

Constitution of the Yemen Arab Republic, 1970

"We have made you aware of the rites which you should follow, and to not follow the wishes of the ignorant." *Al-Jathiyah 18*

"The Qur'an is a teacher, a guide, and a mercy to the good believers." *Al-Jathiyah 20*

"Consult them on the matters." *Al-'Umran 15*

"Their affairs are jointly discussed." *Al-Shura 78*

"It said: you people, explain to me my case which I will not decide without your consultation." *Al-Naml 32*

Preamble

We the Yemenis are an Arab and Muslim people. Our survival and that of our country is dependent upon adherence to our true Arab nationality, about which no nation claiming Arab descent can claim priority of such descent over us or deliver sermons to us.

We shall have no life to live among nations and we can claim no pride or character except through our true Islamic religion which has been the religion of our nation through the last fourteen centuries, and through following its divine guidance, achieving its precepts, abiding by its directions and strictures, and by remaining within its bounds.

Our Islamic religion, with its directions, magnanimity and breadth is synonymous with development, marches with time, and does not stand as an obstacle in the path of progress in life. The Qur'an is explicitly clear in its call for magnanimity, fraternity, and peace among all mankind: "Thou should say We believe in God, his message to us, to Ibrahim, Isma'il, Isaq, Ya'qub and the Asbat and the messages to Musa, 'Isa, and (all) the prophets without distinction and in God whom We trust." We live today in an era witnessing the progress of nations and the advancement of science and knowledge, interlocked with each other politically, economically, and culturally. Each nation benefits from the experience of others, learns from them, and makes use of their culture, experience, and systems.

Therefore, it is incumbent upon us to learn and benefit from those nations advanced in science and progress but at the same time preserving our character, customs, and heritage which by their nature should in no way impede our march toward our goal of progress.

We should open the doors of Yemen for all useful sciences, arts, and cultures, experienced by all nations, and should, with perception, study, and scrutiny, obtain wisdom wherever it is found and strengthen our ties with our brothers the Arabs and between ourselves and our friends in both the East and the West.

We should, by all possible means, regain Yemeni unity in order to withstand any foreign influences aimed at blocking or fragmenting such unity.

On the basis of such solid principles, we submitted to the Yemeni nation a draft constitution expressing the nation's aspirations, wishes and hopes, as prepared by the National Assembly for all sectors of the nation to study and to comment upon it.

The Nation was given the full freedom to discuss, study and express its views on its contents, stipulations, and standards.

Three months have elapsed since the publication of the draft constitution on the evening of September 26, 1970, and since then meetings of the various sectors have been held in the capital towns, and villages in which the constitution was openly debated and opinions and views exchanged about it. The Republican Council has received letters and telegrams on the constitution, has held meetings with Sharia scholars, the 'Ulama, Sheikhs, wise and cultured men, it has listened to their views and entered into useful debates with them. The citizens were thus given the opportunity during the past three months to discuss the draft constitution and to submit their views to the Republican Council, which explicitly proves the Nation's determination to follow the democratic, consultative path both by word and action.

With this constitutional document we (assert) our solidarity with all nations who believe in human rights and freedom and who are seeking equity, justice, and peace. By this document we are laying the foundations for democratic life in our country and for the expansion of freedom between individuals and groups.

Therefore, for all these reasons and in order to guarantee the basic principles for the creation of a Yemeni popular democracy on the basis of equality in rights and obligations between citizens without discrimination or differentiation and realising the separation of powers which is considered as a firm guarantee against the return of dictatorial rule for the benefit of future generations, and affording a safeguard against exposure to the rule of coercion and humiliation under any type of dictatorial rule, We announce this permanent constitution of the Yemen Arab Republic.

1 Dhu al-Qa'ida 1390 AH

28 December 1970 AD

(signed) 'Abd al-Rahman bin Yahya al-Iryani, Chairman, Republican Council

Chapter I: The State

Article 1: Yemen is an Arab Islamic state, independent and enjoying complete sovereignty. It is a consultative, parliamentary republic, and the people of Yemen are a part of the Arab Nation.

Article 2: Islam is the religion of the State, and Arabic is its official language.

Article 3: The Islamic Sharia is the source of all laws.

Article 4: The Nation is the source of all powers.

Article 5: Yemen is an indivisible whole and endeavours to realise the Yemeni unity which is the sacred duty of every citizen.

Chapter II: The Bases of Society

Article 6: Social reciprocity based on justice and freedom is the basis of the society.

Article 7: The family is the basis of the society and the fundamentals (of the family) are its religion, customs, and patriotism.

