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trouve pendante, elle suivra son cours jusqu'à son achèvement, conformément aux stipulations du présent traité.

En foi de quoi, les plénipotentiaires susnommés ont signé le présent traité et y ont apposé leurs cachets.

Fait à Paris, en double exemplaire, le 28 avril 1930.

(L.S.) HARRI HOLMA.

(L.S.) AR. BRIAND.

*DECREE of the High Commissioner of the French Republic promulgating the Constitution of the State of Syria.—Beirut, May 14, 1930.*

(Translation.)<sup>(1)</sup>

(No. 3111.)

THE High Commissioner of the French Republic :

In view of the mandate of the 24th July, 1922;<sup>(2)</sup>

In view of the decree of the 23rd November, 1920, determining the powers of the High Commissioner ;

In view of the decree of the 3rd September, 1926, appointing the High Commissioner ;

In view of the work of the Constitutive Assembly of the State of Syria, which met at Damascus from the 9th June to the 11th August, 1928 ;

And the subsequent exchanges of views with the Bureau of the Assembly :

Hereby decrees :

ART. 1. The State of Syria shall be governed by the constitution annexed to the present decree.

2. This constitution, the text of which is published and promulgated as an annex to the present decree, shall come into force after the election of the members of the Chamber of Deputies, the date of this election to be fixed later by decree of the High Commissioner.

3. During the term of the mandate, the powers established by the constitution shall be exercised subject to the rights and obligations of the mandatory Power as they result from article 22 of the Covenant<sup>(3)</sup> of the League of Nations and from the mandate.

The reservation inserted in article 116 of the constitution to ensure the conformity of this text with the principles governing the present situation of Syria *vis-à-vis* the mandatory Power and the League of Nations shall remain in force until the conclusion, with a properly constituted

<sup>(1)</sup> *League of Nations Publication*. VI. A. Mandates. 1930. VI. A. 3.

<sup>(2)</sup> Vol. CXVI, page 836.

<sup>(3)</sup> Vol. CXX, page 780.

Government, of the treaty which will redefine, with the consent of the League of Nations, the conditions governing the application of the mandate, in accordance with the principles laid down in article 22 of the Covenant, so as to take into account the progress made.

HENRI PONSOT,  
*High Commissioner.*

D. TETREAU,  
*Secretary-General.*

Beirut, May 14, 1930.

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## CONSTITUTION.

### PART I.—FUNDAMENTAL PROVISIONS.

#### Chapter I.—*The State and the Territory.*

ART. 1. Syria is an independent and sovereign State. No part of the territory may be alienated or ceded.

2. Syria constitutes an indivisible political unit.

3. Syria is a parliamentary Republic. The religion of the President is Mohammedanism. The capital of Syria is the city of Damascus.

4. The Syrian flag shall be composed as follows. The length shall be double the height. It shall contain three bands of equal dimensions, the upper band being green, the middle band white, and the lower band black. The white portion of the flag shall bear three red stars in line, having five points each.

#### Chapter II.—*Rights of Individuals.*

5. The conditions under which Syrian nationality may be acquired or forfeited shall be laid down by the law.

6. All Syrians shall be equal in the eyes of the law. They shall enjoy equal civil and political rights; they shall be bound by the same obligations and subjected to the same charges. No distinction shall be made between them in respect of religion, faith, race or language.

7. Personal freedom shall be guaranteed. No person may be arrested or kept in custody, except in cases determined by the law and in observance of the forms prescribed by it.

8. Every person who is arrested or detained in custody shall be informed within 24 hours of the grounds for such detention or arrest, and of the authority at whose instance it has been carried out; and such persons shall, within the

same period, be accorded all possible facilities for preparing their defence.

9. No offence shall be punished and no conviction may be pronounced, except in conformity with the law.

10. No person shall be tried except before the courts prescribed by law.

11. Corporal punishment is forbidden; it is likewise forbidden to deport Syrians from their national territory or to compel them, or forbid them, to reside in any place, except as provided by the law.

