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A Safe Path for Democratic Decentralization in Syria

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People walk near electoral banners for local administration council elections in Damascus, Syria, September 2018. © EPA
Before the Syrian uprising morphed into a full-scale war, Syria was probably the most authoritarian regime in the Arab region, unequalled in the scale of its repressive practices except by the Iraqi regime of Saddam Hussein. Authoritarianism is hardly compatible with decentralization. An authoritarian government’s key concern is to spread the tentacles of its surveillance apparatus across all regions in order to exert full control over the lives of the citizens. A process of decentralization – in which power is genuinely devolved – is practically impossible, therefore, in an authoritarian system of governance. Yet equating centralization with authoritarianism and decentralization with democracy is an assertion that deserves discussion. Some democracies have functioned in a highly centralized manner. Perhaps, one of the best-known examples is France (on which the Syrian state was modelled) that remained highly centralized since the early days of the state formation almost 1000 years ago. The French revolution of 1789 upheld freedom and equality and announced a democratic system. The very idea of decentralization was rejected at the time in the name of equality understood as uniformity. Yet even France found it necessary to engage in some form of decentralization. Since the early 1980s, it engaged in a process of decentralization, mainly for administrative and financial efficiency. Although it continued to consider identity politics as dangerous for the unity of the nation, it was forced to concede to one particular identity-driven demand, that of the Corsicans, by designing a special status for the island.  

And decentralized systems do not necessarily produce democratic or more representative systems. Mexico is a case in point. Although it was always a federation, its political system remained a one-party rule for some seventy years before it transitioned to democracy in the early 2000s.

Decentralization and democracy are, therefore, not inherently inseparable. However, a centralized system, even if democratic, inevitably reduces and often denies the specific identity of certain groups within society. It might operate in a democratic manner when national identity is homogeneous, but the world is composed of states where homogeneity is an exception. In diverse societies such as those of the Middle Eastern countries, centralization together with the demagogic discourse of authoritarian regimes using national cohesion as a pretext and brandishing foreign interference as a permanent threat, have served to deny
diversity and basic rights of both individual citizens and specific communities.

Syrian society faces a historic challenge and possibly an existential one: it needs to craft a model of decentralization as part of a new social contract while its national institutions are all but failing and its regional environment challenges the integrity of its territory and its sovereignty.

Given the uncertainty shrouding the future of Syria, the paper is organized in two parts. The first lays out the discussion about decentralization based on the current reality of the Syrian regime in a scenario in which it regains control after having lived through nine years of gradual foundering of state institutions. The second part considers options for a new decentralized order in a context of democratic political transition. This is not to say that the first option is viable while the second is an ideal order for a fictitious future. On the contrary, the paper shows that the destruction of state institutions is a reality and a consequence of the conflict, that violence and other forms of resistance will continue, and that peace cannot be brought to the country under the existing political system. The second option is, therefore, a necessity which Syrians will need to define with the support of the international community. The paper lays out the process with concrete steps for achieving democratic decentralization.

Decentralizing under Assad’s destroyed state institutions

The reality of the Syrian state after nine years of war is that its institutions have undergone a process of fragmentation and gradual collapse and are unlikely to be restored to their previous mode of operation. Despite the central government’s territorial gains, it lacks control over its key national resources in northwest Syria and the vertical trust required to govern large sections of society. The regime’s strategy was to rely fully on the army and the security agencies to regain control by force. Under the rule of Assad’s father in the early 1970s, the regime had engineered a sophisticated surveillance apparatus which proved to be one of the most effective “securitocracies” of the region. But the start of the uprising in 2011 was a first sign of the failure of the surveillance system. In the face of disobedience and defiance, the objective became to physically prevent the rebellion from taking
over public spaces. After approximately two years, the repressive apparatus was not able to continue operating as a centralized and orderly machine anymore. In confronting rebel armed groups, whole sections of the apparatus gradually deviated and gained autonomy of action. This only increased as the financial resources to maintain them under a coherent centralized command began to dwindle. Heads of different branches of the security agencies across the country started operating in ways that were not very different from some of the rebel armed groups (using kidnappings and lootings as a source of income to pay their combatants). With foreign support from Iran and Russia, some grew to become central militias with wings and branches in all administrative units across the country and ceased to operate under a unified Syrian command.

The security sector, therefore, best illustrates the failure of state institutions during the war and the need to rebuild capacity and coherence at the central level before decentralization can be safely implemented. It is precisely because of its loss of monopoly over the use of violence that the regime is trying hard to reassert its control in the harshest manner as it needs to prove its capabilities before anything else at this stage. Assad understands (probably rightly) that his allies will keep him in power for as long as they believe he can keep the country under control, and in spite of all the relentless crimes his regime has committed.

