

Brief Report

The Baath Party is the Syrian Regime's Instrument to Control Trade Unions in Syria

SNHR Condemns the Dismissal of the Agricultural Engineers Union Head



Thursday 8 August 2024

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyzes in Syria.

Contents:

I. The Baath Party Interjects and Dismisses the Head of Agricultural Engineers	1
II. The Baath Party's Historical Domination Over the Work of Trade Unions in Syria.....	2
III. The Baath Party's Interferences Violate International and Domestic Laws	6
IV. Conclusions and Recommendations.....	8



I. The Baath Party Interjects and Dismisses the Head of Agricultural Engineers

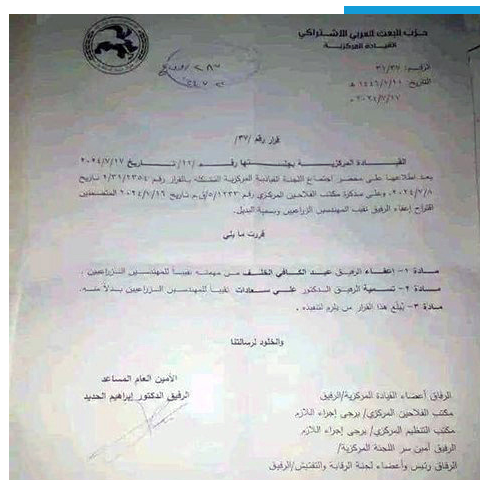
On July 17, 2024, the Central Command of the Arab Socialist Baath Party issued Decision No. 37, formally relieving Abdul Kafi al-Khalaf, Head of the Agricultural Engineers Union, of his duties and appointing Ali Sa'adat as his successor. This decision is a blatant case of the Baath Party overstepping its powers, infringing upon the work of trade unions and the relevant domestic laws related to them, and consolidating its control over the unions.

Decision No. 37 also contravenes the 2012 Constitution, adopted unilaterally by the Syrian regime, which establishes that unions are to be autonomous, and Act No. 8 of 2018 on Regulating the Vocation of Agricultural Engineering, which establishes a specific mechanism for dismissing the head of the agricultural engineers' union.

In addition to these points, the fact that such a decision was made and enforced is emblematic of a deeper structural dysfunction within trade unions, which operate under the Baath Party's total control. In fact, the Baath Party treats this and every other trade union as merely subsidiary extensions of its own organization rather than as independent entities. As such, the Baath Party intrudes into the operations of all trade unions and similar associations, from processes such as selecting candidates to approving the outcomes of members' votes, not to mention, as in this case, exerting absolute power over the appointment and dismissal of union heads and members. To reduce this blatant intervention to a conventional, formal decision reflects the mindset of the Baath Party which, from its own standpoint, is simply implementing a decision on an internal matter by replacing one trade union head with another, as though the dynamics within unions were simply an internal party matter without unions having any governing ordinances of their own regulating the mechanisms by which such issues are decided.

Moreover, this decision shows utter contempt for the thousands of agricultural engineers, who as the union's members should have the exclusive right to select and dismiss their own representatives.

From another standpoint, the Syrian Network for Human Rights (SNHR) believes that this decision comes in the context of the regime's attempts to further centralize the decision-making process within the Baath Party. On May 4, 2024, the Baath Party held a public conference at which it elected a regional management authority reflecting this trend towards centralization, whereby the regime head Bashar Assad has realigned the centers of powers within the party in light of the challenges it is facing, in an attempt to resurrect and fortify a solid inner core in the party, which has stagnated to some degree, especially since the start of the popular uprising in 2011. Through this policy, the regime is seemingly looking to reactivate the Baath Party's role as a significant political force ahead of any political trials to come.



Decision No. 37 of 2024 by the Central Command of the Baath Party dismissing the head of the agricultural engineers and appointing a successor

II. The Baath Party's Historical Domination Over the Work of Trade Unions in Syria

Decision No. 37 is an extension of the policies maintained by the Baath Party since its 1963 coup. Those policies saw the Baath Party ensuring its absolute and uncontested control over any political movement, or any potential source of engagement in independent civil, social, cultural, or union action of any form. [Paragraph 9 of Legislative Decree No. 68 of 1963](#) states that the party controls all civil action in the country through placing all civil formations, including trade unions, under the supervision of the so-called National Council of the Revolutionary Command, laying the foundation of the subsequent and eventual subjugation of civil society in the service of the ruling authority.