12. Dwellings shall be inviolable; no one may enter therein, except in the circumstances and in the manner prescribed by law.

13. Rights of ownership shall be protected by law; no person may be expropriated, except on grounds of public utility and in the circumstances defined by law, and on condition that fair compensation is paid beforehand.

14. The general confiscation of property is forbidden.

15. There shall be absolute liberty of conscience; the State shall respect all creeds and religions established in the country; it shall guarantee and protect the free exercise of all forms of worship consistent with public order and good morals; it shall also guarantee for all peoples, to whatever creed they belong, the respect of their religious interests and their personal rights.

16. Freedom of thought shall be guaranteed; all persons shall be entitled to express their views verbally, in writing, in speeches, or graphically, subject to the limitations provided by the law.

17. Freedom of the press and of printing shall be guaranteed, subject to the conditions laid down in the law.

18. Postal, telegraphic and telephonic communications shall be inviolable and may not be delayed or censored, except as provided by law.

19. Education shall be free, in so far as it is not contrary to public order and good morals and is not detrimental to the dignity of the country or of religion.

20. Education shall be directed to raising the moral and intellectual standard of the people on lines best suited to the national characteristics, and to promoting concord and a fraternal spirit among all citizens.

21. Primary education shall be compulsory for all Syrians of both sexes, and shall be given free of charge in the public schools.

22. The curriculum of public education shall be laid down by a law and shall ensure educational uniformity.

23. All schools shall be placed under Government supervision.

24. Arabic shall be the official language in all the

public services, except in so far as other languages may be used in addition, in virtue of a law or an international agreement.

25. Freedom of assembly and association shall be guaranteed in the manner prescribed by the law.

26. All Syrians shall have access to public employment, without any other distinction than that due to their qualifications or capacity, subject to the conditions laid down by the law.

27. All Assyrians shall be entitled to submit requests or petitions, in conformity with the law, to the authorities or to Parliament, whether collectively or individually, and in regard to business, personal or general matters.

28. The rights of the different religious communities shall be guaranteed, and such bodies may found schools for the education of children in their own language, provided always that they conform to the principles laid down by the law.

## PART II.—PUBLIC POWERS.

### Chapter I.—*General Provisions.*

29. The nation is the source of all public power.

30. The legislative power shall be exercised by the Chamber of Deputies.

31. The executive power shall be entrusted to the President of the Republic, by whom it shall be exercised, with the assistance of the Ministers, under the conditions laid down in the present constitution.

32. The right to introduce bills shall be vested in the representatives of the Republic and the Chamber of Deputies.

33. Before a law can be promulgated, it must have been adopted by the Chamber.

34. The judicial power shall be exercised in accordance with a statute established by law and affording the necessary guarantees to the judges and persons amenable to their jurisdiction. The judges shall be independent and irremovable, within the limits of the law; judgments shall be rendered and executed in the name of the Syrian people.

### Chapter II.—*The Legislative Power.*

35. The Chamber of Deputies shall consist of members elected in conformity with the electoral law, which shall be framed in accordance with the principles laid down in the following articles:—

36. Every citizen of 20 years of age or upwards shall be entitled to the suffrage, provided that he has not been

deprived of his civil rights and that he fulfils the conditions laid down in the electoral law.

37. The electoral law shall institute the system of the secret ballot and shall provide for the representation of religious minorities.

38. Deputies must be 30 years of age and must fulfil the conditions prescribed by the law.

39. The duration of Parliaments shall be for a period of 4 years.

40. The elections for the renewal of the Chamber shall be carried out within a period of 60 days preceding the expiry of its mandate.

41. The method of balloting shall be prescribed by the law. Every candidate shall be entitled to take part in the supervision of the electoral procedure, under the conditions prescribed by the law.

