

حولية نعيم بشؤون الآثار والتراث

المسند

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- أن يكون البحث جديداً ومتميزاً.
- أن لا يكون قد سبق نشره أو مرسلًا للنشر في مجلة أو حولية أخرى، على أن يقدم كاتب البحث تعهداً يؤكد ذلك.
- أن لا تزيد عدد صفحات البحث بما فيها قائمة المصادر والمراجع والصور والأشكال الايضاحية عن 15 صفحة.
- يشار في النص إلى المصادر والمراجع بكتابة الاسم الأخير للمؤلف وسنة النشر ورقم الصفحة أو الصفحات على أن يكون ذلك بين قوسين. ويمكن كتابة الهوامش أسفل الصفحات أو يشار إليها رقمًا داخل النص ويتم إجمالها في نهاية الموضوع.
- ترسل البحوث مطبوعة وتزود باسم الباحث أو الباحثين وعنوانه أو عناوينهم الثابتة بالكامل.
- تقبل المجلة الأبحاث المكتوبة باللغة العربية والانجليزية....
- يقدم مع كل بحث ملخص لا يقل عن 150 كلمة ولا يزيد عن 200 كلمة.
- يقدم البحث من نسختين على أن يكون الأصل منها.
- يرافق البحث الصور والأشكال والخرائط الايضاحية. ترسم الأشكال بالحبر الصيني على ورق (كلك)، أما الصور الفوتوغرافية يجب أن تكون عالية الجودة والمعالم فيها واضحة، على أن تعطى الصور والأشكال أرقاماً متسلسلة.
- يطبع البحث على وجه واحد من الورقة، وتأخذ كل ورقة رقمها الخاص، ويثبت فيها الاسم الأخير للكاتب أو أسماء الكتاب.
- بالنسبة للبحوث والدراسات المقدمة إلى المؤتمرات أو الندوات فيشار إلى ذلك في حاشية البحث.
- يوضع خط تحت المصادر والمراجع والمجلات، أما المقالات والأبحاث فإنها تكتب بين فاصلتين مقلوبتين. مثال: عبدالله، يوسف محمد، 1990. أوراق في تاريخ اليمن وآثاره. بيروت، دار الفكر المعاصر.
- غالب، عبده عثمان، 1995. "نتائج المسح الأثري في منطقة حضور همدان" الاكليل 23: 210-231.
- يرفق البحث بقائمة تحمل ثبثاً كاملاً بالمصادر والمراجع التي تم استخدامها في البحث، مع مراعاة التسلسل الأبجدي في القائمة.
- البحوث التي لا تتوفر فيها شروط النشر لن ينظر فيها.
- لا تعاد المادة غير المنشورة لأصحابها.

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Some Notes on

Two Yemeni Contemporary Documents

Hussein Abdullah al-Amri



This brief article provides some observations on two documents which are of some importance in modern, even contemporary, Yemenite history: the Sacred National Charter (1947-1948) (*al-Miṭāq al-Waṭanī al-Muqaddas*) and the National Charter of 1982.

1. The Sacred National Charter (1947-1948)

The Sacred National Charter (hereafter the SNC) represents the theoretical guidance and first provisional constitution of the Patriotic Movement and the forces of opposition to Imām Yaḥyā Ḥamid al-Dīn (1905-1948) and his autocratic and backward system of government. It also reflects the advanced thinking within the outlook of the existing forms of Arab liberalism represented at that time by the constitutional monarchical systems in Iraq and Egypt, though mirroring Yemen's own particular circumstances.

The text of the SNC with its 39 articles and appendices was crystallized in late 1947 and the beginning of 1948¹ under the guidance and effective contribution of one of the leading lights of the Muslim Brotherhood Movement in Egypt, the Algerian activist al-Wartālānī al-Fuḍayl (d. 1959) as well as that of the leadership of the Movement. Also involved were some of the great thinkers of the Yemen Patriotic Movement, such as Ḥusayn al-Kibsi,² Aḥmad al-Muṭā,² and others. A copy of the SNC, hand-written by the young nationalist and ambitious Sayyid Aḥmad M. al-Shāmī, was dispatched from Ṣan'ā' to al-Zubayrī (d. 1965) and al Nu'mān (d. 1996) in Aden, so that large numbers of copies could be printed and kept there in secret until such time as the revolution was to be declared.³ The revolution had been expected to take place on the demise of the elderly and sick Imām Yaḥyā. It was planned to capture his wily Crown Prince Aḥmad who was in Ta'izz at that time and to declare Sayyid 'Abdallāh b. Aḥmad al-Wazīr² the new imām at the helm of a constitutional government. The details and appendices of the SNC include a list of names of members of the government and other bodies and institutions.

