



Arab Reform Initiative

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Transitioning to Decentralized Governance: Regional Experiences for a Syrian Model

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“Transitioning to Decentralized Governance: Regional Experiences for a Syrian Model”

Seminar Report

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The Arab Reform Initiative (ARI) organized a seminar to present and discuss research on decentralization experiences, under its project *Transitioning to Decentralized Governance: Lessons for Syria* that has been running since 2016. The purpose of the seminar was to draw lessons learned for countries transitioning out of conflict with a view to informing a discussion on decentralization reforms for Syria.

In addition to opening remarks by Bassma Kodmani, then ARI’s Executive Director, and Chiara Ayad, then ARI Researcher and Programme Officer, ARI presented the results of an online survey on decentralization carried out in December 2018 promoted on ARI social media accounts. The aim of the survey was to measure views and perception of decentralization processes, their benefits and challenges. More than 440 citizens from 18 Arab countries engaged with the survey.

The survey results show that a large majority of Arab populations have a positive perception of decentralization and the potential of local governance in increasing participatory democracy and economic development. Ninety one percent believe that a decentralized system would increase citizen inclusion and participation in decision making, while 81% believe accountability would be higher. Most respondents think the main goals of decentralization are social development, improved service provision and increasing citizen political engagement. Further, 86% think that legislating for decentralization reforms is a necessity in the Arab world. These results indicate that there is a high approval of the devolution of power from the centre to the periphery, which can be explained by the high disenchantment of Arab populations with the quality of public service provision



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and political representation. Nonetheless, it was pointed out that for decentralization reforms to have the intended positive impact, a number of safeguards need to be institutionalized at the central and local levels, and decentralization processes must be inclusive and participatory and allow civil society engagement.

Country-specific questions of the survey also revealed that in Lebanon, 81% believe decentralization could be a solution to development issues and 82% think local council members should all be elected. For Jordan, 67% believe decentralization has so far not achieved its intended development goals and indicated the need to expand the fiscal mandate for governorates and municipalities and strengthen local governance supervision. Similarly, in Iraq, 86% agreed decentralization has not achieved its goals while 73% blamed shortcomings on the Iraqi political authorities, with a large majority expressing concerns primarily over the lack of local capacity and endemic corruption. In the case of Tunisia, the survey showed an overwhelmingly positive perception of decentralization reforms with 98% believing decentralization could solve the country's largest problems and 77% see the increase in the number of municipalities as a positive development.

SESSION 1:

First Panel - Presentation of Research and Lessons Learned from Tunisia and Morocco

Chair: Intissar Kherigi, Decentralization and Local Governance Expert

Leading the session, Kherigi pointed out the Tunisian case includes noteworthy developments such as the adoption of electoral gender and youth quotas. She estimated that 37% of participants in municipal elections were aged under 25. She stressed the importance of studying various experiences of decentralization reforms in the Arab World in order to draw comprehensive lessons learned for future decentralization models.

In the case of Morocco, Lamia Zaki, an expert on urban development and local governance and one of the researchers for this project, explained that by 2011, Moroccan municipalities were mandated to manage key services such as water



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sanitation and hygiene. She said that local governments had a good budget derived from VAT and funds of around 3.5% of national GDP (against 1% in Tunisia) to put in place and run the decentralized systems and governance structures. However, Zaki questioned the administrative freedom of local governments, arguing that despite the end of the system of tutelage, where the central government oversees and controls local powers, some forms of control still remain such as the need for central government's approval of certain local decisions.

Lotfi Tarchouna, Professor and Researcher at Sousse University, said that the constant increase in the number of municipalities since 2014 (currently at 350) is a sign that there is a movement towards decentralized governance and power-sharing between the central state and local structures of governance, motivated primarily by the need to address development disparities between urban and rural areas. He argued that this process also has a political dimension as it encompasses processes of participative democracy.

This politico-legal dimension of decentralization has been consolidated by integrating terms of local governance, legal personality, supervisory authority and other key legal and political concepts related to decentralization. Based on the 2014 Constitution, the regional and local administrative organization in Tunisia is more de-concentrated than decentralized for several factors. These include the specificity of young developing countries not permitting the dispersal of political decision making, the need for economic development within a decentralized system requiring large fiscal budgets that would lead to a dispersal of development efforts, and the desire to consolidate national identity and allegiance to the central state rather than to local tribes.

