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# Political Economy and Governance in Syria

**Presentations from the Political Economy and Governance  
in Syria conference organised at LSE 3-4 December 2018**

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## About the Conflict Research Programme at LSE

The Conflict Research Programme aims to understand why contemporary violence is so difficult to end and to analyse the underlying political economy of violence with a view to informing policy. Our research sites are Iraq, Syria, South Sudan, Somalia and the Democratic Republic of Congo.

The Syria Conflict Research Programme focuses on five interrelated research topics. The function and legitimacy of public authority, identity politics, economic drivers of the conflict, civicism and reconstruction. The programme uses a mixed methodology using primary and secondary sources. The programme collaborates with the Middle East based Governance and Development Research Centre.

*Front cover picture: Two cranes standing for many years at the site of a paralysed project at the intersection between 'Revolution Road' and the 'Thieves Market' in Damascus, one of many projects that has stalled as a result of poor governance and complicated planning regulations.*

*This site is a microcosm of the political economy in Syria, where new conflict elites seize the opportunities offered by the regime and war conditions after the revolution in 2011. Here the thieves meet the revolution; and here Syria continues to await reconstruction. Photo credit: Tarek Kebaisy.*



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## Preface

In December 2018, we held the “Political Economy and Governance in Syria” conference at the London School of Economics and Political Science (LSE). We aimed to bring together speakers who could help put together the jigsaw pieces of Syria’s current landscape in Syria as it is, and not as they wish to see it. The resulting picture is grim but anchored in the realities needed to guide any successful policy or strategy. And despite the gloomy picture, there are also opportunities and hope.

The positive feedback we received about the conference motivated us to produce this report. In it, we did our best to convey the content of each presentation, through the speakers’ materials or through our own summary. We also tried to capture the rich debates that took place in the question and answer sessions.

The extreme violence that dominated the scene in Syria over the last eight years shifted attention away from the deep structural transformations affecting the country’s economy and governance structures. Now that violence has considerably subsided, these are becoming more visible. In government-controlled areas, where violence has subsided the most, we can now more clearly observe the substantial transformations underpinning this new reality. Even so, it is too early to speak about a post-conflict period. In the northwest and northeast of the country, the future is more ambiguous and there is still uncertainty on whether it will be resolved through peaceful means.

Some of the most important transformations to the economy continued pre-conflict trends, which the war coloured and exacerbated. In his presentation, Dr Abboud stressed that experts and academics “warned about these transformations years ago, but not much attention was paid to this by policymakers”. As an example, he elaborated on the shift from the Social Market Economy to the National Partnership that led to the privatisation of public resources. After 2011, this became the primary means by which to attract capital for reconstruction and the medium that brought the emergence of a new business class that initially played an intermediary role, monopolising the import or smuggling of goods to regime areas. Its role, however, later transformed into a more productive one, mainly anchored in the reconstruction economy. The emergence of conflict elites and the transformation of the Syrian business community during the conflict was accelerated, according to Dr Abboud, by three broad changes: economic contraction, international sanctions and capital flight.

Similarly, Dr Haddad focused on this new layer of business elites, with attention to their future economic and social roles. He links these transformations to changes in the external backers of the regime and to the different positions of the external backers of the regime and the armed groups: “regime allies saw the conflict in existential terms, and acted upon these terms, [while] most of the supporters of armed rebels saw the conflict in strategic terms, and did not have the stomach or the interest to ever go all the way”. He warns that, “If either the regime or the values of the dominant global political economic order have their way, unfettered, we are likely to see the reproduction of power relations, cronyism, and subsequent inequitable and/or exploitative outcomes that will reproduce the conditions that spurred the Syrian uprising in the first place”.

Another relevant transformation is that of property rights and ownership. Dr Hallaj points out in his presentation that while law 10 is worrying, it only supplements current laws that are changing the landscape of housing, land and property (HLP) rights in Syria. He suggests that women will be disproportionately affected by this process because of the unfair and gendered nature of inheritance law in Syria, and stresses that the overall framework of land and housing management policies in Syria should be reviewed.

The second chapter presents private sector alternatives to the new conflict elites. Mr Chamsi-Pasha highlights the significant role that the diasporic business community could play. With assets estimated to be worth about \$200 billion, this community does not need money to play a role in reconstruction and economic revival. Instead it requires security, the rule of law and the upholding of HLP rights, and the lifting of economic sanctions, which serve to restrict capital flow, as well as economic support from the international community such as credit guarantees and access to markets.

Small and medium businesses also emerge as a source of hope, especially since they generally remained distant from the corrupt power structure, dominated by large businesses. With the right support, they hold the potential to revive the legitimate local economy, therefore providing new jobs and breaking people’s dependence on aid, and can play a role in the country’s reconstruction. Unfortunately, as explained by the panel of Syria businessmen, this sector suffered severely during the conflict. Crippled by war, sanctions and bureaucratically incarcerating regulations, many SMEs have either perished or struggle to survive. Those trying

to resurrect their business, as in the case study of Mr Fahed's factory in Homs, are left to struggle alone with the rigid rules, lack of loans and financing facilities, and a poorly functioning market.

The chapter on reconstruction and conditionality addresses the challenges posed by Syria's new political economy and power hierarchy, especially the way in which its funding is conditioned by international donors. Professor Hinnebusch sets out the political context behind reconstruction in Syria, drawing attention to the asymmetry that exists between the geopolitical and geo-economic powers in Syria where "geo-political powers, such as the Iranian-Russian coalition, have a superior political advantage but fewer economic resources. And those that have geo-economic power lack the political leverage". Complementing the debate on reconstruction, Dr Imady argues that global actors and corporations treat reconstruction "as though it was a guaranteed product that can be delivered, if only conditions can be met and the resources to pay the bill secured". Presentations on donor conditionality discuss how such a simple framework for conditionality is not only impractical but also risks delivering adverse outcomes. Dr Dahi calls for conditionality to extend to new areas and levels, such as local processes and initiatives, in a way "that can enable and further justice, accountability, equality, voice and representation for all Syrians, regardless of political perspective or declared loyalty". He suggests that broad-based economic sanctions must also be reconsidered within a new conditionality framework because they currently "only serve a punitive purpose, but against the wrong people" and "empower the well-connected while others suffer".

The transformations highlighted in the governance and civil society chapter complement the picture that emerges from the first chapter. Over the course of the conflict, major governance structures collapsed while others have emerged. Amid the erosion of central authority, attempts have been made by several actors to reconstruct legitimacy. Some have strived to attain communal legitimacy by providing vital public services. For example, health sector governance in opposition-controlled areas has succeeded in constructing bottom-up institutional legitimacy, which has enabled it to counter the abusive practices and encroachments of extremist factions in the area. Others have attempted to construct this legitimacy by manipulating and hyperbolising confessional and sub-state identities such as tribal and ethno-sectarian ones.

The panel discussion on decentralisation, on the other hand, highlights the risks that regional-based and identity-based decentralisation models could bring by empowering such exclusionary and socially divisive identities. Attempts to reconstruct legitimacy through

local elections have not succeeded in every area. It would require changes that surpass changing the legal system, namely by addressing the public's scepticism and deep-seated lack of trust in the system, addressing the political economy of the elections.

Presentations on civil society provide some hope. Syrian civil society is playing a progressive role at a grassroots level. Through lobbying and advocacy, civil society members have also become influential actors in the track one Geneva process, as the panel on the Syrian Civil Society Support Room suggests. And, even amidst a polarised Kurdish political landscape, Dr Hassan notes that independent figures from Kurdish civil society organisations are putting forward demands that better reflect the aspirations of Kurds in Syria, who have suffered from decades of marginalisation and deprivation of their basic rights.

Despite the diversity of topics and speakers in the conference, one theme commonly emerges. Namely, that ordinary Syrians are either invisible or "extras in a theatre of continuous power plays", although it is the grievances of those people, caused by decades of injustices and authoritarian rule, that motivated Syria's mass movement in 2011. To bring those people to the centre of the solution, as Professor Kaldor suggests in her closing remarks, the international community must adopt a whole-of-society approach in its attempts to bring peace back to Syria. This would require a closer look at local processes and the inclusion of local actors (such as social society and small and medium businesses) to reverse the current order, and requires connecting and aligning bottom-up efforts to the top-level initiatives. Her remarks echo those of several presenters; that it is essential to get the framing of this conflict, as it started, correct. It is not a conflict between armed actors and the regime but a conflict between authoritarian rule and the mass Syrian populace, who have strived and still strive for their rights.

We hope to contribute, through the conference and this corresponding report, to a better understanding of the conflict in Syria, the current political economy landscape and the changing configuration of power relations. We also hope that such understanding will materialise in better and more nuanced policies, solutions, and interventions with regards to Syria.

The editorial team  
**Dr Rim Turkmani**  
**Marika Theros**  
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## Conference opening speech from DFID

**Dr David Hallam** is Director for the Middle East and North Africa at the UK Department for International Development (DFID). Prior to that he was the UK Envoy for the Post-2015 Development Goals, as well as leading DFID's International Relations Division. Previously he had led a team supporting the British Prime Minister in his role as co-Chair of the High-Level Panel on the post-2015 Development Agenda. His earlier career included leading on DFID's relations with the UN and Commonwealth, and postings to Jerusalem, where he headed the UK's aid programme to Nairobi, and to the Palestinian people. He holds a PhD and a first class honours degree in Environmental Sciences from the University of East Anglia.

The United Kingdom has provided humanitarian support since the start of the Syria crisis. We committed £2.71 billion to the response and have already spent 81 per cent of this. Eight years into this horrendous conflict, this conference is a valuable opportunity to take stock of how the context in Syria has evolved, how it will change, and how together the international community can respond. The UK government will continue to support Syrians to find an inclusive political settlement that will bring this conflict to an end and pave the way to a better future for the Syrian people.

This conference is a great opportunity to build networks, share expertise and work together to work out how to help the Syrian people. The UK government is clear that we must demonstrate how we are using rigorous evidence to underpin our aid budget spending decisions. And I am proud that evidence has helped to improve the effectiveness and the value for money of our work.

One recent example is a study into the deliberate targeting of health workers inside Syria, sadly something all too common in this conflict. Using the evidence from this

research we have been able to develop an online portal for recording attacks on health workers and facilities. It helped us communicate the importance of protecting health workers, a first step in preventing attacks. There is possibly more information on the Syrian conflict than on any other conflict in history, but much of this information is unreliable. I recognise that harvesting information and turning it into evidence is a massive challenge, particularly in a conflict like Syria, an active violent conflict with complex regional dynamics, where we have limited access on the ground. That is why we rely on the wealth of expertise in this room.

My team faces the additional complexity of working without direct presence on the ground. We want to ensure we are not supporting programmes or making policies while being unaware of, or naive to, the context and the views of the Syrian people. But we are reliant on your help in doing this. For example this project's findings have helped us to better understand how local governance works in different parts of Syria. Your understanding of the context and your challenges to our assumptions are vital to our continued understanding of how the conflict is changing and to help us plan our interventions.



*From the session on governance and local elections at the **Political economy and governance in Syria** conference in December 2018.*

# Chapter 1: The reordering of the Syrian political economy

## From the Social Market Economy to the National Partnership: The conflict elite and public-private partnerships in post-war Syria

By **Dr Samer Abboud**

**Dr Samer Abboud** is an Associate Professor of Global Interdisciplinary Studies at Villanova University and the author of *Syria* (Polity, 2018). He is also currently the Co-Coordinator of the Beirut School of Critical Security Studies Collective, a working group of the Arab Council for the Social Sciences.

The current state of the Syrian conflict has turned our collective attention to questions of reconstruction, despite the absence of a formalised peace process or political negotiations. The Syrian post-war order is not being shaped by a liberal peace imposed from the outside by multilateral powers, nor a negotiated peace that emerged from within the country through negotiations between various factions. Instead, what is emerging in Syria – drawing from the work of David Lewis – is an “authoritarian peace” in which perpetual violence, the persistence of enmity, and forms of social and political erasure underpin the post-war order. It is through this interpretative framework, and its materialisation on the ground, that I believe we need to think about Syria’s current and future political economy.

This article is intended to show a specific trajectory in relation to the conflict and to demonstrate how the policies of the 2000s laid the groundwork for a sliver of the reconstruction approach that is manifest in Syria today. As far as anyone can tell, in the absence of a blueprint or a masterplan for reconstruction, the main approach to reconstruction in Syria is not based on specific policies, or on institutional development, or even on relying on privileging some sectors over others. Rather it is an approach that centralises public-private partnerships (PPPs) as the core mechanism through which to attract capital and to achieve reconstruction ends. The groundwork for such an approach was laid prior to the conflict. As I claim through this article, the PPP strategy allows for the transition of a new stratum of the business community that emerged after 2011 to transition away from being intermediaries in a conflict economy to playing more productive roles. So, while I trace this shift from the Social Market Economy to the National Partnership, I am simultaneously tracing the ways in which a conflict elite has emerged in relation to violence, and how it is being integrated into the emerging reconstruction strategies of the regime.

I will first briefly take us through the two economic strategies, then discuss the processes that have given rise to a new conflict elite whose central role emerged out of the need for distributive and financial intermediation. I conclude by bringing these discussions together.

I want to stress that when I talk about the Social Market Economy and the National Partnership, I am not taking them as a coherent set of policies but as a kind of political rationality; as a way of talking about and thinking about the economy.

The Social Market Economy was a strategy promulgated at the 10th al-Ba’ath Party Regional Conference in 2005. It gave a name to liberalising measures that had begun much earlier, in the 1986 and the 1990s, and were accelerated in the early 2000s. The Syrian approach to liberalisation and privatisation, however, was not premised on the transfer of assets from the public to the private sector, but, rather, through the expansion of markets to facilitate the entry of private capital into the economy. Thus, for example, banks were not sold off, but rules were relaxed so that private banks could operate in the country. The same could be said in most areas of the economy, from insurance to higher education, that were effectively marketised rather than privatised. In theory, the public sector would continue to operate alongside an expanding private sector made up of diasporic and national Syrians as well as regional private actors. The strategy sought to link Syria to the flowing circuits of Gulf and Eastern capital that were being invested in growing numbers during the 2000s. The state was imagined as a protector of society from the negative costs of marketisation, hence the marshalling of the social label.



The policies of the 2000s created new elements within the business class and provided new opportunities for the expansion and wealth accumulation of the networks Dr Bassam Haddad talks about in *Business Networks in Syria*. Of interest are the developments in the latter part of the decade, when two holding companies were created, Cham and Souria. Like the Chambers, they represented an institutionalisation of a certain kind of business interest, an amalgamation of interests, assets and power. Many people believed that these companies were politically relevant but economically irrelevant; that is that they were small at that time and were not doing very much. Today, I believe that the situation has changed and that they are relevant in both ways.