Article 8: The State guarantees public and private freedoms within the Sharia and law. It also guarantees security and equal opportunities for all citizens.

Article 9: Education, health, and social services are foundations in the structure and progress of the society.

Article 10: Yemen's economy should be organised in accordance with a plan laid down by the Government in which the principles of Islamic social justice should be taken into consideration, aiming at improving and developing production and raising the standard of living, provided that the plan does not violate the sovereignty and independence of the country.

Article 11: Private economic activity is free provided that it does not violate the interests of the society.

Article 12: Private property is protected. It cannot be expropriated except in the public interest. The law will decide the amount and methods of indemnification.

Article 13: The natural wealth on the surface or in the depths of the earth or in its waters, and all the country's sea and land resources are the property of the State, and the State guarantees the best ways of exploiting it for the good of the Nation.

Article 14: Public properties are revered, and it is the duty of every citizen to protect them.

Article 15: Social justice and public interest are the bases for taxation and public expenditures.

Article 16: The State encourages co-operation and savings and sponsors various co-operative establishments.

Article 17: With the co-operation of the society, the State guarantees to bear all responsibilities resulting from natural catastrophes and major calamities.

Article 18: Public service is the duty of those undertaking it. In performing their duties, government employees should aim at the public interest and at serving the Nation.

Chapter III: Public Rights and Obligations

Article 19: All Yemenis are equal in (terms of) public rights and obligations.

Article 20: The Yemeni nationality is defined by law. No Yemeni shall be deprived of his nationality, nor can it be withdrawn from anyone who has obtained it except in accordance with the law.

Article 21: There are no crimes and no punishments except as defined; punishment can only result from actions preceding it.

Article 22: Punishment is individual and no one should be made responsible for another's guilt.

Article 23: Prison is for punishment and reform. The State guarantees the realisation of this objective.

Article 24: The accused is innocent until he is proved guilty; and no punishment shall be levied without legal trial, the proceedings of which are organised by law. The right to defence is guaranteed by law.

Article 25: Every citizen has the right of expression by word, letter, or illustration within the bounds of the law.

Article 26: The freedom of postal telegraphic and telephonic communication is protected, and secrecy is guaranteed. [Communications] cannot be censored or delayed nor their secrecy revealed except where defined by law.

Article 27: No Yemeni can be expelled from Yemeni soil or prevented from returning home. It is not permitted to detain, arrest, or search any citizen except in accordance with the law.

Article 28: Places of worship and education are revered. They cannot be violated except in cases necessitated by security requirements as described by law.

Article 29: Places of residence are respected. They cannot be placed under surveillance or entered without the permission of the occupants except in cases prescribed by law.

Article 30: Confiscation of properties is forbidden except in cases prescribed by law.

Article 31: The extradition of political refugees is forbidden.

Article 32: Education is the right of all Yemenis. It is guaranteed by the State through the establishment of schools, and cultural and educational institutions, and the expansion of their scope insofar as the country's resources permit. The State is particularly concerned with the physical, mental and moral development of youths.

Article 33: Health services are the right of all Yemenis. The State guarantees to establish various hospitals and health institutions insofar as the country's resources permit.

Article 34: Women are the sisters of men. They have their mandatory rights and obligations as stipulated in the Sharia and in accordance with the law.

Article 35: In accordance with the law, the State guarantees to consolidate the family, protect motherhood, and sponsor welfare for children, the disabled and the aged.

Article 36: Every citizen has the right to undertake work chosen by him and in accordance with the law. No forced labour shall be imposed upon anyone except in cases in the public interest prescribed by law and with appropriate wages.

Article 37: Partisanship in all its forms is forbidden.

Article 38: The freedom of establishing associations and trade unions on a sound national basis is guaranteed by the State in pursuance of the terms and conditions prescribed by law.

Article 39: The people have the right to hold meetings without permission or prior notice. Public meetings, processions and assemblies are permitted in accordance with the conditions prescribed by law.

Article 40: Payment of taxes and public dues is an obligation in accordance with the law.

Article 41: Defending religion and the homeland is a sacred duty. Military service is an honour and military conscription is prescribed by law.

Article 42: By its policy, the State takes into consideration human rights for all human beings, both within and outside the country, they are:

- a. Blood, property and honour are respected. The Sharia and the law guarantee the means for their protection.
- b. Women, children, the aged, the sick, the wounded and hostages are respected and cannot be violated. The Sharia and the law guarantee the means for their protection.
- c. It is not permissible to torture prisoners bodily or morally.
- d. The hungry, the naked, the wounded, and the sick have the right to be cared for. The State guarantees all their human rights. The same applies to fugitives and hostages in accordance with international treaties and the Islamic Sharia.