In opposition-controlled areas, all vertical relationships from the central state to the local level disappeared as the regime withdrew its presence and services. The authority was held by the provincial councils whose members were elected by the citizens of the governorate. The same mechanism of elected council members was replicated at the level of the cities, towns and villages. These experiences of local governance were unprecedented for Syrians and are vividly remembered as a key feature of the uprising. Whole sectors of society organized their lives away from the state. Local councils restored certain infrastructures, reopened schools and provided services such as health, transports, distribution of bread, etc. The local administration structures were not brought under the authority of opposition political bodies although a provisional government of the opposition created a ministry for local administration. As insecurity spread and local armed groups guarded the areas they controlled, local councils operated entirely at the local level. They were largely successful in gaining the support of the population and a
degree of legitimacy and accountability, but there was no possibility and, therefore, very little thinking among them as well as among foreign partners and donors about ways to connect the local structures to a common central authority. After Assad forces regained control militarily over 60% of the country with the support of Russia and Iran, the regime has since 2018 been keen to put an end to the local governance structures of the opposition which it perceived as no less threatening to the restoration of its authority than any of the armed groups. These local structures were swept away everywhere except in parts of the northwest and northeast which remain respectively under opposition and Kurdish control.

Two developments that occurred since the regime regained territorial control can be seen as indicators of its position on decentralization.

The first is the local elections it organized in September 2018 and used as an opportunity to consolidate its power networks at the lowest level. One single list, “National Unity List”, was presented with Baath Party veterans as candidates and declared the winner in most localities.

The elections were conducted on the basis of a combination of sectarian, political and economic objectives. First, they aimed to break the strongholds of the uprising by fractioning traditional urban centres which acted as incubators of the movement. Electoral districts were modified through new laws that created approximately 70 new municipalities, mostly in Hama Governorate and Damascus countryside. Second, they sought to ensure that as many of the Sunni population forcibly displaced during the conflict as possible would not be able to return to their original homes. The strategy regarding local governance was thus directly linked to the infamous Law No. 10 which mentions local councils as the main structures that would implement the law and lead the reconstruction process. This is a third goal which Joseph Daher explains well. “Reconstruction has increasingly become intertwined with a complex web of government-affiliated patronage networks made up of political and economic elites”.

The second indicator is the regime’s behaviour in negotiations with the Kurdish representatives of the autonomous area in the Northeast of Syria. Knowing they control military force that he cannot balance, Assad’s aim is to regain control of this area, the richest in resources, through negotiations. To lure them into the
negotiations, he spoke of a new administrative division of the territory into five to seven regions, even suggesting that one region could allow the Kurds to have demographic majority. The Kurds of the PYD,4 fearing a major Turkish offensive, went to Damascus to try to reach an agreement but the regime had nothing more to offer than Law 107 which is far below the aspirations of the Kurds. It seems such statements about major changes in the system are aimed merely at satisfying Russia (Russia’s proposed Syrian constitution back in 2016 describes a quasi-federal system) and European states whose funds the regime is coveting for reconstruction.

In spite of the rigid position of the regime and its muscle-flexing, there is clearly no possibility of going back to the highly centralized state that existed before 2011. But defining the right model of decentralization for Syria is a huge challenge. While there are a few successful models of decentralization in the region, these have occurred in a context of democratic transition as in Tunisia or gradual liberal reforms as in Morocco (see below). In post-conflict contexts, however, the precedents from the region are not encouraging. Iraq has been struggling to rebuild a coherent state with a security apparatus and a functioning economy and the Kurdish region is set to break away when it sees the opportunity again. Yemen sought to pass a hastily prepared law to create a federal system before it morphed into full-scale conflict in 2014. Outside powers have not always been of good advice as most of those involved in conflict resolution processes tend to project their own culture of statehood on countries with a very different history, and often confound issues of administrative organization with power-sharing arrangements and assume that increased decentralization can make up for the lack of trust between communities.

**Democratic decentralization for post-conflict Syria**

Syrians have suffered over the years of conflict from a warped definition of the causes of the war. The overwhelming majority among them - including among the loyalists - continues to define the conflict as an uprising against the ruling elite rather than as a civil conflict and are very wary of the model of power-sharing on
sectarian bases of Lebanon or Iraq. They also suspect that federalism is a recipe for partition and speak of decentralization as an acceptable change because it can take place within a unitary state.

