

# TWENTIETH CENTURY CONFLICT IN THE FOURTEENTH CENTURY: INTERVENTION IN YEMEN

MARK ROBERTSON

*Egyptian military intervention in North Yemen from 1962 to 1967 illustrates the selective and often creative application of codified international law (United Nations Charter, General Assembly Resolutions, Treaties, and Conventions) to justify political and military actions. Egypt initially justified its military intervention on the basis of bilateral defense agreements. Mark Robertson explains, however, how the Egyptians quickly abandoned this rationale in favor of inchoate principles of Arab unity, carefully legitimizing its "ethnic intervention" with explicit references to primary international legal norms. He concludes that Egyptian intervention in Yemen remains a precedent on the use and non-use of international law and on the legitimacy of ethnic intervention.*

The validity of the legal formulation which Egypt presented as a defense of military actions will be examined in a historical account of the Yemeni Revolution of 1962. Particular focus will be on the political background of the intervention, the participation of both Egypt and Saudi Arabia, and the developing ideology of Pan-Arabism. Bilateral defense, or intervention by invitation, has been heavily criticized in the more recent cases of Afghanistan and Vietnam as a convenient excuse for self-seeking policies. Nonetheless, the fact that it is repeatedly cited by intervening governments suggests the growing international acceptance of this state practice. Ethnic intervention to help a family member, the new international legal claim proposed by Egypt, has been rarely utilized since Yemen. Such intervention, arguably, has become a more acceptable justification for military action because it contributed to limiting criticism of Egyptian involvement. This was due perhaps to Yemen's isolation, the international disinterest in Yemeni affairs, and the preoccupation of other states with confining the Saudi-Egyptian conflict. Although appeals to the ethnic norm would be undoubtedly less effective in conflicts of greater interest to the major powers, the international legal community should be alert to its further uses and willing to condemn such appeals.

## HISTORICAL BACKGROUND

Until 1962, the Yemen Arab Republic (YAR) was ruled by a king who combined political, military, and religious power to an extent the modern world can barely imagine. This king, the Imam, was considered a direct

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descendant of the prophet Mohammed, founder of Islam. Indeed, Yemen was the first country outside of what is now Saudi Arabia to convert to Islam, which was introduced into the country by Mohammed's own family. The Imam was paranoid and xenophobic. He did not want his rule disrupted by foreigners, their ideas, or their products. His power was such that he was able to quarantine Yemen completely.<sup>1</sup>

The Imam correctly perceived that change threatened his authority; however, the modernizing world was still caught up with the fearful Imam when his frustrated military officers revolted in 1962.<sup>2</sup> There were many previous coup attempts. The Imam's father had been shot and wounded many times, and his grandfather was killed in one. But events in 1962 were significantly different because of the presence of an overwhelming foreign military force that contributed to the planning and execution of the coup.<sup>3</sup> The September 26, 1962 coup in Yemen was the first armed intervention by one Arab state in another, involving two of the major regional powers: Saudi Arabia and Egypt.<sup>4</sup>

The hard-fought revolution dragged on for five years, dividing the country. Republicans in the cities supported the military, who, in turn, were supported by more than 80,000 Egyptian troops. Republicans were political opponents of the Imam, who, inspired by Nasser, supported a republic over a religious kingdom. Royalists, on the other hand, supported the old order of religious kings. Royalist tribes in the hills supported the Imam with money and arms provided by Saudi Arabia, itself perennially afraid of anti-monarchic revolution. It became a war between the traditionalist tribesmen who are still powerful in much of Yemen, and the combined Egyptian and Yemeni armies.

The tribes, known for their ferocity and tenacity, were independent and available to the highest bidder. They defended their own lands, but were not concerned with national events, although they acknowledged some allegiance to the Imam as the head of Zaydi Islam.<sup>5</sup> Zayd was the grandson of Ali, who was the brother-in-law of Mohammed.

Zaydism was adopted by the Sayyids of Yemen, descendants of Mohammed and rulers of Yemen for much of its Muslim history. The northern tribes and the royal family were Sayyid, Shiite Zaydis, while many of the Republicans were Sunni Shafeis from the southern areas. But a few of the leaders, including Republican President Sallal, were also Zaydis. This seeming arrogation of Republican leadership by Zaydis caused a major split in Republican ranks

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1. Otherwise unfootnoted arguments reflect the author's experience as a US Foreign Service Officer, assigned to the Yemen Arab Republic from 1983-1985.

2. Saeed M. Badeeb, *The Saudi-Egyptian Conflict Over North Yemen, 1962-1970* (Boulder: Westview Press, 1986), 20-22.

3. For information on purported Egyptian complicity in the coup, see: Ali Abdel Rahman Rahmy, *The Egyptian Policy in the Arab World: Intervention in Yemen 1962-1970* (Washington, D.C.: University Press of America, 1983); Peter Somerville-Large, *Tribes and Tribulations: A Journey in Republican Yemen* (London: Trinity Press, 1967); Dana Adams Schmidt, *Yemen: The Unknown War* (New York: Holt, Rhinehart & Winston, 1968); and Robin Bidwell, *The Two Yemens* (Boulder: Westview Press, 1983).