By the 1970s, the Baath Party had legalized its absolute control over the state and society through Article 8 of the 1973 Constitution that explicitly stated, "The leading party in the society and the state is the Socialist Arab Baath Party. It leads a patriotic and progressive front seeking to unify the resources of the people's masses and place them at the service of the Arab nation's goals." In effect, this eradicated any semblance of autonomy for the unions, which became merely puppet institutions and instruments wielded by the party which exerted absolute authority over them.

Strict restrictions were put in place precluding any potentially autonomous political role that trade unions might otherwise have played. In this sense, unions have been gradually perverted into entities that exist solely to serve the regime and support it in the implementation of its policies, rather than protecting their members' interests. Any movements which dared to express dissent or voice demands or grievances on behalf of their members were labelled as destructive and accused of attempting to obstruct the advance of communism.

Whatever slim prospects were left thereafter for a genuine civil society were completely eradicated on April 9, 1980, when Hafez Assad dissolved the unions representing lawyers, doctors, dentists, pharmacists, and engineers, and having their members arrested. Subsequently, these unions were supplanted by new bodies subservient to the ruling authority and intricately linked to the regime's security apparatus, as well as being aligned with the Baath Party, effectively in the role of auxiliary bodies. This came at a time when the Baath Party's primary role was amassing power and resources for the ruling authority and its security apparatus.

Indeed, the Baath Party established full control over trade unions and associations and their millions of members. The Party further decreed that anyone wishing to practice their vocation must join the relevant union, including lawyers, teachers, and doctors, among others. By making this a mandatory requirement, these unions have been turned into entities used by the authorities to monitor, censor and control wide segments of the Syrian society, including, *inter alia*, teachers, doctors, and lawyers, as well as laborers and farmers. These unions were forced to raise, adopt, and repeat the banners, symbols, and slogans of the Baath Party, and even to hold or participate in marches marking any milestone or occasion that the ruling authority wishes to see celebrated or observed.

When the popular uprising began in mid-March 2011, the Syrian regime further re-evaluated the roles of grassroots unions, incorporating them into its networks of authoritarianism to crush dissent and enforce more draconian control of Syrian society. In this, the regime's security apparatus instructed unions and associations to revoke the membership of any members participating in the protests, and to submit security reports about them to the regime's security authorities, leading to their prosecution and dismissal, in addition to denying them their financial rights. Even worse, some unions and similar associations were co-opted into playing a military role within the Baath Party's military and security organizations. For instance, in 2013, the National Union of Syrian Students directed its university student members to form the Baath Brigades who served as part of the regime army's auxiliary forces deployed against the Syrian people.

While the Syrian regime removed the infamous Article 8, which formally established the Baath Party as the leader of the Syrian state and society, from the 2012 Constitution, nothing changed on the ground, with the party continuing to enjoy the very same powers and privileges, exerting a brutal paternalistic authority over the Syrian state and society. In this role, the Baath Party still controls all institutions which should be independent platforms to serve the interests of the Syrian people, such as trade unions and the People's Assembly of Syria, another institution co-opted by the Baath Party, which supposedly won 74 percent of all seats, along with its allied parties in the recent and highly disputed elections held on July 15, 2024,

In addition to these points, the Baath Party's establishment of the Baath Brigades as a military entity directly violated [Paragraph F of Article 5 of Act No. 100 of 2011](#) on Regulating Parties, which prohibits parties from engaging in military activities.¹

In reality, despite the adoption of the 2012 Constitution which removed the aforementioned Article 8 identifying the Baath Party as the leader of the state and the institution, the trade unions have remained wholly subservient to the Party. The Baath Party has wielded this absolute control to issue dozens of decisions on union matters, and micro-manages every aspect of unions' work down to the most minor details, including organizing conferences and appointments. Even correspondence is usually addressed to, 'Rafiq xxx' [Comrade xxx], which is an infamous Baath Party form of address.

1. "A party's activity shall not include assembling any public or secret military formation; or use, threaten to use; or incite violence no matter its form."