Tarchouna also pointed out some fiscal and logistical challenges facing the implementation of decentralization reforms in Tunisia, including insufficient budgets for local authorities, uncertainty about the capacity of local government to take on some key tasks, and a culture of tax evasion at the local level that hinders generating revenues. Finally, lessons learned, and key findings from the Tunisian study include:

- The necessity of controlling and strengthening the constitutional foundations of decentralization.



- Adopting a constitutional approach based on accurate and enforceable principles.
- The importance of inclusive and general elections for all local groups.
- The necessity of expanding municipality in all regions with the introduction of the rural municipality if necessary.
- The importance of giving enough independence to the local governance structures vis-à-vis the state and limiting the state's control to legitimate mandates.
- Clearing defining the relationship between all levels of local governance.
- The need to reinforce principles and mechanisms of participatory democracy.
- Empowering women in leadership positions within local governance structures.
- The establishment of local decision-making centres for youth and people with disabilities.
- Developing the social function of structures of local governance.
- Development of competences in the cultural field.

Kherigi highlighted that in both Morocco and Tunisia, the fiscal aspects, such as the transfers from the central state and local governments' share of the state budget, tax-raising powers, the administration of natural resources, remain key issues for decentralization reforms. Participants raised questions about the incentives for transferring power from the central to the local level, the role of foreign actors and donors, the role of the governor/Wali and his/her supervisory role of the central state and the extent to which the Tunisian or Moroccan cases are comparable to the Syrian case considering that the ethnic and religious composition of their societies is less diverse than the Iraqi case, for example.

Second Panel - Presentation of Research and Lessons Learned from Iraq

Chair: Issam Khafaji, Political Economist and Historian

Khafaji began by pointing out that when decentralization in Iraq is discussed, the question of federalism is also raised, and several concerns and fears arise among Iraqis about the territorial divisions of the state. Ali Al-Mawlawi, Head of Research at Al-Bayan Center for Research and Studies, explained that Iraq's federal



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arrangement, enshrined in the 2005 Constitution, was a means to mitigate against the rise of another authoritarian regime, keep the country together, and appease sectarianism in Iraq. In 2014, after the fall of Mosul to ISIS forces, the country's political dynamics changed and an agenda for power-sharing and decentralization was devised under "functioning federalism", but focused initially on security sector reform, as a means to address perceived grievances that precipitated the rise of ISIS. It involved the devolution of security authorities to local actors with the support of the federal police.

Administrative, legal and fiscal decentralization in Iraq started in 2015 with the implementation of Law 21 that formed the legal basis for decentralization and the establishment of the Higher Coordinating Committee for Decentralization. However, implementation faced legal and fiscal challenges as ministers would attempt to limit the decision-making power of governors, and the ministry of finance resisting the fiscal decentralization and opposing revenue generation at the local level. This was all in the context of worsening service provision and decreasing trust in central and local authorities, events that were largely seen to have led to the violent popular protests in Basra in summer 2018. Due to the lack of clarity in the division of powers and responsibilities, addressing Basra's grievances was allocated to a newly formed task force instead of the local government.

In terms of lessons learned from the decentralization in Iraq, the following points were highlighted:

- Decentralization can ultimately be conceived as a way for political elites to protect the post-2003 order.
- The Decentralization agenda in Iraq began as a means to keep the country together and evolved to focus on enhancing services provision.
- Capacity building of local government is essential, but the process should be problem-driven rather than a provision of readymade solutions.
- Greater focus on district and sub-district levels is needed to enhance services and the mandate of the provincial councils should be curtailed.
- The value of decentralization can only be enhanced when accompanied by electoral reform that creates greater accountability of local officials



through the electorate.

Participants discussed the role of international donors and the consistent failure of international efforts as local governments often lack the skills and ability to manage large funds and employees. Participants also discussed whether the governor should be appointed or elected and the sequencing of decentralization. It was noted that in the case of several countries in Latin America, a process of political decentralization first, then fiscal and finally administrative, took place. The criteria for sequencing are relevant in the case of the Arab world and countries transitioning out of conflict. Participants also pointed out certain challenges like the overwhelming need for two-third consensus by the entire population to approve constitutional reform and the weak incentives and follow-up methods of local governance capacity building initiatives.

SESSION 2:

First Panel - Decentralization Prospects for Syria

Chair: Adib Nehmeh, Development and Local Governance Expert

In this session Bassma Kodmani, Salaman Shaikh, CEO of Shaikh Group, Jihad Yazigi, Director and Editor of the Syrian Report, Riad Ali, a Syrian judge, and Maen Tallaa, Researcher at Omran Centre for Strategic Studies, presented their analysis of the potential for political, economic, administrative and security sector decentralization for Syria.