4. Rahmy, 113.

5. Somerville-Large, 99.

during the war and led to subsequent proposals of partition into Zaydi and Shafei states.

The internal conflict was aggravated seriously by what was called the "Arab Cold War," which set Arab socialists and nationalists against Arab monarchies. The Yemeni conflict became, in part, an inter-Arab war, not a civil war. The battles soon cast Yemenis against Egyptians, although many who fought the Egyptians shared their Saudi supporters' distaste for the repressive Shiite regime of the Imam.<sup>6</sup> Among these Yemenis were nominal Royalists who fought primarily to settle old feuds with modern weapons or to open Yemen to the modern world. But irritation with the Egyptian presence gathered all Royalists under the banner of anti-imperialism.

The war in Yemen was a watershed in relations among the states of the region because it brought radical-conservative antagonisms onto the battlefield and settled them without direct conflict. It became "a proxy war for the future political orientation of Yemen and even for the soul of the Arab world."<sup>7</sup>

International reaction to the coup and the war was mixed. Besides Egypt and Saudi Arabia, which took sides almost immediately, most states were cautious. One of the problems was that few understood Yemen. Prior to the coup, the Royalist government had exchanged few embassies, limiting its diplomatic relations to the Middle East, the United States, Great Britain,

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West Germany, Czechoslovakia, and the Soviet Union.<sup>8</sup> Of this handful of foreign diplomats with experience in Yemen, fewer still were able to acquire accurate information about the new regime. In 1963, the largest foreign contingent was a group of American engineers in Taiz, the old Imamic capital. They built the first road connection to Sanaa, the new Republican capital more than twelve hours away. Only the Arab embassies were permitted to move to Sanaa after the coup, as the vulnerable new government foresaw the danger of conniving diplomats.<sup>9</sup> Isolation in Taiz, as well as distance from the government and from the main battles, drastically limited the diplomats'

6. Ibid., 103-105.

7. Ibid., 5-6.

8. Ibid., 47.

9. Ibid., 159.

understanding of events and probably led to overestimation of Republican support and underestimation of the extent of Egyptian control.<sup>10</sup> Taiz, as the capital of the old Imam Ahmad, had felt his cruelty much more than the northern cities and, thus, strongly favored the Republic. The patriotism was much more intense than in other areas and included more discussion of the joys of Arab Unity than was common in Yemen. Portraits of Egyptian President Nasser and the new Yemeni President Sallal were displayed together, beside those of Saudi King Saud and Jordanian King Hussein, who were denounced as enemies of the revolution.

The surprisingly high level of support for the Republic in Taiz undoubtedly skewed decisions on recognition. Many embassies reported that the Republicans seemed completely in control of the countryside around Taiz, when in fact the only areas controlled consistently by the Sanaa government throughout the war were the capital and the road to the seaport at Hodeidah.<sup>11</sup> However, control of the countryside, one possible requirement for recognition in belligerencies, still was not and never has been completely attained by any Yemeni government, including the current regime.

Several legal norms were cited in the conflict — Egypt was especially fond of innovative legal proclamations — but legal debates were limited to unilateral statements. The real mediation efforts and conferences carefully avoided discussion of legal claims. No party wanted to defend its most unusual claims before a critical audience or to challenge its opponent's rhetoric directly. This led to what could be described as an "unwinnable ideological war,"<sup>12</sup> and, indeed, nobody won. The double intervention by Egypt and Saudi Arabia ended when the Saudis and Egyptians called a halt to their support so they could turn to fight the Israelis in what the Arabs considered Holy Palestine. The Republican military was left in control of the three major cities, Sanaa, Taiz, and Hodeidah. The Royalist tribes dominated much of the rest of the country.

The history of Yemen since the 1967 Egyptian pull-out has been one of steady attempts by the military-dominated central government to dominate the countryside. They have found it tough going. The hundreds of tribes are now heavily armed with millions of automatic weapons, sidearms, rockets, mines, artillery, reportedly even tanks and airplanes. The government has managed to expand its tenuous control slowly by continuing to modernize the military and by co-opting tribal leaders, often through cash subsidies, to avert open warfare.

Much of the country is still dominated by local sheikhs, however, and government leaders are too preoccupied with survival to do much more than implement a few major projects. To illustrate the difficulties of anarchy, one might consider that in Yemen, with a population of about 6 million people, there are an estimated 20 million automatic rifles, overwhelmingly in private

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10. *Ibid.*, 26.

11. *Ibid.*, 64.

12. Rahmy, 108.

hands. Every Yemeni has a few weapons, mostly Russian AK-47s Kalashnikov automatic rifles. Also, they often have hand grenades, land mines, even rocket-propelled grenades in their homes, and are very familiar with their use. The current leadership is progressive and democratic, but faces a combative legacy.

