



[HeinOnline](#)

Citations:

Bluebook 20th ed.

Arab Information Center (U.S.). Basic Documents of the Arab Unifications (1958).

ALWD 6th ed.

Arab Information Center (U.S.). Basic Documents of the Arab Unifications (1958).

APA 6th ed.

Arab Information Center (U.S.). (1958). Basic Documents of the Arab Unifications. .

Chicago 7th ed.

Arab Information Center (U.S.). Basic Documents of the Arab Unifications. , .

McGill Guide 9th ed.

Arab Information Center (U.S.)., Basic Documents of the Arab Unifications (: ., 1958)

MLA 8th ed.

Arab Information Center (U.S.). Basic Documents of the Arab Unifications. , .  
HeinOnline.

OSCOLA 4th ed.

Arab Information Center (U.S.). Basic Documents of the Arab Unifications. , .

Provided by:

Harvard Law School Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

# **The Constitution of the Arab Union**

(Unofficial Translation)

## **CHAPTER I**

### **GENERAL**

#### **Article 1**

The Arab Union shall be formed of the Kingdom of Iraq and the Hashemite Kingdom of Jordan. Membership shall be open to any Arab state desiring to join and by agreement with Union Government.

#### **Article 2**

With due regard for the provisions of this Constitution, each member-state of the Union will maintain its independent international status and its existing system of rule.

#### **Article 3**

International Treaties, Pacts and Agreements which a member-state has contracted prior to creation of the Union or prior to joining the Union will continue to be binding on that state but not binding on the other member-states. All International Treaties, Pacts and Agreements concluded thereafter, will be negotiated under authority of the Union Government.

#### **Article 4**

The Union Government shall be composed of a President of the Union, Legislative Authority, Executive Authority and Judicial Authority.

#### **Article 5**

a) The King of Iraq will be the President of the Union: in his absence the King of Jordan will be President of the Union. If both Kings are absent, the President of the Union with the agreement of the Union Council of Ministers will appoint a Deputy or a Regency Council to exercise the powers of the President during his absence;

the President can specify the powers of the Deputy or the Regency Council.

b) In the event other states should join the Union, the status of the President of the Union will be reconsidered in light of the circumstances prevailing at the time.

#### **Article 6**

The headquarters of the Union Government will be rotated, six months in Baghdad and six months in Amman. Upon agreement between the Governments of the member-states this arrangement may be changed and a permanent residence selected for the Union Government.

#### **Article 7**

a) The flag of the Union shall be of the following description and measurements:

Its length to be twice its width, horizontally divided into three equal and parallel stripes with the black on the top, then white and green. On the side of the mast there will be a red equilateral triangle with a base equal to the width of the flag.

b) The emblem of the Union, its insignia, medals and national anthem are to be fixed by special law.

c) Each member-state will retain its local flag.

#### **Article 8**

All citizens of the countries of the Arab Union, regardless of race or faith and in accordance with current laws, will enjoy the freedoms and rights guaranteed by the International Human Rights Proclamation. Every individual has the right to ownership and movement throughout the Union, the freedom to live and reside in any part of the Union, to choose his profession, to practice any craft or trade and to join educational institutions.

### **CHAPTER II**

#### **LEGISLATIVE AUTHORITY**

#### **Article 9**

The Legislative Authority of the Union rests with Union Council and the President of the Union.

## **Article 10**

a) The Union Council shall be formed of 40 members, twenty from Iraq and twenty from Jordan.

b) Each district of the two Kingdoms will be represented by at least one representative; these will be elected in accordance with law.

c) The Kings of Jordan and Iraq will appoint the remaining number in accordance with preceding paragraph (a), provided that of these there are not less than five and not more than seven representatives.

d) Taking into consideration the numerical proportion as stated in paragraph (a) above, limitations on the total number of the Council and the manner of their selection may be reconsidered by law.

e) The first Union Council shall be formed by electing the members provided for in paragraph (b) by the House of Representatives of each state from among their own members. The remaining number are to be appointed in accordance with paragraph (c) above.

f) Representatives elected to membership in the Union Council in accordance with paragraph (e) above cannot retain their seats in the House of Representatives which elected them. They are to choose between the two memberships within eight days from the date they are elected.

g) It is not permissible to hold concurrently membership in the Union Council and in the National Assembly of either state. Any member elected to the Union Council must choose one of the two memberships within eight days from the date of his appointment or election.