42. Every deputy shall represent the whole of the nation and may not accept any restriction of his mandate.

43. A deputy may also at the same time discharge the functions of a Minister.

44. The Chamber shall hold two ordinary sessions each year: the first session shall open on the first Tuesday following the 15th March, and shall terminate at the end of May; the second shall open on the first Tuesday following the 15th October, and shall continue till the end of the year. The second session shall be primarily devoted to the discussion and the adoption of the budget.

45. The ordinary sessions shall begin and end automatically on the dates fixed in the preceding article.

The President of the Republic may convene the Chamber in extraordinary session. The dates of the opening and termination of extraordinary sessions shall be fixed by a decree. The agenda shall be announced in the decree convening the Chamber. The President of the Republic shall be bound to issue a decree convening the Chamber of Deputies in extraordinary session at the request of an absolute majority of the deputies.

46. Before assuming their duties, the deputies shall swear fidelity to the nation and the constitution. This oath shall be taken with all due solemnity in the presence of the Assembly.

47. The Assembly shall decide by an absolute majority as to the validity of elections.

48. The meetings of the Assembly shall be public; nevertheless, the Assembly may sit in private at the request of the Government or ten of its members. In such cases, the Assembly shall decide at a private meeting whether the proceedings shall continue in private or not.

49. The Assembly cannot adopt any decision unless an

[cxxxii]

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absolute majority of the members composing it are present.

50. Decisions shall be taken by a simple majority, except where otherwise provided by law. Should the votes be equal, the proposal under discussion shall be rejected.

51. The Chamber shall vote on questions submitted for its consideration by a show of hands, or by members rising or remaining in their seats, or by open ballot. A vote by open ballot shall be the rule for the adoption of a bill as a whole, and in regard to a question of confidence. Elections and appointments shall be decided by secret ballot.

52. Any member of the Chamber is entitled to interpellate or interrogate Ministers, in conformity with the rules of procedure of the Assembly.

53. All motions of want of confidence must be submitted in writing and signed by at least 10 deputies. Ministers are entitled to adjourn the discussion thereof for 1 week. A vote of want of confidence shall not be deemed to be adopted unless it is passed by a majority of votes in the Assembly. No motion of this character may be submitted during the voting of the budget.

54. Every bill must be examined by a parliamentary committee before being discussed in the Chamber.

55. No bill which has been rejected by the Chamber may be reintroduced during the same session.

56. The Chamber may not adopt a bill until it has been discussed article by article. A vote by nominal roll-call is requisite for the adoption of the bill as a whole.

57. The Chamber has a right of enquiry in certain special cases in which it is given powers by the rules of procedure.

58. No deputy may be prosecuted in respect of opinions expressed by him in the Chamber.

59. During the sessions, deputies shall enjoy parliamentary immunity, and no measure of constraint may be taken against them without the assent of the Assembly, except in the case of detection in the act of committing an offence.

60. In the event of a vacancy occurring, the seat shall be filled within 2 months. The new member's term of office shall terminate with the mandate of the Legislature.

61. A seat falling vacant shall not be filled if the mandate of the Chamber has less than 6 months to run.

62. The Chamber shall draw up its own rules of procedure.

63. At the opening of the October session, the Chamber, under the presidency of its oldest member, the two youngest members acting as secretaries, shall proceed immediately to elect, by secret ballot and by an absolute

majority of the votes cast, a President, two Vice-Presidents, two secretaries and three comptrollers. At the second ballot a relative majority shall be sufficient.

Should the votes be equal, the oldest candidate shall be elected.

64. Deputies may only vote if they are present at a meeting. Voting by proxy shall not be allowed.

65. The Chamber, represented by its President, is alone entitled to maintain order among its members. No armed forces may enter the Assembly Hall, nor be posted in its neighbourhood, except at the demand of the President.

66. No petition may be submitted to the Chamber otherwise than in writing.

67. The remuneration of members of the Chamber shall be determined by a law.

### Chapter III.—*The Executive Power.*

#### I.—*The President of the Republic.*

68. The President of the Republic shall be elected by secret ballot by an absolute majority of the members of the Chamber. At the third ballot, a relative majority shall be sufficient. The President shall hold office for a term of 5 years. He may be re-elected only after an interval of like duration.