#### FIRST EGYPTIAN JUSTIFICATION: COUNTERINTERVENTION

Egypt first legitimized its military intervention in Yemen as counterintervention. Since foreign intervention on the part of Saudi Arabia was taken for granted, Egyptian counterintervention was legally justified. In fact, by September 28, 1962 there was no organized opposition to the coup, much less foreign intervention. On the other hand, Egypt reportedly inspired more than eighty of the 200-man officer corps in the Imam's army to form the Nasserist Free Officers Movement and promised them Egyptian support before they attempted the coup.<sup>13</sup> Not satisfied with this, Egypt actually informed the new Imam, al Badr, of an impending coup and then informed the officers of al Badr's knowledge. Within two days of broadcasting congratulations to al Badr on his ascent to the imamate, Radio Cairo called for his overthrow.<sup>14</sup>

Egypt recognized the new government in Yemen on September 28, 1962, the first full day after the coup, and announced its opposition to foreign intervention in Yemeni affairs. Its ally, the Soviet Union, also seemed to have prepared for the military overthrow before it happened. It recognized the Republicans simultaneously with Egypt.<sup>15</sup> Both recognition statements were cautiously phrased, given the uncertainty of developments.<sup>16</sup>

Furthermore, there were unconfirmed reports of Egyptian aircraft disgorging soldiers during the first hours of the coup. Egyptian officers repaired and started the tanks used in the coup. By September 29, the arrival of Egyptian planes was confirmed.<sup>17</sup>

The first sign of any opposition occurred only on October 5 when Royalist Radio began broadcasting from Saudi territory.<sup>18</sup> The broadcasts reported that the Imam was dead and that members of the royal family were in Saudi Arabia. Furthermore, there is no evidence of organized opposition until Imam al Badr reached Saudi Arabia on October 8 and began consulting with Saudi and Yemeni leaders. On the same day, there were reports of arms being delivered to Royalists through Beihan in British territory and through the Saudi border. This is the first confirmed date of outside military support for the Royalists, which the Egyptians claimed to be intervention.

Egyptian warships had unloaded tanks in Hodeidah harbor by October 8, in support of Egyptian armor, which was already being used in combat north of Sanaa. Considering the sailing times of ships, these weapons must have

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13. Bidwell, 169.

14. Ibid.

15. Ibid., 197.

16. See Cables, in Rahmy, *Egyptian Policy*, Annexes 6 and 7.

17. Bidwell, 196.

18. Ibid, 198.

departed from Egypt well before the coup occurred, possibly while the Egyptian government was still congratulating the new and soon-to-be-deposed Imam al Badr. By October 11, Russian-piloted Egyptian bombers flying from Egyptian bases had been shot down in bombing raids inside Saudi Arabia.<sup>19</sup>

The sequence of events proves that Egypt assisted in the overthrow of the Yemeni regime, a regime it had recognized days earlier. Many historians will agree with the Royalist ambassador to the United Nations, who informed that body on December 20, that the invasion was a prearranged Egyptian bridgehead on the Arabian Peninsula.<sup>20</sup>

Saudi Arabia, the other alleged intervenor in Yemen, was publicly silent about the developments in Yemen until October 10, two days after it gave the Imam refuge and two weeks after the coup. The date is legally relevant because Egypt alleged it was responding to Saudi intervention. The Saudi government commented simply that the Imam had appealed to it for a fulfillment of its obligations under the Tripartite Agreement between Yemen, Egypt, and Saudi Arabia.<sup>21</sup>

Prince Fahd of Saudi Arabia had gone to Yemen to congratulate al Badr on his accession to the throne on September 19, and to reaffirm Saudi ties established by the 1934 Taif Treaty and the 1956 Jeddah Military Pact. Less than one week later, al Badr was ousted by the coup. Although the Saudis were not great supporters of the Yemeni Imamate, they could not flatly refuse a request for help under treaties they had reaffirmed days earlier. Saudi Arabia never claimed any right to intervene in Yemen and never invoked possible treaty rights. Many Saudis felt no obligation at all to the traditional Imams of Yemen; others wished at all costs to avoid antagonizing the radical and powerful Egyptians. The Kingdom temporized with financial and equipment grants and refused to act on the request for self-defense under the treaties. It noted that no Saudi military forces fought in Yemen or against Yemenis and Egyptians. The minimal measures taken by the Saudi Kingdom were intended to assist the Yemeni people in their drive for self-determination, and were justified by Saudi's right to self-defense.

The explicit threats and actions of the intervening Egyptians and the new regime did threaten Saudi security.<sup>22</sup> The Kingdom had always considered Yemen vital to its security, given the geostrategic location of Yemen and the fact that it is the most densely populated and poorest country on the peninsula. King Faisal commented in 1963:

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19. For further information on the Egyptian bombing, see Rahmy, 137, David Smiley, *Arabian Assignment* (London: Leo Cooper, 1975), 122, 150-52, 218, and 228, and Carl von Horn, *Soldiering for Peace* (New York: David McKay Company, 1967), 344-56. Major General von Horn was the commander of the United Nations Yemen Observation Mission. He quit UN service in disgust at the organization's refusal to consider reports of Egyptian bombing, including the use of poison gas against civilians. Saudi Arabia repeatedly protested these hostilities to the United Nations, but was unable to move a pro-Egyptian General Assembly to action. Also see Rahmy, 136, on explicit Egyptian threats to Saudi Arabia.

