

## Yemen: proposed changes to constitution, 2000

In August 2000, President Ali Abdullah Salih proposed a series of amendments to the constitution. The relevant clauses are set out below. Underlined sections indicate the changes. See: *Avoiding elections* (Middle East International, 1 September, 2000).

---

### 1994 CONSTITUTION

**Article (10)** The state shall oversee foreign trade and promote internal trade and investment in a way that serves the national economy. The state shall issue legislation that guarantees protection for producers and consumers, the provision of basic commodities for the citizens, prevention of monopoly, and shall encourage private capital to invest in various fields of social and economic development, in accordance with law.

### PROPOSED AMENDMENT

**Article (10)** The state shall oversee freedom of trade, encourage competition and protect investment in a way that serves the national economy. The state shall issue legislation that guarantees protection for producers and consumers, the provision of basic commodities for the citizens, prevention of monopoly, and shall encourage local and foreign capital to invest in various fields of social and economic development, in accordance with law.

---

### 1994 CONSTITUTION

**Article (13)** The imposition, amendment, and cancellation of taxes shall only be authorised by law. No one is to be partially or fully exempted from the payment of taxes except as stipulated in the law and no one shall be subject to taxes, fees and other charges except by law.

### PROPOSED AMENDMENT

**Article (13)** The imposition, amendment, and cancellation of taxes shall only be authorised by law. No one is to be partially or fully exempted from the payment of taxes except as stipulated in the law and no one shall be subject to taxes and other charges except by law. The law defines the method for the imposition of taxes, the circumstances for exemption from payment, the measures to levy them and the directions for spending them.

---

### PROPOSED AMENDMENT

#### Insertion to follow Article (34)

The preservation of public cleanliness and protection of the environment from pollution is the responsibility of the state and society. It is a religious and national duty of all citizens.

---

## **1994 CONSTITUTION**

**Article (61)** The House of Representatives is the legislative authority of the state. It shall enact laws, determine the general policy of the state, the general plan for economic and social development, the general budget and the final account. It shall also direct and monitor the activities of the Executive Authority as stipulated in this constitution.

## **PROPOSED AMENDMENT**

**Article (61)** The House of Representatives is the legislative authority of the state. It shall enact laws and determine general policy of the state, the general budget and the final account. It shall also monitor the activities of the Executive Authority as stipulated in this constitution.

---

## **1994 CONSTITUTION**

**Article (64)** The term of the House of Representatives is four calendar years starting from the date of its first session. The Speaker shall call the voters to elect a new House at least sixty days before the expiry date of the existing House. If in extraordinary circumstances, elections cannot be held, the existing House continues to function until such circumstances are overcome and elections can be held.

## **PROPOSED AMENDMENT**

**Article (64)** The term of the House of Representatives is six calendar years starting from the date of its first session. The Speaker shall call the voters to elect a new House at least sixty days before the expiry date of the existing House. If in extraordinary circumstances, elections cannot be held, the existing House continues to function until such circumstances are overcome and elections can be held.

---

## **1994 CONSTITUTION**

**Article (91)** The House of Representatives shall ratify international political and economic treaties and conventions of a general nature, of whatsoever form or level, and in particular those connected to defense, alliance, truce, peace or border alterations, and those, which involve financial commitments for the state or for which their execution needs the enactment of a law.

## **PROPOSED AMENDMENT**

**Article (91)** The House of Representatives shall ratify international political and economic treaties and conventions of a general nature, of whatsoever form or level, which involve financial commitments for the state or for which their execution needs the enactment of a law. The House of Representatives also ratifies, in a joint meeting with the Consultative Council, legislation, treaties and agreements relating to defence or alliances or conciliation and peace or the amendment of borders.

---

## 1994 CONSTITUTION

**Article (92)** The House of Representatives has the right to present directives and recommendations to the government on general issues. If the government fails to implement these directives and recommendations it must justify such action to the House.

## PROPOSED AMENDMENT

**Article (92)** The House of Representatives has the right to present recommendations to the government on general issues. If the government fails to implement these and recommendations it must justify such action to the House.

---

## 1994 CONSTITUTION

**Article (100)** The President of the Republic may not dissolve the House of Representatives except in necessity and only after a nation-wide referendum on the reasons for the dissolution. The President of the Republic shall issue a decree that suspends the sessions of the House and calls for the referendum within thirty days. If an absolute majority of the voters are in favour of the dissolution, the President shall issue a decree of dissolution. The decree shall simultaneously call voters to elect a new House of Representatives within a date that does not exceed sixty days from the date of the announcement of the results of the referendum. If the decree of dissolution does not include this call or if elections are not held within the appointed time, it will be considered null and void and the House shall meet under the power of the constitution. The House shall also meet under the power of the Constitution if a referendum does not take place within thirty days or does not gain the required majority. If elections are held, the new House will meet within ten days following completion of the elections. If the House is not called to meet, it will meet under the power of the constitution at the end of the said ten days. If the House has been dissolved, the new House may not be dissolved again for the same reason. In any event, the House may not be dissolved in its first session.