No person shall be eligible for the office of President of the Republic who does not fulfil the conditions of eligibility for the Chamber of Deputies and who has not reached the age of 35.

69. The offices of President of the Republic and of deputy may not be held simultaneously.

70. When assuming office, the President shall take an oath of fidelity to the nation and constitution in the presence of the Assembly in the following terms:—

“I swear by Almighty God to observe the constitution and laws of the country, and to maintain the independence of the country and its territorial integrity.”

71. When the Chamber meets to elect the President of the Republic, it shall proceed with his election before discussing any other matter.

72. The President shall promulgate laws adopted by the Chamber and shall have no power to modify their provisions. He may not exempt any person from the observation of the said laws. The method of promulgating and publishing the laws shall be prescribed by a special law.

73. The President shall exercise the prerogative of pardon. Amnesties may not be accorded except in virtue of a law.

74. The President shall conclude and sign treaties; those concerning the safety of the State or the public finances, as also commercial treaties and, in general, all treaties which cannot be denounced at the expiry of any year, shall not, however, come finally into force until they have been adopted by the Chamber.

75. The President of the Republic shall elect the Prime Minister and shall appoint the Ministers on the nomination of the latter. He shall accept their resignations. He shall appoint representatives of the Republic abroad and receive the representatives of foreign countries; he shall appoint civil officials and magistrates. He shall preside at public ceremonies under the conditions prescribed by the law.

76. Every instrument issued by the President, with the exception of those relating to the appointment or resignation of the Prime Minister, must be countersigned by the Minister concerned.

77. With the approval of the Cabinet, and on the responsibility of that body, the President may issue a decree dissolving the Chamber before the legal expiry of its mandate. The grounds on which the President dissolves the Chamber shall be stated in the decree, which shall also provide for the convening of the electoral bodies; the latter shall proceed to carry out new elections within a period not exceeding 2 months.

The new Assembly shall be convened within a fortnight after the promulgation of the results of the elections. If no fresh elections have been carried out, or if the new Assembly has not been convened within 4 months, the former Chamber shall meet as of right and shall exercise its mandate until the new elections have taken place.

78. The President may not dissolve the Chamber more than once on the same grounds.

79. The President shall promulgate laws within 1 month from the date of their transmission to the Government, after having been definitively adopted. If a law has not been promulgated within that period, it shall come automatically into force. Laws which are declared urgent by the Chamber shall be promulgated within 8 days.

80. Within the time allowed for promulgation, the President may request that a law should be further discussed. If the Chamber confirms its former vote by a two-thirds majority, the law shall come into force and must be promulgated.

81. The President may, with the assent of the Cabinet, adjourn the Chamber for a period not exceeding 1 month. He may not do so more than once during the same session.

82. The President may not be called to account for actions performed by him in the discharge of his duties,

except in the case of violation of the constitution or high treason. His responsibility in respect of offences against the ordinary law shall be subject to the ordinary law. He may not be indicted for these offences or for violating the constitution or for high treason, except by the Chamber of Deputies acting in virtue of a decision adopted by a majority of two-thirds of the members composing the Assembly. He may not be tried except by the High Court, as constituted under article 97 of the present constitution. The function of Public Prosecutor at the High Court shall be exercised by two judicial officials appointed each year by the Court of Cassation at a general meeting.

83. Should the President be indicted, he shall be suspended from his functions, and the presidency shall remain vacant until the High Court has rendered its decision.

84. Should the presidency become vacant, the executive power shall be temporarily exercised by the Cabinet.

85. 1 month at least and 2 months at most before the expiry of the term of office of the President of the Republic, the Chamber shall be summoned by its president for the purpose of electing the new President. Should it not be thus summoned, the Chamber shall meet of its own accord on the 10th day preceding the expiry of the President's term of office.

