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# PROVISIONAL CONSTITUTION of SYRIA<sup>1</sup>

April 25, 1964

## CHAPTER I

### THE SYRIAN ARAB REPUBLIC

*Art. 1.* (1) Syria is a democratic, popular, socialist and sovereign republic. It forms part of the Arab Nation.

(2) The Arab people of Syria form part of the Arab Nation; they believe in unity and work and toward its realization.

*Art. 2.* Sovereignty in Syria belongs to the people.

*Art. 3.* (1) The religion of the President of the Republic shall be Islam.

(2) The principal source of legislation shall be the Moslem *Fikh* (doctrine and jurisprudence).

*Art. 4.* The official language is Arabic.

*Art. 5.* The capital of the Republic is Damascus.

*Art. 6.* (1) The flag of the Republic shall be as follows: Its length shall be double its width. It shall consist of three equal and parallel stripes. The upper stripe shall be red, the middle one white and the lower one black. In the white stripe there shall be three five pointed red stars at equal intervals and on a line.

(2) The coat of arms of the Republic and the national anthem shall be decided by law.

## CHAPTER II

### BASIC PRINCIPLES

*Art. 7.* Citizens have equal rights and obligations before the law.

<sup>1</sup> *Constitution Provisoire de la République Arabe Syrienne. Recueil des Lois Syriennes et de la Législation financière de la République Arabe Syrienne, Annexe 1 – Mai 1964, Seizième Année.* Supplied by the Ministry of Foreign Affairs in January 1965. Translated by the Editor. Reproduced by permission of the editor of the publication referred to above. Ed.

*Art. 8.* The State guarantees the freedom, security, and equality of opportunity of all citizens.

*Art. 9.* Individual liberty is guaranteed.

(1) Everyone shall be presumed innocent until he has been found guilty by judicial decision.

(2) No one may be arrested or searched except according to the law.

(3) The right of defense shall be guaranteed according to the law.

*Art. 10.* There shall be no crimes or penalties other than those prescribed by law.

*Art. 11.* Provisions of laws shall be applicable only to acts subsequent to their entry into force and shall have no retroactive effect.

A law may, however, provide otherwise with respect to other than criminal matters.

*Art. 12.* The domicile is inviolable. Entry and search are forbidden except in the cases and manner prescribed by law.

*Art. 13.* Public liberties are guaranteed. A law shall provide the manner of their exercise.

*Art. 14.* (1) Citizens may not be banished from the homeland.

(2) All citizens have the right to reside and circulate throughout Syrian territory except if prevented by judicial decision or in the application of laws relating to health or public security.

*Art. 15.* Extradition of persons who are refugees because of their political principles or of their activities in the pursuit of freedom is forbidden.

*Art. 16.* Freedom of belief is guaranteed. The State shall respect all religions and shall guarantee the free exercise of religion so long as this involves no threat to public order.

*Art. 17.* (1) Every citizen has the right to an education. Primary education shall be obligatory and free at all stages.

(2) The State shall work toward the formation of a generation strong in body, spirit and morals, believing in its spiritual heritage and proud of the Arab virtues.

*Art. 18.* (1) All citizens have both the right and the duty to their honor to work. The State shall provide and guarantee employment to citizens by a national and socialist economic program guaranteeing a worthy standard of living.

(2) The State shall protect labor, and shall guarantee to the workers a fair salary and limitation of their hours of work. It shall also establish a system of social insurance and regulate the right to rest and to form unions.

(3) Union organization shall be guaranteed on the basis of the autonomy of the unions and the affirmation of their responsibilities toward the establishment of the national economy on a socialist foundation in the manner prescribed by law.

*Art. 19.* (1) All citizens and their families have the right to be insured

by the State against accidents, sickness, incapacity, orphanage and old age.

(2) The State shall protect the health of citizens and shall ensure the possibilities of medication and treatment.

*Art. 20.* (1) The family is the fundamental element of society and it shall be placed under the protection of the State.

(2) The State shall protect and encourage marriage. It shall take the measures necessary to eliminate the material and social obstacles thereto.