Despite all the party's glaring intrusions into unions' operations and its absolute, uncontested control over every aspect of their work, [the Regional Command of the Baath Party denied, in a statement published on its Facebook page on February 2, 2024](#), that any unions or grassroots organizations are affiliated with the Baath Party, whether under the 1973 Constitution or the 2012 Constitution, with the exceptions of the National Organization for Syrian Childhood, also known as Ṭalā'i' al-Baath' [The Seeds of the Baath], 'Shabybah althawrah' ['The Youth of the Revolution'], and the General Women's Union, and the General Women's Union was dissolved in accordance with Legislative Decree No. 16 of 2017. The statement claimed that the party simply has a presence in the organizations' executive bodies by virtue of winning elections.

The regime's absolute control over all aspects of Syrian unions' operations, which leaves them with no autonomy whatsoever, is not limited to that exerted through the Baath Party, with the various arms of the executive authority also interjecting in the unions' work to undermine any effort at independent decision-making and to direct the members' choices, even in the marginally small spaces available to them to engage in union activities; this includes holding members accountable, and exerting financial control, as well as exercising jurisdiction over internal matters, such as addressing disputes over compensation for union members.

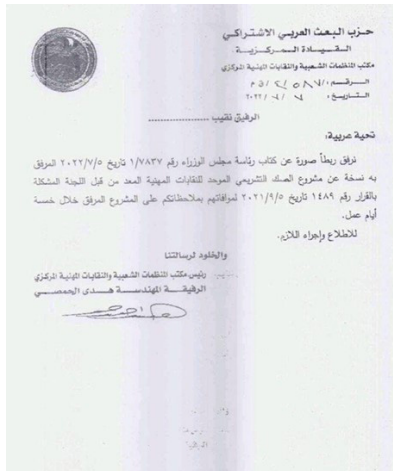
In its current form, union activity in Syria is now effectively limited to collecting membership fees and managing pensions. Unions in Syria do not have the slightest degree of autonomy. For instance, the engineers' union needs to obtain security clearance in order to implement any routine decision such as issuing the standard compensation to the family of a deceased engineer.

The Syrian regime is currently trying to lend further quasi-legal authority to its domination over unions by standardizing union frameworks through what came to be known as a 'Unified Trade Union Legislative Instrument'. In 2022, the regime began trying to establish a unified legislative instrument for all trade unions that would repeal all existing union laws and replace them with this legislative instrument which would function as the sole legal framework for them.

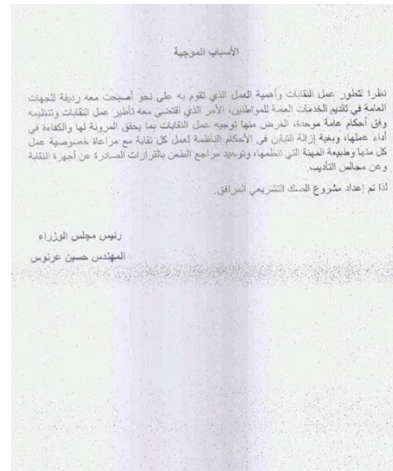
On July 5, 2022, the Prime Minister of the Syrian regime's government sent a formal request to the Assistant Secretary-General of the Arab Socialist Baath Party requesting feedback on the draft for the Unified Trade Union Legislative Instrument and disseminate said feedback to the various trade unions in Syria (representing lawyers, doctors, pharmacists, etc.). Such a request is an implicit recognition of the Baath Party's domination and supervision over union work, and the control it exerts over forming and controlling unions. The draft never reached the adoption stage at the time, however.