86. Should the presidency become vacant through the death or resignation of the President, or for any other cause, the Assembly shall meet within 8 days, of its own accord, to elect a new President. If the Chamber is dissolved at the time the vacancy occurs, the electoral bodies shall be convened without delay, and as soon as the elections have taken place the Chamber shall meet as of full right.

87. The emoluments of the President shall be fixed by a law; they may neither be increased nor diminished during his term of office.

## II.—*The Ministers.*

88. The Cabinet exercises its authority over all the services of the State; it meets under the chairmanship of the Prime Minister to decide on important questions.

89. The number of Ministers shall not exceed 7; they need not necessarily be members of Parliament.

90. The Ministers shall be jointly responsible to Parliament for the general policy of the Government. They shall be individually responsible in respect of matters arising in their respective departments. The Cabinet shall submit its general programme to the Chamber through the Prime Minister or another Minister.

91. Ministers may attend meetings of the Chamber, may address the Chamber and may obtain assistance from the officials of the Government in the Chambers.

92. No Minister may buy or rent anything which is the property of the State domains, even at a public auction. He may not participate in contracts for supplies entered into by the public administrations, nor may he during his term of office be on the board of any business.

93. No motion of want of confidence in respect of the Cabinet or of a Minister may be put to the vote unless at least two-thirds of the members of the Chamber are present.

In case, however, the question of confidence is raised by the Cabinet or by one of the Ministers, it may be discussed if a majority of the members are present.

A Cabinet or a Minister in respect of whom a vote of want of confidence has been adopted shall be required to resign.

94. The Chamber of Deputies may indict Ministers for high treason or abuse of powers, in virtue of a decision which may only be taken by a majority of two-thirds of the total number of deputies. The civil responsibility of Ministers shall be determined by a special law, in which regard shall be paid to the principle of pecuniary responsibility towards the State.

95. A Minister who is indicted shall be tried by the High Court.

96. A Minister shall leave office as soon as he is indicted. The Minister's resignation shall not prevent proceedings being taken or continued against him.

#### Chapter IV.—*The High Court.*

97. The High Court shall consist of 15 members; namely, 8 deputies elected by the Chamber of Deputies at the beginning of each year and 7 Syrian magistrates occupying the highest posts in the judicature, in order of rank, or, should their rank be equal, in order of seniority. These magistrates shall be nominated each year by the Court of Cassation at a general meeting.

The High Court shall meet under the presidency of the senior magistrate in order of rank. Its judgments shall be rendered by a majority of 10 votes. The duties of Public Prosecutor shall be carried out by the Attorney-General of the Court of Cassation, except in the case of the indictment of the President of the Republic, where this duty shall be undertaken by a majority nominated by the Court of Cassation under the conditions provided in article 82 of the present constitution.

The procedure to be followed before the High Court shall be determined by a law.

PART III.—FINANCES.

98. Taxes shall be established for purposes of common utility. They may only be levied, modified or abolished in virtue of a law. No person may be exempted from a tax except in virtue of a law.

99. Each year, at the beginning of the October session, the Government shall submit to the Chamber of Deputies the general budgetary estimates of State revenue and expenditure for the coming year. The budget shall be voted upon article by article.

100. During the discussion of the budget or of draft laws involving the opening of supplementary or extraordinary credits, the Chamber may not increase the credits proposed either by way of amendment or of independent proposals. The Chamber may, however, adopt laws involving further expenditure after the close of this discussion. The Parliamentary Committee appointed to examine the budgetary estimates shall be entitled to modify them.

101. No extraordinary credit may be opened except in virtue of a special law. Nevertheless, should unforeseen circumstances arise making urgent expenditure necessary, the President of the Republic may, in virtue of a decree adopted with the approval of the Cabinet, open extraordinary or supplementary credits or effect any transfer of credits. Such credits may not exceed £2,000 per item. The measures thus decreed shall be submitted to the Chamber for ratification at the first ensuing session.