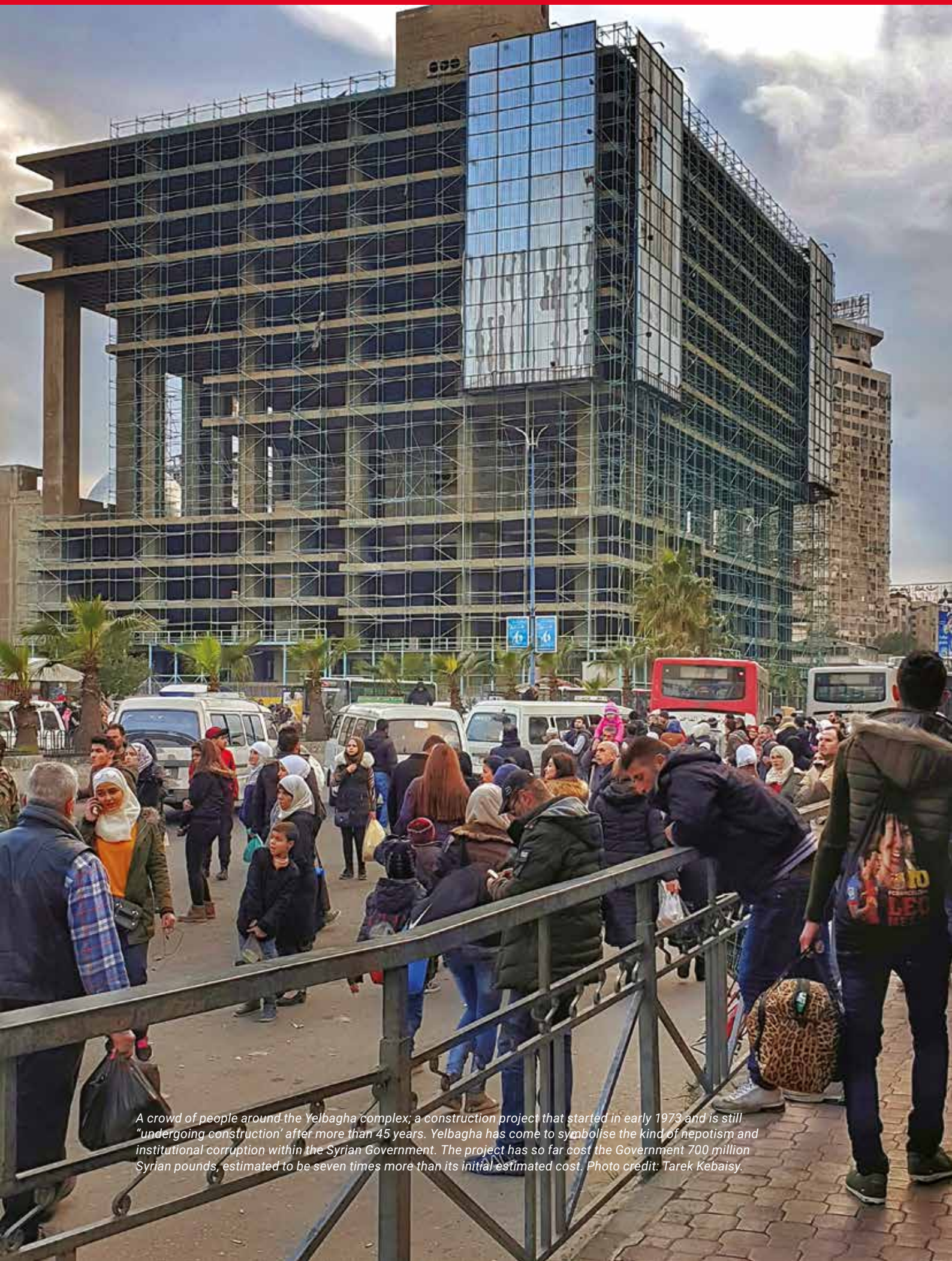
Interestingly, when the holding companies were started they were limited in their activities but soon, prior to the outbreak of conflict, they were swallowing up major government contracts, including within large infrastructure projects. This led to the creation of a new PPP law to facilitate and legalise the procurement system and to privilege these new partnerships within an evolving economic strategy. Within a few short years, power plant projects, major national highways covering the entirety of Syrian territory, an urban metro network in Damascus, and new airports were all projects that were to be realised through PPPs. The passing of PPP laws coincided with laws passed throughout Syria's various ministries eliminating public sector monopolies on major projects, including electricity and transportation, thus displacing the central role of the public sector in major national works. Within this framework, the role of the public sector was not merely as a partner to private capital but also as a facilitator of land transfer, tax exemptions, and so on.

Thus, there were many changes happening with the business networks and within the business community as a whole prior to the outbreak of conflict. There are three broad changes that have accelerated the transformation of the Syrian business community in the context of the conflict and the emergence of a conflict elite after 2011: economic contraction, international sanctions, and capital flight.

It is in this broader context that Syria's war economies emerged, providing the conditions for the emergence of what I refer to as the "conflict elite", specifically distinguishable from other profiteers and war beneficiaries. Generally speaking, the conflict elite are individuals or small networks that operated predominantly in regime areas and who have been central to the regime's shifting modes of economic governance during the conflict, especially concerning attempts to evade sanctions. These elites are not necessarily linked to the regime through familial or social linkages but instead through a system of mutual benefit and interdependency in which the regime has been forced to cultivate and rely on them to stimulate economic activity. Their importance emerged in so far as they linked their activity – such as procurement from the outside or transportation – to the needs of the battlefield. In some cases, they have taken up leadership positions in various chambers (such as the Damascus Chambers of Commerce and the Damascus Chamber of Industry) and other bodies. To stress, as the conflict dragged on, the dual impact of sanctions and capital flight meant that many people on the boards of these Chambers either resigned or fled the country. In 2012, every single member of Cham Holding's board was under US sanctions, so they resigned and were replaced by an entirely new crop of people outside of the sanctions regime. This the crux of what I am talking about – the process of how the sanctions created this need to have a new kind of elite. Years later, internal rules within the Chambers led to the dismissal of chamber members who had fled the country, and their replacement by some of these new elite.



*There are three broad changes that have accelerated the transformation of the Syrian business community in the context of the conflict and the emergence of a conflict elite after 2011: economic contraction, international sanctions, and capital flight. ☹*



*A crowd of people around the Yelbagha complex; a construction project that started in early 1973 and is still "undergoing construction" after more than 45 years. Yelbagha has come to symbolise the kind of nepotism and institutional corruption within the Syrian Government. The project has so far cost the Government 700 million Syrian pounds, estimated to be seven times more than its initial estimated cost. Photo credit: Tarek Kebaisy.*



Unlike the upper strata of the pre-conflict business class, who are primarily involved in the formal economy such as in production, services, and trade, the conflict elites function as intermediaries and facilitators to ensure that goods can be brought to regime areas. This role is a function both of the conflict elites' lack of investment capital and of the specific opportunities afforded them during the conflict. And while they may have lacked the wealth and investment capacity of other elites, their presence in the country and their access to the political and security apparatus have made them important actors.

They generally come from varied social and economic backgrounds and have not displayed any tendencies toward autonomous collective representation. In other words, they remain fragmented and lack the cohesion or interest to act in a unified autonomous way. Rather, they have sought to integrate within existing modes of representation or within new bodies such as the Syrian Metals and Steel Council, which was formed during the conflict. They tend to have emerged from two different situations: first, those who owned small or medium-sized enterprises prior to the conflict and chose not to divest of their assets and leave the country, and second, private- or public-sector managers who had established enterprises during the conflict. One of the key factors driving their formation is their relationship with regime officials, especially from within the security apparatus. Their central role began as one of intermediation.

I stress intermediation here in contrast to the extractive role that we may think of other actors as playing. I would consider, for example, activities such as kidnapping, looting, taxation, and so on, as extractive, short-term, and unsustainable activity that is underpinned by violence. In contrast, intermediaries were implicated in violent economies but not directly guiding them. As such, they were well positioned to facilitate transactions, evade sanctions, serve as fronts for the existing elites, and so on.

How, then, is the emergence of the conflict elite relevant to the discussion of the National Partnership and to the question of PPPs more broadly?

The National Partnership was promulgated in 2016 and with it came the end of the Social Market Economy. Far from being a policy blueprint for reconstruction, the National Partnership represents an approach

to reconstruction that builds on some of the main marketising and privatising elements of pre-conflict economic policy through the centralisation of PPPs as the core approach to reconstruction. Again, to stress, this is an idea and an approach, not a coherent set of policies. But as an idea it indicates the central role that private capital will play in Syria's reconstruction. This is not simply because of the government's obvious fiscal problems, but part of a trend in Syria state formation since the 2000s to shift and open up spaces for capital accumulation within the business community. The final frontier, so to speak, was always large-scale public works, and the conflict's transformations have shattered that border and opened all areas of the economy to private investment. Through this framework, the state commits itself to a transfer of wealth and assets under the guise of reconstruction. I should say parenthetically that there is no specific model for PPP. It could be public or private capital, but in the Syrian case I believe that the state's role as a partner is to facilitate these kinds of transfers.

For the conflict elite, the PPPs give them a way to connect with existing capital networks and to shift from the role of intermediation to deeper roles in the economy. In many ways, the conflict elite became so because of their ability to intermediate in conditions of violence. Now, the National Partnership is a way to bring them into existing capital networks.

To conclude, the National Partnership reflects both contemporary processes of state formation and the social transformations wrought by the conflict. Syria's authoritarian peace leaves long-term questions of reconstruction largely peripheral and the possibility of a comprehensive, socially-grounded reconstruction programme virtually nil. In other words, the kind of comprehensive liberal peace that is imagined in many of the discussions about Syria will not happen. Indeed, when I was in contact with a Syrian economist recently and asked him about all of the policy documents being produced in the West about Syrian reconstruction his response was blunt but very informative: "nobody in Damascus is talking about this". Instead, what has emerged is a strategic approach to reconstruction that is premised on attracting and circulating capital into the economy through PPPs, a strategy that both extends processes of state formation prior to the conflict and incorporates new sources of power in the form of the conflict elite.

## The reordering of power relations and the Syrian political economy

By **Dr Bassam Haddad**

Dr Bassam Haddad is Director of the Middle East and Islamic Studies Program and Associate Professor at the Schar School of Policy and Government at George Mason University. He is the author of *Business Networks in Syria: The Political Economy of Authoritarian Resilience* (Stanford University Press, 2011) and currently working on two book projects: his second book on *Understanding The Syrian Tragedy: Regime, Opposition, Uprisings* (Stanford University Press, 2019-2020) and a co-edited volume on *A Critical Political Economy of the Middle East* (Stanford University Press, 2019). Bassam serves as Founding Editor of the Arab Studies Journal and the Knowledge Production Project, as well as the Middle East Pedagogy Initiative (MESPI). He is Co-Producer/Director of the award-winning documentary film, *About Baghdad*, and director of the series *Arabs and Terrorism*. Bassam is Co-Founder/Editor of *Jadaliyya* Ezine and Executive Director of the Arab Studies Institute. He serves on the Board of the Arab Council for the Social Sciences and is Executive Producer of *Status Audio Magazine*. Bassam is Co-Founder and Editor of the *Salon Syria* Project.

During the past seven odd years, the war economy has produced its own drivers of wealth, numerous mogul warlords, and a new layer of business entrepreneurs that will become part of, or perhaps the crown of, any new upper class. The Arab Gulf countries, former economic backers of the regime, have been fully replaced by Iran and Russia.

Power relations at the local and regional levels have also been re-ordered, with a growing perception that the biggest regional winner is Iran. New forces have emerged: the paramilitary units that fought alongside the regime, local leaders in non-regime controlled territories, and others.

While support for armed rebels was significant, supporters saw the conflict in strategic terms. In contrast, most regime allies saw the conflict in existential terms, and acted accordingly. Meanwhile ordinary Syrians became invisible to both sides and their original uprising against dictatorship was rendered unimportant. For ordinary Syrians, Syria has been almost wholly destroyed, and after decades of regime repression, they found themselves and their aspirations marginal to leading rebel groups with whom they have little in common. They were extras in a theatre of continuous power plays. We must centre the interests of the majority of Syrians as we address reconstruction, governance, transition, and development. This does throw a wrench into the plans of most states and international organizations who have descended and will descend on Syria for profit and power.

With the passage of time, the fault lines are becoming clearer. If you prioritised the fall of the Syrian regime, your interests were not served, and you just move on, or better

yet, move away from Syria. But if you prioritised the triumph of a revolution that is antithetical to dictatorship, you suffered a visceral loss, a loss you cannot move away from. The distinction is crucial and consequential in the case of Syria, considering the active supporters of all sides in the developing proxy war. Still, this distinction has been missed by many well-meaning observers and supporters of the Syrian revolution.

As individuals, groups, or states, we must understand the motives of those who want to help with reconstruction. Regime supporters are by definition interested in its survival, which clearly does not involve socioeconomically equitable or politically democratic development. Supporters of armed rebels generally wanted to replace the regime with a more compliant one, whether for domestic or regional purposes, and were unconcerned with whether it would serve or represent its citizens. International financial institutions just want a piece of the pie. The people who matter or are concerned with the interests of an equitable and free Syria have long been marginalized, and find themselves yet again on the margins of any reconstruction process.

As to the domestic setting, the last thing on the minds of Syria's strongmen is any form of compromise, let alone a political transition in which they share any modicum of real power. Where others see the calamity of almost half a million Syrians dead, and more than half of the population of Syria displaced, the regime views what transpired as an affirmation of its power and reach, as well as being a lesson to others should they seek to re-ignite an uprising.



The regime sees itself as an embattled victor, making diplomatic efforts towards political transition a foregone failure. It sees itself in control of what it calls Sourya al-Mufida, or useful Syria, despite some areas being controlled by others. Rebuilding, reconstruction, or what are called “good governance” programs are therefore an extreme uphill battle, in the best case.

I am aware that this leaves very few and less lucrative options. But this is precisely what we have to work with if we are genuinely concerned about a Syria for all Syrians. It is the starting point from which trade-offs can be made, rather than an ideal to be discarded or held onto at all cost. Good intentions about equity and justice alone will not rebuild Syria, but there are practical and acceptable degrees of departure from principled positions that operate as necessary trade-offs. If either the regime or the values of the dominant global political economic order have their way, unfettered, we are likely to see the reproduction of power relations, cronyism, and subsequent inequitable and/or exploitative outcomes that will reproduce the conditions that spurred the Syrian uprising in the first place.

Thus, we are not allowed to say in the future that “there was no other way but to submit to the regime or to international forces with capital.” There are paths that can be supported and have been. The task is to maximize this support while pointing out and affirming based on historical record the potential calamity of power-driven alternatives that will replace people-driven ones.

### **Business classes**

The question of business classes that can be relied on to invest in a post-war Syria has been looming for some time. Divisions along several axes – within regime circles and between it and other political actors – has shattered the unity of the national economy by 2012, and the rentier business class, which existed and flourished in the pre-2011 era, along with it. Larger independent businesses have suffocated under the weight of insecurity and/or war, leading to massive capital flight. Small and medium-sized businesses stumble along out of necessity and have seen their fortunes shrink or disappear. Driven by new sources of wealth, the war economy has created its own business moguls in a variety of sectors.

### **The state and the business community**

The regime wanted to build a business community, or parts of it, in its own image, from the early 1970s. The process of capital accumulation and its correlate neoliberal-like policies in the 1990s and 2000s was about to create an

Egypt-like situation, where the market begins to compete with the state as a means for upward social mobility and the attainment of power. However, this competition did not seem threatening given that much of the new big capital was controlled by or directly owned by economic actors beholden to the regime. In the 2000s, it had an inflated sense of security domestically, causing it to overplay its hand in unravelling the state-centred economy. This process started after 1986 and culminated in the vague notion of the social market economy in 2005, which reflected the increased power of capital in Syria.

The Syrian uprising interrupted this process of capital accumulation and the regime is now far more insecure in its dealings with the business community. New state-business relations will be even more tightly controlled by the state. As it did with its allies, it will reward the business community via rebuilding and reconstruction schemes. This will be at the expense of most Syrians as well as of the worn-down state, which will be denied any benefits from the privileges that will be accrued by the new moguls. The regime will also see this process of rewarding the new economic actors as part of its political reconsolidation and will not compromise it for more rational or equitable notions of rebuilding and governance. It will instead do its best to limit, by law or by force, the empowerment of most societal segments in the process.

### **The regime as formidable obstacle**

Today, and at least for the past two years, the regime has deployed a legal and financial framework to achieve political, economic and demographic goals. Examples include zoning and rezoning, reclamation, possession, and transfer of ownership of private property. Without local and grassroots organisation, such schemes will continue to proceed at a significant rate, creating new realities that support regime reconsolidation in the short run but exacerbate the same sources of discontent and dissent that initially propelled protests.

### **False assumptions, untenable policies, and detached reconstruction programs**

The idea that effective reconstruction programs and sound governance go hand in hand is logical and desirable. But many pay scant regard to the dominant realities on the ground or to the dominant new rules of the game.

The challenge has been one of agency and authority, with both being a function of existing power relations that are hopelessly skewed in favor of the regime. What authority is

expected to approve the myriad reconstruction programs that are incessantly being hatched outside Syria? What agency will oversee and implement such programs?

If the Syrian regime is the answer, then much of the rebuilding and good governance discourse any institution, scholar, activist or politician can muster will not see the light of day, unless it creates a largely dissent-less Syria, with laws and regulations that control the public.

The regime's view of the role of reconstruction is key to understanding the realm of the possible, if not the probable. And to understand its view, we must look more closely into how the regime views the process, nature, and outcome of the last seven or eight years. In short, the regime is now in what I call fortification mode, which will certainly block efforts that benefit any other party and may even cause friction with its own allies when hostilities are over.

### Domestic challenges

- Political transition is unlikely without pressure from the regime's most significant allies.
- Identity politics is not going away. This would be a challenge for virtually any program, even if the regime were to disappear tomorrow.
- Disciplining a new crop of warlords, moguls, and those who benefit from and facilitate their operations is a challenge even for the regime, and certainly for the local populations that suffer under them.

### Regional/international challenges

- The regime will provide geostrategic, economic, and security payback for allies before considering any rational analysis or reconstruction program.
- When the semblance of stability seems more permanent, internally displaced refugees and those in other countries will be under more pressure to return. With measures such as law 10 in place, where will they return to? And there are many other obstacles.
- After the question of Idlib and other areas are resolved, and all hostilities have been settled, there will potentially be divergences between the Syrian regime and some of its allies, particularly Russia. This will hinge on various factors dealing with the policies and tensions surrounding involved states, not least Turkey, the USA and Iran.