20. Badeeb, Chapter 1.

21. Rahmy, 139.

22. Badeeb, 46-49.

Egypt's rulers declared that they had sent their expeditions to fight in Yemen to destroy our country and capture it. We were, therefore, driven into a position where we had no alternative but to defend ourselves. Every state and every country in the world is entitled to self-defense.<sup>23</sup>

Both Republicans and Egyptians did make numerous public threats against Saudi Arabia and its leaders, often indicating their intent to invade the Kingdom and overthrow the monarchy.<sup>24</sup> Several Saudi border towns were bombed repeatedly during the course of the war, arms were dropped inside Saudi Arabia, and Egyptian and Yemeni saboteurs and assassins were arrested at different times inside Saudi territory.

Egyptian and Republican allegations that the Saudis began supplying the Imam with money, weapons, and military training immediately after the coup are not supported by the facts.<sup>25</sup> Saudi Arabia disclaimed any intent to fight the new Yemeni government until April 1, 1963, when the combined Yemeni and Egyptian actions forced the Kingdom to act in self-defense. Until then, Saudi Arabia asserted that it did not allow Yemeni military forces to operate from its territory and that it did not render financial assistance to the Royalists. Before April, the Saudi government had limited itself to moral support for the Yemeni Royal family, including the Imam. Even the moral support was restricted, since historically the Saudi family had little sympathy for the Imams of Yemen. King Faisal reiterated this fact to Nasser at the 1967 Khartoum meeting: "Dear Gamal, the family of Hamid al-Din has been my enemy for forty years, not just a few years."<sup>26</sup>

Throughout the war Saudi Arabia was characteristically restrained in its rhetoric. The Kingdom cited no new legal norms and declined to comment on Nasser's attempts at Pan-Arabist justification. At the end of the Egyptian-Saudi conflict over Yemen, the joint communiqués issued at the Khartoum Summit in 1967 reflected this Saudi mildness.<sup>27</sup>

## SECOND JUSTIFICATION: PREEMPTIVE INTERVENTION

Initially, Egyptian legal justifications for intervention merely cited assistance to a threatened government, based on their bilateral treaty.<sup>28</sup> After it established a bridgehead in Yemen and realized that defeating the Royalists and securing the Republican government would entail significant fighting, Egypt refined its justifications. On November 11, 1962, Nasser's political

23. *Ibid.*, 50.

24. *Ibid.*, 52-53.

25. Rahmy, 136.

26. Quoted in Badeeb, 54.

27. The Royalists confirmed the limited role played by Saudi Arabia in Yemen. According to H. M. Imam Mohammed al Badr: "There was no intervention by the Kingdom of Saudi Arabia in Yemen's affairs. . . . The Egyptian intervention took place against the Yemeni people . . .", *Ibid.*, 115-122.

28. See Rahmy, Annex VI.

advisor, Mohammed Heikal, said, "We did not go to Yemen to start a war but to prevent a conflict."<sup>29</sup> The Egyptian elite did not expect a war, so Heikal's assertion of peacemaking through military threats could be accepted at home as accurate.

In legal terms this was merely an assertion of bilateral defensive assistance, which is widely recognized as a sovereign right. In December 1962, Egypt explicitly legitimized its decision to send troops on the basis of Article Two of the Tripartite Jeddah Pact of 1956. This claim, however, was invalid, because while the article's collective defense provisions required assent from all three parties, Saudi Arabia did not agree to Egyptian intervention.<sup>30</sup>

As the fighting in Yemen grew more difficult and Egyptian bombing of Saudi Arabia failed to dissuade the Kingdom from supporting the Royalists with supplies and funds, Egypt recognized the need for more elaborate justifications. Thus, it cited its obligations under the Jeddah Pact as a justification for pre-emptive intervention. While superficially providing sufficient legitimacy for the role of the Egyptian military, this justification was later questioned as knowledge of the real circumstances and timing of the coup spread from isolated Yemen.<sup>31</sup> Specifically, many questioned Egyptian complicity in the coup itself, given the absence of the other intervention forces which Egypt had claimed threatened the new regime. Also, the alleged Egyptian counter-intervention seemed disproportionately large, diminishing the reasonableness of bilateral assistance arguments.<sup>32</sup>

### THIRD JUSTIFICATION: PAN-ARABIST LEGAL NORMS

#### *Concept of Pan-Arabism*

Islamic law does contain passages relevant to intervention, including the right of one state to preserve the Islamic character of another state and to convert non-Muslim states.<sup>33</sup> But neither of these justifications was used by Egypt, and Islamic law was not Nasser's preferred ideological vehicle. Nasser's primary justifications for intervention were found in the political ideas of Arab Socialism and the socio-cultural basis of Pan-Arabism, both of which were spread around the Middle East by skillful Egyptian propagandists.

In December 1962, Nasser placed "Revolutionary Egypt shoulder-to-shoulder with Revolutionary Yemen" in what was claimed to be "the struggle to secure progress and modernization in the Arab World." Nasser appointed himself the guardian of the area's revolutionary struggle with the right to intervene to change the structures of the reactionary governments in accordance with the charter of the United Arab Republic (UAR).

29. Egyptian newspaper *al-Ahram*, 11/16/62, quoted in Rahmy, 98.

30. Rahmy, 102.

31. Kathryn B. Doherty, "Rhetoric and Reality: A Study of Contemporary Official Egyptian Attitudes toward the International Legal Order," *American Journal of International Law* 62 (April 1968): 353.

32. *Ibid.*, 355.