## **Article 11**

a) It is not permissible to hold concurrently membership in the Union Council and a public position, or employment with a person contracting to any of the public authorities in any of the states of the Union. Exempted from this rule are those renting Government lands or property. A public position is any position of which the holder receives a salary from the budget of any member-state of the Union.

b) Every Union Council member, before taking his seat in the Council will say the following oath before the Council: "I swear by

God the Almighty to be faithful to the Arab Union and to protect the Constitution of the Union and to carry out sincerely all assignments entrusted to me.”

### **Article 12**

The President shall convene and adjourn the Union Council in accordance with the provisions of this Constitution.

### **Article 13**

a) The term of office of the Union Council is four Gregorian years. Each year is to have one ordinary session starting on the First Saturday of January. If that day happens to be an official holiday, it will start on the following day. If the Council is not convened on the appointed date, it will convene in accordance with the Constitution.

b) The President of the Union, on the strength of a Union decree published in the Official Gazette, can adjourn the Union Council twice, provided that the total period of these adjournments within any ordinary session does not exceed two months. These periods of adjournment will not be counted in determining the total period of the session.

### **Article 14**

a) The duration of the ordinary session will be four months. The President of the Union has the right to extend it when necessary.

b) The President of the Union is entitled to convene the Council in extraordinary session when necessary or upon request signed by the majority of Council members. The President of the Union can adjourn the extraordinary session. The Council has no right to discuss in extraordinary session any subject except those subjects for which the session has been convened.

### **Article 15**

The President of the Union will open the ordinary session of the Union Council by delivering a statement embodying the general policy of the Union. He may delegate the Prime Minister or one of the Ministers to supervise the opening ceremony and to deliver the statement. The Union Council will present its reply to the opening statement within a period not to exceed two weeks.

## **Article 16**

a) At the beginning of each ordinary session the Union Council will elect a Speaker and two deputy Speakers. These may be re-elected.

b) If the Council convenes in an extraordinary session and has no Speaker, the Council will elect a Speaker to hold office until the next ordinary session.

## **Article 17**

The meetings of the Council shall be public, but closed meetings may be held upon request to a Cabinet Minister, Speaker of the Union Council or ten members.

## **Article 18**

The Speaker and members of the Union Council shall receive salaries specified by law.

## **Article 19**

The Council will draft its own by-laws.

## **Article 20**

Any Council member may resign by presenting a letter to the Speaker. The Speaker is to put the resignation before the Council for acceptance or rejection.

## **Article 21**

The meetings of the Council shall be legal if attended by two thirds of the Council members. Resolutions of the Council shall be passed by a simple majority of attending members, except in cases when an absolute majority is required by law. The Speaker will vote only in case of a tie.

## **Article 22**

a) Members of the Union Council will not be arrested or tried during the meetings (sessions) of the Council unless the Council shall approve the action by absolute majority or unless a member is taken in the act of a crime. In the last instance the Council shall be notified when it meets again.

b) Members of the Council will not be held responsible for thoughts or statements made while carrying out duties in the Council.

### **Article 23**

a) Any member of the Union Council losing qualification for membership in accordance with the laws of the state to which he belongs, will lose his membership in the Union Council. His place becomes vacant.

b) If the seat of any member of the Council becomes vacant before the end of his term of office for any reason, his place will be filled in accordance with the provisions of Article Ten of the Constitution.

### **Article 24**

A new Union Council shall be elected three months before the end of the term of the existing Council. If an election is difficult to conduct at this time, the existing Council will be extended until the election of a new Council.

### **Article 25**

The Council will supervise the work of the Executive Power described in this Constitution.