↑ Copy of the Prime Minister’s decision to refer the Unified Trade Union Legislative Instrument to the Central Command of the Baath Party

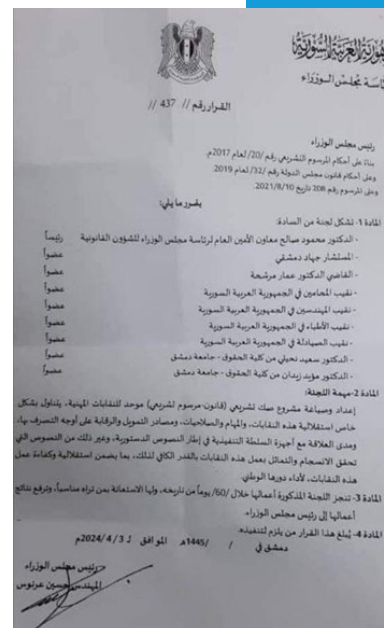


↑ Circular issued by the head of the Baath’s Party Central Office for People’s Organizations and Trade Unions, which was sent with a copy of the draft for the Unified Trade Union Legislative Instrument



↑ An explanatory memorandum for devising a Unified Trade Union Legislative Instrument, which was sent with a copy of the draft for Unified Trade Union Legislative Instrument as it was referred by the Prime Minister of the Syrian regime’s government to the Command of the Baath Party

In 2024, the Syrian regime once more attempted to establish a unified legislative instrument. On April 3, 2024, the Prime Minister of the Syrian regime’s government issued decision no. 437, forming a committee to devise a draft for the Unified Trade Union Legislative Instrument, with the directive that it should submit a draft within 60 days. Presumably then, the committee should have submitted a draft, although this has yet to be announced. It is possible that the announcement was deferred until after the regime’s election for the new People’s Assembly of Syria, so as to task the new Assembly with evaluating the draft.



↑ Decision No. 437 by the Prime Minister of the Syrian regime’s government forming a committee to devise a unified trade union legislative instrument.

III. The Baath Party's Interferences Violate International and Domestic Laws

From a legal standpoint, the Baath Party's intrusion into every aspect of unions' work blatantly contravenes unions' freedom to function, which is guaranteed by both international and domestic laws.

For instance, Paragraph 2 of Article 3 of the International Labour Organization's (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which had been ratified by Syria in 1960, states that "The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof."

Moreover, Paragraph 2 of Article 8 of the same Convention states that "The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention."

Not only does C087 establish a negative obligation on states to not interfere in the rights of unions, but ILO members are also obliged "to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise" as stated in Article 11.

Furthermore, Decision No. 37 violated various other international laws, including violating Article 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Syria on March 23, 1976, and Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Syria on January 3, 1976. Both articles clearly establish that individuals have the right to form and join associations and unions, and that said associations and unions have the right to "function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;" in addition to stating that any such limitations should refrain from the excessive use of ambiguously broad and vague terms which would afford governments free rein and excessively broad powers.

Domestically, this decision contravenes Syria's 2012 Constitution, adopted by the regime. Article 10 of the Constitution states that, "The State shall guarantee the independence of these bodies [i.e., Public organizations, professional unions and associations] and the right to exercise public control and participation in various sectors and councils defined in laws;"

Moreover, Article 154 of the Constitution requires that "the legislation in force and passed before approving this Constitution [i.e., the 2012 Constitution] remain in force until they are amended in accordance with its provisions, provided that the amendment is done within a period of no longer than 3 years."

According to this article, all laws, and articles of legislation² that afford the Baath Party privileged or discriminatory powers must be repealed. However, no such action has been taken, as the laws regulating unions³ and associations still refer to the Baath Party's superior authority and, as such, any actions taken by the Baath Party that do not conform with the 2012 Constitution after the period prescribed above should be deemed invalid.

Additionally, Decision No. 37 violates multiple articles of Act No. 8 of 2018 Regulating the Vocation of Agricultural Engineering. According to Articles 31-34 of Act No. 8, the head and council members shall be selected by means of elections, rather than being appointed by a decision taken by the executive authority. These articles also state that the head and council members are not to undertake partisan tasks within the unions.

Finally, Article 20 of the same Act specifies the mechanism by which a withdrawal of confidence in a union head or council member(s) is declared, with the article specifying that a vote of no confidence is the exclusive competence of the Union's General Assembly. Relatedly, Article 39 addresses how the vacant union head's position should be filled in the case of a vote of no confidence.