Article 43: The State has no right to impose distinction in human rights due to religion or colour or sex or language or natural origin or profession.

Chapter IV: Powers

PART I: MAJLIS AL-SHURA (The Consultative Council)

Article 44: The Majlis al-Shura is the supreme legislative body of the State.

Article 45: The Majlis al-Shura is responsible for supervising the business of the executive authority.

Article 46: The Majlis al-Shura is composed of 159 members freely and democratically elected. Elections laws define the ways of obtaining membership. The Chairman of the Republican Council has the right to appoint twenty percent of the members.

Article 47: A member of the Majlis represents the whole Nation and protects the public interest. He is not subject to any authority from any source with regard to his work in the Majlis or its committees.

Article 48: A committee to be known as "The Elections Committee" will be appointed by the Republican Council and will consist of a number of persons to be specified in the law, which will also define its terms of reference and detailed procedures.

Article 49: The conditions of membership in the Majlis al-Shura are:

- a. to be Yemeni,
- b. to be not less than twenty-five years (of age),
- c. not to be illiterate,
- d. to be of good conduct, to observe religious rites, and not to have been convicted for immorality unless otherwise rehabilitated,
- e. not to be a public employee.

Article 50: The term of the Majlis al-Shura is four solar years beginning with the date of its first meeting. General elections should take place during the 60 days preceding the date of the expiration of the term of the Majlis. If elections have not been completed at the time of the expiration of the term or if they are postponed for any reason, the Majlis continues functioning until a new Majlis is elected, for a period not exceeding three months. The term of the Majlis should not be extended except in circumstances which prevent the holding of general elections. Such extensions should be made by law.

Article 51: The Chairman of the Republican Council summons the Majlis al-Shura to its first meeting following the general elections within two weeks after announcing the result of the elections. If the Majlis is not summoned within this period, it will be regarded as summoned to meet in the morning of the day following the two weeks' period.

Article 52: The Majlis al-Shura is considered to be in permanent session and the Majlis' rules of order define the session and proceedings relating thereto.

Article 53: If, for any reason, the seat of any member of the Majlis al-Shura falls vacant, a substitute (member) is chosen in conformity with the system prescribed in the constitution within two months from the date the Majlis has announced such vacancy. The term of membership of the new member continues until the expiration of the term of his predecessor. If such vacancy falls within the six months preceding the expiration of the term of the Majlis, no election of a substitute shall take place.

Article 54: The headquarters of the Majlis al-Shura is the capital, Sana'a. Any meeting held by the Majlis in a place other than that appointed shall be illegal and all the resolutions passed shall be invalid according to the provision of the law except in exceptional circumstances when the Majlis may be summoned to hold its meetings in another area.

Article 55: Before a member of the Majlis al-Shura shall assume his duties in the Majlis or its committees, the member shall take the following oath in an open session of the Majlis: "I swear in the name of the Almighty God to adhere to the Book of God and to the law of His Prophet, to be faithful to my religion, my homeland and my people, to guard the republican system and the objectives of the revolution, to respect the Nation's constitution and laws, to covet the freedoms of the people, their interests, their properties and their dignity, to do all within my means and

power to preserve the Nation's sovereignty and independence and to defend the safety of its lands, and to perform my duties as a deputy honourably, trustfully and sincerely, and God witnesseth my words."

Article 56: In its first meeting, the Majlis al-Shura elects a chairman, two deputies, and a secretary-general from among its members, who will remain in office during the term of the Majlis.

Article 57: A member of the Majlis al-Shura submits his resignation to the Majlis.

Article 58: No member of the Majlis al-Shura shall be held accountable, under any circumstances, for having examined or participated with his views and opinions in formulating the minutes, or for his work in the Majlis or its committees, or for his voting in the open or secret sessions of the Majlis. This provision is not applicable when a member defames and abuses others.

Article 59: Members of the Majlis al-Shura enjoy immunity. It is not permissible for any member to be subject to proceedings of investigation, search, arrest, imprisonment or any other action of punishment without the permission of the Majlis except in the event of criminal action in which case the Majlis shall be notified immediately for its information.

Article 60: (a) The Majlis shall prepare rules of order embodying the working procedures of the Majlis and its committees. Revising the system is not permissible except in accordance with the provisions mentioned therein. (b) Administrative employees in the Majlis al-Shura other than its members, are subject to regulations of the State Civil Service.