## PROPOSED AMENDMENT

**Article (100)** The President of the Republic may not dissolve the House of Representatives except in necessity. The decree of dissolution must include the reasons on which it is based and call the voters to elect a new House of Representatives within sixty days from the date of issuance of the decree of dissolution. If the decree of dissolution does not include this call or if elections are not held within the appointed time, it will be considered null and void and the House shall meet under the power of the constitution. If elections are held, the new House will meet within ten days following completion of the elections. If the House is not called to meet, it will meet under the power of the constitution at the end of the said ten days. If the House has been dissolved, the new House may not be dissolved again for the same reason. In any event, the House may not be dissolved in its first session.

---

## 1994 CONSTITUTION

**Article (107)** The election of the President of the Republic shall be as follows:

- a. Election of the President of the Republic shall be carried out by the people in competitive elections.
- b. Nominations must be submitted to the Speaker of the House of Representatives.

c. Nominations must be examined by the Presiding Board of the House of Representatives to ensure that candidates meet the constitutional conditions.

d. Names of candidates who meet the conditions shall be presented to the House for approval.

e. A candidate who wins the recommendation of ten per cent of the members is considered a candidate for the post of the President of the Republic.

f. The House of Representatives is required to recommend at least two persons for the post of the President of the Republic before submitting the candidates to the people in competitive elections.

g. The person who wins an absolute majority of those who participated in the elections is considered the President of the Republic. If none of the candidates win this majority, elections shall be repeated according to the above procedures for the two candidates who obtained the highest number of votes.

#### **PROPOSED AMENDMENT**

**Article (107)** The election of the President of the Republic shall be as follows:

a. Election of the President of the Republic shall be carried out by the people in competitive elections.

b. Nominations must be submitted to the Speaker of the House of Representatives.

c. Nominations must be examined by the Presidential Board of the House of Representatives and the Presidential Board of the Consultative Council to ensure that candidates meet the constitutional conditions.

d. Names of candidates who meet the conditions shall be presented to a joint meeting of the House of Representatives and the Consultative Council for approval.

e. A candidate who wins the recommendation of five per cent of the members of the joint meeting is considered a candidate for the post of the President of the Republic.

f. The joint meeting is required to recommend at least three persons for the post of the President of the Republic before submitting the candidates to the people in competitive elections in which the number of candidates shall be not less than two.

g. The person who wins an absolute majority of those who participated in the elections is considered the President of the Republic. If none of the candidates win this majority, elections shall be repeated according to the above procedures for the two candidates who obtained the highest number of votes.

---

## **1994 CONSTITUTION**

**Article (119)** If, while the House of Representatives is in recess or under dissolution, urgent decisions are required, then the President of the Republic can issue decrees which have the power of law, provided such decrees do not contradict the Constitution or the budgetary estimates. Such decrees have to be presented to the first meeting of the House of Representatives. If they are not presented, the House may discuss them and take appropriate decisions thereon. If the House of Representatives rejects those decrees, they become null and void from the date the House decides and the House of Representatives determines how the consequences are to be settled.

## **PROPOSED AMENDMENT**

[This article to be deleted]

---

## **1994 CONSTITUTION**

**Article (125)** A decree by the President of the Republic shall form a Consultative Council from experienced and qualified specialists in order to expand the base of participation through consultation and to make use of national expertise and qualifications available in different areas of Yemen. The law shall clarify the special rules that concern the Council.

## **PROPOSED AMENDMENT**

[Replace Article 125 with the following three articles:]

1. The Consultative Council will be formed by decree of the president of the republic from those with expertise and specialist qualifications in order to broaden the base of participation in consultation and to make use of national expertise and qualifications. In terms of its functions, the Consultative Council, in addition to its other constitutional powers, will do the following:
  - a) Present studies and proposals which assist the state to implement its development strategies and to share in mobilising the people's efforts to establish the path of democracy, and to present proposals which assist the effectiveness of state bodies and participate in solving social problems and deepen national unity.
  - b) Give opinion and advice on the basic issues which the president of the republic sees fit to present to the council.
  - c) Give opinion and advice including drawing up the national strategies of the state in the political, economic, social, military and security fields to achieve its goals at the national level.
  - d) Give opinion and advice on policies, plans and programmes relating to administrative reform, modernising state apparatus, and improving performance.The Consultative Council will also participate with the House of Representatives in joint meetings to ratify legislation, treaties and agreements relating to defence or alliances or truce-making and peace, or amending borders and establishing the economic and social development plans and any matters which the president presents to the joint meeting.
2. The Consultative Council will consist of 111 members appointed by the president of the republic who shall not be members of the House of Representatives or of local councils. The law will define the conditions and duties bestowed

on members of the Consultative Council, except that their age shall be not less than 40 years. It will also define the rights enjoyed by members of the Consultative Council who will take the constitutional oath in the presence of the president of the republic. The Consultative Council will set out its internal rules and procedures, the method of convening its meetings, the means for taking its decisions and the issuance of laws.