-
2. For instance, [the Statement of Reasons for Act No. 84 of 1968 on Regulating Unions](#), which is still in effect, reads, "in affirmation of the historical role of the working class in the outbreak and protection of the socialist revolution... and in implementation of the outcomes of the Party's Conferences that asserted the freedom of the people's organization within the nationalist socialist line, and to deepen democratic freedoms for these organizations, especially labor and farmers' organizations."
 3. For instance, [Article 4 of Act No. 30 of 2010](#) on Regulating the Practice of Law in Syria states, "The Lawyers' Union shall work in collaboration with the official and popular bodies in the Arab Syrian lands, and in coordination with the competence office at the Regional Command of the Arab Socialist Baath Party, on achieving the following objectives: 'help mobilize the masses to achieve the objectives of the Arab Nation, and work on developing legal thought and practicing law in service of the building of the Arab society and achieving justice and equality.'"

IV. Conclusions and Recommendations

Conclusions

SNHR condemns the Baath Party's and the regime executive authority's domination and unrestricted control of trade unions in Syria, which are imposed in a way that solely serves the interests of the party and the regime, rather than the interests of the members that these unions are supposed to serve. SNHR believes that all decisions made by the Baath Party are null and void in accordance with the 2012 Constitution, which was adopted by the regime itself, particularly Article 154. The decision to dismiss the head of the agricultural engineers and name a new head is wholly invalid on the grounds of an explicit lack of competence by those taking the decision. The Unified Trade Union Legislative Instrument project, which the regime is currently trying to bring to fruition, is an attempt to consolidate the control wielded by the regime's executive arm, its Baath Party and its security apparatus, over union work in Syria, and to subjugate this in service of the goals of the authority and the Baath Party.

SNHR must stress that the operations of civil society organizations, and most importantly trade unions, have always been a point of pride in democratic states, since these are rooted in the belief that the people are the primary source of authority. However, the Baath Party, and the Assad regime and its security apparatus, have emptied those institution of any autonomy, reducing them to the status of more instruments used to exert absolute control over the Syrian people.

The decision to dismiss and replace a new head of the agricultural engineers' union is completely invalid on the grounds of the lack of competence⁴ of those responsible. It also violates international and domestic laws, including the 2012 Constitution and Act No. 8 of 2018 on Regulating the Vocation of Agricultural Engineering. Furthermore, it infringes upon the jurisdiction of the Agricultural Engineers' Union's General Assembly.

4. In Jurisprudence, the deficit of lack of competence is the "state of not having the legal ability to engage in a certain legal action that was prescribed by the legislator as part of the competence of another authority in accordance with laws regulating the organization. As such, it is an organic deficit that entails the inability to engage in a legal action made by the legislator as part of the jurisdiction or competence of another body or individual." Excerpt taken from:

Al-Jar, T. (1977). *Raqābah alqaḍā' li'a'māl al'idārh al'āmh* [Judicial Oversight Over Public Administration Work] P. 341

Recommendations

Syrian regime

- Respect the constitution and domestic and international laws that guarantee the autonomy of trade unions and the rights of their members in freely electing their representatives.
- Repeal all laws and articles of legislation that give the Baath Party privileged powers over the unions, and ensure that all laws are compatible with the Constitution and international law.
- Establish transparency mechanisms to hold those responsible for violations against the rights of union members accountable, and ensure that unions can conduct their work free from any intrusion by executive or Party bodies.

International community

- Provide technical and financial support to enhance the capabilities of independent trade unions in Syria in order to help them exercise their rights in a free and autonomous way.
- Consider imposing specific sanctions on individuals and bodies whose involvement in perpetrating violations against the rights of trade unions and their members in Syria have been proven.
- Suspend the membership of Syria's trade unions in international union bodies, until they have attained autonomy and freedom of union work in the way prescribed in international treaties.
- The UN and other international organizations should issue official statements condemning the violations against the rights of trade unions and their members in Syria, and shed more light on these violations at the international stage.

UN Human Rights Office (OHCHR)

- Intensify efforts to monitor and document violations against trade unions in Syria, and release periodic reports on this topic to raise awareness on the international level.
- Provide legal support for trade unions and individuals affected by the violations against their rights and work on building the capabilities of these bodies so as to ensure they are better equipped to face legal and administrative challenges.



SYRIAN NETWORK
FOR HUMAN RIGHTS



info@snhr.org
www.snhr.org

No justice without accountability

© Syrian Network For Human Rights (SNHR),
August 2024