Article 61: (a) The Prime Minister and Ministers have the right to attend the meetings of the Majlis al-Shura and its committees and be heard by the members whenever they request. They may seek the assistance of senior officials. (b) Questions by the members of the Majlis al-Shura relating to the work of ministries, departments, or government institutions shall be addressed to the Prime Minister who shall have the option of deputising or being accompanied by the respective minister or delegate in order to answer those questions. (c) The Government must be advised of the agenda of the Majlis and its committees for its information.

Article 62: The Majlis al-Shura may convey its recommendations on public affairs to the Government. If the Government is unable to accept such recommendations, it should explain to the Majlis its reason for not accepting them.

Article 63: Every Cabinet shall, not later than twenty-five days after its formation, submit its program to the Majlis al-Shura. If the Majlis is not in ordinary session, it shall be summoned to an extraordinary session. The Majlis al-Shura may comment once on the statement of the Government to express any opinions with regard to the Government's program.

Article 64: If a request signed by 30 members is forwarded to the Majlis al-Shura, a subject of general nature may be put for discussion by the Majlis in order to obtain the clarification of the Government concerning its policy with regard to that subject and to exchange opinions.

Article 65: The Majlis al-Shura has the right to withdraw its confidence in the Government. It is not permissible to present the withdrawal of confidence except after forwarding an interpellation to the Government. The request shall be initiated and signed by one third of the members. The Majlis cannot pass its resolution until one week after

forwarding the request. Withdrawal of confidence cannot be accomplished except with a majority of two-thirds of the members of the Majlis.

Article 66: The Prime Minister may submit to the Majlis al-Shura a request for confidence in the Government on the occasion of adopting a new policy or defending it.

Article 67: The Prime Minister shall tender the resignation of the Government to the Chairman of the Republican Council if the Majlis al-Shura withdraws its confidence in the cabinet.

Article 68: Either a member of the Majlis al-Shura or the Government may propose new legislation and amendments to the laws; and any draft law rejected by the Majlis cannot be presented again in the same session.

Article 69: The Chairman of the Republican Council shall publish every draft law approved by the Majlis al-Shura within 30 days from the day it was forwarded to him. If this period fixed for publication elapses without any request for reconsideration of the draft law having been received from the Chairman of the Republican Council, it shall be regarded as law and the Chairman of the Republican Council shall publish it immediately.

Article 70: The Chairman of the Republican Council has the right, if he finds it necessary to modify a draft law or some of its items, to return it once to the Majlis with an explanatory note within the period fixed for publication. The Majlis shall hold a new debate in accordance with the reasons contained in the explanatory note of the Chairman of the Republican Council. If two-thirds of the members of the Majlis again approve of the draft law, it shall be regarded as law and the Chairman of the Republican Council shall publish it immediately.

Article 71: The Chairman of the Republican Council may dissolve the Majlis al-Shura by passing a resolution explaining the reasons for such action. However it is not permissible to dissolve the Majlis a second time for the same reasons. The resolution dissolving the Majlis al-Shura shall contain an invitation to voters for new elections not less than twenty days and not exceeding ninety days from the date of dissolution, and shall fix a date for seating the new Majlis fifteen days after the results of the elections are known. In the event that elections do not take place during the fixed period, the Chairman of the Republican Council shall invite the dissolved Majlis to exercise its full constitutional authority, to hold a meeting immediately, and to resume its business as if the dissolution had not occurred. The Majlis al-Shura cannot be dissolved during the year subsequent to its election or during the last six months of the term of the Republican Council.

Article 72: It is not permissible for a member of the Majlis al-Shura during the term of his membership to be appointed or be engaged on the board of directors of a commercial firm in which the Government participates or to share in commitments concluded by the Government or public establishments. Also, it is not permissible for him to buy or to lease or to barter any Government property or to sell or rent to the Government any of his properties or exchange the same with the Government unless such action takes place by means of a public auction or when expropriated in the public interest as prescribed by law. Article 80 of this constitution shall apply in the case of the Chairman, the Deputies, and the Secretary-General.

PART II: THE REPUBLICAN COUNCIL

Article 73: The Republican Council represents the Presidency of the State. It is the body responsible for specifying the State's general policy and for supervising its execution.

Article 74: The Chairman of the Council is the President of the State and Commander-in-Chief of the armed forces.

Article 75: It is a condition that any elected chairman or member of the Republican Council shall be from Yemeni parents, 40 years of age, well conversant with affairs related to the Shari'ah, of good behaviour and conduct, upholding Islamic rites, and not already married to, or, during his Chairmanship or membership, marrying a foreigner.

Article 76: The Republican Council consists of no less than three members or more than five members nominated and elected by the Majlis. The candidate becomes a member of the Republican Council if he obtains the majority of the votes of the members of the Majlis. The Chairman of the Majlis announces the results of the elections.