### **Article 26**

The Union Prime Minister or Minister who is a member of the Union Council has the right to speak and vote. Ministers who are not members of the Council have the right to speak but not to vote. Ministers or those representing Ministers have precedence over other members in addressing the Council. Only those representing Ministers and the Prime Minister are allowed to go into the meeting hall and to speak; others may be permitted to enter upon invitation of the Speaker.

### **Article 27**

a) The President of the Union has the right to dissolve the Union Council.

b) If the Council is dissolved, a new one shall be elected immediately. In event a new Council is not elected for any reason, a Council is to be elected in the first meeting held by the National Assemblies of the member-states.

c) The new Council shall be called for extraordinary session within twenty days after its election. This session shall not be delayed beyond the 31st December for any reason. The extraordinary session

shall be adjourned on the above date so that the Council may hold its first ordinary session in accordance with the provisions of the Constitution. If the extraordinary session is held in January or February, it shall be considered the first ordinary session.

d) If the Council is dissolved, the newly elected Council shall not dissolve for the same reason.

### **Article 28**

The Council has the right to carry out investigations in matters within its scope of authority and in accordance with its by-laws.

### **Article 29**

The Union Council of Ministers shall present all draft laws to the Council. Except in financial matters, any ten members of the Union Council can propose laws.

### **Article 30**

a) Draft laws suggested by the Council of Ministers shall be given to the sub-committee concerned in the Council for opinion and presentation to the Council.

b) Draft laws submitted by Council members shall be submitted to the sub-committee concerned for review and discussion. After presentation to the Council and approval, laws will be presented to the Council of Ministers for consideration and be presented again to the Union Council either in the same session or in the following session. In the event a suggestion is rejected by the Union Council, the same shall not be presented to the Council except in following sessions.

### **Article 31**

The Union Council shall vote on a draft law article by article and then will vote on it in entirety. Upon agreement of the Council, a vote may be taken on the whole of the law without voting article by article.

### **Article 32**

a) Draft laws approved by the Union Council shall be submitted to the President of the Union for final approval.

b) If the President of the Union does not approve a law, he shall return it to the Union Council within thirty days from the day



it was presented to him together with his reasons for not approving it. If the law is not returned within that period, it will be considered as approved.

c) If a law is returned to the Council and approved again by the Council by two thirds majority, the law shall be submitted for a second time to the President. If the law is not returned to the Council within thirty days, it will be considered approved.

### **Article 33**

Laws shall be published in the Official Gazette within fifteen days of approval, and shall take effect after thirty days from publication, unless special provisions are mentioned in the same law regarding date of effect.

### **Article 34**

Each member of the Union Council has the right to address any question or inquiry to any Minister in accordance with Council by-laws and regulations.

## **CHAPTER III**

### **EXECUTIVE AUTHORITY**

### **Article 35**

The Executive Authority shall rest with the President of the Union, who shall carry out his authority through the Union Council of Ministers in accordance with the Constitution.

### **Article 36**

The President of the Union is immune from liability and above responsibility.

### **Article 37**

The President of the Union shall issue decrees upon the suggestion of the Minister concerned. These decrees shall be signed by the Prime Minister and Minister concerned, unless such decrees are related to the appointment or resignation of a Prime Minister. Orders concerning appointment or resignation of Ministers shall be signed by the President and the Prime Minister.

### **Article 38**

The Union Council of Ministers shall consist of a Prime Minister and a number of Ministers. A Deputy Prime Minister and Ministers of State may be appointed so that the selection of Ministers will enable the member-states to take part in the Council of Ministers. Ministers shall be the citizens of one of the member-states and shall have qualifications similar to those of the members of the National Assemblies of the member-states.

### **Article 39**

The Prime Minister and Ministers will say the following oath in the presence of the President: "I swear by God the Almighty to be faithful to the Arab Union and to protect its Constitution and to fulfill honestly the assignments entrusted to me."