The notable exception are the Kurds who experienced persecution and denial of their basic rights throughout their history. Their demand for federalism has become the litmus test for measuring the commitment of other Syrians to a democratic system that accommodates minorities. But even some Kurds (those who rule the autonomous administration) consider that carving new administrative borders along ethnic and sectarian lines would be unfit for Syria, if only because of the geographic distribution of Syria’s communities. Unlike Iraq, there is no homogeneous territory, save perhaps in the case of the Druze community (though even there, there are Druze enclaves in different parts of the country) nor is there a centre that is homogenous and a periphery that is multi-ethnic. This may seem counter-intuitive to foreign powers but if Syrians are allowed to truly decide their fate, they would probably look for other ways of administering the diversity of the country. While the demand for federalism is not representative of all Syrians, decentralization can respond to the grievances and desire for increased local autonomy that the Kurds, who call for federalism, have. What we describe below as democratic decentralization can be an alternative solution that a majority of Syrians would agree upon and could achieve the demands of the Kurdish community.

A recent survey of Syrians’ views of decentralization illustrates the complex interplay between sectarian and political considerations. The Alawite community, for example, was the group most opposed to decentralization. Given that the regime is dominated by the minority Alawite community, it was always keen to cultivate its nationalist credentials as its main source of legitimacy. Ironically, the regime shares this dogmatic attitude with part of the opposition, particularly the nationalists, Nasserites, even the socialists, and the opposition Baathists.

Under Bashar el-Assad, what matters most are the huge economic interests concentrated in the hands of the extended family and those who gravitate around the power structure in Damascus. The predatory system to capture resources and contracts would not function in a decentralized system. Jihad Yaziji addresses this
aspect in some detail: “[t]he Alawi community also fears that once power officially begins to drain away from Damascus, the wider dam will break, leading to the regime’s demise.” 6 The elites connected with the regime are multi-sectarian, many are Sunni, but they have little concern for poorer Sunnis living in the suburbs of large cities or in rural areas.

Throughout the conflict and as the state’s resources dried out, humanitarian aid conducted through governmental channels became the main source of revenue that kept the system afloat. The regime now looks to investment for reconstruction as the new source to finance the system again and hopes to maintain the power structure unchanged.

Syria is in its ninth year of conflict and the Syrian regime believes it won the war. It is acting as if it can resume its governance system with mere cosmetic changes, but its allies, Russia and Iran, are acting as the victorious powers while other powers acknowledge that the political formula to stitch the country back together needs to be redefined on new foundations. Given the weakness of Syrians on both sides, the struggle to maintain control over the negotiation process in order to produce their own model of decentralization will be quite challenging. Germany and Japan are the two precedents that continue to inspire peace negotiators. These countries lost the war and surrendered. As a result, their fate was decided by the victorious powers.

Decentralizing with safeguards

In addressing the challenge of decentralization, it may be safer to distinguish two challenges, one is the what, i.e. agreeing on the ultimate objective of the shape of the decentralized system and its integration into the new constitution. The second is the how, namely designing and treading a safe path to reach this objective. This implies a three-phased process: first, to agree on general principles; second, to define a detailed model of decentralization and third, to set the tools and safeguards to ensure that what was agreed will be implemented. Syrians will need to harness lessons from other experiences to limit the risks while developing its own model.
The guiding principles

The Tunisian experience suggests that the more precise the Constitution regarding decentralization, the better. The Tunisian Constitution enacted in 2014 contains no less than 12 articles about decentralization and an estimated 10% of the text is related to decentralization. Detailed text enshrined in the Constitution leaves less autonomy to the ruler and to the legislator and protects the prerogatives of the local authorities. As a result, local authorities have a legal existence of their own which cannot be reduced by the central government.  

For Syria, it may be useful to negotiate a set of principles, in the early phase of the Constitutional Committee meetings, that would guide the drafting of the section related to decentralization in the Constitution. This would pave the way for developing a full-fledged scheme. The guiding principles would follow the example of the document entitled “the 12 founding principles” on the durable features of the new Syria which the Syrian negotiators agreed to in Geneva in 2017. Such a framework agreement would serve to reassure the parties, primarily the Arab majority and the Kurdish components of society about the basic rights of the latter and the safeguards for the former.

The key principles which have been at the centre of most inter-Syrian dialogues, have been articulated in various draft documents. A deliberately ambiguous concept, that of “democratic decentralization”, was suggested which would allow Syrians to negotiate decentralization along a set of key principles, including:

- The stronger the guarantees provided at the central level to all communities, the more solid the sense of belonging to the national community, chiefly for the Kurdish population, and the lesser the incentive to seek entrenchment and separation.
- The neutrality of the state vis-à-vis religion and ethnicity: the Kurdish, as well as the Alawi communities of Syria, are opposed to any nationalist (for the Kurds) or religious (for both Alawis and Kurds) reference in defining the Syrian state. If the Arab majority agrees to forego the reference to the Arab identity of the state in the official name of the Syrian Republic and assert the neutrality of the state vis-à-vis all religions.
and ethnicities, the risk of seeing these communities seek separation will be reduced.