Article 77: The term of the Council is five solar years beginning with the date of announcement of the results of the elections.

Article 78: The members of the Republican Council elect among themselves a chairman. The Chairmanship is rotating and the election of the Chairman of the Republican Council shall take place sixty days before the end of the term. No election of a new chairman of the Republican Council shall take place in the event of the resignation of the Council of Ministers.

Article 79: The Chairman and members of the Republican Council take the following oath before the Majlis al-Shura before beginning their duties: "I swear in the name of the Almighty God to adhere to the Book of God and the law of His Prophet, to be faithful to my religion, to my homeland and my people, to protect the republican system and the objectives of the revolution, to respect the constitution and laws of the Nation, to covet the freedoms, interests, property and dignity of the people, to endeavour, with all the power I possess, to preserve the sovereignty and independence of the homeland and to defend the security of its soil, and God witnesseth my words."

Article 80: It is not permissible for the Chairman or a member of the Republican Council during his term of office to practice, even indirectly, a free profession or commercial, financial or industrial activity, or to buy or rent any government property even by means of public auction, or to rent to the Government or to sell to it any of his properties or to exchange these with the Government .

Article 81: Ninety days before the expiration of the term of the Republican Council, action shall be initiated to select a new Republican Council. It shall be selected at least one week before expiration of its previous term of office. If this term expires without selection of a new Council, for any reason, the Majlis al-Shura directs the previous Council to continue functioning for a period not to exceed sixty days. However, it is not permissible for the Majlis al-Shura to extend this period except when the country is in a state of war rendering it impossible to arrange elections.

Article 82: In the event that any member of the Republican Council tenders his resignation or is permanently disabled, or dies, the Majlis al-Shura shall resolve that his place has fallen vacant, and that a substitute be selected in accordance with the method prescribed in the constitution, within a period of sixty days from the date that the seat has fallen vacant. The term of the new member lasts until the end of the term of his predecessor.

Article 83: The resignation of the Chairman of the Republican Council and members of the Council shall be tendered to the Majlis al-Shura.

Article 84: It is not permissible to direct any accusation to the Chairman of the Republican Council or any of its members for breaching the constitution or for high treason except by the resolution of two-thirds of the members of the Majlis al-Shura. No trial shall be regarded adequate except before the Supreme Constitutional Court.

Article 85: The Chairman of the Republican Council shall appoint a chairman (i.e., Prime Minister) for the Council of Ministers after obtaining the consent of the Republican Council, provided that he is from Yemeni parents and that he is not married to, or does not marry during his term of office, a foreigner.

Article 86: The Chairman of the Republican Council has the right to summon the Republican Council and the Council of ministers to a joint meeting whenever this is necessary and to preside at such meetings.

Article 87: The death sentence shall not be executed without being confirmed by the Republican Council. It shall have the right to reduce [the sentence] by a majority vote of its membership in cases other than those of Shari'ah punishment.

Article 88: If, during sessions of the Majlis al-Shura or during the period of its dissolution, anything occurs necessitating immediate action, the Republican Council shall have the right to pass decisions which shall have the force of law provided that these do not contradict the constitution or the appropriation bill defined in the Budget Ordinance. Such decisions shall be forwarded to the Majlis al-Shura fifteen days from the date they were issued if the Majlis is in session; or in its first meeting in the event of dissolution, or at the expiration of the legislative term. If these decisions are not forwarded, they shall lose the force of law from the date of issuance without the need for a resolution to that effect. If they are forwarded but not approved by the Majlis, they shall lose the power of law from the date of rejection, and an action to rectify their effects in other aspects shall be undertaken.

Article 89: The Chairman of the Republican Council concludes treaties which shall have the force of law after being approved by the Republican Council and Council of Ministers and ratified by the Majlis al-Shura and published in accordance with established procedures.

Article 90: The Chairman of the Republican Council declares war or a state of emergency, accepts an armistice or peace following the approval of the Republican Council and the Council of Ministers and the Majlis al-Shura.

Article 91: The Chairman of the Republican Council shall be responsible for issuance of laws which are approved by the Republican Council and ratified by the Majlis al-Shura.

Article 92: All resolutions issued by the Republican Council, in order to be executed, shall be signed jointly by the Prime Minister and the Minister concerned, with the exception of the resolution appointing the Prime Minister or accepting his resignation.

Article 93: The Chairman of the Republican Council accredits the State's diplomatic representatives in foreign countries in accordance with law and accepts the accreditation of representatives of foreign countries and international organisations.

Article 94: The Chairman of the Republican Council appoints senior civil and military officials as prescribed by law and in accordance with the nomination by the appropriate quarters.