### **Article 40**

a) The Council of Ministers shall be responsible for administration of the affairs of the Union within the limits of the powers outlined in this Constitution and in accordance with laws drawn up pursuant to the Constitution.

b) The resolutions of the Council of Ministers shall be presented to the President for perusal. He may request reconsideration of any resolution. The Prime Minister and Ministers will carry out these resolutions within scope of their authority.

### **Article 41**

a) A Minister is responsible for the affairs of his Ministry and will carry out the general policy of the Union.

b) A Minister of State shall take charge of the affairs entrusted to him by the Prime Minister.

### **Article 42**

a) Membership in the Council of Ministers may be held concurrently with a seat in the Union Council. Concurrent membership in the Union Cabinet and in the Cabinet or the National Assembly of a member-state is not permissible.

b) Membership in the Cabinet may not be held concurrently with another public position. No Minister may buy or lease any property of the Union or properties of any of the states of the Union.

No Minister, during tenure in the Cabinet, may be a member of the board of directors of any company, carry on commercial activity, receive a salary from an official or non-official institution, or engage in a profession.

#### **Article 43**

a) The President shall appoint the Prime Minister, dismiss him, and accept his resignation. He shall appoint, upon the recommendation of the Prime Minister, the Ministers; he shall dismiss them, and accept their resignations.

b) When the Prime Minister of the Cabinet resigns, is dismissed, or dies, all the Ministers will resign.

#### **Article 44**

The salaries of the Prime Minister and Ministers are to be fixed by law.

#### **Article 45**

The Prime Minister and Ministers are jointly responsible before the Union Council for the general policy of the Union; every Minister is responsible for the activities of his Ministry.

#### **Article 46**

If the Union Council, by absolute majority of its members, votes a lack of confidence, the Cabinet must resign promptly. If the vote relates to one minister, he must resign.

#### **Article 47**

a) The meeting to vote confidence in the Cabinet or a Minister will convene either upon the request of the Prime Minister or a request signed by no less than 10 members of the Union Council.

b) A vote of confidence in the Cabinet can be postponed once for a period of not more than 7 days if the delay is requested by the Prime Minister or the Minister concerned. During this period the Council must not be dissolved.

#### **Article 48**

The Council of Ministers (Cabinet) shall present its Ministerial Statement to the Union Council within one month of its appointment, if the Council is in session. A vote of confidence on the basis of the

Statement shall be requested. If the Council is not in session, or has been dissolved, the Speech of Inauguration is to be considered a Ministerial Statement.

#### **Article 49**

The Ministers are responsible for crimes committed during performance of their duties.

#### **Article 50**

a) The Union Council has the right to arraign Ministers. Ministers will be tried before the Union Supreme Court. A decision to arraign a Minister is to be taken by secret ballot and by a two-thirds majority of the total membership of the Council.

b) A Minister, arraigned by the Union Council, will be suspended from his post until the Supreme Court issues a verdict.

#### **Article 51**

The President will appoint diplomatic representatives for the Government of the Union, will dismiss them, and accept their resignations as provided by law. He accepts the credentials of the diplomatic representatives of the foreign states.

#### **Article 52**

The President concludes treaties, pacts, and agreements related to the authorities of the Union Government, and ratifies them after the approval of the Union Council.

#### **Article 53**

a) The President is Supreme Commander of the Arab Army; he declares war with the approval of the Union Council. If the Council is dissolved, it will be summoned to meet instantly.

b) The King of Jordan is the Supreme Commander of forces stationed in Jordan.

c) Exercise of command is the authority of the Headquarters of the Arab Army.

d) The President of the Union will appoint, upon recommendation of the Minister of Defence and the Prime Minister, the Chief of Staff of the Arab Army and his assistants, field commanders, division commanders, and others.

e) Military commissions are granted and withdrawn in ac-

cordance with the constitutions of the member-states and upon recommendation of the Minister of Defence and the Prime Minister of the Union, in accordance with the Union law of the service of officers. Commissions will be announced in a Union order.

#### **Article 54**

The President issues necessary regulations for the execution of laws.

#### **Article 55**

The law will define the conditions of appointment, salaries, promotion, pension, and other things related to civil and military officials of the Union Government.