3. The president of the republic will convene joint meetings of the House of Representatives and the Consultative Council to discuss and decide the matters put to them. Decisions in the joint meetings will be by a majority of those attending. The law will state the remaining rules relating to the Consultative Council and the joint meetings.

---

### **1994 CONSTITUTION**

**Article (143)** The territory of the Republic of Yemen is divided into administrative units. The law will specify their number, borders and divisions, and the objective criteria on which the administrative divisions are based. The law will also specify the method for nominating, electing and selecting their chairpersons, and define their functions and the functions of the heads of authorities within them.

### **PROPOSED AMENDMENT**

**Article (143)** The territory of the Republic of Yemen is divided into administrative units. The law will specify their number, borders and divisions, and the objective criteria on which the administrative divisions are based. The law will also specify the method for nominating and electing or selecting and appointing their chairpersons, and define their functions and the functions of the heads of authorities within them.

---

### **1994 CONSTITUTION**

**Article (156)** The President of the Republic and the House of Representatives have the right to request an amend one or more articles of the Constitution. The request must mention the articles that require amendment, the reasons and justification for this amendment. If the request was issued by the House of Representatives it must be signed by a third of its members, and in all cases, the House shall discuss the principle of amendment and take a decision only with a majority of its members. If the request is rejected, another request for the amendment of the same articles may not be submitted until the lapse of one year. If the House of Representatives agrees to the principle of the amendment, the House shall discuss the articles which require amendment after a break of two months. If three-quarters of the House agree on the amendment, it shall be presented to the people in a general referendum. If an absolute majority of those who vote are in favour of the amendment, the amendment is considered valid as of the date of announcing the results of the referendum.

### **PROPOSED AMENDMENT**

**Article (156)** The President of the Republic and the House of Representatives have the right to request an amend one or more articles of the Constitution. The request must mention the articles that require amendment, the reasons and justification for this amendment. If the request was issued by the House of Representatives it must be signed by a third of its members, and in all cases, the House shall discuss the principle of amendment and take a decision only with a majority of its members. If the request is rejected, another request for the amendment of the same articles may

not be submitted until the lapse of one year. If the House of Representatives agrees to the principle of the amendment, the House shall discuss the articles which require amendment after a break of two months. If three-quarters of the House agree on the amendment, it shall, in the case of the third, fourth and fifth parts of the constitution, be considered effective. In the case of a requested amendment to an article which is included in the first or second part of the constitution, after approval by three-quarters of the House it shall be presented to the people in a general referendum. If an absolute majority of those who vote are in favour of the amendment, the amendment is considered valid as of the date of announcing the results of the referendum.

---

## **1994 CONSTITUTION**

**Article (158)** The President of the Republic shall be elected for the first time following the approval of constitutional amendment by the House of Representatives. Nomination for the post of the President of the Republic must be by a quarter of the members of the House of Representatives. The one who wins the majority of the members of the House of Representatives is considered the President of the Republic.

## **PROPOSED AMENDMENT**

[This article to be deleted]

---

## **1994 CONSTITUTION**

**Article (159)** The text of the constitutional oath to be sworn by the President of the Republic, his deputy, members of the House of Representatives, the chairman and members of the government, shall be as follows:

"I swear by Allah Almighty the Great to adhere to Qur'an (the Book of God) and his Prophet's Sunnah (Traditions) to faithfully safeguard the Republican system, to respect the Constitution and law, to fully take care of the interests and freedoms of the people, to preserve the unity of the homeland, its independence and the integrity of its territories."

## **PROPOSED AMENDMENT**

**Article (159)** The text of the constitutional oath to be sworn by the President of the Republic, his deputy, members of the House of Representatives, the chairman and members of the government and the chairman and members of the Consultative Council, shall be as follows:

"I swear by Allah Almighty the Great to adhere to Qur'an (the Book of God) and his Prophet's Sunnah (Traditions) to faithfully safeguard the Republican system, to respect the Constitution and law, to fully take care of the interests and freedoms of the people, to preserve the unity of the homeland, its independence and the integrity of its territories."