PART III: THE GOVERNMENT

Article 95: The Government is the supreme executive and administrative body of the State.

Article 96: The Government is composed of the Prime Minister and a number of Ministers as needed in the public interest.

Article 97: The Prime Minister nominates the members of his Cabinet with the approval of the Republican Council and seeks the confidence of the Majlis al-Shura after the presentation of his Government's political program.

Article 98: A person appointed as Minister should be a Yemeni, 30 years of age, of good behaviour and conduct, and a person who adheres to Islamic principles.

Article 99: The Prime Minister and the Ministers are responsible jointly to the Republican Council and the Majlis al-Shura for the functions of the Council of Ministers and the general policy of the Government.

Article 100: Each Minister shall supervise the functions of his ministry and execute the general policy of the Government.

Article 101: The Prime Minister may depute one of the members of his Cabinet to perform duties or to be assigned special tasks either in the country or abroad.

Article 102: During his term of office, it is not permissible for a minister to occupy another public post or to exercise, even indirectly, another profession or a commercial or financial or industrial activity. Also, he is not allowed to share in the contracts concluded by the Government or public establishments or to combine his ministerial post with membership on the board of directors of any commercial firm. During the said period, he shall have no right to buy or to rent any Government property or to exchange the same with it even by means of public auction, or to rent or to sell to the Government any of his own property or exchange the same with the Government.

Article 103: When the Cabinet resigns or is compelled to resign or when confidence in it is withdrawn, the Cabinet shall be required to conduct public business except appointments and dismissals until a new Cabinet is formed.

Article 104: Before assuming office, the Prime Minister and Ministers shall take the following oath before the Chairman of the Republican Council: "I swear in the name of the Almighty God to adhere to the Book of God and the law of His Prophet, to be faithful to my religion, country and people, to defend the republican system and the objectives of the revolution, to respect the constitution and laws of the country, and to covet the freedoms, interests and dignity of the people, to endeavour, with all the power I possess, to preserve the sovereignty and independence of the homeland, and to defend the security of its soil, and God witnesseth my words."

Article 105: The law establishes the salaries of the Prime Minister and Ministers.

Article 106: The Government performs the following functions:

- a. directs and co-ordinates and reviews the duties of ministries and public establishments and organisation, in accordance with the law.
- b. issues administrative and executive resolutions in accordance with laws and resolutions, creates departments and public organisations, and insures administrative control over such organisations.

c. prepares draft laws and resolutions to organise governmental systems, insures the execution of development programs and the development of the economy, implements Islamic social justice, defends traditions and develops national culture and encourages scientific research in accordance with the State's fundamental principles as laid down by the Republican Council.

d. appoints and discharges employees according to the law.

e. prepares the draft budget of the State prior to forwarding it to the Majlis al-Shura.

f. ensures the implementation of laws, safeguards public finances and interests within and outside the country, and protects the rights of the citizens.

g. supervises the organisation and administration of matters pertaining to the monetary, trust, and insurance systems of the State.

h. concludes loans and grants them within the general policy of the State.

Article 107: The Majlis al-Shura has the right to try Ministers for high treason. The resolution of the Majlis accusing the Minister shall follow a motion put forward by at least one third of the members, and approved by two thirds of the members of the Majlis after an investigation is carried out by a committee appointed as a result of a resolution passed by the Majlis and headed by a magistrate from the Supreme Constitutional Court. This does not preclude termination of his services while the court is investigating his case or even if nothing is proven. The law defines the civil, military and penal jurisdictions and sets forth the procedures for their trial before the Supreme Court without nullifying the application of other laws pertaining to their ordinary deeds or crimes.

Article 108: It is not permissible to combine a ministerial post with membership in the Majlis al-Shura. A member of the Majlis al-Shura may retain his seat in the Majlis as vacant if he is appointed Minister.

PART IV: LOCAL ADMINISTRATION

Article 109: The territory of the republic is divided into administrative units, and law defines their number, divisions and boundaries. It also defines the responsibilities of those functioning in the administrative units.

Article 110: The administrative units shall have local councils in which the affairs of the regions shall be administered in a democratic manner according to the law.

PART V: FINANCIAL AFFAIRS

Article 111: Establishing public taxes or revising them or abolishing them shall be accomplished by ordinance. No one shall be exempt from paying all or part of his taxes except in instances prescribed by law. It is not permissible to ask any person to pay taxes, fees and liabilities unless prescribed by law.

Article 112: The law specifies the basic principles for the collection of public money and its disbursement.