#### **Article 56**

If events take place which require immediate attention, the President may issue Union Decrees which shall have the force of law. These decrees must not violate the Constitution and must be submitted to the Union Council at its first meeting after issuance. If the Council rejects these decrees, they shall be rendered illegal as of the date of rejection, provided that prior agreements made in accordance with the decrees are not affected.

#### **Article 57**

All regulations and decrees will be issued with the approval of the Council of Ministers, and must be signed by the Prime Minister and the Ministers.

### **CHAPTER IV**

#### **THE JUDICIAL AUTHORITY**

#### **Article 58**

- a) A Supreme Court will be formed of a President and six judges, three from the Cassation Court of each state or any higher judiciary.
- b) The quorum for the Supreme Court shall consist of five judges, including the President.
- c) The Supreme Court issues its verdicts by absolute majority.

d) The Supreme Court convenes in the capital of the Union Government.

e) Decisions of the Supreme Court are final, implementation shall be provided by law.

### **Article 59**

The Supreme Court will have the following powers:

a) To try members of the Union Council or Ministers of the Union.

b) To settle disputes which take place between the Government of the Union and one or more of the members, or disputes which might take place among the members.

c) To give legal advice in matters referred by the Prime Minister of the Union.

d) To interpret the Constitution of the Union and other Union laws upon the request of the Prime Minister of the Union.

e) To decide on the constitutionality of Union laws and decrees upon the request of the Prime Minister of the Union or the Prime Minister of any of the member-states. A decision that a law is unconstitutional will be considered as annulling that law as of the date of the court decision.

f) To receive appeals on verdicts issued by the courts of the member-states if those verdicts involve a decision in a dispute that affects the articles of this Constitution or any Union law.

g) To receive appeals on verdicts issued by Union courts.

### **Article 60**

a) The President of the Union, with the approval of the Council of Ministers appoints the President of the Supreme Court and other members of the Court. They cannot be dismissed.

b) The qualifications of members of the Supreme Court, conditions of their appointment, and all things related to their service will be defined by law.

### **Article 61**

The Union Council can form other Union courts.

**CHAPTER V**  
**AUTHORITY OF THE UNION**

**Article 62**

a) The following are affairs confined to the Government of the Union:

- 1) Foreign Affairs and diplomatic and consular representation.
- 2) Negotiation of treaties, pacts and international agreements.
- 3) Protection of the states of the Union and preservation of their security.
- 4) Establishment and management of the armed forces under the name of "The Arab Army". No member of state may maintain armed units other than police and internal security forces.
- 5) Organization of the Supreme Defence Council, military service, and military recruitment.
- 6) Customs and customs legislation.
- 7) Coordination of financial and economic policy.
- 8) Currency and financial affairs.
- 9) Unification of education policy, programs and curricula.
- 10) Highways and communications.
- 11) Any other thing decided by the Union Council by a two-thirds majority to be a Union affair, provided that consent is obtained from the governments of member-states.

b) All other affairs and powers will remain the authority of the member-states.

**Article 63**

All Union laws, regulations, orders, decrees, and other decisions issued by Union authorities in accordance with the rules of this Constitution will be implemented directly and will be binding on all authorities and individuals in the member-states.

## **CHAPTER VI**

### **FINANCE**

#### **Article 64**

a) Income is to be provided for the Union Government by levy of taxes and fees. The member-states will cede to the Union certain revenues in order that the Union Government may carry out its duties and responsibilities in accordance with the Constitution.

b) The Kingdom of Iraq will pay eighty percent of the revenue of the budget of the first year of the Union Government; and the Hashemite Kingdom of Jordan will pay twenty percent.

c) After the expiry of the first fiscal year, paragraph (a) above will be applied. If this revenue is not realized, the Union has the right then to levy the dues it finds appropriate for the expenditure of the Union from the revenues of the member states.

#### **Article 65**

The revenues and expenditures of the Union will be organized in an annual budget to be ratified by law before the next fiscal year which begins on the first of April annually.