*Smiling faces from Douma in the countryside of Damascus. April 2018. Photo credit: Maher al Mounes.*

## Beyond law 10: economic and social challenges of housing and land management in post-conflict Syria

Summary by the report editors of the presentation given by **Dr Omar Abdulaziz Hallaj** at the conference

**Dr Omar Abdulaziz Hallaj** is a consultant on urban planning, development and local governance. He is Co-coordinator of the Syria Project at the Common Space Initiative in Beirut, where he is engaged in facilitating various dialogue and research projects for peace building and recovery planning in Syria. Formerly, he was the CEO of the Syria Trust for Development, and served on the boards of several NGOs and public commissions. His professional and research work relates institutional, financial and political frameworks to the production of the built environment. In 2007, Omar was the recipient of the Aga Khan Award for Architecture as team leader of the Shibam Urban Development Project (GIZ). He subsequently served on the master jury and the steering committee of the Award.

Housing, land and property issues in Syria far predate the conflict. The legal framework for defining property rights is a complex system that has seen six generations of overlapping and contradictory land transformation and housing policies, reflecting different periods of political transformation as well. The backlog of these contradictory statutes hampered the emergence of an effective land management system.

Freehold (private property) constitutes only a small portion of the property system in Syria, with the rest under a range of different tenure systems, complicating the matter further (see chart on page 13). From the Ottoman Land Code in 1858 to 2011, approximately 100 laws were issued. From 2011 to 2019, there have been 55, showing the depth of transformation in the past eight years.

The state's management of these sectors could not cope with the pace of growth in the 20th century. The regulatory role of the state was overstretched and contradictions in the system allowed for corruption and clientelism. Consequently, the backlog of unresolved grievances with regards to property rights was a root cause for the conflict in some areas.

There is also a legacy of social problems, notably in relation to inheritance law, which is particularly relevant since it is estimated that around 1.5m people have died as a result of the conflict<sup>1</sup>. Different confessional groups have different considerations with regards to inheritance and mixed marriages create an added layer of confusion.

Inheritance laws in Syria for Muslims follows a complex tradition based on Hanafi jurisprudence which favours men but if followed correctly should result in a 39-40

per cent ownership of real estate by women. However, research has shown that the actual percentage of ownership of real estate by women is closer to 10 per cent due to prejudice by the courts and pressures of social norms to further disenfranchise women. The number of women who will be disenfranchised from their rightful properties will far outweigh the number of people that are to be impacted by law 10.

The Syrian government has applied the law of eminent domain, which gives access to a wide range of legal instruments to expropriate land and property without a transparent process to explain discrepancies in compensation schemes. Compensation frameworks were not upgraded to reflect inflation and compensations did not recognise intangible rights and usufruct rights. The state, however, did not want to disrupt the land taxation and salary scales in order not to destabilise the social contract.

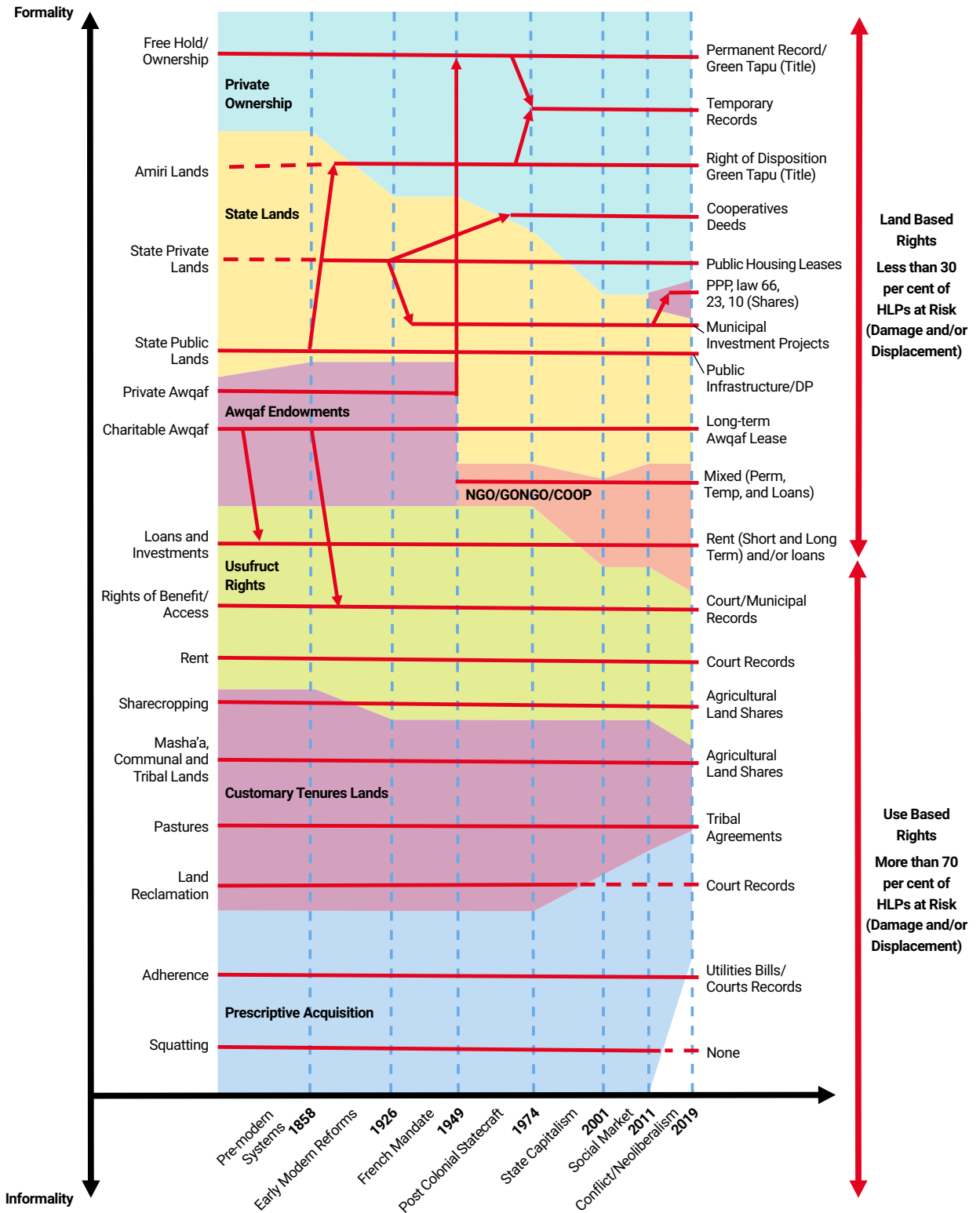
This has allowed the state to maintain two parallel economies, formal and informal. The formal economy was kept in principle low, but access to the formal economy is what creates privilege for the few who are part of the regime's patronage structures.

Early in the conflict, the government adopted an unofficial policy for widespread demolition in neighbourhoods where local communities had taken up resistance against the government. There have been various cases in which, under the pretence of removing debris, entire blocks were taken out to create wider streets for security purposes. Then the government started issuing new laws regarding the removal of debris and the removal of demolished buildings, legitimising the process.

<sup>1</sup> Around 0.5m died directly as a result of violence and around 1m are estimated to have died because of indirect consequences of the conflict such as the lack of medicine and healthcare, famine and malnutrition.



### Tenure Continuum in Syria



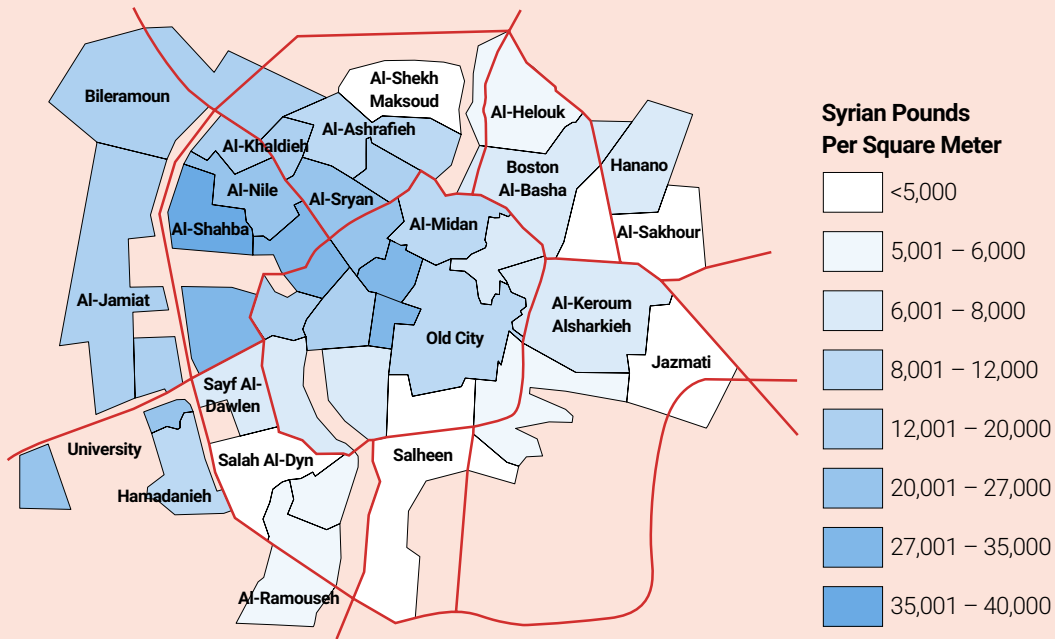
The progression of six generations of land transformation and housing policies. Private properties (freehold) are only the blue part on the left. Credit: Omar Abdulaziz Hallaj.



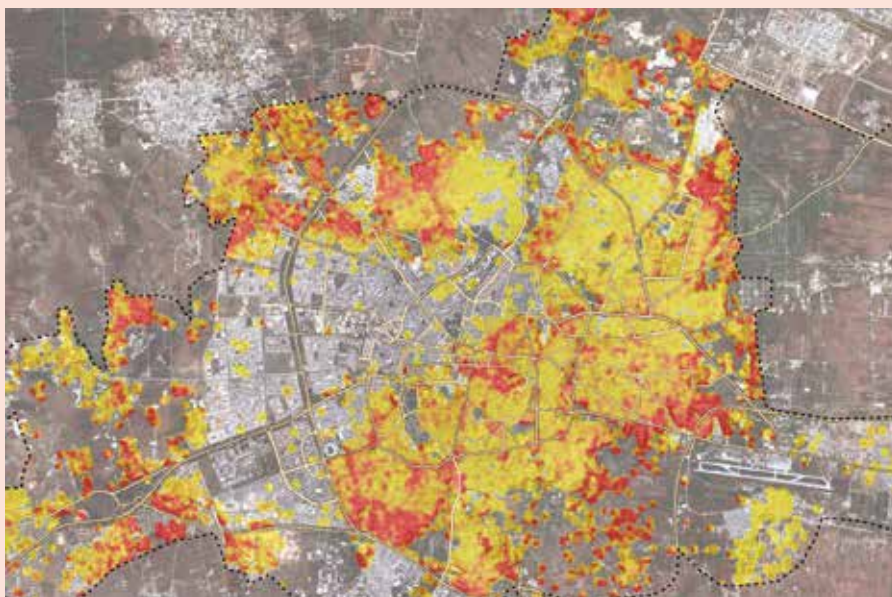
### Aleppo case study

The first map below shows the average prices of built-up areas in Aleppo before the conflict. The poverty zones are visible around the city. Eighty per cent of property damages took place in impoverished and

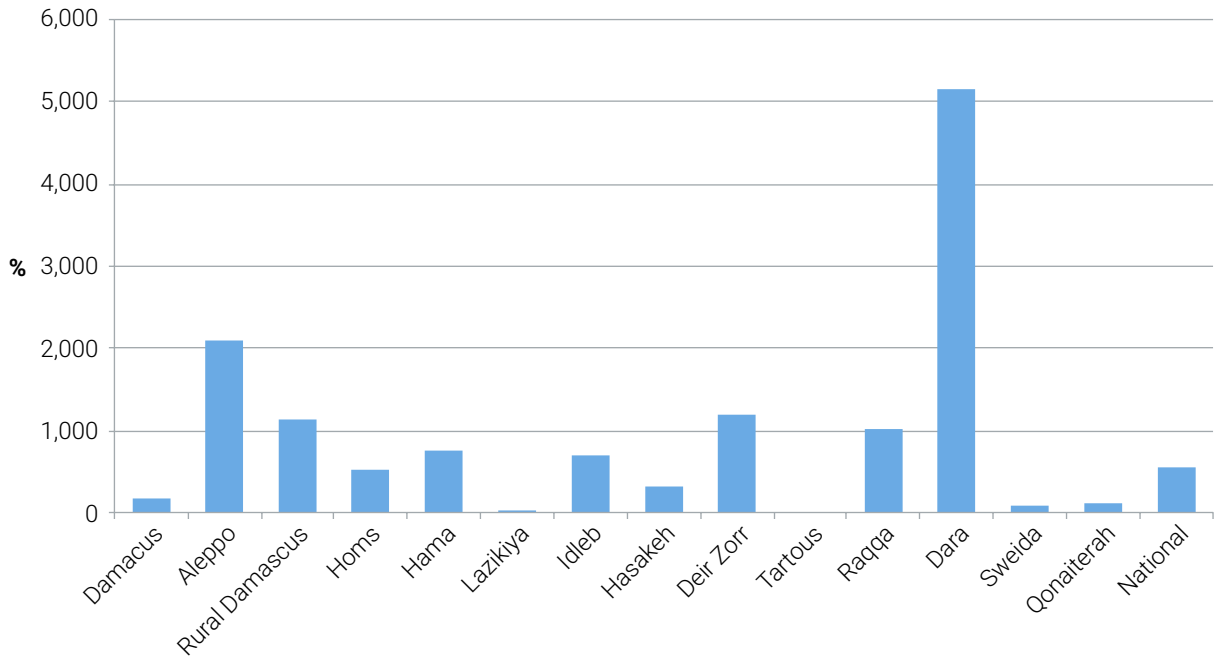
informal areas and the rest in formal areas as shown in the second map. The bulk of this damage was located in areas outside government control.



Average price of built-up area in Aleppo. Credit: Abdulaziz Hallaj



Heat map showing the destruction of residential buildings in Aleppo. Areas coloured in red are 100 per cent destroyed, in orange are 40 per cent and yellow are 20 per cent. Source: pbs.twimg.com/media/C00DchhWIAAcHhI.jpg



Ratio of damaged housing stock (2017) to total Government spending pre-conflict (2010). Figure shows the extent to which public funds are insufficient to cover reconstruction costs. Credit: Omar Abdulaziz Hallaj.

The cost of reconstruction of the housing stock far outweighs the availability of public funds. Based on public spending prior to the conflict, it would take 20 years to rebuild the housing sector in Aleppo alone. The burden of reconstruction has been shifted to the private sector because it is very evident that the public sector will not have sufficient resources. The private sector became the mystical solution to this problem.

**Land pooling: shifting the burden of reconstruction to the private sector**

In 2012, law 66 was issued allowing the destruction of informal houses in two neighbourhoods in Damascus and reconstruction through the concept of land pooling. The idea of land pooling is that “under-utilised” urban areas are reorganised to capture better value. The private sector is then allowed to take advantage of that increase in value in return for reconstructing the area. The profits would then help rehouse displaced persons and generate income for the municipality.

Those theories are all well, provided that communities are involved and participating in the decision making. But the main problem we have here in Syria is that most communities are not there. This runs contrary to the international norms and the Pinheiro principles, that if you are going to use such schemes they must

be transparent and inclusive. You have to bring the community to participate in the process and cannot do it while the community is away.

Land pooling is a common international practice, used for example in Japan, Spain and Germany, for dealing with damaged areas after war, provided it is participatory and fair. Changing property structures in the absence of stakeholders (which would be the case for many areas in Syria), is against international norms (the Pinheiro principles).

Two areas in and around Damascus served as pilot tests for law 66. These projects were supposed to be finished within three years but faced major financial and legal hurdles. So now all we have of these two projects are huge holes dug in the ground for infrastructure. It is important to note that the municipality of Damascus, which was pushing for these two projects, is the most powerful municipality in Syria. Other municipalities do not have the same access to top-level decisions to remove the red tape on the implementing laws around territories.

The lesson learned was that the new series of laws has not resolved protracted problems arising from previous housing, land and property (HLP) laws and the government has so far not been able to remove the red tape around these issues. At present, a review of the entire system has not been considered, although vitally needed.



Children toys among the rubble of a destroyed building at al Yarmouk camp. Photo credit: Maher al Mounes.

### **Law 10: A minor amendment to an existing law in a complex legal environment**

Law 10 was issued in April 2018. It caught the attention of the international community, especially as it was issued after the regime recaptured Ghouta, which awakened international advocacy efforts to policies that had been ignored in the past as international actors were disengaged from policy debates in Syria. In reality law 10 comprises not much more than an addendum and minor improvement and elucidation of an already existing law (66/2012), effectively allowing the selection of new “organisation zones” across Syria. While realistically it only constitutes a small part of the problem, it is an important advocacy tool. Legal glitches and overlapping jurisdictions delayed the implementation of law 66 and a much more centralised political push was needed to overcome bureaucratic hurdles.

