

COMMENTARY



Drain Society, Feed the Military

Changes to Syria's conscription law will prevent the repairing of relations between the armed forces and civilians.

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The Syrian People's Assembly on December 17 passed an amendment to Article 97 of the country's conscription law ([Legislative Decree No. 30 of 2007](#)), which applies to people who have evaded compulsory military service and have "abstained from paying [a discharge fee] directly." It allows for the "executive seizure of financial assets [of such a person] without warning when he reaches 43 years of age, as well as the provisional seizure of capital held by his wife, or wives, and children, until it can be proven that these did not come from [the person in question], in cases where his capital was insufficient" to cover the set discharge fee.

This amendment reflects how the regime is continuing to drain the financial, human, and institutional resources of Syrian society to serve its military apparatus and ensure its own stability. The amendment was passed to boost regime revenues, and was one of a series of preemptive steps aimed at easing the effects of the United States' Caesar Syria Civilian Protection Act (or "Caesar Act"), which has imposed sanctions against the regime. The amendment pays little attention to the resulting negative impacts on civilian-military relations in Syria, which have been deteriorating for decades.

The regime had [reasons for modifying the legislation](#). Article 97 and its amendments had allowed it to force men over conscription age seeking discharge to pay \$8,000 or the equivalent amount, as well as to provisionally confiscate both the moveable and immovable assets of those who declined to pay the discharge fee (for collection under the Public Funds Collection Law). However, legislating for provisional confiscation of a given amount contradicted the intended benefit of the legislation, which was a precautionary

measure in the event the regime needed to seize assets that were contested or not fixed, and because such seizures needed to be monitored to establish rights based on the Civil Procedure Law.

The December 2019 shift from “provisional seizure” to “executive seizure” took place two years after the passing of the previous amendment, possibly in order to allow time to understand and interpret the law and to avoid deepening Syria’s economic crisis. It also allowed time for the regime to retain some control over the human resources within the military.

Any Syrian man eligible for military service, whether an expatriate or a refugee, has four options once he has regularized his status at a Syrian embassy. He can, first, return to Syria and complete his compulsory service; second, pay the sum of \$8,000 before reaching 43 years old, as outlined in Article 13 of the military service law; third, pay the same sum in lieu of service, after turning 43; or fourth, face executive confiscation of his assets and provisional confiscation of his wife’s, or wives’, and children’s assets, without warning.

In other words, the Syrian regime has told its citizens living abroad that either they can complete their obligatory military service, compensating for the state’s shortfall in military personnel, or sooner or later they will have to pay the specified sum. Otherwise, they risk the inevitable executive seizure of their assets to provide financial resources to help the regime overcome a suffocating economic crisis.

The change discussed herein, the fifth alteration to Article 97, is the latest in a series of similar amendments, except it has not yet been officially ratified by the head of state, as required by [Article 100](#) of the Syrian constitution of 2012. Since the first version of the law passed in 2007, Article 97 has been changed four times, as follows:

- [Legislative Decree No. 20, 2008](#): Added the phrase “Legal administrative delay.”
- [Law 36 of 2009](#): Changed the value of the sum to be paid in lieu of service, from 35 to 30 months’ salary for a lieutenant, warrant officer, first sergeant,

sergeant, or corporal, depending on the person's highest educational certificate.

- **Legislative Decree 33 of 2014**: Set the payment in lieu of service at \$8,000 instead of the aforementioned 30 months' salary, according to the person's educational level. This amount was set regardless of the salary the person would have earned in the army, thus reaping greater amounts due to the differences between salaries.
- **Law 35 of 2017**: This amendment for the first time legislated for provisional seizure of movable and immovable assets of those who decline to pay the conscription waiver fee.

The table shows amendments to Article 97 and the revenues it has brought the Syrian treasury since the law was first promulgated in 2007—assuming the person is a conscripted lieutenant. This is the rank the Syrian army gives to a conscript who has completed four years of university studies. In general, a rank is set for each type of qualification, and the soldier will retain it for the length of his service.

The Syrian pound's spiraling black market rate, which has now surpassed SYP1,100 to \$1, means the regime's financial benefits from conscription waiver fees have changed dramatically. A single such fee now covers the salaries of 132 lieutenants for a month.

The vast economic changes that have rocked Syria since the uprising in 2011 and the collapse of its currency against the dollar have forced the regime to seek ways to rapidly boost its revenues. To this end, it has used both parliamentary legislation and presidential decrees. It first set the fee for avoiding conscription at \$8,000, raising the bar to provisional, then executive, seizure of the assets of those over the age of 42 (the maximum conscription age), for those unable or unwilling to pay. This was a preemptive step against Syrians living outside the country, creating a mechanism by which the state could ultimately seize the assets of those concerned (known to the regime by name), constituting the vast majority of such cases in the coming years.

This change is also an attack on the rights of refugees, **similar to Law No. 10 of 2018** and other mechanisms through which the regime has confiscated the

property of its opponents—both civilians and those who have defected from the military—on the pretext of fighting terrorism or seeking fugitives.

This legislation is just the latest in a series of laws and legislative decrees since 2011 that serve the military at the expense of society. In the long term and through multiple mechanisms, which could develop further in response to future circumstances, such legislation could either provide the military with an increase in personnel or boost the state's foreign currency reserves. But by passing this amendment, the Syrian regime deepens preexisting social divisions. It will not help heal the enormous wounds left by nine years of war.

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