Article 113: It is not permissible for the Government to conclude loans or guarantees or to contract for a project which results in expenditure not provided in the State Public Budget during a current year or subsequent years except with the consent of the Majlis al-Shura.

Article 114: The law stipulates the basis for granting salaries, pensions, compensations, compassionate discharges, and gratuities which it defines as a liability of the State treasury, and regulates exceptional cases and the authorities authorised to implement these laws.

Article 115: It is not permissible to grant a monopoly or concession to invest any of the natural resources of the country or to exploit public resources except by law and for a limited period.

Article 116: A monopoly which harms individuals and groups with regard to the necessities of life is forbidden.

Article 117: The law defines the provisions concerning preserving and administering government property, the conditions of disposing of it and the extent to which it is allowed to relinquish any such properties.

Article 118: The Government prepares the general budget and only the Majlis al-Shura has the right to approve it.

Article 119: The beginning and the end of the fiscal year are defined by law.

Article 120: The Government prepares the draft annual budget for the revenues and expenditures of the State, and forwards it to the Majlis al-Shura at least two months before the expiration of the fiscal year for scrutiny and approval.

Article 121: (a) The budget is debated and voted upon in the Majlis al-Shura. (b) It is not permitted to allocate any of the general revenues for specific expenditures except by ordinance.

Article 122: It is permissible for the appropriation bill to allocate certain sums for more than one year if the nature of such expenditure necessitates, provided that such sums are repeated in subsequent estimates, or separate estimates are prepared for more than one fiscal year.

Article 123: It is not permissible for the appropriation bill to contain any text leading to abolition of an existing tax or the introduction of a new tax or the revision of fixed taxes by increasing or reducing them.

Article 124: The Majlis al-Shura should not, during discussion of the budget, increase estimates for total revenues or expenditures proposed in the draft budget either by means of modification or by means of special proposals.

Article 125: It is permissible for the Majlis al-Shura, after approving the budget, to approve laws providing for new expenditures and appropriate revenues to cover such.

Article 126: The budgetary estimate is validated by the appropriations bill.

Article 127: If the general appropriations bill is not issued before the beginning of the fiscal year, the budget of the previous year is adopted until the bill is passed, and this in no event to be delayed by more than 100 days. Revenues are collected and expenses incurred in accordance with the bill adopted at the end of the previous year.

Article 128: The Majlis al-Shura shall approve every proposal leading to the transfer of any sum from one appropriation to another in the budget, as well as every expenditure not mentioned therein or exceeding its estimates.

Article 129: It is not permissible to exceed the upper limits of the expenditure estimates mentioned in the appropriation bill or related ordinances. Also, it is not permissible for the appropriation bill to contain a text allowing the Government to exceed these upper limits.

Article 130: The final statement of account of the State budget for each year must be presented to the Majlis al-Shura during the two months subsequent to the expiration of the fiscal year for its consideration and approval in accordance with the law.

Article 131: The independent and supplementary budgets and their final statements of account are subject to the same rules applying in the case of the State budget.

Article 132: The law regulates the provisions of the budget and the final statements of account of the other local establishments and organisations which are legal entities.

Article 133: The Government shall present to the Majlis al-Shura a statement showing the financial position of the State at least once during each of its ordinary sessions.

Article 134: The law regulates currency and banking and determines measurements, dry measures and scales.

Article 135: The alms tax (zakat) is one of the basic pillars of Islam. The Government shall endeavour to collect it and to spend it correctly.

Article 136: The Waqf is a sacred institution and the State undertakes to improve its resources and its disbursement in a manner compatible with the Islamic Shari'ah.

PART VI: NATIONAL DEFENCE

Article 137: By resolution of the Republican Council, a Supreme National Defence Council presided over by the Chairman of the Republican Council shall be formed. It shall assume responsibility for promulgating a general plan for defence and for internal and external security.

Article 138: The State alone creates the armed forces, public security establishments and militia in accordance with the law. It is not permissible for any organisation or group to create military or paramilitary groups.

Article 139: General and private mobilisation is prescribed by law.

Article 140: The law defines the terms of service and promotion for the officers of the armed forces.

Article 141: Any member of the armed forces or security forces is prohibited from joining any political, partisan, factional, or racial movement.

Article 142: The Commander-in-Chief of the armed forces is appointed by a resolution passed by the Republican Council. He receives his orders from the Republican Council.

Article 143: It is permissible for the Commander-in-Chief to appoint one or more deputy Commanders-in-Chief by a resolution passed by the Republican Council as proposed by the Commander-in-Chief.

PART VII: THE JUDICIAL AUTHORITY

Article 144: The judiciary is an independent authority.