33. See Majid Khadduri, ed., *Major Middle Eastern Problems in International Law* (Washington, D.C.: American Enterprise Institute, 1972).

This idea of Arab Unity, a prominent part of Nasserist ideology, sought to rebuild the Arab Nation to its peak as it existed at the height of the Ottoman and Umayyad empires. All Arabic speakers, believers in Islam, and adherents to Arabic culture were to be included in this irredentist policy. Even though its national borders were nebulous, the establishment of a united Arab state was a clearly articulated part of Nasser's political agenda:

Listen to me: I have an exact knowledge of the frontiers of the Arab nation. I do not place it in the future for I think and act as though it already existed. These frontiers end where my propaganda no longer arouses an echo. Beyond this point something else begins, a foreign world which does not concern me.<sup>34</sup>

This agenda provided a ready-made justification for military action. If his words found an "echo," the area was within the frontiers of the United Arab state that already existed, and Nasser would act accordingly.

#### *Development of Pan-Arabism To Justify Intervention*

Nasser's adoption of Pan-Arabist philosophy as governmental policy was a new development in the history of the idea. The use of this ideal accelerated the struggle between the forces of radical revolution led by Egypt and the forces of conservatism led by the Saudis.<sup>35</sup> In 1962, the year of the coup, Egyptian militancy increased, and was focused particularly against Yemen. Cairo Radio's "Voice of the Arabs" regularly denounced the Imam and called for his ouster, speaking on behalf of the oppressed Yemeni people. Political difficulties between Egypt and the new Syrian regime, as well as the Jordanian and Saudi monarchies, who were fearful of Nasser's growing appeal, also surfaced at this time.<sup>36</sup>

These regional difficulties motivated Nasser to focus more intensely on a *coup d'état* in Yemen. There, his efforts and doctrines met with great success. The first statement by the Yemeni Revolutionary Council, on September 26, 1962, the day of the coup, was filled with passionate Nasserist, Pan-Arabist phrases. The new regime did not promise Yemeni nationalism, but socialist Arabic unity: it was "an Arab Nationalist revolution"; "The Arab revolution is everywhere"; "The Arab Yemeni Revolution believes in Arab unity, in Arab nationalism and in the Arab nation." Nowhere did the military leaders of the coup proclaim "Long live the Yemeni Arab nation!" In Nasserist terms, that would have been reactionary chauvinism, and the Yemeni military officers were overwhelmingly Nasserist.<sup>37</sup>

The promise of Arab unity was reaffirmed two days after the coup, when the new government said it was "participating in building the edifice of the united Arab nation."<sup>38</sup> Nasser replied the same day:

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34. Badeeb, 47.

35. Rahmy, 31.

36. *Ibid.*, 65-69.

37. *Ibid.*, Annex V, 285.

38. *Ibid.*, Annex VI.

[T]his age is the age of peoples alone, in which they are the molders of their own destiny and will realize by their own free will all their aspirations. God Almighty has created all men free and equal in their opportunities and before justice . . . We do not doubt that the free people of Yemen are capable of participating in the major battles of the Arab nation for decent life and invincible security.<sup>39</sup>

One week later, Egypt was committed to the coup and Egyptian troops had taken up positions in Yemen. Nasser began buttressing his legal claim for a right to intervene by an exchange of cables with Yemeni leader Sallal. Sanaa formally notified Cairo of the decision by the government of the Arab Republic of Yemen (ARY) to respect the Jeddah Pact between the ARY and the UAR. Nasser replied on October 4, 1962:

I wish to reassure you that the United Arab Republic is pledged to live up to every pact it has concluded, and moreover, emphasize that the UAR put the Jeddah Pact into effect at the very moment it received news of the Yemeni people's revolution. However, I would like you to have confidence that the inevitable solidarity of the peoples of the Arab nation, which emanates from their common struggle and destiny, is the strongest and most lasting of all pacts.<sup>40</sup>

Nasser was moving to a higher norm, preparing for challenges to the idea that the Egyptian intervention was not justified by the Jeddah Pact alone. Nasser's people-to-people remark was based on the Egyptian concept of Pan-Arabism. As Nasser's close adviser, Mohammed Heikal, said in December 1962:

As a state, Egypt deals with all Arab governments whatever their forms or systems; as a revolution, Egypt should deal only with people . . . This does not imply interference on our part in the affairs of others, since the fundamental premise of our struggle is that the Arab people are a single nation.<sup>41</sup>

Yemeni President Sallal responded by dropping references to specific treaty clauses. Less than a week after this exchange of cables he stated in an interview with the Cairo-based Middle East News Agency that the goal of the Revolution was: "To establish an Arab Republic of Yemen which will be an inseparable part of the Greater Arab Fatherland." Sallal was apparently not quite so forthright with the objects of his glorious movement, the Yemeni people themselves. In the Constitutional Proclamation by the Revolution Command Council of the Yemeni Arab Republic<sup>42</sup> — an internal document aimed at

39. *Ibid.*, Annex VII.

40. See cable from Brigadier Abdullah al-Sallal, Prime Minister and Commander in Chief of the Army of the Republic of Yemen to Nasser on October 3, 1962. Rahmy, Annex VII, 289-290.

41. *Ibid.*, 166.

42. *Ibid.*, Annex VIII, 291; Annex XI, 301-302.