Kodmani stressed that the diversity of Syrian society needs to reflect onto institutions of governance. The rise of local councils replacing the role of the central state during the conflict necessitates a Syrian-led discussion on decentralization prospects for Syria. She argues that attempts by civil society at maintaining the role of local authorities and local communities in governance were interrupted as the power structure at the central level regained military control over the areas. She explained that the Syrian state needs to be restructured and changed for it to become a representative, strong and democratic central state, as a pre-requisite for any form of decentralization to be effective and prior to any transfer of powers to the local level. describing the debate around the extent of decentralization (administrative decentralization or



beyond) she referred to “democratic decentralization” as a potentially consensual concept to engage safely in a process of decentralization for Syria, defining through negotiations the details of a decentralized state. The principles of this framework include constitutional safeguards of civil, political, economic and social rights for citizens, ensuring that all local prerogatives, while broad, ultimately fall under one common law, and a central state that maintains its neutrality vis-à-vis religion. To lay the ground for such a process, she argued that administrative, economic and security committees, as well as committees of civilians and legal experts, must be created to ensure detailed negotiations on each aspect and to resolve the complex issue of land and properties ownership, particularly of the displaced populations.

Shaikh explained that there is a de facto state of fragmentation in Syria, but argued that even if the political process is blocked or seems stagnant, the discussion on decentralization and the future of Syria has evolved and has become more accepted by various factions. He stressed the importance of continuous support for local councils that emerged and have been successful in administering local affairs during the conflict. Further, he pointed to the need to create a wider and inclusive space for discussions in order to move to a democratic decentralization process for Syria.

Jihad Yazigi argued that economic decentralization is a critical aspect of the discussion on decentralization in the Syrian context because of the continuing existence of geographically based social and economic disparities, the unequal flow of foreign investments and post-conflict reconstruction plans. This discussion cannot be separated from a political solution to the conflict and an understanding that the challenges raised by the uprising were at the source of the centralized political system. More specifically, the debate on decentralization today cannot be separated from the discussion on Syria's reconstruction. The conflict resulted in high destruction which requires continuous investments and involvement of the central state to administer such investments. However, there are considerable skill disparities between Damascus and the rest of the country and a weakness of institutions outside the capital, with the central state being the only body capable, in theory, of providing guarantee provision to investors. Further, regional disparities will need to be addressed through a fairer distribution of resources



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(including oil, gas, agricultural and other natural resources as well as of government spending such as public sector employment which favours the population originating from the Syrian coast). Yazigi concluded that for economic decentralization to be efficient, local authorities need to have a certain level of autonomy in their share of the state budget as well as the right to raise taxes and set their rates (within the margins set by the central government to avoid too much competition between provinces).

Riad Ali highlighted the importance of administrative decentralization, at least in the transition and recovery period, due to the heavy destruction caused by the war and the extensive need for development and reconstruction that the central state alone cannot lead. He also argued that administrative decentralization would protect the Syrian state from fragmentation as it would also reassure those opposed to the adoption of federalism, and would help postpone the decision on the adoption of the federal system in the provinces. Ali echoed the other speakers' argument that administrative decentralization can be successfully implemented in Syria by defining the powers and competencies of the central administration and the areas of work of the decentralized units. In the event of conflicting jurisdictions, it would be the role of the administrative judiciary to adjudicate the matter. This implies that the judiciary is independent and free from the control and interference of the executive branch.

Ali also stressed that it is necessary to choose the representatives of local authorities (the provincial council, city council, town council) from within the governorate rather than through the government or the central administration, and by way of elections in order to affirm the principle of democracy. Syria's constitution should also stipulate that the provinces shall have wide administrative and financial powers to manage their affairs in accordance with the principle of administrative decentralization, and give the right to the Supreme Constitutional Court to consider the constitutionality of any law issued and assess its compatibility with the principle of administrative decentralization.

Maen Tallaa discussed the security dimensions of decentralization and argued that when discussing decentralization of the security sector in Syria, it is important to note that all security decisions made before and during the revolution were controlled by a highly centralized and opaque authority in Damascus which set the



security strategy, identified what it saw as threats and decided on how to counter them. Until this day there is no published national Syrian security strategy and no clarity on the implementing bodies. After eight years of conflict and the interference of foreign powers, the security foundations in areas under government control have become hybrid as Iran exerts horizontal security control, with Iranians officially integrated into state forces, while Russia has vertical control over the security situation in Syria. Tallaa also clarified that decentralizing security forces is closely linked to general national security interests, thus, the model for the transfer of security powers would require national engagement and consensus. Decentralized security actors would still need to represent national interests and have a national character.