The SNC comprises 39 articles preceded by a brief, but extremely important introduction (*dībājah*). This latter defines the reasons for the deterioration of the situation in the Yemen due to 'the repressive autocracy and egotism that characterized Imām Yaḥyā b. Ḥamid al-Dīn—hence the grounds of legitimacy for opposing him and the duty to change the existing state of affairs—discharging that duty towards God and the Muslims.'

The introduction concludes by issuing a call unprecedented in the modern and contemporary history of the Yemen to 'the representatives of the Yemeni people to convene a conference dedicated to the task of examining the components of a legally sound system and the designation of a leader whose charge would be to implement it as well as to control law and order and to safeguard the interests of the nation. He was also to dispense with both the religious and earthly duties towards the Yemen on the death of the present Imām.'

The first article stipulates that 'the investiture of His Highness al-Sayyid ... as a legal *ṣūrawī* and constitutional imām in accordance with the path chosen by the most advanced nations in today's civilized world, provided that it does not in any way contradict the tolerant and correct teaching of Islam.'

The second article specifies the conditions attached by the people's representatives to the nominated imam as well as defining the limits of his constitutional powers. The third article defines the system of government as *ṣūrawī*, constitutional and one which should not breach the Shari'ah. The subsequent articles deal with the draft of a constitution for the country to be presented to a constituent assembly for its endorsement. This was to be followed by the formation of a provisional Consultative Council (*Ṣūrā*) consisting of 70 members, including members of the Council of Ministers and others. 'This was because it was not possible to recall the constituent assembly which was assigned the task of formulating a constitution and setting out permanent responsibilities.' The SNC determines the responsibilities of the Government and *Ṣūrā* for the interim period until the election of a Council of Deputies or *Ṣūrā*.

The SNC touches on the issues of civil liberties, stressing 'the sanctity of human life, equality, private property, dignity of the individual, freedom of speech and assembly.' It dwells on the need to modernize public administration, the army, the police, and setting up assemblies for the prefectures and municipalities, with special emphasis placed on education, public health, transportation, agriculture and combating poverty, ignorance and disease as well as action 'to revive agriculture as the foundation of economic life in Yemen.'

Finally, the SNC highlights the importance of bolstering ties with the Arab League and the Arab States as well as opening up to the outside world through 'the appointment of political representatives (ambassadors) in the sister Arab States ..., initiating contacts with the civilized world by means of diplomatic and consular relations, so as to serve the high national interests of the Yemen and to cooperate in the lofty task of bringing happiness to all mankind.'

As for the appendices of the SNC, they comprise four, the first of which provided for the appointment of al-Wartālānī al-Fuḍayl as general advisor to the State. The second opens the door for 'any member of Imām Yaḥyā's family who demonstrates his willingness to accept the wish of the nation embodied in this Charter, and shows commitment to its contents, to be treated in the same way as any other citizen'. The third provides for the appointment of Qāḍī 'Abdallāh Ḥusayn al-'Amrī as Minister of State. The final appendix directs that 'full care should be given to all patriots and freedom fighters for the sacrifice they have made in the service of the people.'

The appendices are followed by four lists containing members of the Council of Ministers headed by al-Ṣayyid 'Alī b. 'Abdallāh al-Wazr² as well as names of the directors of government departments, followed by members of the Consultative *Ṣūrā* under the chairmanship of Amir Ibrāhīm b. Yaḥyā Ḥamīd al-Dīn (Sayf al-Ḥaqq). Finally comes the list of the senior officials including the governors and princes of the prefectures, and at the top of this list is the name of Qāḍī 'Abdallāh al-'Amrī, the Minister of State.

The SNC and its appendices could not be kept secret as the liberals and the leadership of the patriotic Movement had hoped, as news and documents were leaked to Crown Prince Aḥmad who was in Ta'izz and thence to his father. Therefore, rather than waiting for the death of Imām Yaḥyā, they felt it necessary to hasten his elimination despite the immense risks involved. Indeed 'the assassination of the Imām was about to be postponed when it was found that

'Abdallāh al-'Amrī had been travelling with the Imām, as it was felt the Revolution had to seek the assistance of al-'Amrī for his abilities and experience.' The assassination took place on 18th February, 1948, opening the way for the revolution of the constitutionalists and their SNC.

The revolution was destined to last three weeks, when the Crown Prince was able to abort it and execute its leaders, as well as throwing many of them into the ghastly Hajjah prison. However, the SNC remained a landmark guiding the Patriotic Movement and one of its historical documents which cannot be properly studied and appraised outside the context of the objective conditions prevalent in the Yemen at a time of her appalling isolation from the rest of the world. Under those dreadful conditions the SNC represented a qualitative leap towards rescuing the Yemen from those conditions, so as to take its rightful place in the community of civilized nations.

