Over the past decade, and particularly since the accession of King Abdullah in 2005, the Saudi Arabian legal system has undergone a series of institutional reforms. Given its unique character, Saudi Arabian law is exceptionally difficult to review, however, to the extent that it is possible, key developments of recent years are summarised below.

At the constitutional level, in 2006 Saudi Arabia created the Succession Council (Hai’at al-Bai’a) to institutionalise the process of selecting the next head of state, legally defining for the first time the process of the royal succession.

In 2007 the judicial system was restructured, transferring many of the responsibilities of the Ministry of Justice to the Supreme Judicial Council (SJC) (Al Majlis Al-A’la Lil Qada’a), and establishing a new Supreme Court.

Legal reforms have also been necessitated by the Government’s new Economic Cities initiative, under the Saudi Arabian General Investment Authority (SAGIA), particularly concerning the regulatory and operational institutions of the new cities.

Saudi Arabia’s accession to the World Trade Organization (WTO), completed in December 2005 after 10 years of negotiations, required a series of wide-ranging legal and regulatory reforms, particularly with regard to competition, national treatment, and intellectual property.

1 ROYAL SUCCESSION

Changes to the process of royal succession were implemented in October 2006, introducing a process that is more formal than the previous system, which was based largely on convention.

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The Succession Council Law, issued by Royal Decree No. A/135 of 19/10/2006, was enacted to ensure a smooth transition when the regal throne is vacated. Its provisions cover various eventualities, such as:

- The death of the King.
- The simultaneous death of the King and the Crown Prince (the heir to the throne).
- Temporary incapacity because of illness.
- Long-term disability.

The law created the Succession Council (Hai’at al-Bai’a) to select the Crown Prince. The Succession Council is comprised of sons of King Abdulaziz (the founder and first King of Saudi Arabia), and grandsons of King Abdulaziz whose fathers are deceased, incapacitated (as determined by a report of a special medical committee, as per Article 11) or otherwise unwilling to assume the throne. Article 15 stipulates that the Council is to be headed by the eldest living son of King Abdulaziz. In his absence, the role is to be filled by the next eldest. If the head of the Council is not in attendance at a meeting of the Council and there are no sons of King Abdulaziz present in session to fill his function then that session is to be headed by the eldest living grandson of King Abdulaziz in attendance of the session. Membership of the Council is also available to sons of the reigning King and Crown Prince. Members are appointed by the King and must be competent and known for their integrity. If a vacancy arises on the Succession Council Committee, the King will appoint a new member in accordance with the relevant provisions of the Law (Article 1).

The new system will take effect only after the current Crown Prince, Prince Sultan, accedes to the throne. In all future cases, the new King is to nominate one, two, or three candidates to be his successor. Committee members may accept a nominee or reject all three. Article 7 of the law provides that if the Committee rejects all nominees, it will name a Crown Prince whom it considers to be suitable. Article 9 requires the process to be completed within 30 days. Though not precluding consultation with the Saudi Arabian religious establishment, who have traditionally played a role in the political sphere, the new law does not require such consultation to be made, and omits any reference to the religious establishment itself.

Article 10 of the law provides that the Succession Council will set up a five-member Transitional Ruling Council that will temporarily assume the running of state affairs as provided for by law while the transition of power during the succession takes place. The Transitional Ruling Council will not have the right to amend the Basic Law of Governance (the primary Saudi Arabian constitutional instrument), the Succession Council Law (Royal Decree No. A/135 of 19/10/2006), the Council of Ministers Law (Royal Decree No. A/13 of 21/08/1993), the Shura Council Law (Royal Decree No. A/91 of 09/11/2009), the Law of the Provinces (Royal Decree No. A/92 of 09/11/2009), the National Security Council Law (Royal Decree No. A/296 16/10/2005), or any other laws related to the

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1 Refer to http://www.ncda.gov.sa/media/low1/4.pdf (last accessed on 27.07.2009).