In the absence of achieving a political understanding between the parties to the conflict, discussing decentralization and other forms of governance is relevant to the promotion of local stability. From a security standpoint, Tallaa argues that in the Syrian context trust between the centre and the local level is lacking. For a qualitative decentralization process of the security sector to exist, independent committees should be formed to identify main threats and plan programmes such as Disarmament, Demobilization and Reintegration (DDR). It is essential, Tallaa argued, to develop detailed constitutional provisions that clarify the power divisions in various sectors and guarantee the existence of an independent Syrian civil society.

In the discussion, there was an exchange between Syrians from diverse ethnic and sectarian backgrounds, notably between Kurds and Arabs on whether the position of the Kurdish National Council, the main political coalition of Syrian Kurdish political parties, on the question of federalism is an inclusive one that takes into consideration the interests of all Syrian communities. It was agreed that there is a specificity of the Kurdish issue that requires specific attention as the notion of Kurdish identity surpasses Syrian borders. Participants also discussed the importance of considering the structural and social dimensions of decentralization as demographic changes and mass displacement should not be ignored.

Second Panel - Decentralization and Syria's National Identity

Chair: Tarek Aziza, Syrian Researcher



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In the final session, Sabiha Khalil, a member of the Syrian Women's Political Movement, discussed the importance of defining and consolidating Syrian national identity prior to deciding on the final shape and governance of the country. She argued that the central state, through its security apparatus, is fuelling distrust among ethnic and religious minorities in an attempt to create an inclusive instead of an integrative national identity. She outlined several considerations that must be addressed when discussing Syrian national identity:

1. Syria today is divided into international spheres of influence as a result of the conflict, with local covers and is not centralized in practice as in theory.
2. Bridging the development gap between the Syrian regions taking into account the requirements for balanced reconstruction between different cities and affected areas. For example, regime areas cannot be compared with opposition-controlled areas when talking about reconstruction as the former remained safe during the conflict while the latter were massively destroyed
3. The high level of hatred because of the war and the horizontal and vertical divisions that affected the Syrian societal fabric and enshrined the concept of pre-national identities of sect, clan and family.
4. The unequal distribution of wealth bearing in mind that the conflict has intensified with the sharing of spheres of influence by mafias and warlords.
5. During the war, the concept of brute power came back in its militaristic, ideological and religious form through the behaviour of the regime and opposition militias, with the resulting view being that the state should be characterized by firmness, oppression, punishment and impunity in order to achieve the interests of those in power.

Taking those elements into consideration, she noted that building trust in the central state would be a first step towards decentralization and any discussion on decentralization would need to be preceded by a discussion on the nature of the central state and Syrian national identity.

In the discussion, the position of Syrian Kurds and their vision of a federal Syria was repeatedly raised. It was argued that despite the Iraqi model widely seen as a



failure, Syrian Kurds see it as a success as they consider federalism of Syria as a historical opportunity for a sound state-building process. Exchanges that followed highlighted a tension between the Syrian Kurdish vision for Syria's governance model and the nationalists' vision, as some participants noted that the proposition to federalize Syria was put forward by the Kurdish component without consideration or consultation of the rest of the country. The Kurds' separatist nature and their support of federalism deepen fears of leading to a divided Syria. Nonetheless, participants concluded that whatever shape the Syrian state takes, it should be representative of all social groups, be capable of managing diversity, respect and uphold the rule of law, ensure equal rights for all citizens and the establishment of a secular state that respects human and minority rights. Key challenges to discussions on Syria's governance are divisions within a fragmented opposition as well as a need to agree on terminologies and precise definitions of federalism, democratic decentralization, qualitative decentralization, de-concentration and others. Finally, it was agreed that an open discussion on decentralization reforms can be an entry point for an incremental process of devolution of power from the centre to the local level and lead to a political solution.



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About the author



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The Arab Reform Initiative is the leading independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality and social justice.

- We produce original research informed by local experiences and partner with institutions to achieve impact across the Arab world and globally
- We empower individuals and institutions to develop their own concept of policy solutions
- We mobilize stakeholders to build coalitions for positive change

Our aim is to see vibrant democratic societies emerge and grow in the region.

Founded in 2005, the Arab Reform Initiative is governed by a Plenary of its members and an Executive Committee.

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