Law 10 is not a property law, it is an urban planning law that affects property management without changing the nature of property as such; HLP rights are still protected

by other laws. The more substantial threat of this law is that it will devalue property, not that it will deny people their property rights, even though the latter is also a risk.

### **A complex legal eco-system**

Fifty new laws have been enacted since 2011, changing the political economy of land and housing management in Syria. They include:

- laws focusing on managing cadastral systems and protecting tenure
- laws affecting urban planning (law 10 falls into this category)
- laws regulating the power of eminent domain
- economic laws that regulate state subsidies and taxation
- laws defining the mandates of local and national government bodies and their abilities to engage in real estate transactions.

### **Economic considerations of land pooling projects: Preliminary findings**

A pre-feasibility study of law 10 that looked at the economic considerations of land pooling projects showed that conditions differ greatly from one zone to another, and no solution can be implemented across Syria. Spontaneous settlement areas require major upgrading even without the impact of war. On average, each hectare in the areas that are not badly damaged requires an investment of about \$0.6m to bring in basic services and amenities that enable refugees to return. Damaged neighbourhoods can range from \$2-9m per hectare, depending on the level of damage. Capital investments for implementing law 10 are about three times more expensive than the average costs of simple rehabilitation and will produce only half the number of housing units (to have reasonable market values or to break even). In most areas, law 10 will not break even unless housing units are sold at double or triple their pre-war prices. Capturing values to cover alternative housing arrangements for displaced persons in other locations, while still generating substantive profits for investors, will only start becoming feasible if housing units sell at about four times their pre-war prices. Market absorption is therefore very doubtful in the event of a massive implementation of law 10. Most original inhabitants will not be able to afford to buy in the new developments and will be displaced into other zones.

Economies of scale affect prices considerably. Larger zones require up to half the price per hectare of smaller zones. Implementing law 10 on small zones is likely to be unfeasible; the primary candidates for a feasible

implementation of law 10 are large zones of more than 400 hectares. Smaller zones may be better managed using law 23/2015 as the overhead costs will be big.

We are then talking about investment packages of \$1-2 billion. So the question is: where will this capital come from? Regime cronies and investors who want to pragmatically take advantage of the situation will probably only be interested to a certain extent. But how many of those exist? The few initial investors who are ready to enter this market are likely to be money launderers and regime cronies. And we have the basic business rule that dirty money brushes clean money away. If we add to this the application of the sanctions and the restriction on money transfer into and out of the country, the market will be dominated by a few cronies.

Neither the availability of finance nor the absorption capacity of the high-end housing market are likely to make law 10 replicable in more than a few zones. The application of sanctions and the inability to move money in and out of the country will greatly affect the availability of "clean" investments. Implementing law 10 will have a direct impact on inflation and the future price of housing units. The market will readjust, rendering future calculations on current market prices even less attractive. So not much revenue will be made from further law 10 developments. Law 10 has an intrinsic limitation on its capacity to generate funds as it moves forward. And, as we have seen in different parts of Syria, these huge infrastructure projects just end up as holes in the ground for years to come (see image below).



*Construction work at the site of Marota City project. One of the projects of Cham Holding. The land of the project was previously occupied by informal houses. Source: Marota City website.*



## Conclusions

- The main issue is the full picture of the conditions of return for Syria's displaced, beyond law 10. Law 10 will not generate enough revenue in the long term but might generate just enough short-term revenue to convince regime cronies to go along with the regime. If that is the case, it will take about seven to eight years to implode. At the same time, there will be a demographic youth bulge that will need to be dealt with. The next one is happening right when Law 10 type projects would have reached their maximum use. So, what is going to happen and how are we going to catch that convergence in seven to eight years?
- The regime is not likely to use Law 10 everywhere because the planning tools stipulated in the law are replicable only in very specific places. Today, Law 10 dominates the political sphere and directs attention away from more risky policy issues (gentrification and the economic risks of displacement, women's HLP rights, weak governance and adjudication systems, etc).

## Recommendations

- The overall framework of land and housing management policies needs to be reviewed, and not just law 10, especially with an eye on the harm expected once the reconstruction process is unleashed.
- Half of HLP problems can be instantly solved upon the establishment of small financial incentives. Many houses are not badly damaged and would require minimal financial packages once political guarantees are provided for the secure return of refugees and internally displaced persons. A mixture of grants and soft loans could enable half of refugees to go back.
- HLP problems cannot be tackled wholesale. The bulk of over 2 million remaining cases of HLP disputes will need to be divided into manageable packages. Conditions of return for refugees vary and do not solely depend on security, which is indeed a main concern, but also includes economic conditions, governance, jobs, infrastructure etc. Issues affecting refugees' return are not homogeneous. There are varieties of cases that will emerge. We need to consider how we can divide them into manageable packages. If we are going to look into six million refugees returning under one package, no one is going to return.
- Judicial solutions will not be expedient. Administrative solutions must be considered as judicial oversight will be essential. The design of such administrative packages must be advanced now before the facts on the ground are made permanent. Informal and traditional dispute mechanisms may be useful in some cases but not in areas with major historic grievances.
- Informal and traditional mechanisms are important but will not work everywhere. In some areas traditional mechanisms themselves are part of the problem and we need to be very careful not to generalise.
- Social solidarity will be key to mitigating disputes. Traditional networks, complemented by blockchain technologies, can be effective in certain urban contexts. These solidarity networks can be worked on with refugees from outside the country.
- Many cases will fall through the cracks and a baseline social safety net is needed to cover the poorest of the poor who will not be able to resort to other forms of compensation.
- Special attention is needed to assist women to obtain their HLP rights and consider the challenges of women's inheritance law. We need to design positive adjustment into the system.
- A political language will need to be defined to be inserted in the text of the final settlement (be it an agreement or a new constitution). This will not be done without all parties to the conflict agreeing to the process.

## Chapter 2: Private sector and its role in economic development

### The role of private business in peace and development

By **Dr Vesna Bojicic-Dzelilovic**

**Dr Vesna Bojicic-Dzelilovic** is Co-Director of the UN Business and Human Security Initiative at the London School of Economics and Political Science. Her research focuses on the political economy of conflict and development. She is particularly interested in understanding how the war economy affects post-war reconstruction and peacebuilding, the impact of international assistance and the relationship between business, human security and peace. She has published research on these topics with a geographic focus on the Western Balkans, Turkey, Colombia, Afghanistan and Syria. Her latest publications include *“Wholly local? Ownership as Philosophy and Practice in Peacebuilding Interventions”* and *“European Union in the Western Balkans: Hybrid Development, Hybrid Security and Hybrid Justice”*. Vesna is also the co-editor of the forthcoming book *Whole-of-Society Peacebuilding*.

The private sector has a pivotal role as a driver of economic development and an actor which can contribute to peacebuilding in a variety of ways, through its core function of stimulating growth, creating entrepreneurial opportunities, providing jobs, and generating wealth. But the way in which these functions are implemented and the environment in which business operates will determine whether its impacts will be positive in terms of economic opportunity, equality, social justice, the natural environment and governance. These elements together underpin sustained peace by addressing the root causes of the conflict. If economic growth generated by the private sector does not translate into more equitable wealth distribution, job creation and accountability, it will do little to remove the sources of tension and fragility within a society.

Private business is never politically neutral: decisions to produce, invest or create jobs have political and policy implications which can shape the peacebuilding process. Therefore, the first step is to look at the kinds of business that exist in the local context and the nature of their involvement in the conflict before being able to consider how they can support economic development and peacebuilding, and how to avoid potential negative impacts.

Experience shows that war-time adjustment in the private sector has a long-term impact and economic reversals can be deep and protracted. This has consequences for the relationship between private business and economic development in such contexts. These consequences are at the core of the post-war reconstruction programmes supported by international actors.

Private business is affected by conflict in manifold ways; from the loss of assets, capital, skills and infrastructure to the disruption of governance which hinders its potential to contribute to economic growth and development. But

of note in contemporary conflicts is the emergence of new actors and rules which affect businesses by creating enduring regulatory instability and unpredictability. Local SMEs, which arguably have the greatest stake in the return to normality and peace, are especially at risk in an environment lacking rules and regulations and where corruption is pervasive and rights compromised.

A particular challenge stems from the emergence of new governance actors (especially non-state armed actors) and new business elites reliant on violence, and their amalgamation through war economy dealings. These new governance/business arrangements often include state actors who are also engaged in the “business of war” – that is, in illegal and criminal activities that proliferate in the war economy. But there are also cases in which the private sector acts as “governor” by becoming a provider of public goods – although this too may entail having to cut deals with armed groups and criminal groups, creating a different platform from which to engage in peacebuilding.

These different facets of the business presence on the ground impact its potential for a positive contribution to economic development, both during conflict and in its aftermath. It is important to bear in mind when speaking about the business sector that it is not a monolithic actor with a unified agenda. The interests, incentives and capabilities of businesses, and hence their courses of action, differ according to factors such as size, legal status, ownership profile, and the broader security and geopolitical framework. This will also be determined by the extent and the manner in which a business is linked to the political and military elite. Paying bribes may be the only option for SMEs to survive during and after the war. Meanwhile for TNCs it may be the way to secure privileged access to business opportunities, as has been the case of cement manufacturer Lafarge, charged with financing terrorism in Syria.

The end of conflict does not mean that the business operating environment has changed. Business often faces many of the same difficulties: weak and corrupt institutions, political instability, the presence of organised crime, inadequate access to finance, infrastructure problems, skills shortages etc. Such security, governance and market conditions influence the propensity to invest in the long term and hence affect the job creation associated with a peace dividend. What all this means is that there are sometimes exaggerated expectations of private business capacity, will and feasibility of action in conflict and post-conflict contexts, including business's contribution to truth and reconciliation as a way of dealing with historical legacies.

### **International assistance/approaches**

The international approach in support of private sector development in conflict-affected areas has for a long time relied on universal blueprints with policy reform packages. Such approaches have often encountered political obstruction and failed to achieve expected outcomes. This has to do with the reluctance among donors to commit to approaches better suited to address the unique specificities of societies affected by armed violence and fragility, which would render a different view of the role of the private sector. More recently, there have been indications that such practice is beginning to change.

A key aspect in this respect is the importance of conducting broad and sustained stakeholder consultations to better understand the challenges of private sector development in such contexts, and how private sector growth can most effectively contribute to economic development in a manner that addresses the impact of conflict at the local level. Another key change is the recognition that the private sector is not and cannot be approached as a stand-alone actor. Rather, the notion of "business-based peacebuilding" relies on the model of multi-stakeholder partnerships as a framework for more proactive engagement of the private sector in dealing with issues of development, peace and security.

While the actual processes of the private sector's involvement in peace-related activities differ across countries and different conflict zones, a common trait has been a tendency to work as much as possible with other societal actors. These include international and local non-governmental organisations, local governments, religious and academic institutions, international donors and multilateral institutions. Experience shows that business is most effective in addressing conflict-related issues when working collaboratively with other actors.

### **LSE UN Business and Human Security Initiative**

The UN Business and Human Security Initiative programme at LSE has proposed a multi-stakeholder partnership model called "Human Security Business Partnerships" (HSBP). This is a novel framework for private sector engagement with communities and other stakeholders from the private, public and civil society sectors to direct their combined effort to improve human security and contribute to peace and conflict resolution.

It proposes a new form of partnership which can help re-set relationships between businesses and communities as well as other relevant actors in their areas of operation. The partnership model is based on the identification of common ground, the creation of shared value, shared risk management, and leveraging the relative capacities of those actors to create synergy from collective action. It uses human security as a lens to understand the local context in which companies operate and as a methodology for developing inclusive and integrated responses to local challenges of peace, security and development. At its core, the framework is about a new form of inclusive and sustained dialogue between private business, civil society, local communities and other stakeholders, that can enable protection and empowerment of the local population through identifying and enlarging areas of overlapping concerns and interests between investors, companies and communities. Through a novel form of collaboration including business, the aim is for companies to be able to contribute comprehensively to addressing the multiple and interlinked needs of the population; and that local communities, rather than being mere "beneficiaries" of such partnerships, will also be able to participate on an equal footing in these partnership schemes. The HSBP framework will be implemented in UN-supported programmes of jobs and livelihoods creation in Liberia and Colombia.

## The role of the Syrian business community in the diaspora; the example of SIBA

By **Samer Chamsi-Pasha**

**Samer Chamsi-Pasha** joined his family's textile industry in 1981 upon earning his Mechanical and Aerospace Engineering BS degree from the University of Pittsburgh. While at Pitt in 1979, he was awarded the Outstanding Achievement Award given annually to the highest achieving student in the School of Engineering. He continued his education in 1983-1985, graduating from the London Business School MBA programme. Previously, Samer had served on the London Chamber of Commerce and Industry Council (1991-1994) leading several trade missions, as well as being elected Vice President of the Syrian Arab Association in the UK (1994-1996), the main Syrian Expat Community representative body in the UK.

Currently Samer serves as Vice President of International Humanitarian Relief ([ihrelief.org](http://ihrelief.org)) at its HQ in Vienna.

The Syrian International Business Association (SIBA) was formed in 2017 through a World Bank initiative to represent the Syrian business community in the diaspora and to engage with Syrians and offer support. One aim is for the established Syrian business community abroad, which had previously left the country, to help newly arriving Syrians to integrate into their new communities.

This came after meetings and consultations with the World Bank following its study about Syrian business networks around the world. SIBA discussed with them ways to organise the Syrian business community in the diaspora through a platform with which governments can interact and assist with common problems faced by the Syrian business community outside the country.

SIBA is registered in Canada as a non-political, not-for-profit international organisation, with chapters to be formed in Turkey, Lebanon and Jordan, Egypt, Armenia, the UK, the USA, the UAE and countries in South America.

The diverse portfolio of countries serves SIBA's stated aim of representing and empowering the Syrian business community outside Syria "through the generation of meaningful business and employment opportunities across sectors, development of relevant technical business skills, and integration of Syrian economic interests into the economies of host countries".

### Historical role of the business community in modern Syria

Syria's mercantile class, prominent since Ottoman times, has traditionally been the main driver of the economy in Syria. Syrian governments have at several stages experimented with various social experiments which were not exactly beneficial to the economy.

But the mercantile class has traditionally played a stabilising role through solidifying social cohesion and maintaining merchants' historical interconnection with religious establishments. Religious charities have customarily been funded through private donations from the business community<sup>2</sup>, which in turn established a social support network that often supplanted the government's own failures and fostered social cohesion and religious tolerance.

An example is the Welfare and Social Services Association of Homs which was formed in 1955, and has since provided a backup social support network. It was supported by local businesses.

The mercantile class was mainly urban based. But through trade flows and movements, Syria's business community can also be credited with cultivating better relationships between the countryside and urban centres.

<sup>2</sup> Such as the Welfare Association in Homs which dates back to 1955 and is fully funded through private donations.



Bazaar in Damascus' old city. Photo credit: Tarek Kebaisy.

### **The Syrian business community abroad and its role in economic development**

Despite the detrimental economic policies undertaken by successive governments since the 1960s, Syria's traditional mercantile class has solidified the economy, mainly through SMEs, and continues to play this role until today. The Syrian business community in diaspora has also contributed substantially to the development and resilience of Syria's economy through investments, remittances and the transfer of knowledge and skills. During the conflict, foreign remittances from Syrian diaspora groups have kept the Syrian pound from further deterioration. The diasporic business community has also contributed substantially to the growth of host economies, particularly in countries such as Turkey, Egypt and Jordan.

Some Syrian businesspeople inside Syria have also businesses outside the country. We are therefore not talking about a disconnect between internal and external business communities but a wide and varied business community.

The Syrian business community has also contributed positively to the economies of its host countries. In 2015, Syrian businesses in Turkey added about 0.5 per cent to Turkey's GDP<sup>3</sup>, and there are similar success stories in Jordan and Egypt.

<sup>3</sup> [reuters.com/article/us-mideast-crisis-turkey-economy/fridges-and-flour-syrian-refugees-boost-turkish-economy-idUSKCN0VS1XR](https://www.reuters.com/article/us-mideast-crisis-turkey-economy/fridges-and-flour-syrian-refugees-boost-turkish-economy-idUSKCN0VS1XR)

## Post conflict facts

Out of an estimated total population of 23 million in 2010, seven million Syrians are now internally displaced and another six million have taken refuge in foreign countries. By 2018, there were 22 million diasporic Syrians.

The conflict has emptied the country of both its intelligentsia and its skilled and semi-skilled labour workforce. The business community is qualified and has exceptional potential to play a role in the redevelopment of Syria's economy through direct inward financial investments, facilitating and expanding the export of Syrian products, transferring business know-how and best practice, bridging sectors, business connections and communities and maintaining a two-way transfer of skills and experiences.

To fulfil this role, the Syrian business community inside the country requires a new deal. In the 1980s an informal agreement between the late Hafez Assad and the business community gave business access to the economy without governmental control in return for political stability. That worked until the current conflict breached that agreement. Currently, there is no deal, and it is not clear what political settlement the current government is prepared to offer the business community for its return.