Yemenis, not the outside world — there is no mention anywhere of the Unity and Pan-Arab goals that feature so prominently in most other documents.

*Response of Saudi Arabia To Egypt's Pan-Arabism*

Saudi Arabia used mild rhetoric in relation to the Yemeni coup compared to Egypt's revolutionary statements. Perhaps the closest that Saudi Arabia came to public recognition of Pan-Arabist doctrines was in Crown Prince Faisal's November 6, 1962 reform announcement following the formation of a new Saudi government on October 31:

The prime characteristic of this glorious Islamic nation is that it is the best nation ever known to promote good and shun evil. Shari'a has demonstrated the virtue of keeping to Islam's noble mission as well as the virtue of those who carry it out. Shari'a has made it incumbent upon them to direct others to the path of God gently and through good counsel, and to do their utmost to fill the hearts of people with love, good and righteousness.<sup>43</sup>

Faisal recognized an Arab duty to guide people on the correct paths just as Nasser did, but the Saudi philosophy was pacifistic rather than interventionist. The Saudis also outdid Nasser by appealing to a more widespread norm than Pan-Arabism: Islam.

Pan-Arabism implicitly retains one of the primary characteristics of Pan-Islamic thinking, the division of the world into two segments: Islamic, or dar il Islam; and the world of war, or dar il harb. A major philosophical source of Pan-Arabism is an Islam which divides the world into faith and war. The choice between faith and war is not one which Nasser wanted to make or to impose on others, yet most Muslims saw this choice as an inherent part of his rhetoric. With these theological foundations, Pan-Arabism was subject to religious attacks such as those of Faisal, or even to religious intensification of the policy. For Nasser to adopt the policy was to crack open the tightly closed door of fundamentalism inimical to his regime.<sup>44</sup>

Despite the problems in Yemen, however, the Saudi rulers had no real desire to embarrass or antagonize Nasser. The Saudis, therefore, made circumspect legal presentations with frequent references to Arab unity, although they replaced radicalism with fraternity.

A speech by Mr. Pharaon, Saudi Arabian representative to the United Nations, demonstrates this approach:

The United Nations has justified its existence and shown the value of its work on various occasions of international conflict . . . recently in Yemen. The conflict in Yemen is one between brothers, and it should be settled, as Saudi Arabia has suggested from the

43. Rahmy, Annex X, 295-300.

44. Nadav Safran, *Egypt in Search of Political Community* (Cambridge, Mass.: Harvard University Press, 1961), 265. This analysis was published before the intervention in Yemen by a respected secular Egyptian sympathetic to Nasser's regime.

outset, in accordance with the aspirations and desires of the Yemeni people, for my country is convinced that ultimately it is they who will decide their own future. In view of the traditional friendly relations and spiritual ties between the Yemeni and Saudi Arabian peoples, my Government, which has sincerely collaborated with the United Nations, is prepared to give its honest and loyal support to any effort designed to produce a peaceful, just and equitable solution to this problem. We are sure that the efforts made by the Secretary General of the United Nations will help to put an end to this conflict and to similar conflicts which might threaten peace in different parts of the world.<sup>45</sup>

Saudi eagerness to avoid major conflict was shown in its agreement to President Kennedy's disengagement proposals in April 1963, and by its co-financing with Egypt of the United Nations Observation Mission to Yemen (UNYOM). The Saudis praised the disengagement and claimed to have stopped aid to the Royalists in accordance with the agreement, but the pact proved short-lived. Talks were renewed at the Alexandria Arab Summit Conference in September 1964, at which time Faisal said after meeting Nasser, "I believe the problem of Yemen to be something accidental . . . and complete accord was reached regarding it, which would guarantee prosperity and freedom for the people of Yemen."<sup>46</sup> Faisal avoided presentation of the Imam's case, clearly preferring peace over reinstatement of the monarchy in Yemen. Faisal presented a fuller explanation of the Saudi position after another meeting with Nasser in Jeddah in September 1965. "We do not support the Imam's return and are not on Sallal's side either. Frankly we back the people of Yemen and we want them, and no one else to determine their destiny."<sup>47</sup>

#### *Is Military Intervention Justified by Pan-Arabism?*

Nasser cited the Pan-Arabist rationale for intervention in a speech shortly after the coup. In his view, Egypt's support was invited by the revolutionary government, not solely to support Sallal's government, but: "To defend the right of the people of Yemen to revolt, their right to develop their way of life and their duty to participate positively in the battle of common destiny."<sup>48</sup>

The "right" to a way of life refers to the internationally recognized but ill-defined right of self-determination of peoples. Nasser was a vocal supporter of the United Nations' attempts to promote self-determination, which at the time primarily meant anti-imperialism, especially European imperialism. The "right" to revolt which Egypt defended was probably meant as another embellishment of the same principle. In other words, the Egyptians felt that a right to revolt for the purpose of self-determination existed. This subsidiary right is not well recognized in international law, if at all.