*Art. 21.* (1) All citizens have a sacred duty to contribute to the expenditures of the country.

(2) Military service is obligatory. It shall be organized in accordance with a special law.

*Art. 22.* Citizens shall exercise the rights and enjoy the freedoms guaranteed by law under the single reservation of not constituting a threat to the security of the country, national unity, the establishment of the Republic and the purposes of the Socialist popular Revolution.

### CHAPTER III

#### PROPERTY, PRODUCTION AND INHERITANCE

*Art. 23.* The State shall place all the resources and capacities of the country at the service of the people in accordance with a plan which forbids exploitation and is directed to the development of the national income and its distribution in an equitable manner so as to recompense the effort of the producers.

*Art. 24.* (1) The national wealth belongs to all of the people.

(2) Collective ownership of the means of production is at the basis of socialist society.

*Art. 25.* Ownership of the means of production shall take the following forms:

(1) State property, represented by the public sector, which shall have the greatest responsibility in the planning of development and in the public services of the more important means of transportation and in the means of production affecting the essential needs of the people.

(2) Collective property, that is the property of all producers.

(3) Individual property.

*Art. 26.* Private property shall be guaranteed. A law shall stipulate the accomplishment of its social function.

Expropriation may only take place for reasons of the public good and against a fair indemnity in accordance with the law.

*Art. 27.* A law shall determine the maximum limit of property.

*Art. 28.* The State shall encourage co-operation and shall support and protect all co-operative institutions.

*Art. 29.* The State shall have the right by law to decree the nationalization of any institution or enterprise affecting the general interest against payment of a fair indemnity.

*Art. 30.* The right of inheritance shall be guaranteed in accordance with a law.

## CHAPTER IV

### THE PUBLIC POWERS

*Art. 31.* The Council of the Revolution shall exercise the legislative power and shall supervise the acts of the executive power.

*Art. 32.* The purposes of the National Council of the Revolution shall be:

- (1) to elect the President of the Presidential Council, its Vice-President and its members;
- (2) to amend the provisional Constitution and to draw up a draft of a definitive Constitution;
- (3) to arrange for a plebiscite;
- (4) to determine the number of Ministers and their functions and to consolidate, suppress or change the latter;
- (5) to draw up the general political program of the State and to decide upon the stages of the Plan;
- (6) to adopt the budget of the State, establish, reduce or abolish taxes and to decide on total or partial exemptions;
- (7) to conclude peace and declare war;
- (8) to grant or withdraw its confidence from the Ministry or from one of the Ministers.

*Art. 33.* The National Council shall be composed of of the incumbent members and of representative of the different sectors of the people, the number, method and representation of which shall be decided by law.

*Art. 34.* The National Council shall elect its President and the members of its secretariat at its first meeting.

*Art. 35.* (1) The National Council shall hold three annual sessions. It shall meet automatically at the beginning of the month of October and shall fix the date for its two other sessions by a decision taken in accordance with its rules of procedure.

(2) The National Council may be convened by its President to hold extraordinary sessions at the request of the Presidential Council or at the written request of one fourth of its members.

*Art. 36.* Members of the National Council shall enjoy immunity during sessions. They may not be the subject of any criminal prosecution or sentence except with the authorization of the National Council. They may

be arrested only in *flagrante delicto* and the National Council must be immediately informed thereof.

*Art. 37.* Before taking office, each member of the National Council shall publicly take before the Council the following oath:

“I swear by all-mighty God to be faithful to and to defend the Constitution of the country, to defend its independence and the interests of the people, to respect the laws of the country, to fulfil with honor my mission, to work toward the realization of the purposes of the Revolution in unity, freedom and socialism.”

*Art. 38.* The remuneration of members of the Presidential and National Councils and of their expenses shall be fixed by law.

*Art. 39.* No member of the National Council may hold any position in any enterprise whatsoever.

*Art. 40.* The National Council has the right, by an absolute majority of its members, to grant a general amnesty for infractions committed prior to the date of any proposal therefor.