102. If the Chamber of Deputies has not given a final decision on the budgetary estimates before the expiry of the session devoted to their examination, the President of the Republic shall convene an extraordinary session to terminate at the end of January for the purpose of continuing the discussion of the budget. In that case, provisional credits, calculated on the basis of one-twelfth of the preceding financial year, shall be opened in virtue of a decree. During this period, taxes and dues shall be levied, and disbursements effected, in conformity with the laws in force.

If at the end of the aforesaid extraordinary session the budget has not been finally voted, the President of the Republic may, by a decree adopted with the approval of the Cabinet, give effect to the budgetary estimates in the form in which they were submitted to the Chamber.

The President of the Republic may not exercise this right unless the budgetary estimates were submitted to the

Chamber at least 15 days before the beginning of the session.

103. The final accounts for the closed financial year shall be submitted to the Chamber within a time-limit not exceeding 2 years reckoned from the end of the budgetary year in question. A board of auditors shall be created by a special law to audit all receipts and expenditure. This board shall be an independent body and its members shall be irremovable, except as otherwise provided by the law and with the approval of the Parliament.

104. No public loan or obligation involving a charge upon public funds may be contracted except by virtue of a law.

105. No concession for the exploitation of the natural resources of the country or for a service of public utility nor any monopoly of such a nature as to involve financial liability to the State may be granted except by virtue of a law. Such concessions or monopolies may only be granted for a limited period.

106. The monetary system shall be regulated by law.

107. The economic laws shall aim at promoting the development of local industries.

#### PART IV.—REVISION OF THE CONSTITUTION.

108. The Chamber may, at an ordinary session and on the motion of one-third of its members or of the President of the Republic acting in this matter with the assent of the Cabinet, adopt a recommendation by a majority of two-thirds of its members in favour of a revision of the constitution. The recommendation must specify the articles which it is desired to modify. The Chamber shall decide as to the revision of the articles in question at its next ordinary session. A decision in favour of a revision of the constitution shall require a majority of two-thirds of the members of the Chamber.

#### PART V.—MISCELLANEOUS PROVISIONS.

109. The boundaries, organisation and attributions of the administrative districts shall be the subject of a special law, which shall take into consideration the special position of some of these districts.

110. The organisation of the future army shall be the subject of a special law.

111. The present laws shall continue in force until they are modified by fresh legislation.

112. The President of the Republic may, on the proposal of the Cabinet, proclaim a state of siege in districts

where disorder is prevalent, provided that he immediately informs the Chamber thereof. If the Chamber is not in session, the President of the Republic shall convene it forthwith.

113. The affairs of the Bedouin tribes shall be under the direction of a special administration; its powers shall be the subject of a law, in which consideration will be given to the special situation of these tribes.

114. The Mohammedan Wakfs belong, speaking generally, exclusively to the Mohammedan community, and shall be administered by boards elected by Mohammedans. The method of electing these boards and their powers shall be dealt with in a special law.

115. The first President of the Republic shall be elected by the Chamber of Deputies in conformity with the provisions of the constitution.

#### PART VI.—TRANSITORY PROVISION.

116. No provision of the present constitution is or can be in conflict with the obligations contracted by France in respect of Syria, more particularly in regard to the League of Nations.

This reservation applies more especially to those articles affecting the maintenance of order, security and the defences of the country, and to those which concern foreign relations.

So long as France shall continue to be under international obligations in respect of Syria, any provisions of the present constitution which may affect those obligations shall only be applied in conformity with an agreement to be concluded between the French and Syrian Governments.

Accordingly, whenever the application of the laws contemplated by any articles of the present constitution might affect the said responsibilities, the discussion and promulgation of such laws in conformity with the present constitution shall only be proceeded with in execution of the terms of the aforesaid agreement.

Decisions, in the nature of laws or regulations, rendered by the representatives of the French Government may not be modified except in virtue of an agreement between the two countries.

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