The Syrian business community outside Syria wants the following concerns to be addressed in any upcoming negotiations: personal safety and security, the rule of law, investment securities, and the upholding of housing, land and property rights. On an international level, it requires the economic sanctions to be lifted, an end to capital flow restrictions, more serious economic support from the international community, such as credit guarantees and financial support instruments, and better access to regional and international markets.

The informal estimate is that the Syrian business community in the diaspora are worth about \$200 billion. However, businesspeople face severe restrictions in their ability to move funds. Any Syrian trying to open a bank account will face many hurdles.

With a new deal, the sanctions need to be lifted to help Syria redevelop.

In conclusion, the Syrian business community can be instrumental in the social and economic recovery of Syria. The current conflict has breached the traditional pact between the government and the business community. This must be redressed but not happen without reaching a new arrangement between the two sides. Without this, and without the active engagement of Syria's business community, the Syrian economy will not fully recover in any meaningful way, and reconstruction efforts will be limited in scope and impact.



*The informal estimate is that the Syrian business community in the diaspora are worth about \$200 billion. However, businesspeople face severe restrictions in their ability to move funds. Any Syrian trying to open a bank account will face many hurdles.* ”



## Syrian Enterprise and Business Centre

The Syrian Enterprise and Business Centre (SEBC), established in 1996, was the first European-funded project in Syria as a result of the Barcelona declaration. It aims to support the private sector in Syria and facilitate the free-trade agreement between Syria and the EU. In 2011, following the uprisings, the EU was among the first to suspend all projects in Syria, including the projects implemented by SEBC. We spent two years looking at how to re-structure the SEBC's role: the strategy has focused on preserving the Syrian economy, providing livelihood support to those who lost their means of sustenance, and work on post-conflict economic readiness.

The experience of SEBC shows that the private sector can play a vital role in Syria's recovery and in building social cohesion, and that it therefore needs to be enabled and empowered. Therefore, early-recovery economic programmes, particularly textile and furniture enterprises, are acutely in need of funds and support.

## The account of a Syria-based businessman

The number of people with visible signs of malnutrition is more than five million. In terms of urban area destruction, 25 per cent of urban areas have been destroyed while 30-35 per cent exhibit partial destruction. Inflation went up ten-fold while salaries only doubled or tripled, which means a five-fold reduction in purchasing power in real terms for the average Syrian. Even middle and senior managers within private sector entities often find it difficult to make ends meet; the working class, on the other hand, find it impossible.

All these factors started to hit the private sector. Many businesses had to lay off employees. Today, with the authorities trying to transition into a post-conflict phase, at least in some areas, businesses increasingly feel that the financial strain of the past seven years of war is being transferred onto private individuals and business by the government. One example is all the "martyr charities" that business people are "encouraged" to pay into; officially optional but unofficially not so optional. Problems with tax and other legal issues tend to start popping up if companies do not enthusiastically pay those charities.

Another example of governmental extractions is through the custom tariffs that have increased exponentially over the past year or two. Normally the mandate of customs agencies is to police the country's borders and make sure that contraband does not enter the country. These days, however, more customs agencies than usual are found deep inside the country and inside the cities. They stop whoever they think is worth stopping. Businesses have to deal with buses and vans being stopped on a near-daily basis.

The most recent trend is for the government to force people or businesses that have planning permission, or that have previously obtained licenses to build and operate but have not been able to in the past years because of the war, to immediately commence work regardless of whether this is possible. They threaten to strip away people's licenses or expropriate their assets.

The period of time given before this threat is acted upon is usually one month and this seems to apply to large-scale and small-scale initiatives. This of course exposes the extent to which the government lacks funds at its disposal, funds that are necessary to rebuild or at least be seen to rebuild. This is a problem, especially in a banking environment where the non-performing loan situation across the banking sector is between 50-70 per cent.

There is virtually no attention given to how one must build, the need to integrate accessibility concerns into any design, the importance of ensuring any measure of fair access to economic opportunities or educational opportunities, or wider stakeholder consultation or citizen participation of any sort.

It is fair to assume that rebuilding and regeneration in the rest of the country will be carried out with the same disregard that we see in Damascus today.

How can elements of deep-state war economies in Syria be decoupled or separated from wider local community structures in regime-controlled areas?

## The account of Syrian SMEs' entrepreneurs

SMEs were ready and willing to accept the changes that hit Syria after 2011. Business elites close to the Syrian government established a business network among themselves, Club 100. They were taking over all aspects of the market. Everyone expected them to work on larger projects (PPP, banking, etc), which they did at the beginning. But from 2007-8 they decided to downscale their investments and compete with smaller enterprises (from small factories, agriculture, agri-foods, dairy products, shopping malls that affected small shops) and micro-businesses (taxi services both within the city and airport transfers, office-cleaning companies, and so on). We felt that we were living under a glass ceiling which was gradually being lowered, limiting our ability to grow and expand our business.

The relationship between the Syrian and Turkish governments also affected SMEs. Turkish export policy aimed at flooding the Syrian market with Turkish products. It facilitated exports and eventually affected the profitability of local SMEs.

The relationship between the Syrian and Iranian governments was one-way, enabling us to import Iranian products but not export to their markets.

The private sector has really been damaged in Syria. According to UN figures, more than 95,000 industrial units have been destroyed in the past seven years. Souks and bazaars have been destroyed. Border closures have also impacted businesses. The number of small businesses relying on cross-border transits (from Aleppo to the Naseeb Syrian-Jordanian border) is unimaginable. Many cafeterias and shops that relied on trade movements along those routes closed after border closures and the severe restriction on the flow of goods.

Syria is suffering from a lack of skilled and semi-skilled labour. Large-scale migration movements after 2011, particularly the displacement of entrepreneurs, businesses and SMEs because of the lack of security, loss of assets, or military conscription, affected the economy,

We currently have a severe shortage of all energy resources – and businesses rely on power and fuel.

Unilateral economic sanctions have overpowered non-sanctioning states such as Iran, China, India and Russia and made Syria's private sector more susceptible to exploitation, since it can only purchase from these states.

Syria's private sector is inevitably empowering the war economy and the war lords. In the absence of banks, businesses must rely on illegal money-transfer and banking channels controlled by war lords. We are being blackmailed by them. For instance if I needed raw materials from China I would have to acquire them through war lord intermediaries. They transfer the money, so the import license (and consequently the products themselves) will be registered in their names. Some resell us these products. Others (who are highly connected) smuggle such products rather than import them, and transport them directly to our warehouses. This makes us increasingly prone to being blackmailed by the police, customs, etc since we have illegally imported these materials.

Money laundering has also overwhelmed many markets. Launderers can afford to sell at lower costs (at times equal to production costs) which makes it hard to compete; this legitimises their money.



*While the banking sector was direly hit, some private banks, such as the Bank of Syria and Overseas, were able to continue operating. Photo credit: Tarek Kebaisy.*

## SME Case study: Resurrecting a small factory in Homs after the war

**Abdelbaset Fahed** lives in the al-Waer neighbourhood of the city of Homs, known as “the city of black stones” for its signature basalt. By 2011, he had established two small basalt and marble cutting factories in the industrial zone of Homs, employing 45 people.

In 2013, al-Waer was controlled by the armed opposition and was subsequently subject to a siege by the regime. Abdelbaset, who took a firm position against the regime’s violations, refused to leave al-Waer. He grew vegetables in his garden for subsistence and engaged in civil society activism and humanitarian work.

During the siege, the war escalated in Homs and the factories were severely bombed. What survived bombardment did not survive looting; everything was looted right down to the electric meter. Even the trees were logged.

After a local agreement was reached in al-Waer in 2017, the siege was lifted and many people left for the north. Abdelbaset decided to stay in the city and took on the mission of resurrecting his factories. After more than a year and a half of work he managed to restart the smaller factory. However it now employs only two people, thereby supporting two families.

When asked about the obstacles he faced in this mission, his answer was:

- 1** Lack of financial resources. After eight years without work, half of that time under siege, he was unable to rebuild the factories.
- 2** Lack of access to loans. Bureaucracy and strict, inflexible conditions make access to loans very difficult.
- 3** Financial burdens. Abdelbaset must pay fees, taxes and social insurance costs to the government, in addition to utility bills<sup>4</sup>.
- 4** Limited market. There are no major construction projects that would require Abdelbaset’s services, as was the case before 2011, and individuals are carrying out only minor reconstruction to their own properties.
- 5** Lack of skilled labour. Most of the skilled youth have left the country.

Abdelbaset has identified his main needs as being the return of skilled labourers, tax exemptions, and accessible loans with less harsh conditions. With this, he and other factory owners in the industrial zone will be able to reconstruct their businesses and offer employment.



*Abdelbaset Fahed outside one of his destroyed factories.*

<sup>4</sup>There are income tax exemptions for the years in which it’s proven, through a police report, that the facility was inoperative due to security conditions or to the complete closure of the area. Of course the exemption does not include water and electricity utility bills.



*A factory building of the stone-cutting factory before and after being destroyed in the war. The factory is covered with basalt, the signature stone of Homs in which the factory proudly specialises.*



*One of two workers the stone cutting factory now employs.*

## Chapter 3: Reconstruction and donor conditionality

### The political context for Syria's reconstruction: Partial state failure, regime resilience and societal change

Summary by the report editors of the presentation given by **Professor Raymond Hinnebusch** at the conference

**Professor Raymond Hinnebusch** is a Professor of International Relations and Middle East Politics at the University of St. Andrews, Fife, Scotland. He is Founder and Director of the Centre for Syrian Studies. His works on Syria include *Authoritarian Power and State Formation in Ba`thist Syria: Army, Party and Peasant*, Westview Press, 1990; *Peasant and Bureaucracy in Ba`thist Syria: The Political Economy of Rural Development*, Westview Press, 1989; *Syria and the Middle East Peace Process*, with Alasdair Drysdale, Council on Foreign Relations Press, 1991; *The Syrian-Iranian Alliance: Middle Powers in a Penetrated Regional System*, with A Ehteshami, Routledge, 1997; *Syria: Revolution from above* (Routledge: 2001); *Turkey-Syria Relations: between Enmity and Amity*, co-edited with Ozlem Tur, Ashgate Publishers, 2013; *Syria: From Reform to Revolt: Politics and International Relations*, co-edited with Tina Zintl, Syracuse University Press, 2014; and *The Syrian Uprising: Volume 1: Origins and Early Trajectories*, co-edited with Omar Imady, London and NY: Routledge Publishers, 2018.

To better understand the reconstruction process in Syria, we must position it within the larger context in which it has been wrought. Namely, that of the conflict and the way in which it restructured both the economy and the regime, in part by proving the latter's resilience. This has had far reaching implications on reconstruction which can, through its depiction within the context of conflict, be seen as a continuation of the power struggle, albeit through other means. This has deterred reconstruction from functioning as a form of restorative justice and placed significant risks on the process.

Syria's war economy has seen massive capital flight, checkpoint taxation, increased dependency, a growing economy of looting, extortion and sieges. Under these conditions, new actors have thrived.

A conflict society reflects the lack of social cohesion. War has been civilianised through the recruitment of a large number of the civilian population into militias. Sectarianism has been instrumentalised on both sides and deepened by the "security dilemma" of political polarisations along sectarian lines. The regime is remarkably resilient. It adapted to the conflict by adopting more violent, exclusionary, neo-patronage methods. As the tide turns, it undertakes to claw back lost territory from the opposition.

Reconstruction, thus, has consolidated the regime's position as a result of three main factors: The consolidation of crony capitalists through private-public partnerships for reconstruction; the redistribution of control over strategic areas through the introduction of new property laws; and the creation of secure zones, to be redeveloped as upscale housing for regime loyalists, which will also recentralise power.

Decentralisation will also have implications on the reconstruction process. Since 2011, state control has largely contracted. The Syrian government lost control over some areas to the opposition, which subsequently created their own governance bodies and mechanisms. Notwithstanding, centralised state control over the regime's own territories has also been fragmented and replaced with local governance bodies due to the inability of the centralised state, economically, politically and administratively, to exercise power. This leads to a patchwork of power-sharing arrangements.

Reconstruction will also be structured and curtailed by the geopolitical and geo-economic powers with influence in Syria. Geo-political powers, such as the Iranian-Russian coalition, have superior political advantage but fewer economic resources. And those that have geo-economic power lack the political leverage. The phenomenon of foreign interference will intensify following the defeat of IS, in a race to fill the power vacuum in the areas that were under IS control. Overlapping spheres of influence between foreign powers will create insecurity and partition, effectively deterring any form of integrated reconstruction effort and hardening ethno-sectarian fault-lines.



*Destruction in the old city of Aleppo. Photo credit: Tarek Kebaisy.*



The role of the US is more of that of a spoiler. The US can't win the political-military battle but is in a position to use geo-economics to obstruct reconstruction. However, many new war profiteers have thrived as a direct and indirect result of US sanctions, through sanctions busting, smuggling and so on.

Russia has strong strategic stakes and is well situated to both push reconstruction ahead and to act as a broker between regional actors and warring factions on the ground. Russia prioritises the reconstruction of state institutions, particularly the army and the security-intelligence apparatus. It does this to impose a modicum of order and curb, disband or incorporate the lawlessness of militias which are detrimental to political security and economic recovery. Its aim is not the rule of law but rule by law, essential to the kind of stability and predictability needed for economic revival and investment.

Russia's resources are limited. The companies most prepared to invest in the conflict are energy companies and others run directly by the oligarchs. Russia's diplomacy is geared towards attracting other investors via some minimally acceptable political settlement that would enable the return of some refugees, enough to entice funding support for this from European states and international organisations.

Iran's stake is geo-political. Its presence in Syria is mainly to deter Israel and keep its Saudi rivals out. Constrained by US sanctions on its own economy, Iran is attempting to recoup some of its previous investments and loans to the Syrian regime by ensuring the regime's survival through reconstruction concessions. The Revolutionary Guards, who own the largest construction firms in Iran, have signed major economic reconstruction contracts with the Syrian government.

Turkey's stake ends with the Kurdish people. To that end, it has occupied predominantly Kurdish areas in Northern Syria, trained and recruited local police forces, and set up local councils which operate vital services and schools (where the Turkish language is taught). Turkish companies supply electricity and services to large swathes of areas along and beyond its borders. More than 100,000 Syrians, residing in Syria, currently receive their salaries from the Turkish government. Going back to the previous point made concerning the fragmentation of reconstruction, Turkey here epitomises the kind of politicisation and conditions that affect reconstruction.

To conclude, there are numerous impediments to the reconstruction of Syria's economy. Those (both governments and organisations) willing to play a role in the reconstruction process should be wary not to further damage social cohesion, debilitate Syria's sovereignty, reinforce war profiteers and the war economy, or consolidate the regime's authoritarian structure. Governments with an interest in stabilising Syria and ensuring that the war is not reproduced should come together and wearily discuss how that can practically be achieved.



*Overlapping spheres of influence between foreign powers will create insecurity and partition, effectively deterring any form of integrated reconstruction effort and hardening ethno-sectarian fault-lines. ”*

## Syria's reconstruction – the good, the bad and the ugly<sup>5</sup>

By **Dr Omar Imady**

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Let's begin with the "ugly".

This would be the combination of laws, structures and projects recently decreed and initiated by the Syrian regime. They range from the vulgar "ugly", like law

number 10 which amounts to a large-scale confiscation of the homes of the displaced and refugees, to the surreal "ugly", with luxury housing projects announced at the very site where families were pressured to evict their homes.



*A mother whose husband was killed during the war, revisits her home in al Yarmouk camp in mid-2018, only to find it in ruins. She shouts "My only remaining possession! I am exhausted from all this displacement, from being exploited and disempowered by others for being an unemployed widow". Credit: Maher al Mounes.*

<sup>5</sup> Reprinted from a blog drafted shortly after the conference. The blog piece can be found here: [inspired-by-syria.com/single-post/2018/12/07/Syrias-Reconstruction—the-Good-the-Bad-the-Ugly](https://inspired-by-syria.com/single-post/2018/12/07/Syrias-Reconstruction—the-Good-the-Bad-the-Ugly)



Indeed, the regime understands reconstruction as a process through which allies are rewarded, communities are redefined, and, just in case the “lessons” of the last seven years have not been fully absorbed, reconstruction, or the lack thereof, is used to invent memory. Areas that were known to be staunchly against the regime, like the Khalidiyyah neighbourhood in Homs or Salah al-Din in Aleppo, appear to be deliberately ignored, as though constituting reminders on a grand scale of the fate of those who stand up to the regime. All of this is “ugly” because of how indifferent it is to human suffering.