*Art. 41.* The National Council may at any time constitute commissions of inquiry or delegate one or more of its members to inquire into any matter. All Ministers and officials of the State shall be obliged to furnish the statements, documents and reports requested of them.

*Art. 42.* Meetings of the National Council may take place only if an absolute majority of its members is present.

*Art. 43.* The Presidential Council and each member of the National Council alike shall have the right to initiate legislation.

*Art. 44.* (1) The Presidential Council shall promulgate the laws passed by the National Council within fifteen days from their adoption.

(2) A law declared urgent by an absolute majority of the members of the National Council shall be promulgated within the time limit fixed by the law itself. If it is not so promulgated, the President of the National Council shall ensure its immediate publication.

*Art. 45.* Every member of the National Council shall have the right to address questions and interpellations to the Ministry. The Ministry must reply within the time limit established in the rules of procedure.

*Art. 46.* The rules of procedure of the National Council shall determine the procedure of the debates, deliberations, questions, interpellations and voting, as well as the powers of the secretariat and the commissions, and the other activities of the Council.

### The Presidential Council

*Art. 47.* The Presidential Council and the Council of Ministers shall exercise the executive power within the limits provided in this Constitution.

*Art. 48.* (1) The Presidential Council shall be composed of a President,

a Vice-President and three members elected by the National Council from among its members.

(2) The Presidential Council shall be responsible to the National Council for all its activities.

*Art. 49.* Before taking office, the President and members of the Presidential Council shall take the following oath:

"I swear by All-Powerful God to be faithful to and to defend the Constitution of the country, to defend the independence of the country, the interests of the people, to respect the laws and to fulfil my mission with honor, to work toward the accomplishment of the purposes of the Revolution in unity, freedom and socialism."

*Art. 50.* The Presidential Council shall appoint and dismiss the ministers. It has the right to promulgate a special amnesty and to grant decorations. It accredits the heads of diplomatic missions and receives their resignations.

*Art. 51.* The Presidential Council shall have the right to promulgate any legislative text or decree that falls within the jurisdiction of the National Assembly, should the need arise at a time when the latter is not in session, provided that any such action is submitted to the National Assembly at its next meeting.

If the National Council rejects the text promulgated by the Presidential Council, the text shall be null and void from the date of its rejection.

*Art. 52.* The Presidential Council shall, following the approval of the Council of Ministers, conclude treaties and conventions and inform the National Council thereof. Such treaties and conventions shall have the force of law following their conclusion, ratification and publication in accordance with the law. Treaties of peace and alliance and all treaties which affect the right of sovereignty or which grant concessions to foreign societies or organizations shall take effect only following their approval by the National Council.

*Art. 53.* (1) The Presidential Council shall have the right to proclaim a state of emergency or of partial mobilization by decree subject to submitting any such proclamation to the National Council at its first meeting.

(2) The Presidential Council shall have the right to declare general mobilization in case of an attack of the country or an attack against any other Arab country, subject to convening the National Council in extraordinary session in order to approve any such decision.

*Art. 54.* (1) The Presidential Council shall draw up the external and internal policy of the country, shall direct the Council of Ministers, the Ministers and shall supervise their activities.

(2) The Presidential Council shall have the right to abrogate or to amend decisions and orders issued by the Council of Ministers and by Ministers if they are contrary to the Constitution or the laws or prejudicial to the public interest.

*Art. 55.* The Presidential Council shall appoint and dismiss civilian and military officials in accordance with the law.

*Art. 56.* The President of the Presidential Council shall receive the credentials of foreign diplomatic Envoys. He shall represent the State in international congresses.

*Art. 57.* The President of the Presidential Council shall sign the laws. He shall also sign decrees submitted to him and shall exercise the functions of Head of State as provided by the laws and regulations in effect so long as they are not contrary to the provisions of this provisional Constitution.

*Art. 58.* No member of the Presidential Council may be either Minister or Vice-Minister.