45. United Nations General Assembly, 18th session, 1235th plenary meeting, October 9, 1963.

46. Quoted in Rahmy, 139.

47. Badeeb, 90.

48. Quote from speech by Nasser on December 15, 1962, quoted in Rahmy, 108.

Although it is generally accepted that self-determination should be encouraged for sufficiently large national groups, there does not seem to be a consensus about which means a people may legitimately use to achieve this goal. International law is limited to guidelines on assistance to peoples in revolt. The problem with deciding whether these principles applied to Yemen is that many observers did not agree on whether the Yemeni people had revolted, whether there had been a simple military coup, or whether Egypt itself had conspired to topple a friendly government.

The right to self-determination is recognized in international law. However, the last right cited by Nasser — the “duty” of Yemenis to assist in “the battle of common destiny” — is a fascinating new argument. Nasser was not assuming in this case a common human destiny, but, rather, the common

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destiny of Arabs based on their shared culture, nation, language, and religion.

Egypt could have buttressed its argument by claiming that this Pan-Arabism was a version of self-determination for Arabs only, a type of dual nationality. Perhaps that understanding was implied, but it was not cited to justify the intervention. Instead, Egypt just claimed that its right to intervene was not legitimized solely on the basis of treaty rights, but by its willingness to fight for the ideal of Arab unity. In Nasser's own words in his May 1962 Egyptian Charter of National Union:

The United Arab Republic, firmly convinced that it is an integral part of the Arab nation, must propagate its call for unity and the principles it embodies, so that it would be at the disposal of every Arab citizen, without hesitating for one minute before the outworn argument that this would be considered an interference in the affairs of others.<sup>49</sup>

Pan-Arabism continued to be the principal legal justification for the Egyptian intervention from late 1962 until the end of the involvement in Yemen

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49. *Ibid.*, 68.

after the June 1967 war. At that time, in what must have been a very difficult diplomatic note to write, the UAR addressed to the Arab Foreign Ministers a public *mea culpa*: "The United Arab Republic realizes, with full honesty and sincerity, that its differences with Saudi Arabia cast a shadow over the possibility of realizing Arab solidarity and security."

Since the January 1964 Cairo Conference, Egypt claimed it had "striven to remove any effects which the Yemeni problem may have on the possibilities of Arab cooperation." Pan-Arabist rhetoric was quickly abandoned after the 1967 war, but not because Egypt accepted full responsibility for the drawn-out conflict in Yemen: "outside forces stood in the way of any prospect of peace in Yemen." These were forces over which Egypt allegedly had little control: "The actions and conspiracies of the imperialist administration in Aden were known to the people and governments of the Arab nation."<sup>50</sup>

Defeat in the 1967 war brought a reversion to the standard Egyptian rhetoric of blaming both the Israelis and the British. The imperialist powers "wanted, by any means, to keep UAR troops in Yemen, away from their home, away from any battle which might take place with the Israeli enemy." Nasser acknowledged criticism that he had allowed himself to be diverted from the main Arab fight. Egypt was pulling out of Yemen, proposing reactivation of the Jeddah agreement, but no defeat was involved. It was, rather, "an important opportunity to test Arab faithfulness to the one Arab aim" of combatting Israel. The Egyptian leaders were undoubtedly happy to have this excuse for withdrawal from their long, expensive entanglement in Yemen, although it did come at the very high military costs of the 1967 war.<sup>51</sup>

It is difficult to extrapolate the implications of the use of an ethnic concept such as Pan-Arabism as a legal justification for military intervention. Should all English speakers be governed by one state? Should all those who share significant aspects of Western culture be considered as one nation? Or do these considerations apply just to peoples who share both religious and linguistic history, the ties common to those classified as "Arabs"? If the ethnic concept were limited to faith and language, should not most of Europe be joined with the United States and most of Central and South America be united? Certainly, just as many commonalities link the American remnants of the Spanish empire as tie Egypt to Yemen.

The Pan-Arabist idea is even more difficult to expand upon than most irredentism. It includes claims to act for the greater unity of a hypothetical religious, cultural, linguistic, ethnic, racial, historical, and political entity that includes at least twenty-two current sovereign states and traces its legitimacy back 1,200 years. Parallels exist in some of the Jewish claims to Palestine and Hitler's claims to sovereignty over ethnic Germans, to cite two of the most prominent recent irredentist norms.

Arguments over irredentism, however, have been subsumed within debates over self-determination. The right of some national groups to determine their

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50. *Ibid.*, 235-238.

51. *Ibid.*, Annex XXII, 339-341. UAR Note to Arab Foreign Ministers, August 1, 1967.

political status is recognized, but not the right of a state to impose its irredentist views on another state or national population. The possibilities for such action were strictly circumscribed following the atrocities perpetrated by the Nazis during World War II.

Therefore, despite the lack of contemporary international criticism of this ethnic justification for military intervention, the concept of Pan-Arabism cannot be considered as sufficient justification for Egypt's actions in Yemen.

### CONCLUSION

The political rhetoric and legal citations given by Egypt to justify its military intervention in Yemen were primarily rationalizations. Egypt assisted in the overthrow of a foreign government and sent massive aid to ensure that its new ally remained in power, while justifying these actions with transnational ideologies and claiming popular support. Egypt then made two major peace agreements unilaterally, albeit in the name of the Yemenis, and finally did not respect one of these agreements. In the end, the government of Yemen denounced Egyptian accession to peace as an act of aggression.