The “bad” reflects frameworks and agents that intrinsically lend themselves to abuse, either because of an obsession with material gain, or because of sheer weakness. Foremost among the bad are global actors and corporations that interact with reconstruction as though it was a guaranteed product that can be delivered, if only conditions can be met and the resources to pay the bill secured. Syria’s tragedy will only end through a political settlement that leads to a genuine transition towards an inclusive and democratic Syria. This noble objective, however, should not be pursued as a way through which the international donor community, the West in particular, can be convinced to adopt and fund Syria’s reconstruction. This massive project, estimated at anywhere between \$200 and 400 billion, will be a project through which Syria is further broken rather than rebuilt. All one has to do is to study recent precedents, from Bosnia to Afghanistan and Iraq, to understand the way in which this inherently “bad” option works.

Corporations want to sell their products. They do so regardless of whether their products are irrelevant or even counterproductive to the area being reconstructed. Read if you wish the story of how Kellogg Brown and Root (KBR) ignored studies that pointed to the fact that soil was not compatible with plans to have a pipeline buried beneath the Tigris River. Three years later, after the bill had reached \$100 million and nearly \$1.5 billion in revenues was lost, the digging was finally halted. Or read Bassam Yousif’s account, *Coalition Economic Policies in Iraq*, in which he described how even as Iraq’s unemployment rate was near 40 per cent, foreign labour was imported in the tens of thousands. And just in case you think this is confined to Iraq, please also read about similar experiences in Afghanistan and Bosnia. Not only do these grand projects fail, there seems to be a direct correlation between how much money is used and how significant the failure is. Indeed, top-down approaches that are guided and controlled by global corporations are bad, even when they intend to do good.

The UN is another variation of the “bad”, but in my mind, it is far more moderate on the scale of bad, and at times even potentially useful. The UN does not confront the regime when it restricts its access to areas requiring humanitarian assistance. This is undoubtedly true, and it reminds me of how the UN acted during the siege of Madaya. Stationed in Damascus, and only forty kilometres away from where people were literally being starved to death, UN convoys stayed put. Also very difficult to process is when the UN agrees to oversee the displacement of entire communities from areas like Homs and Darya to Idlib. In this manner it becomes indirectly complicit in the purposeful demographic distortion of Syria. All of this seems to be reflective of weakness bordering on cowardice. And it is a trait that is contradicted at times even from within the UN when some UN reports describe in detail the regime’s massive and systematised violence.

The UN, however, is also a structure within which a level of monitoring and accountability exists, as does evidence of successful initiatives with local communities. I once took part in such an initiative in Syria, and later documented the unfortunate way this experiment in political and economic empowerment ended. The weakness the UN exhibits when interacting with the Syrian regime can be partially explained by how restricted its current mandate is. As such, the UN is presently “bad” but has the potential to become a more positive force if it was empowered with the mandate to work directly and without regime restrictions with the millions of Syrians whose communities have been severely damaged over the last seven years.

This brings us to the last and most important category, the “good”. The good, no doubt, are the Syrians themselves, who alone, so far, have truly engaged in the process of reconstruction, a genuine variant of reconstruction that aims at rising above the deep wounds and damage caused by seven years of violence. It is a creative, resilient and ongoing process of reconstruction. The good are the inhabitants of towns under siege who found ways to reconstruct their lives even as they were attacked and bombarded. They identified alternative means to generate power, built hospitals, and stocked an underground library with books rescued from bombed buildings. The good are Syria’s children who found ways to reconstruct their own schools by having the older children take the place of teachers, caregivers and counsellors for friends and younger siblings. The good are Syria’s women whose stories far exceed “survival”, and who indeed are actively engaged in reconstructing a life for themselves and their families.

What is fascinating here is that as we continue to discuss reconstruction, how much it will cost, who will undertake it and under what conditions it will take place, those most in need of reconstruction efforts are neither waiting for help nor expecting it. This is far more about us than them. In identifying ways to provide assistance, whether

through the UN with a very different mandate, or some other creative way that skirts around the regime/global corporations trap, we are in fact demonstrating that even though we have totally failed in stopping the violence that was unleashed against the Syrian people, we have at least succeeded in assisting them in reconstructing their lives.



*Boy selling roses in the streets of Damascus. He is one of Syria's many impoverished children, who dropped out of school in order to work, and whose socio-economic conditions were impaired by economic stagnancy and war. Photo credit: Tarek Kebaisy.*

## The conditionality of donor funding, and how it could be used to promote respect for human rights and political inclusion

By **Dr Rim Turkmani**

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According to its own narrative, the Syrian regime “won the war”. Evidence from the ground, however, suggests that this Pyrrhic victory is putting the government in a very challenging position as the war is no longer an excuse to not deliver the basics<sup>6</sup>. The regime and Russia are becoming aware that the damage caused by the war far exceeds their ability to restore the country, and that international support, not just financial assistance, is vital. Western donors have framed their potential support for reconstruction in Syria within an evolving state-centric conditionality. I shall review the logic and impact of such conditionality, taking the EU as an example.

Before 2011, the EU aimed to use negotiations for an association agreement and access to programmes and facilities as leverage to drive a process of democratisation, respect for human rights and good governance and accountability in the management of public funds. It was a positive incentivising conditionality which rewarded compliance in governance reform with increased financial assistance through the governance facility. But there was no facility that made financial assistance conditional on political reform and respect for human rights. Public criticism in the EU of human rights abuses in Syria was also very limited during the negotiating .. period, with few critical statements before 2011 being mainly motivated by individual cases.<sup>7</sup>

Two months after the beginning of the uprising, the logic of EU conditionality changed into **negative sanctioning conditionality** in response to the Syrian regime's use of excessive violence against civilians. They suspended all cooperation programmes and participation in the EU's regional programmes and subsequently imposed an expanding list of sanctions on individuals and institutions, promising the reversal of these steps should President Assad step down.

By the end of 2016, the negative sanctioning conditionality was combined with positive incentivising conditionality by promising support for reconstruction once “a credible political transition is firmly under way”<sup>8</sup>. In April 2017, this was clarified as being when “*comprehensive, genuine and inclusive political transition, negotiated by the Syrian parties in the conflict on the basis of UN Security Council Resolution 2254 (2015) and the 2012 Geneva Communiqué, is firmly under way*”.

### The impact of conditionality

It is difficult to assess the impact of pre-2011 conditionality since the events after 2011 disrupted the entire process. But none of the post-2011 conditionalities have achieved their intended outcomes. The president did not step down, the Syrian regime is yet to show serious engagement with the Geneva-led process and the sanctions did not result in the desired change of behaviour.

<sup>6</sup> See for example Syrian people suffer after Pyrrhic victory.

<sup>7</sup> for a full review of EU conditionality towards Syria before and after 2011 see Chapter 4 in (Kaldor et al., 2018).

<sup>8</sup> European Council: EU leaders discussed Syria and migration, 16/12/2016, available at: [eeas.europa.eu/headquarters/headquarters-homepage/17450/european-council-eu-leaders-discussed-syria-and-migration\\_en](http://eeas.europa.eu/headquarters/headquarters-homepage/17450/european-council-eu-leaders-discussed-syria-and-migration_en)



Reconstructing the bazaar in the old city of Homs as part of UNDP led project. Photo credit: Maher al Mounes.

Complete disengagement and extensive sanctions were counterproductive. They led to a loss of leverage for the EU while the situation in Syria continued to escalate, rapidly developing into a regional and international crisis. Even so, the EU ended up as the biggest contributor to the massive conflict humanitarian bill.

Most good governance indicators were already poor in Syria before 2011<sup>9</sup>. Failures in the foundation of governance and development date back decades before the beginning of the conflict. However, after the conflict, performance has collapsed to one of the lowest rankings in the world in terms of political stability, the absence of violence, control of corruption, voice and accountability, government effectiveness, rule of law, and regulatory quality.<sup>10</sup>

Below are some examples of the impact of the negative sanctioning conditionality imposed by donor governments, where sanctions and disengagement were either the sole or contributing factors.

- 1** The regime was forced into full financial dependence, as well as its existing political and military dependence, on its patron states, particularly Iran and Russia. While western sanctions overall could have weakened the regime financially, the resulting financial and economic entanglement with these supporting states enslaved the regime even more to their interests.
- 2** The EU and its member states lost political leverage and the ability to influence the behaviour of the regime.
- 3** Sanctions mainly affected ordinary people. They exacerbated the humanitarian situation, increased the level of fatigue and reduced people's ability to resist increased oppression.
- 4** Sanctions made Syria's private sector more prone to exploitation by states supportive of the regime, since they became the only source of imports.
- 5** Legitimate businesses were badly damaged while crony capitalists flourished and a new war elite class emerged. Smaller businesses were worst hit as they were less able to circumvent sanctions.

<sup>9</sup> The World Bank: Worldwide Governance Indicators, updated 10/19/2016.

<sup>10</sup> *Ibid.*

- 6 The war economy was accelerated and became an active driver of the conflict.
- 7 The informal economy became the new formal way of conducting business because of the sanctioning of financial institutions, government ministries and related infrastructure (such as transport).
- 8 Complete disengagement, combined with sanctions, prevented access to supporting anything beyond humanitarian aid (such as the emerging civil society) in government-controlled areas.

Supporting reconstruction would now be difficult even with EU goodwill and regime compliance. The only actors able to receive large funds and deliver big projects would be those closely linked to the regime, as the middle class has been hollowed out and there are limited numbers of independent civil society organisations and businesses. Moreover, financial transactions outside banks has become the norm, with the remaining ones unable to process the required flow of funds. Pouring large funds into this environment would only further empower the authoritarian regime and the new war elites and feed into all the socioeconomic roots of the Syrian crisis.

### Why didn't conditionality work?

A key reason is the behaviour of the Syrian regime and its refusal to comply with international law or human rights and to end the use of violence against civilians. Related is the EU's lack of enforcement tools or instruments of influence beyond economic power.

But such conditionality has not worked in other conflict settings. Conditionality does not work when the entity imposing it is supporting a party to the conflict against another. The EU asked the Syrian president to step aside while recognising and supporting the National Coalition for Syrian Revolutionary and Opposition Forces (SNC). This binary positioning kills any desire for compliance even for economic gain, especially amidst a complex geopolitical setting.

The unconditional political support by the EU to the Syrian political opposition is, however, contrasted by the EU's laudable support to Syrian civil society and emerging governance structures in opposition-controlled areas, combined with small-scale support to civic initiatives all over Syria. This supports democratisation, respect for human rights and aiding the bottom-up construction of legitimacy by not imposing one actor over another.



*Pouring large funds into this environment would only further empower the authoritarian regime and the new war elites and feed into all the socioeconomic roots of the Syrian crisis.* ”

Most punitive steps imposed on Syria by donor governments often appear to be symbolic rather than instrumental, mainly due to the lack of other policy options and the pressure on policymakers to demonstrate action. Expressive political conditionality is not known to be effective (Fisher, 2015). Nor does conditionality work when geopolitics are put ahead of peace (Boyce, 2004), and within the complex Syrian conflict, geopolitics often emerged as a major issue for donor governments.

### Towards a new conditionality

Like the incremental and multi-level process of change in Syria, conditionality should also be multi-layered rather than limited only to the top level. Meso-level conditionality is required, inspired by current needs and opportunities and rewarding progress on human rights, governance and democracy indicators, with monitored support to independent SMEs and civil society. This would also build confidence for subsequent engagement with broader political steps should conditions for reconstruction be met. Below are the basic elements of this conditionality:

- 1 The logic: Positive incentivising conditionality that aims at concrete achievable steps with the potential of making tangible improvements to the lives of ordinary people.

**2** It must be designed for current needs and opportunities. Early recovery programming is needed in areas where violence has subsided, to kickstart a sustainable recovery from the conflict and prevent a relapse into violence. Programming must contribute to poverty reduction and the recovery of the legitimate economy, while also integrating peacebuilding into development. This should be supported by efforts to combat corruption and the shadow economy under which the war economy thrives, and to improving governance indicators. Central is the need to kickstart the revival of legitimate local businesses and independent civil society. These are instrumental for countering the dynamics of the conflict, aiding the process of democratic transition and unlocking the potential of Syrian society to help itself.

It is important that a new conditionality approach lives up to the aspirations of Syrians and works with the incredible potential for societal change. The Syrian population, while impoverished and deeply fatigued, has never been as aware of its rights, and of its expectations of a just future society, than at this moment. After years of conflict, the closed nature of Syrian communitarian society has been cracked open and infused with new influences and impulses. Above all, Syrian youth have been impatient to help transform Syrian society. This intrinsic potential for change in Syrian society can be used for better or for worse.

**3** The level: Meso-level conditionality is engaged with the steps and stages of a process of change it wishes to see and is focused on concrete elements of this process. Such conditionality would focus on bringing about tangible, measurable change to people's lives and introducing incremental mid-level change to governance. For example, certain sectors could be supported in return for progressive changes in their governance. There could be support for developing local economies and infrastructure in return for the decentralisation that would give locals greater autonomy.

**4** Indicators and oversight mechanisms: Implementing the conditions of meso-level conditionality is not a guarantee of actual change. Continued support should be conditioned by improvements to human rights, governance and democracy indicators and programme implementation should be monitored with oversight mechanisms.

Such indicators are also important for top-level conditionality. The indicators of reaching a "comprehensive, genuine and inclusive political transition firmly under way" are unclear. Would the transition involve a change of people or change the overall system of governance? Would it change the legal system, or its implementation? What is the benchmark for a genuine transition? We argue that the measures for a political solution must be based on the tangible changes it makes to people's lives and that this needs to be anchored in human rights. If, for example, appointments of opposition figures in power, or nominal changes to legal procedures leave citizens just as likely to be subject to arbitrary arrest, nothing has changed.

New indicators should be the benchmark of compliance with conditionality in Syria to measure how change is actually happening. They should be based on people's experiences on the ground, not on international agreements or unimplemented procedures. Their cornerstones should be human rights, governance and democracy. Each implementer or business, as well as the state, should comply with human rights and international law<sup>11</sup>

**5** The incentives for the regime: The support would cover areas of acute need that the regime cannot fulfil given its shrinking ability to govern the country and provide for frustrated citizens. Its loss of control over many areas has led to the rise of local power agents. Areas taken from the opposition, such as Ghouta and Deraa, particularly need support. As most members of civil society and local councils have fled these areas, much support from western donors is gone. New civil society, however, is emerging and some small business owners are trying to retrieve their business, though with very limited resources<sup>12</sup>. Carefully reviewing sanctions with a negative humanitarian impact would also provide incentive. It is not only the Syrian regime that could be engaged with incentives. Russia is also pushing for western donors to engage and its leverage over the regime could support the process.

<sup>11</sup> SLDP 2018. International Law and Reconstruction in Syria: a Cautionary Note for Businesses.

<sup>12</sup> For insight about the level of frustration in these areas see section 3.3 in "Progress in the wrong direction: The 2018 Local Council Elections in Syria".

## Donor conditionality, sanctions, and the question of justice

By **Dr Omar Dahi**

The question of donor conditionality and how it could be used to influence behaviour and promote respect for human rights and political inclusion has increasingly gained importance in debates on Syria as the conflict shifts to another stage. In this transition, many have raised hopes that conditionality can succeed where other means have failed.

In the context of conflict studies, conditionality is often referred to as peace conditionality. Professor James Boyce and others coined this term to refer to the use of formal performance criteria and informal policy dialogue to encourage the implementation of peace accords and the consolidation of peace. Scholars of peace and conflict studies have contrasted the

potential positive impact of peace conditionality with the dubious legacy of economic conditionality imposed by multinational institutions and other donors since the 1980s era of structural adjustment. Peace conditionality should encourage policies that promote peace, justice and reconciliation processes, even if these contradict traditional economic policy prescriptions.



70-year-old Syrian Mohammad Mohiedine Anis holding a picture of his younger self in the middle of his destroyed house in Aleppo. In an interview with an AFP reporter he said "I have had a very happy past but things have changed. Now life is hard, but we mustn't lose hope". Photo credit: Maher al Mounes.

The most obvious problem with this in the Syrian case is that the above notion of peace conditionality assumes it is used for *peacebuilding*, not *peacemaking*. Peace conditionality is supposed to follow from negotiated peace accords between relative equals, not a near total victory by one side. Peace accords are statements of declared intent by the different parties to reduce or end the conflict, advance processes of reconciliation, transform governance structures, and commence measures for justice and accountability, as well as economic reconstruction. Even at their best, peace accords are aspirational. They may or may not be translated into actual policy, and it is hoped that conditionality would provide sufficient incentives to do so. What happens however when even those lofty and aspirational statements do not exist? If the victor has not even declared the commitment to make peace or initiate processes of justice and reconciliation, what is there to incentivise? Quite simply, what was not achieved through the conflict will not be achieved through conditionality.

On the other hand, the changing regional political landscape and shifting alliances are further dragging the geopolitical scene in Syria away from where it was in the 2011 to 2016 period. Internally, the conflict has empowered the warlords and the well connected, amidst staggering levels of death, destruction and displacement. Regardless of who claims victory, Syrian society as a whole has lost. Can this reconfiguration provide an opening for an engagement of a different kind, peacebuilding without a formal peace?