- Effective respect for the principle of equal rights requires the creation and protection of a legal civil space through the enactment of laws that will guarantee the rights of every citizen, male and female, to resort to civil law instead of the personal status law of his or her religious community if he/she so chooses.

- In addition to guaranteeing the rights of individual citizens, the Constitution should include provisions for the collective rights of communities.

- Syria’s administrative boundaries might be redefined based on geography (not ethnicity or religion) and along criteria related to a fair distribution of natural resources and balanced development.

- Local authorities will have to be elected to enjoy a legitimacy of their own. This by definition is a form of political decentralization as it involves electoral politics at the local level. The democratic Tunisian state does not fear calling its new model political decentralization.

- With regards to security, security tasks may be decentralized, that is local police forces can be created and operate with some degree of autonomy, but all security and military forces will have to be subjected to one national law and a single central authority.

- The consequences of the conflict and the massive displacement of populations will require the establishment of a special provisional body with local committees in each region to address the complex issue of return, dispossession and property rights. While these are usually addressed under a transitional justice scheme, they will need to be fully accounted for and made part of the negotiations on decentralization as they are a major source of likely disputes between the government and millions of displaced Syrians, on one hand, and between Arabs and Kurds in the so-called autonomous areas under the control of Kurdish forces, on the other.

- Syria will probably need to formulate special provisions to limit the interference of neighbouring countries and groups in its domestic politics through certain Syrian political actors. The Constitution might, therefore, include a clause that bans any Syrian party from maintaining...
organizational and financial ties with outside groups. Ideological affinities cannot be banned, however (such as those of the Kurdish PYD with the PKK of Turkey and the Muslim Brothers who define themselves as a branch of a pan-Muslim movement).

The Implementation Process

To plan the process of implementation, it may be useful to set, here also, some rules or principles which would ideally be enshrined in the Constitution to address concerns harboured by many Syrians and to allow for the drafting of legislation subsequently. Tunisians adopted the following rules which could inspire Syrians:

- The principle of tutelage (or guardianship), which serves to preserve the unity of the State by granting it a certain type of control to ensure that autonomous administration does not evolve into independence. In the Tunisian Constitution, Article 138 states that local authorities are subject to a post-audit to determine the legality of their actions. This implies that the central State exerts control *ex post facto* (i.e. after the decision is taken by the local governing body); the controller is an administrative judge and his mission is instigated by a representative of the State.

- Also of relevance is the principle of concordance adopted by Tunisia according to which any prerogative devolved to the local level should be matched by a devolution of the budgetary means to allow the local authorities to exercise this prerogative. Both Morocco and Tunisia described precisely the prerogatives and responsibilities of each level of local governance (region, city, district) and defined a fiscal system that ensures the allocation of budget to each level. The Moroccan government, for example, allocates 5% of the total income tax it collects directly to local authorities.

- Another safeguard for the unity of the state is to create new structures at the national level tasked specifically with managing local finances and overseeing local mandates. These new institutions should be established by the Constitution and not be subject to the authority of either the executive or the legislative. They would be in a position to ensure a
comprehensive view of the decentralized system and guarantee that it is balanced leaving no area marginalized or disadvantaged. The Tunisian Constitution provided for the creation of several new institutions with this status, two of which relate specifically to decentralization. One is the Higher Council of Local Authorities (located outside the capital in one of the regions), the second is the High Authority of Local Finances. In addition to these two constitutional bodies, a third provisional institution called the “general authority of control and accompaniment of the decentralization process” was established which should operate at least until the implementation of the decentralization scheme is completed.  

- Finally, a bicameral parliament with a national assembly and a senate is a common feature of decentralized states, particularly those with multi-sectarian societies. The second chamber’s role is to ensure a fair representation of the various communities of Syrian society and mitigate the impact of the majority rule. Dialogues among Syrians demonstrate a consensus in favour of a bicameral legislature.

Decentralization processes result inevitably in changes which cannot all be anticipated. In Tunisia, the principle of tutelage (guardianship), for example, led to a reorganization of the system of administrative justice and the creation of regional administrative courts. As they were drafting the Constitution, Tunisians realized the complexity of the decentralization process and agreed on the principle of gradualism. A five-year plan was adopted which set the short-term and medium-term objectives and measures. The plan was approved by the Parliament, enacted through an orientation law and is assessed annually by the legislators and the Higher Council of Local Authorities.

