or advisory group (other than the cabinet)? If so, what name is given to this body (enter name in comments)? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. Yes
97. Unable to Determine
98. Not Specified

[HOSDEC]-Does the Head of State have decree power? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. Yes
2. No
97. Unable to Determine
98. Not Specified

[HOSPARD]-Does the Head of State have the power to pardon? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. Yes
2. No
96. other, please specify in the comments section
97. Unable to Determine

Instructions: If the constitution explicitly denies the Head of State the power to pardon, please make a note in the comments section.

What additional powers (i.e. powers not listed elsewhere in the survey) are given to the Head of State? (Asked only if EXECNUM is answered 3, or if HOSHOG is answered 1, or if HOSHOG is answered 3, or if HOSHOG is answered 4, or if HOSHOG is answered 90, or if HOSHOG is answered 97)

1. issue currency-[HOSPOW1]
2. monitor the operation of local government-[HOSPOW2]
3. receive foreign ambassadors-[HOSPOW3]
4. grant asylum-[HOSPOW4]
5. determine monetary system-[HOSPOW5]
6. award decorations and honorary titles-[HOSPOW6]
7. grant or revoke citizenship-[HOSPOW7]
8. religious powers-[HOSPOW8]
9. organize agricultural reform-[HOSPOW9]
10. monitor unions-[HOSPOW10]
90. left explicitly to non-constitutional law-[HOSPOW96]
96. other, please specify in the comments section-[HOSPOW96]
97. Unable to Determine-[HOSPOW97]
98. Not Specified-[HOSPOW98]

Instructions: If there are powers not listed below, please check other and list these in the comments section.

For additional documentation on the Comparative Constitutions Project, (including the full codebook, the sample, the sources of constitutional texts and translation issues related to those texts, coding procedures,

publicly available data, etc.) please visit the project website at www.comparativeconstitutionsproject.org.