Perhaps, but only if it is accompanied by broader political initiatives, during which there is a desire to rethink previous modes of engagement and binaries that prevailed during the war and consider the needs and voices of Syrian society – all Syrian society, whether inside or outside the country. Here broad-based economic sanctions must also be reconsidered. At this point they seem to only serve a punitive purpose, but against the wrong people. Broad-based economic sanctions have significantly damaged the Syrian economy, negatively impacting ordinary people and exacerbating the war economy. As far back as June 2012 the United States Department of Agriculture identified how sanctions negatively impact food security in Syria in its *Commodity Intelligence Report*:

The net result of international actions has been to trigger a major depreciation in the Syrian currency (50%), dramatically increase domestic inflation, significantly deplete government financial reserves, and seriously restrict trade. Though current sanctions do not officially target food or agricultural commodities, restrictions imposed on Syrian banks and trading firms have somewhat impeded the country's ability to finance needed imports<sup>13</sup>.

Similar negative effects have been found by others including the *United Nations Human Rights Council Special Rapporteur's September 2018 Report*<sup>14</sup>. Sanctions have not caused the humanitarian crisis in Syria, but they worsen rather than improve the situation of Syrians. Sanctions empower the well-connected while others suffer.

Peace conditionality can continue by considering the needs of the millions of refugees languishing in Syria's neighboring countries. It needs to continue to consider processes and initiatives, even at the local scale, that can enable and further justice, accountability, equality, voice and representation for all Syrians, regardless of political perspective or declared loyalty. What medium to long-term processes will allow Syrian society to revive itself, and empower itself to achieve agency over its own future?

In March 2019 it was eight years since Syrians took to the street to ask for a just and equitable society. Though they are exhausted by war, the question of justice remains more relevant than ever. Eight years ago, demonstrating Syrians raised the slogan "the Syrian people know their path". For the devastating price they have paid for this demand, they should have a chance to voice their agency over their own future and once again know their path.



*Peace conditionally needs to continue to consider processes and initiatives, even at the local scale, that can enable and further justice, accountability, equality, voice and representation for all Syrians, regardless of political perspective or declared loyalty.* ”

<sup>13</sup> [ipad.fas.usda.gov/highlights/2012/06/Syria/](http://ipad.fas.usda.gov/highlights/2012/06/Syria/)

<sup>14</sup> A/HRC/39/54/Add.2.

## A peacebuilding perspective on post-conflict reconstruction in Syria

By **Dr Achim Wennmann**

**Dr Achim Wennmann** is an expert in economic perspectives on violent conflict, dispute resolution and peacebuilding. He is currently working on statebuilding in hybrid political orders, negotiated exits from shadow economies, and conflict prevention in contexts of large-scale business investments. Achim has broad research and advisory experience including intellectual mediation support, research coordination of major projects, and advisory roles for international organisations, government, business, and private foundations. He is also a member of the editorial board of *Global Governance*.

As the head of a network of actors engaged in peace negotiations and peacebuilding – the Geneva Peacebuilding Platform – my starting question concerns how the end of conflict and post-conflict reconstruction in Syria will impact peacebuilding practices elsewhere in the Middle East and the world.

To answer this question, I refer to my own work on the role of the private sector in fragile environments as well as to other research on the future of peacebuilding practices, the political economy in Syria during conflict and the role of the private sector in peacebuilding.

The current literature on peacebuilding contains several reports and observations suggesting that peacebuilding is both dysfunctional and futile. At least one consultancy predicts a decline in donor assistance to peacebuilding in Germany, Sweden, the UK, and EU. Given the current precedence of a political environment that prioritises stabilisation over transformative approaches, some support to peacebuilding may be shifted to resilience and civil society projects. Overall, there is less willingness to invest in peacebuilding organisations and projects. Several international organisations and donor bodies view peacebuilding as an outside-generated large-scale project that produces stability, prosperity and participation all at once.



From the opening session at the **Political economy and governance in Syria conference** in December 2018.

Research carried out by scholars at Kings College London illustrates a significant shift from traditional peacebuilding practices to political settlements and negotiations. This is especially relevant to Syria where the previously-mentioned shift in policy environment will reflect in an over-prioritisation of stability and prosperity. Coupled with the power dynamics within Syria's political economy, this will overpower partisan interests while marginalising participatory politics, which may be sequenced as part of formal discussions at a later transformative stage. However, participatory politics is currently, and will be for the near future, overridden by discussions around stability and prosperity.

So, what does the current climate look like for peacebuilders who have focused much of their work on enabling and strengthening participatory politics? The answer may be to continue peacebuilding practices and projects without explicitly calling them "peacebuilding". Some of this work might make use of 1980s peacebuilding activities that focused on building peace in the context of authoritarianism, with an emphasis on governance transformation from dictatorships to more participatory political systems. From this perspective, peacebuilders might find utility in structuring their work around three essential vulnerabilities of authoritarian regimes: legitimacy, compliance to norms, and people. Authoritarian regimes are always afraid of these three issues.

Regarding legitimacy, we can use the experience of Rwanda. This illustrates how a government that lost substantial local and international legitimacy, following the 1994 genocide, put all its eggs into one basket, so to speak. The government prioritised restructuring the economy, along a Western liberal model, to attract more investment and create more jobs. Business reforms were carried out while political participation was halted with hopes that economic growth would neutralise military actors, which it did to a large extent.

Adopting this trajectory to Syria may offer novel perspectives on Syria's peacebuilding challenges. First, regime officials and warlords will be the first to realise that post-conflict preservation of power will become much more difficult than it was prior to the conflict. This

is partly because they will suddenly realise the need to deliver vital services (such as education, jobs and transport) and the institutional inability to deliver. The population will generally judge the government based on its ability to deliver. If the government manages to deliver some level of essential services it might help build some range of "performance legitimacy". Yet this appears to be far-fetched for the government. It requires a level of commitment, and more importantly resources, that are currently unavailable in Syria.

Hence, and here comes the second challenge, those currently holding power in Syria have little to no incentive to develop and commit to a formal political resolution to the conflict. The likely scenario for Syria in the next seven years is therefore a status of "no war no peace", effectively meaning that there will be no final and formal political solution but lots of "reconciliation" realities will be created, with their own specificities and particularities.

The primary challenge for Syria's ruling authorities, after the end of the war, is thus how to strike a balance that guarantees regime stability and control over key industries while at the same time creating opportunities to satisfy and co-opt people outside of the government's rent system in such a way that neutralises them and prevents them from threatening the function and pervasiveness of government rule. Such a balance is particularly hard to strike in a closed-access and monopolised economy.



*Those currently holding power in Syria have little to no incentive to develop and commit to a formal political resolution to the conflict. The likely scenario for Syria in the next seven years is therefore a status of 'no war no peace'.* ☹

## The risk of de-risking: the impact of counterproductive financial measures on the humanitarian response to the Syrian crisis

By **Dr Stuart Gordon**

**Dr Stuart Gordon** is the Programme Director for the International Development and Humanitarian Emergencies MSc, an Associate Fellow at the Royal Institute for International Affairs (Chatham House) and a Senior Fellow of the Higher Education Academy. He also coordinates the Department of International Development's development and humanitarian consultancy programmes. He is a research adviser to both the Humanitarian Forum and the Moslem Charities Forum. He sits on the editorial board of the Disasters journal and co-directs, with Sara Pantuliano, the LSE-ODI Senior Level Course on Conflict and Humanitarian Response. He writes on the roles of institutions in conflict and complex emergencies, with a particular focus on the interactions between humanitarian and security organisations (state militaries and non-state armed groups). He is interested in two broad themes: first, the drivers of humanitarian governance and practice; and second the institutions that emerge during situations of armed conflict and their impact on civilian populations. He has conducted field research in conflict settings including Afghanistan, Myanmar, Syria, Uganda, Somalia and Ethiopia.

After 9/11, many western states passed enhanced counter-terrorist legislation leading to the rise of a little known but incredibly powerful organisation called the Financial Action Task Force (FATF). It produced a series of recommendations on how to restrict counter-terror financing. One of the recommendations identified, despite the lack of any real empirical information, the private voluntary sector as especially vulnerable to manipulation by terrorist organisations; potentially established by prescribed individuals, acting as a front for terrorist linked organisations or subject to manipulation in fragile and conflict-affected states. This recommendation caused a ripple effect through national regulatory structures and led to a market restructuring in the financial sector. Many banks looked seriously at the risks that they were facing by working with organisations that could be manipulated by terrorist organisations. Facing increasing fines and the added pressure of working with NGOs, the risk was not worth the potential reward. Fearing regulatory costs and fines, they increasingly limited their business with humanitarian organisations. They did this in two ways. Many banks shed NGO customers, closing their accounts with little warning and no redress. Correspondent banks were even more rigorous, blocking the movement of money to conflict-affected areas. This is what is now referred to as the de-risking phenomenon.

The humanitarian response to the Syrian crisis has been particularly affected by de-risking in many ways. In particular:

- 1 NGOs' ability to cooperate with businesses/donors in the USA and Western Europe has been hindered as the financial due diligence required was not seen as worth the potential reward. Many NGOs have had their bank accounts closed and have found it difficult to move money to offices working in conflict states.
- 2 Since correspondent banks, which deal with such transfers, are more vulnerable to fines and costs, they have instituted even more rigorous measures. As a result, the transfer of money to conflict-affected regions has become more difficult.
- 3 The humanitarian financial space has been closed down and banks/financial regulators are now having a profound and unprecedented effect, shaping the distribution of humanitarian aid.

Another issue that emerges is how such financial regulations have reframed citizens in the global south not as beneficiaries of assistance or victims of crisis but as contributors to global risk. Populations that have traditionally fallen outside of western state power have been rendered governable by state institutions in the global north.

But when policy makers are faced with this, the usual response is "but we have no empirical evidence that the Syrian crisis is affected by bank de-risking". In response, we started a research project to address the question of whether bank de-risking has affected the NGO community responding to the Syrian crisis. We asked whether there

is evidence of a precautionary approach to risk arising from bank de-risking and permeating NGO humanitarian decision making for the Syrian humanitarian crisis. And if so, is this used to render beneficiaries and/or humanitarian institutions governable? And reflecting the possibility that a precautionary approach to risk undermines organisational responses, does the management of risk lead to improved or reduced humanitarian outcomes and is it possible to identify the ways in which calculations of risk determine humanitarian priorities and coverage?

The main results were published in Gordon et al., 2018<sup>15</sup>. The research used mixed methodology, largely qualitative in nature, involving 11 roundtables and a survey with 297 responses. The results of this study showed that the de-risking phenomenon has led to the following main problems:

- 1** Providers of humanitarian aid were under pressure to conform to regulations before responding to crises in certain areas, out of fear of being de-risked or de-banked.
- 2** Almost a third of all money destined for Syria was held in an almost permanent limbo because of blockages in the correspondent banking system.
- 3** The risk of being de-risked creates a ripple effect; the result was the funnelling of humanitarian activity to areas that were most likely to get through donor and bank scrutiny. This meant that areas that were more marginalised and in need found themselves bereft of support. Humanitarians felt they had to identify the areas they responded to in line with regulatory requirements. They had to predict who they were dealing with in terms of logistics chains and partners. Any community that did not have this level of legibility and transparency was too dangerous to engage with, because once banks discovered the engagement, there was a danger that the humanitarian organisation would be de-risked or de-banked.
- 4** In the case of rapid changes such as forced displacement, NGOs found it really hard to respond because of the reporting problems and because of the need to rapidly move money to those areas. They would do this out of their own tight budget.
- 5** It caused a shift from cash response to outdated commodity-based responses, which could itself be manipulated or diverted by combatants.

- 6** Intensifying regulatory measures led to a counter-productive regime.
- 7** The identified risk increases closer to beneficiaries along the humanitarian supply chain. This has left smaller NGOs that are closer to the affected areas more vulnerable to de-risking procedures and therefore more financially drained.
- 8** De-risking led to conservative and unresponsive programming choices. For a winterisation programme, organisations bid for the funding six months in advance and their funding is held up for six months. The programme is then out of date so they shift to something else; they are under pressure to spend the money rapidly and therefore choose something that is conservative and not necessarily the most effective use of money.

Another issue that emerged is how the risk was used by neighbouring states (such as Turkey) as a way of constructing objects capable of being governed and manipulated by the Turkish administration.

The results reaffirmed the fact that contrary to the idea of risk-based management and results-based management, which suggest that everything can be reduced to probabilities and managed accordingly (managerial logic), one of the predictions of risk sociology is that regulatory failure is highly likely to emerge out of efforts to regulate risk. The outcome is that policy makers are equally likely to create regulatory failure as they intensify the regulation of NGO financing as they were to address the problem they were dealing with. Risks in that process, the diversion of money in this case, were substantially higher than before the regulatory process began: an unanticipated repercussion.

In conclusion, donors underestimated the scale of the problem of de-risking large Europe-based NGOs. And while the FATF believed the regulations would lead to more transparency, the results of the de-risking are that 100 per cent of NGOs operating in Syria use cash transfers or the informal hawala system. Syrian NGOs have also become overly dependent on western NGOs intensifying the sense that the global humanitarian system is an extension of western political institutions.

<sup>15</sup> Gordon, S., Robinson, A., Goulding, H. and Mahyub, R. 2018. The impact of Bank de-risking on the humanitarian response to the Syrian crisis. *HPG Working papers*.



## Transforming armed groups and combatants in Syria: Implications for potential DDR, livelihood and the political economy

By **Charles Lister**

**Charles Lister** is a senior fellow and Director of the Countering Terrorism and Extremism Program at the Middle East Institute in Washington DC. His work focuses primarily on the conflict in Syria, including as a member of the MEI-convened Syria Study Group; and on issues of terrorism and insurgency across the Levant. Prior to this, Lister was a Visiting Fellow at the Brookings Institution in Qatar. His critically acclaimed book, *The Syrian Jihad: Al-Qaeda, the Islamic State and the Evolution of an Insurgency* was published by in the UK by Hurst in late-2015.

2018 has witnessed the early phases of regime-style disarmament, demobilisation and reintegration (DDR). This has been shaped by the following factors: (1) the integration of armed groups under the state umbrella, in order to reinforce regime rule but not to distribute power and address the causes of the war; (2) a coercive, stop-gap DDR process; (3) the lack of clear incentives or employment opportunities for fighters, and no guarantees of post-service protection; (4) no real incentive to relinquish one's weapons after one's service in the integrated armed groups.

Syria has evolved from being a shadow state to being a transactional one. If the state is based merely on transactions, how does that relate to an effective DDR process? The semblance of relative stability is through fear and coercion rather than legitimacy and credibility. Deep-seated corruption, the persistence of war, the shadow economy and the coping economy are troubling. All of this makes DDR look like a long-term pipe dream.

Russia's role has been key. It has a strong relationship with the Syrian Arab Army and has started to re-centralise it. One should look at Russian-led reintegration efforts as being part of the state's.

Defeated opposition fighters have two options: integration into the army or evacuation up north to Idlib. Russia has been trying to create an "en masse auxiliary unit" in the Syrian Army. Its efforts are largely coercive and thus not sustainable in the long term. One theme is localisation. Given the recognition that this is a highly local conflict, ex-fighters are given the option to remain in their areas. There is also a largely Russian-led attempt to exploit the clear and broad anti-IS sentiment

within the opposition, with fighters allowed to remain in their home town to fight IS. There are early signs of a "cleaning house" strategy. The more senior levels of opposition who have been reintegrated but remain potentially problematic have been slowly vanishing.

On the pro-regime side, the proliferation of Syrian loyalist militias really worked from a counter-insurgency perspective. The regime has the Syrian Arab Army (SSA) and Republican Guard. We have also seen the National Defence Front (NDF) and its forces leveraged up into auxiliary forces. Syrian Hezbollah has been utilised as an alternative umbrella for re-integration. The loyalist business community's importance is in the filling gap in funding for the pro-regime militias and paying their salaries. This is establishing cronyism and corruption in the long term.

But how are all these different armed entities financed? There has been no significant or truly grounded work on this. Every single regime element is going to give a different answer as to its financing. The SSA is funded through the state. The Fifth Corps forces are reliant on Russian funding, and some on Iranian money. The NDF are much more locally rooted and financed and this is where some in the loyalist business community are involved in financing their own militias.

The war economy is indeed significant in funding the militias. Checkpoints, for example, are an incredible source of income for those who control them. This is the most critical concern. But while the war economy is a significant source of financing militias, the tap of big sources can easily be switched on and off by the political leadership.

## Chapter 4: Governance, legitimacy and the role of civil society

### Critical analysis of attempts to co-opt the tribes in Syria

By **Dr Haian Dukhan**

**Dr Haian Dukhan** holds a PhD in International Relations from the University of St Andrews. His publications were cited by different media outlets. Haian recently signed a contract with Routledge publishers to publish his PhD dissertation as a book under the title of *Informal Alliances and Conflict Patterns in Syria: Tribes and the State*. Funded by a grant from the Danish research council, he is also engaged in a research project at the University of St Andrews on the instrumentalisation of sectarianism by the regime, the opposition, extremist groups and competing external powers in the Syrian conflict.