The combatants easily discarded the rationale of support upon request of another government when outside conditions forced an end to their expensive competition. The war was then allowed to continue within its original parameters, those of a purely civil conflict.

Despite repeated and often novel citations of international law, the Egyptian defense of its intervention in Yemen has done little to alter internationally recognized legal norms. One of the more definitive contemporary statements on intervention was United Nations General Assembly Resolution 2131 in 1965, entitled Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Independence and Sovereignty:

No state has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the state or against its political, economical, and cultural elements are condemned.<sup>52</sup>

While this declaration was passed by the United Nations after Egyptian intervention in Yemen had already occurred, Egypt did join in voting for it. The text clearly prohibits what Egypt was doing in Yemen, but was weakened by the Preamble, which identified the principle of non-intervention as arising primarily from the charters of regional organizations, including the Arab League, and from the Non-Aligned Conferences at Bandung and Cairo. Nasser was a major supporter and instigator of the Non-Aligned Movement, which recognized regional competence over affairs such as intervention. So the prohibition is substantially mitigated by implication, perhaps to the extent of

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52. See 1965 Yearbook of the United Nations, 94-95. The vote was 109 to 0, the United Kingdom abstaining.

allowing some merit for Nasser's Pan-Arabist justification. This potential loophole was partially limited by the fact that all intervention was set within the framework of the United Nations Charter principles of self-determination and inferred anti-colonialism. These guidelines can be subject to liberal interpretation in the absence of specific standards, however, and stricter definition is needed if the world community wishes to limit justifications for intervention.

The rule of non-intervention has been qualified by some explicit exceptions, according to Gerhard von Glahn:

. . . intervention by invitation of an incumbent government, or counterintervention, possibly by invitation of insurgents; intervention to protect the lives and property of a state's own nationals and other aliens from clear and present danger; humanitarian intervention to protect the indigenous population of a state or some minority thereof from violations of its human rights and intervention by treaty right.<sup>53</sup>

The exception of intervention by invitation applies to Egypt in Yemen, and yet, that justification was abandoned soon after intervention occurred. The qualifications do not change the fact that Egypt clearly intervened contrary to international law. It did not simply provide vital support to the coup, it supported and partially organized the plotters and their actions. Egyptian military personnel helped prepare vehicles used in the military overthrow. The coup probably would not have failed completely without Egyptian military support. In addition, extension of the war to Saudi territory was clearly illegal, since it involved expansion of an internal war beyond territorial boundaries.<sup>54</sup>

Despite the altered application and interpretation of codified law concerning intervention, Egyptian defense of its military intervention has had little impact on international law. In part, this was due to Egypt's lack of interest in challenging international legal norms. More importantly, the international legal community has not accepted the irredentism of the most important Egyptian claims.<sup>55</sup>

The Egyptian Charter attempts to replace customary international law, perhaps by institutionalizing it. The broader, Pan-Arabist justification for intervention was not intended to be a proposal for amendment of international legal norms, but solely a case-specific justification for Egyptian action in Yemen. The furthest the Unity standard might reasonably be applied in Egyptian eyes would be actions to preserve the unified, progressive nature of the Arab Middle East. Its intent, then, was to affect relations between Arab states, not to amend international law.

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53. Gerhard von Glahn, *Law Among Nations: An Introduction to Public International Law* (New York: Macmillan, 1981), 161-170.

54. Doherty, 355.

55. *Ibid.*, 336.

Egyptian intervention remains, however, a precedent on the use and non-use of international law and on the legitimacy of ethnic intervention. As such, apt comparisons with US intervention in Vietnam and Soviet intervention in Afghanistan can be drawn. A comparison of these three cases illustrates that intervention for ethnic reasons is judged less harshly than intervention with bilateral agreements. The Egyptian principle was not a flagrant violation of existing norms, but the exercise of a borderline norm. The cases do not indicate progressive development or the continuing integrity of international law. Rather, they demonstrate circumstances which engender a higher degree of tolerance for the act of intervention. Apparently, the international customary law reflects an essence of the Arab truism: "myself against my brother; my brother and me against my uncle, my family against the community, . . ."

The real battle in Yemen was simply against a medieval monarchy, but the socialist ideology of those who removed the king, compounded by the immediate and overwhelming support from a regional state with its own ambitions, quickly turned the conflict into a competition of religion, ideologies, balances of power, and personalities. This proved unfortunate for Yemen. Even without Egyptian intervention the clearly anachronistic Imamate would have undergone change with the new Imam, who was a progressive moderate. He would have overseen modernization and political change as evidenced by his attempt to do so while still under the authority of his father.

If left on their own, the Yemeni people probably would have adopted at an early stage the slower, more gradual course of change that they were eventually forced to adopt in 1970. The war ended that year with a mixed government of Royalists and Republicans taking over to end the fighting. A hybrid descendent of this coalition government rules today. Had the Yemenis been left to a true self-determination without massive outside interference, they probably would have reached the uneasy but somewhat democratic post-war agreement much earlier. Many lives would have been saved, and less stress would have been put on the fragile international legal system. Egyptian intervention in Yemen reveals the weakness of international law in the resolution of certain political and military conflicts. The present legal order, however, still represents the best limitation on the use of force around the world. Weak and strong states alike have much to gain from adherence to the peaceful mandate of the United Nations Charter.