The complexity in the case of Syria is much greater, and over eight years of conflict have created inextricable situations. Syrians should, therefore, plan to create a number of specialized commissions among which:

- A commission for redefining the administrative division of the country
- A commission on economic, financial and natural resources issues
- Local commissions of legal experts and civil society representatives in each region to address displacement, dispossession, return and property
Rebuilding and decentralizing security

A decentralization scheme requires first and foremost the rebuilding of national coherence in the security sector, starting with command and control within the national army and the security institutions in Damascus. Second, it needs to ensure that Russia, Iran and Turkey as the most powerful foreign players, do not hinder this process and hopefully work towards this same objective.

This requires minimal consensus among Syrians and with outside players on the key priorities of the national security agenda. For decades, Syrians heard a hollow discourse on national security while the security sector was designed and organized to protect the regime against its society. The long-prevailing consensus that designated Israel as the archenemy – a legitimate security concern for Syria given Israel’s ongoing occupation of Syrian territory – was used cynically by the regime as a convenient alibi to pre-empt any discussion about other priorities.

In the post-conflict context, consensus-building starts with agreeing on what constitutes the most important security threats. While foreign forces currently stationed on Syrian soil respond to clearly identified powers (Iran, Turkey, Russia) or are dependent on other regional players for arms and money, the extremists and the criminal groups who claim to be either on the regime or on the opposition’s side, will need to be confronted through a national plan designed at the central level that integrates intelligence and military means. Intelligence capacity, as some experts rightly advocate, must be maintained entirely at the central level as it forms the backbone of a national strategy to preserve the integrity of the country. As counter-terrorism efforts will continue for some time to come, it will require close cooperation with international intelligence agencies.

Yet it may be difficult in this case to leave the empowerment of local security forces to a later stage. The existing military capability among some of them,
primarily the Kurd-dominated Syrian Democratic Forces, the powerful Alawi-dominated militias in the coastal area of the country and - to a lesser extent - some groups in the northwest make it difficult to envisage a sequential process by which the central state security institutions would first regain control and disarm all groups before it grants authority to local forces. On the other hand, the Libyan experience of leaving the militias’ capabilities untouched serves as a warning. Syria will need to design its own model of balancing between disarmament and integration of part of these fighters into the central armed and security forces while agreeing to maintain some local capacity to fulfil certain agreed tasks. A general law will probably be needed in due time whatever form of decentralization is ultimately agreed upon among Syrians.

**Conclusion**

Decentralization in the post-conflict context will be the challenge of the next decade for Syrians. Will they have a chance to define it and implement it in a context of democratic transition? Will they be given a chance to own the process and limit the interference of outside powers? Will they find a reasonable consensus among themselves that satisfies all communities and convinces the Kurds in particular that remaining part of a unitary Syria is the best option for them within the current regional equation?

At the time of writing, the political process as designed by the UN had set the constitution as the priority track for the negotiations. Whether or not this remains the approach of the UN, the negotiations over the shape and administrative organization of the state in the post-conflict era is likely to occur early on in the process and would need to happen at the same time as the nature of the political system is defined. Decentralization will affect all fields of life - administration, finance, security, the economy, education, culture, political participation and representation. The Syrian negotiators committed to a democratic decentralized Syria will need to insist on including a detailed set of provisions on decentralization in the Constitution thus drawing the contours of a new order and defining with some detail the distribution of power between the central and local authorities and the mechanism for devolving prerogatives from the centre to the regions.
Syria is a broken country that has lost its sovereignty. Its different communities share a strong aspiration to a democratic citizenship as Syrians; yet, all they have experienced over 50 years is the systematic corruption of the basic concepts related to a sound social and political order. Considering the historical and deeply rooted centralized state that Syrians have grown used to, a decentralization scheme will require long term efforts to change mentalities, adapt education, initiate cultural and media programmes. The process is fraught with danger, yet it could be the best entry point to redefining a modern political formula that will allow Syrians to recover their national identity.
Endnotes


4. PYD is the Democratic Union Party, the backbone of the Syrian Democratic Forces who fought ISIS with the international coalition’s support and is widely considered to be an offshoot of the Turkish PKK.

5. An opinion poll conducted by The Day After showed that 90% of Arab citizens of Syria are not favourable to a federal system while 90% of Kurdish Syrians support federalism. See The Day After, Opinions and Attitudes on Federalism, Decentralization and the Experience of the Democratic Self-Administration, May 2016, available at tda-sy.org/en/content/215/218/latest-news/opinions-and-attitudes-on-federalism,-decentralization,-and-the-experience-of-the-democratic-self


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