### The Ministry

*Art. 59.* The Ministry shall consist of the President of the Council of Ministers and the Ministers. One or more Vice-Presidents of the Council of Ministers, Ministers of State and Vice-Ministers may be appointed also. The special provisions concerning Ministers shall apply to them as well.

*Art. 60.* The President of the Council of Ministers must be chosen from among the members of the National Council.

*Art. 61.* The Ministry shall be jointly responsible to the National Council for execution of the general policy, and each Minister shall be separately responsible for his own Ministry.

*Art. 62.* The Council of Ministers shall direct the affairs of the State, shall unify and co-ordinate the activities of the different Ministries, public organizations and administrations, shall draw up the different stages of the Plan and ensure their implementation once they have been adopted, shall draw up the program for its realization in the light of overall planning, the safety of the nation, the security of the State and the protection of the rights of citizens. It shall also draw up the budget bill and, once it has been adopted, ensure its implementation; it shall direct the general policy of the State in the field of foreign relations.

*Art. 63.* The Council of Ministers shall meet under the chairmanship of the President of the Council or the person he may delegate, in order to debate the following matters:

- (1) bills;
- (2) regulatory decrees;
- (3) the State budget and special budgets;
- (4) internal and external policy;
- (5) matters submitted to the Council by its President or by a Minister with the approval of the President;
- (6) any other matters which should, according to law, be submitted to the Council of Ministers.

*Art. 64.* (1) The President of the Council of Ministers shall preside over



sessions of the Council of Ministers which are held during his term of office.

(2) He shall co-ordinate the activities of the different Ministries.

(3) He alone shall have the right to ask for a vote of confidence from the National Council.

(4) He may delegate certain of his powers to a Minister.

*Art. 65.* If the Ministry resigns or there is a vote of no-confidence, the Ministers shall expedite current business until the appointment of a new Ministry.

## CHAPTER V

### THE JUDICIAL POWER

*Art. 66.* Judges shall be independent. In the exercise of their office they shall be subject only to the law.

*Art. 67.* Justice shall be rendered in the name of the Arab people of Syria.

*Art. 68.* A law shall organize the judicial structure and determine its powers.

*Art. 69.* Judges shall have permanent tenure in accordance with law.

*Art. 70.* A law shall establish the conditions for appointment and transfer and for the discipline of judges.

*Art. 71.* The Public Prosecutor office shall be regarded as a judicial institution with the Minister of Justice as its Head. A law shall stipulate its functions and powers, the status of judges and its relations with the courts.

*Art. 72.* A law shall organize the status of exceptional jurisdictions, their powers and the conditions required of judges assigned thereto.

## CHAPTER VI

### FINANCES

*Art. 73.* The Government shall prepare the budget and the National Council alone shall have the power to adopt it.

*Art. 74.* A law shall stipulate the method for drawing up the general budget, the budget of economic development, and the autonomous, auxiliary and exceptional budgets, and for submitting them to the National Council for approval.

*Art. 75.* The beginning of the financial year shall be fixed by law.

*Art. 76.* If the National Council does not approve the budget bill before the beginning of the financial year to which it applies, provisional monthly

credits shall be opened by a decree of the Council of Ministers based on one twelfth of the preceding year's credits.

*Art. 77.* The final accounts of the financial year shall be submitted to the National Council. Closure of these accounts shall be enacted by a law.

*Art. 78.* No tax may be created, altered or abolished except by law.

*Art. 79.* Legislation presently in force shall continue to have effect insofar as it is not modified in accordance with the present Constitution.

*Art. 80.* This provisional Constitution shall remain in effect until the approval of the people for a permanent Constitution has been proclaimed which shall take place within a period of not more than one year from the date of proclamation of this Constitution.

*Art. 81.* This Constitution may be amended upon a proposal of the Presidential Council or of one quarter of the members of the National Council approved by two thirds thereof.

*Art. 82.* The following shall be abrogated: Military Order Number 1 of March 8, 1963, Legislative Decree Number 10 of March 23, 1963 and Legislative Decree Number 68 of June 9, 1963.