Article 145: Judges are independent. No authority except law is allowed to control them in their judgements. No authority is allowed to interfere in their judgements or in the affairs of justice.

Article 146: No one shall occupy a judicial post except scholars in the Shari'ah Law, of sound character and behaviour.

Article 147: The law specifies the areas of judicial authority, their levels, and defines their responsibilities.

Article 148: The right of litigation is guaranteed for all people. The law defines the proceedings and the conditions necessary to exercise their right.

Article 149: Before assuming his duties, the Qadi (judge) swears by the Almighty God to judge the people justly.

Article 150: Judges are not subject to dismissal except in cases defined by law.

Article 151: The law defines the terms of judicial appointment, transfer promotion, and the safeguards related to these.

Article 152: The provisions of the Islamic Shari'ah relating to business shall be defined provided that they do not differ from any text or ijma'. The law provides for the appointment of a technical Shar'iah body to assume this responsibility.

Article 153: In cases heard by the Courts, the provisions of this constitution and of the State's laws shall be applied. If there is no precedent, Courts shall pass their judgement in the case they are dealing with in accordance with the general principles of the Islamic Shari'ah.

Article 154: The law provides for decisions in departmental disputes through an organisation or a special court. The law defines its rules and how it should exercise its duties concerning the departmental resolutions which contravene the law.

Chapter V: The Supreme Constitutional Court

Article 155: A Supreme Constitutional Court is formed from a number of Shari'ah scholars of high qualifications, elected by the Majlis al- Shura and nominated by the Chairman of the Republican Council. Its duties will be to give final decisions on the following matters:

a. the constitutionality of constitutional amendments,

- b. the constitutionality of ordinances and resolutions which have the force of law,
- c. the trial of the Chairman and members of the Republican Council and the Prime Minister and Ministers,
- d. investigations in election disputes concerning members of the Majlis al-Shura.

Article 156: The Chairman and members of the Supreme Constitutional Court shall take the following oath before the Majlis al-Shura in a special session attended by the Chairman of the Republican Council: "I swear by the Almighty God to adhere to the Book of God and the law of His Prophet, to be faithful to my religion country and people, to guard the republican system and the objectives of the revolution, to respect the Nation's constitution and laws, to covet the freedoms of the people, their interests, their properties and their dignity, to do all within my means and power to preserve the Nation's sovereignty and independence, and to defend the safety of its lands, and God witnesseth my words."

Article 157: The decisions of the Supreme Constitutional Court shall be published in the Official Gazette. They are not subject to objection. They are binding upon the public authorities and all departmental and judicial authorities.

Article 158: A law with a constitutional force determines the proceedings concerning formation of the Supreme Constitutional Court, and basis of its administration, and the proceedings which should be followed before it.

Chapter VI: Amendment of the Constitution

Article 159: A request for amendment of any of the articles of the constitution shall be submitted in writing by more than half of the members of the Majlis al-Shura. The revision shall be valid if a majority of two-thirds of the members of the Majlis al-Shura vote for it.

Article 160: The statute of the Supreme Constitutional Court organises the proceedings required for amendment of the constitution.

Chapter VII: General and Interim Provisions

PART I: GENERAL PROVISIONS

Article 161: The city of Sana'a is the capital of the Yemen Arab Republic.

Article 162: The law defines the emblem, flag, and national anthem of the State and any conditions related thereto.

Article 163: The provisions of the laws shall be effective from the date they are put into force. They shall have no effect on matters which have taken place before that date. It is permissible in non-penal provisions of the law to stipulate things contrary to provisions requiring approval of the majority of the members of the Majlis al-Shura.

Article 164: Laws are published in the Official Gazette.

Article 165: All of the provisions contained in ordinances, resolutions, rules and regulations issued prior to the publication of this constitution shall remain effective unless otherwise revised or abolished in accordance with the laws and proceedings stipulated in this constitution and provided that these stipulations do not contravene any of the texts of this constitution.

PART II: INTERIM PROVISIONS

Article 166: The temporary Majlis remains in force exercising its business as stipulated in Constitutional Resolution No. 2 for 1969 until the results of the election of the elected Majlis al-Shura are announced in pursuance with this constitution and until it holds its first meeting.

Article 167: The term of the present Republican Council shall expire only when the new Republican Council has been elected.

Article 168: It is not permissible to suspend any of the provisions of this constitution except during the time when a state of emergency is announced or when a state of war is declared as provided in the constitution.

Article 169: The temporary constitution and all its amendments become ineffective when this constitution is published. All previous constitutions are also abolished, taking into consideration the two Articles 166 and 167 in the constitution.

Article 170: This constitution becomes effective from the date of its publication in the Official Gazette.