2. The National Charter of 1982

The inception and circumstances of the NC were as follows. Since the 1962 revolution in the North and the independence of the South in 1967, the Yemen passed through difficult periods of strife and instability. Since we speak of the NC, I shall confine myself to dealing briefly with two aspects of it as follows:

- 1) The necessity and circumstances that called for the formulation of this document;
- 2) It took about four years to prepare the NC which was later put to a national referendum. Having obtained popular consent, it became a national covenant in 1982.

The latter part of the 1970s was marked by upheavals in the North, where two presidents had been assassinated within a period of less than eight months in 1977-1978. Similar events were taking place in the South where the head of state Salīm Rubayyī 'Alī was executed. The North found itself facing a tidal wave of extremism and it became an arena for the infiltration of revolutionary Marxist ideas from the South. These troubles led to a brief armed conflict between the North and the South in the spring of 1979 which ended with a summit meeting in Kuwait in April, where a renewed call was issued for the unification of the two parts of the country as the only way out of wars and conflicts in the future.

The climate of the Yemen, however, was conducive to the spread of extremism, and the various views of the Islamic right and the Marxist-Leninist left. Since the permanent constitution of the North, which was a rather liberal document formulated in 1970, banned

political parties, it was necessary to find a compromise between various tendencies within a framework of a national document based on consensus. Thus a committee was established to promote national dialogue. It was composed of more than 50 politicians and intellectuals representing varying trends and opinions. The committee carried out its work from late 1979 until August 1982.

What then, is the NC? The answer to that question is as follows: 'The National covenant is not the creation of a group or party, nor the will of an individual or a single authority, but it is the thought of our people and their aspiration. Thus, it was directly formulated by them. This is what induces all to rally around it because it is the theory for a national course of action binding upon all our people and upon the state and its officials so that its values may materialize both as objectives and in actual conduct.'

After the introduction, the NC is divided into five parts:

- 1) Islam and the Faith and the Shari'ah;
- 2) Man and the Homeland;
- 3) Administration, Social Justice, Economic Development, Education and Culture;
- 4) National Defence;
- 5) Foreign Policy.

In conclusion the NC explains itself as follows.

The ... includes the most important principles and fundamentals which unite all factions of the people and which bind the popular base with the leadership under the auspices of a democratic republican system based on:

- unrestricted belief in the faith of Islam as a way of life, a system and a code of conduct.
- democracy in government represented by constitutional institutions and by the guarantee of total freedom for the people and for the homeland.
- social justice which guarantees the organization of social relations, equal opportunity and social security for every citizen.
- national loyalty, which is associated with loyalty to God, and by which we can preserve the sovereignty and independence of the homeland and prepare the way for the achievement of Yemeni unity, land, people and government.
- enabling the state and the people to implement development plans and to develop life in all fields.

- the completion of the formation and organization of the armed forces and the security forces for defence of the homeland and for the protection security and safety of the citizen and of society.

- the consolidation of bases of political stability, internally and externally.

If understanding and conviction on our part of what this covenant has provided is of importance, then defending its objectives and following its directives is even more important and more necessary to be upheld by all factions of the people with the aim of the success of the progress of social and economic prosperity and political stability under the auspices of true national unity which is considered the basis of insuring every honest patriotic activity and for the success of any plan which is drawn up. Without that, we shall not achieve any of our legitimate aspirations in this life.

If this covenant forms the intellectual framework for our course, then the work programs must not depart from this framework, no matter how different their methods of application are. For the movement of popular and governmental activities within this intellectual framework makes the movement constructive, which shall rid us of divisiveness and the consequences of unpatriotic affiliation and the ills of individual interpretation and profiting groupings, and makes creative, peaceful competition under democratic practices an alternative to destructive conflicts.

Let us then move forward, united and co-operating towards a prosperous and honest future, relying—after God—on ourselves and on our unity and our own capabilities so that we may achieve all our aspirations and ambitions.

The NC has become the intellectual and political framework which guides the General Peoples Congress Party in its political action and policy formulation.

Notes and References

- 1- *al-Mawsū'ah al-Yamaniyyah* (Şan'ā', 1992), II, 941-43.
- 2- Executed after the failure of the revolution.
- 3- 'Abdallāh al-Shamāhi, *al-Yaman al-insān wa-al-ḥaqārah*. 270, 257, 209; Aḥmad al-Shāmī, *Riyāḥ al-taghyir fī al-Yaman*.

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G. REX SMITH
J. R. SMART
B. R. PRIDHAM

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