#### **Article 66**

No appropriation of expenditure can be spent unless it has been properly included in the budget.

#### **Article 67**

The Union Council will debate the budget chapter by chapter. If the budget has not been approved by the first of April, expenditure will continue on monthly basis at the rate of one-twelfth of the expenditure of the previous year.

#### **Article 68**

No amount may be transferred from one chapter to another of the budget, and no amount may be added, reduced, or abolished, except by law.

#### **Article 69**

a) An Accountancy and Audit Bureau is to be formed by law to control the revenues, and expenditure of the Union.



b) At the beginning of every ordinary session of the Union Council, the Accountancy and Audit Bureau will present to the Union Council a report containing its views, and a statement of the violations committed within the previous year.

c) A law will provide for the immunity of the President of the Accountancy and Audit Bureau.

#### **Article 70**

The Government of the Union may own transferable and un-transferable properties, may manage them, and dispose of them according to law.

#### **Article 71**

All properties of the Union, and its funds, and possessions are exempted from taxes and fees imposed by laws of member states.

### **CHAPTER VII**

#### **AMENDMENT OF THE CONSTITUTION**

#### **Article 72**

This Constitution may be amended according in the following manner:

a) The President of the Union, with the approval of the Council of Ministers, or the Union Council, upon a petition submitted by 21 members, may request amendment of the Constitution. The request must state the articles which need amendment and recommend proper legislation.

b) The Union Council will debate the amendment request and will approve by a two-thirds majority of its total members.

c) If the Union Council approves, the amendment will be referred to the legislative authorities and the member-states. If the amendment is approved by absolute majority of the National Assemblies of the member-states, it becomes effective after ratification by the President as provided in Article 32.

## CHAPTER VIII

### MISCELLANEOUS

#### Article 73

a) In case of a disturbance of public peace in any part of the Union, the President may, in accordance with a decision from the Council of Ministers of the Union, order a state of siege in all parts of the Union or in a certain area. The administration of the areas in a state of siege will be organized in accordance with a special law under which powers will be granted to person or persons who will be appointed to take necessary measures to restore peace. This person or persons shall have power to suspend ordinary laws. The emergency decree may also provide for trial of persons before special courts.

b) In case of emergency in any part of the Union, or in case of the danger of aggression on the Union, the President of the Union may declare martial law in accordance with decisions issued by the Union Council of Ministers in the area or district affected.

c) Union orders may provide for suspension of ordinary laws or regulations. All officials executing emergency orders will be legally responsible for their actions under these orders unless they are excused by a special law.

d) If one of the member-states declares martial law or a state of siege according to its laws in any part of its territory, the member-state may take any measures according to its laws without consulting the Union government. The army present in the area will be responsible for carrying out such orders. The Union Government will be informed.

e) If all member-states declare a state of siege or martial law in their countries so that it includes all the Union countries, these acts will be considered an announcement issued by the Union Government. Paragraphs (a) and (b) of this Article are to be applied.

#### Article 74

The Union Government will fix the dates and define the measures necessary to give effect to transfer of authority from the governments of the member-states.

### **Article 75**

The Union Council formed after issuance of the Constitution will be regarded as the first Union Council. The first session will be considered an Extraordinary Session, and will be adjourned before December 1959 to make way for the first Ordinary Session as provided in Article 13.

### **Article 76**

The first budget of the Union Government will be presented to the Union Council in the Extraordinary Session provided for in Article 75.

### **Article 77**

This Constitution will become effective after approval of the National Assembly in each of the member states and after ratification according to Constitutional procedures.

### **Article 78**

All laws, regulations, and legislations which affect the authorities of the Union and which are law in the member-states when this Constitution becomes effective, will remain valid and effective until abolished, amended or replaced by legislation issued in accordance with this Constitution.

### **Article 79**

Every member-state will amend its constitution to reconcile it with this Constitution.

### **Article 80**

The Council of Ministers of the Union and the Governments of the member-states are requested to carry out the rules of this Constitution.