Previously, Haian worked as a consultant for different governments and non-government bodies on issues related to conflict, development, counter terrorism and peace settlement in Syria.

Since the start of the uprisings, the role of urban versus rural populations in igniting and leading the uprisings has persistently been the subject of debate and contention. Within the SWANA region, Syria has been the first to experience an overwhelmingly rural uprising. The affluent cities of Damascus and Aleppo did not play a major role in the uprising, at least not initially. Syria's countryside has been widely populated by tribal communities; a large part of which were displaced from their villages in the city outskirts due to the 2007 drought.

At the onset of protests, tribes played a substantial role in mobilising their communities to protest against the regime. As peaceful protests transformed into violent confrontations, many attempts were made by both the regime and opposition to win over and co-opt tribes to instrumentalise them politically and militarily. With the shift to a full-scale civil war, almost all armed actors from armed opposition groups (AOGs) to Islamist formations, Kurdish forces and the regime's military and para-military factions tried to capitalise on their relations with tribes to serve their own interests.



Short break for tribe members from Raqqa in the Raqqa countryside. Photo credit: Abood Hamam.

I will attempt here to provide a critical analysis of local, regional and international efforts to co-opt tribal structures in Syria, while arguing that local attempts have generally been more successful in co-opting tribes than those by regional and international powers such as Turkey, Jordan, Saudi Arabia and the USA. This might have to do with the fact that local forces and structures are more aware of localised realities and histories, especially when it comes to the changes that tribal structures have gone through in the past couple of decades.

This paper defines “co-optation” as the use of formal and informal mechanisms by particular authorities in their attempts to strategically draw groups to themselves. To help delineate such a theoretical postulation, I outline different forms of co-optation, which include the following.

- **Structural co-optation:** which includes widening participation in such a way that allows strategic groups to partake in governmental decisions. An example of this is the establishment of the Raqqa Civilian Council (RCC) by the Syrian Democratic Forces (SDF) to diffuse the perception of the SDF as a Kurdish force that occupies an Arab-majority governorate. Thus, the RCC’s co-chairs were Mahmoud Shawakh al-Bursan, an Arab tribal sheikh, and Leila al Mustafa, a Kurdish civil engineer. The RCC includes 20 local tribal representatives who were interested in attempting to foster social cohesion as well as thwart any attempted retaliatory acts against those thought to be associated with IS.
- **Traditional co-optation:** under this framework, traditional leaders of strategic groups are approached as a means of co-opting the whole group(s). An example is IS’s attempts to force and/or convince traditional leaders to publicly pledge allegiance to them.



*Local attempts have generally been more successful in co-opting tribes than those by regional and international powers such as Turkey, Jordan, Saudi Arabia and the USA.* ☹

- **Identity-based co-optation:** includes the creation, revival and manipulation of religious, ethnic and tribal networks to mobilise the community, where the ruling authorities become the centre of patronage and loyalty. For instance, Hafez Al-Assad’s attempts to manipulate and revive the tribal identity as a means of stabilising the regime.
- **Material co-optation:** which all actors use. Here different authorities grant financial benefits to the groups that they want to co-opt.

### History of co-optation under Ba’ath party rule

Tribal power and authority were severely diminished by the pervasiveness of nationalist and socialist discourses following Syria’s independence. However, upon Hafez al-Assad’s assumption of power in the 1970s, the regime established networks of patronage with influential tribal leaders. The latter’s pledge of loyalty to the regime was reciprocated with wider local authority.

A series of incentivising measures were thus put forth in order to absorb tribes into the state structure. State policies and subsidies favoured tribal leaders, thereby creating tribal social support for the regime that could be, and often was, used in conflicts with other societal segments, such as the Kurds and Islamists. These practices and policies were reflected in an increase of tribal representation in the al-Ba’ath party, the Syrian army and security apparatuses as well as in parliament.

This is an epitomic example of structural co-optation. However, two vital factors need to be considered here. First, the Syrian regime did not co-opt tribes in their existing hierarchies and structures but rather “created a new class structure by dismantling the power of the tribes from inside out... the regime side-lined traditional tribal sheikhs and replaced them with people associated with the intelligence services”, according to Sheikh Nawaf al-Bashir. Thus, the sheikhs’ roles, positions, and powers within their own tribes changed and were often diminished. Second, a weakening of kinship ties, resulting from factors such as education, physical mobility, settlement and urbanisation, amplified tribes’ susceptibility to being co-opted.

An increase in education within tribal ranks led to the emergence of a young educated class who were generally more cynical of the authority of traditional sheikhs. This led to major intra-tribal divisions between modernists and traditionalists. At this stage, namely between the 1970s and 2000, tribal divisions had no

significant impact on the regime. The regime continued to co-opt large numbers of tribal members, particularly from Deir Ez-Zour and Horan, into party leadership, government institutions and popular organisations such as the peasants' union.

When Bashar al-Assad assumed power, he continued the same co-optation policy in order to secure the regime's survival. However, following the US invasion of Iraq, co-optation came to hold another function. Bashar al-Assad delivered an unusual speech in Deir Ez-Zour praising tribal history and the tribes' national struggle against the French occupation. The speech was part of a larger attempt to encourage large numbers of tribal youth to fight in Iraq, an initiative that would later garner political leverage for the regime on the international arena. As an incentive, the regime granted financial rewards for tribal leaders as well as governmental employment opportunities for their children and relatives. This is somewhat similar to the regime's use of tribal connections, albeit on a regional level, to suppress the Kurdish revolt of al-Hassakeh in 2004.

However, Bashar al-Assad's policies of economic liberalisation disproportionately benefitted urban populations, particularly the major cities, while neglecting rural areas. Under him, the party apparatus and workers' and peasants' unions were regarded as obstacles to economic reform. Therefore, a large segment of their governmental funding was withdrawn.

### **IS attempts to co-opt Syrian tribes**

The contraction of state services to rural areas culminated in the increased impoverishment, marginalisation and frustration of rural populations, particularly tribal youths. However, tribal leaders still enjoyed special privileges and influence under al-Assad's rule and were also able to benefit from his neo-liberal policies. This effectively led to the creation of an affluent clientelist class within tribal structures themselves, locally coined as *Awlad al-Sulta* (or "progenies of the authority"), who were largely alienated from the rest of their tribes. Coupled with stark intra-tribal class discrepancies, contraction in state services to rural areas created a level of grievance and lethargy in intra- and inter-tribal bonds that allowed for Islamist groups to capitalise on this social cleavage. During the early stages of the uprising, tribal youths took to the streets not only to protest against the regime's unrestrained and atrocious exercise of authority but also that of traditional sheikhs.

While there is a wide retreat of IS from rural tribal areas, information indicates that IS might resurge in the eastern part of the country. Therefore, it is relevant to provide a critical analysis of IS's co-optation strategy.

Since 2013, IS has come to control large swathes of eastern Syria. Consecutive videos have subsequently emerged of tribal leaders publicising their allegiance and loyalty to IS. Similarly, IS also incentivised tribes by granting them wider margins of local authority. Traditional sheikhs were responsible for collecting taxes (*Zakah* in Islamic jurisprudence) within their localities, communal arbitration, civil documentation, and registering families in need of assistance. In return, those sheikhs were granted access to regional IS meetings, which brought together representatives from each region controlled by IS, and were also provided with bribes and endowments.

### **The SDF succeeds in its co-optation attempts**

Following the International Coalition's alliance with *Yekîneyên Parastina Gel* (YPG), the latter approached Arab tribes to construct the SDF, a united force against IS. Under this umbrella group, YPG and *Yekîneyên Parastina Jin* (YPJ) forces merged with tribe-based Arab militias. Later, the SDF itself widened the coalition to include the tribes of Ar-Raqqa in order to liberate the city and governorate. Once Ar-Raqqa was taken over by the SDF, a series of meetings with tribal sheikhs led to the creation of an administrative body called the Raqqa Civilian Council. It might be argued that SDF has been the most successful in co-opting tribes. Several young members of local tribes were provided with employment opportunities within the Raqqa Civilian Council.

Turkey also organised meetings with tribal sheikhs in the South in attempts to mobilise them against Kurdish military forces. As a result, several tribal leaders publicly announced their support for Turkey's "Olive Branch" military operation against Afrin. Although a full invasion of Raqqa seems unlikely, in part due to US opposition, Turkey still connects with Raqqa's tribes to cause tension and unrest in the governorate.



A council of condolences for Al Sanadid fighters who were killed during clashes with ISIS. Al Sanadid are a tribal militia, composed of members of the Shammar tribe, who operate under the umbrella of the Syria Democratic Forces (SDF). Source: Ronahi.

### The current status of tribes

Bashar al-Assad instigates tribes to pressure the SDF to hand over the Raqqa governorate to the regime. Co-optation still happens along the lines delineated earlier while manipulation of internal power dynamics within tribal structures subsists, as a means of co-optation, just as it has been used since al-Ba'ath's takeover of power. Tribes are an essential force for the regime to retain areas controlled in the east of Syria.

Since tribes are mobilised and co-opted by several of the warring factions in Syria, there is a risk of positing them against each other in a future battle. A US withdrawal of support from the SDF would increase that likelihood and open the possibility of inter-tribal confrontations over Syria's eastern parts.

To conclude, one of the most visible analytical outcomes of this research is that local forces and groups are noticeably more successful in co-opting Syria's tribes than external powers. This is mainly due to the fact that external powers' knowledge and understanding of tribal structures and their history hampers their ability to construct long-lasting alliances.



*An increase in education within tribal ranks led to the emergence of a young educated class who were generally more cynical of the authority of traditional sheikhs. ”*

## Reinventing state: health governance in opposition-held areas

By **Dr Zedoun Al Zoubi**

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Zedoun holds a PhD in Management from the Arab Academy for Finance and Banking Sciences and completed his post-doctoral studies at the Technical University in Berlin.

The research presented here analyses health governance in Syria across three different phases of its institutional evolution, with more focus on the third phase. The research aims to map out the different structures that sought to provide health services after state institutions and services contracted, while delineating the social basis and political discrepancies behind each.

The first phase came after the uprisings. A group of first respondent volunteers established the Damascus Doctors' Coordination body. A couple of months following its formation, the body witnessed stark divisions which ostensibly appeared as disagreements over a statement but were, in fact, political in nature. The division was generally between conservatives, mostly Islamists, on the one hand and secular members on the other.



*One of the medical centres belonging to the Union of Medical Care and Relief Organisations (UOSSM). Source: Social Media.*



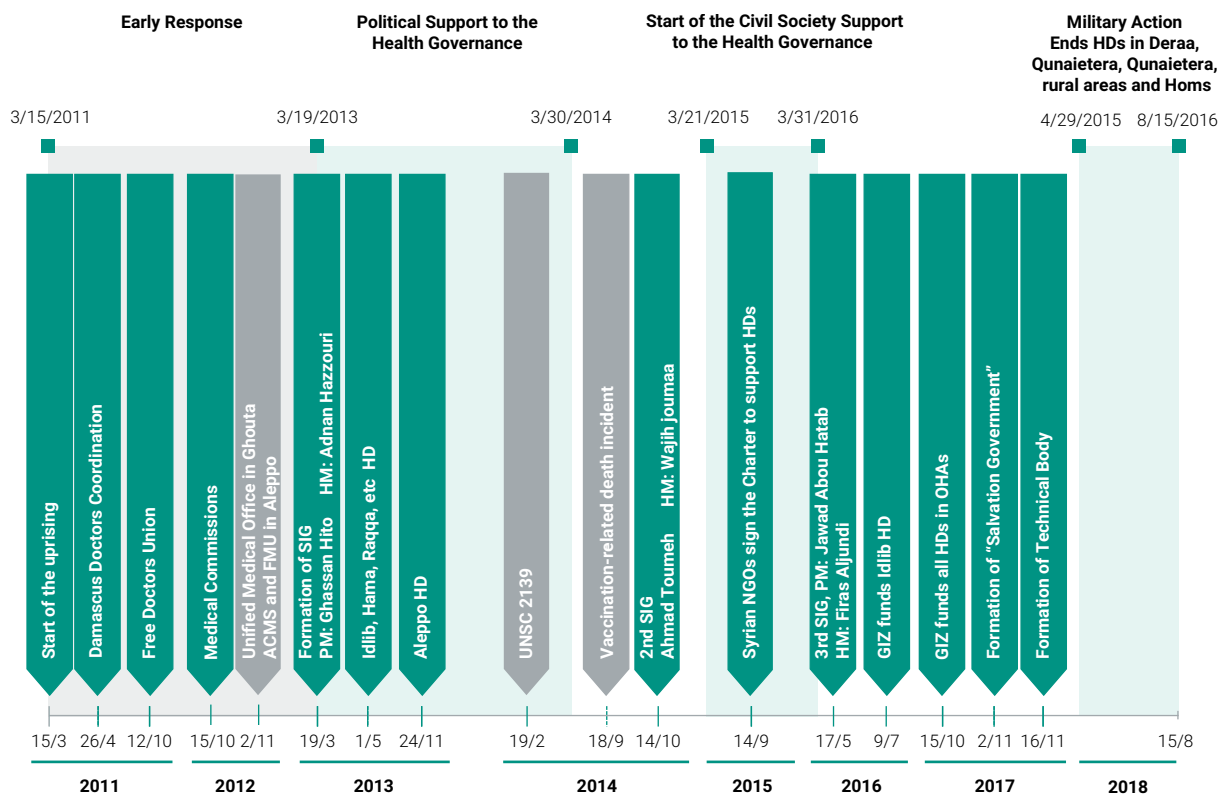
Those embroiled in the uprising seldom thought of proper medical governance, or any other form of service provision for that matter, since they were repeatedly promised that the regime would be toppled within a matter of months. It was only in 2012, when those promises lost currency and wide areas were taken over from the Government, that medical commissions and councils started emerging. However, those commissions were overwhelmingly established and used in rural areas. Political divisions within Damascus's countryside, mainly between conservatives and seculars, prevented them from establishing a proper medical governance system.

Divisions between urban and rural populations were clearly evident in the establishment and administration of medical committees. The Aleppo city Medical Council (AMC) was established following the city's takeover by armed opposition groups (AOGs). It should be noted that the AMC did not admit people from rural areas into their hospitals in the very early stages of their establishment. As a result, communities in the rural areas of Aleppo established the Free Medical Union.

The second phase saw stark changes in medical provision. During this phase, Gulf states channelled substantial funding, at times through their allies within the Syrian opposition, to medical committees and councils in Syria. This had a significant impact on the type of governance, activities, and internal dynamics among local medical committees. The Syrian Interim Government (SIG) used a Qatari grant it had received to establish a health directorate, albeit for political interests basing it on local communal needs. This untechnical, top-down approach to medical service provision proved futile, to say the least. The health directorate was established without any institutional body.

Months afterwards, 15 children in Idlib died during a vaccination campaign due to technical failures. It exposed and amplified the stark division between SIG and health authorities inside Syria, with the SIG largely placing the blame on local health authorities for this catastrophe. Members of the health directorate had to present themselves to Jabhat al-Nusra's courts, the only available local courts at the time, and mediate the situation with the children's families on their own. This was the end of this top-down approach. It led to a complete cut-off between the political and technical spheres.

The third phase mainly started with the need, mostly felt by the health directorate and associated NGOs, to create an administrative authority larger than themselves. In 2015, five of the largest NGOs signed a charter denoting their terms of understanding, emphasising the need to empower governance mechanisms and publicising their decision to create a quasigovernmental body to lead their response. The health governorate was thus established and remains the strongest body in opposition-held areas since 2016, largely because the body was technical, depoliticised and created from the bottom up. NGOs were able to secure substantial funds for the health directorate to be functional. However, funding is decentralised and therefore, for instance, funding is more readily available in Atmeh than it is in Southern Aleppo.



Timeline of the evolution of the Health Directorate. Credit: Dr Zedoun Al Zoubi.



A children's activity organised by the Union of Medical Care and Relief Organisations (UOSSM) for children with special needs. Source: UOSSM's Facebook page.

### Institutional legitimacy

In September 2016, the health directorate caught a truck piled with fake medicines imported from China and India and which belonged to Ahrar al-Sham. The health directorate destroyed the content, worth \$3 million, and only survived because of its communal legitimacy and support. Another example is when fighters from Jabhat al-Nusra stormed hospitals demanding segregation between male and female doctors, nurses and patients. The health directorate and other NGOs immediately

issued a statement denouncing such practices and halted their operations. Within a span of 24 hours, Jabhat al-Nusra issued a counter statement absolving themselves of responsibility and unrestrainedly halted such practices, fearing wide protests against them if all medical activities were halted. A third example was during the fight over Maaret al-Nu'man hospital. Similarly, a statement was issued and operations halted. Within hours, warring factions withdrew and put an end to military operations.



*A training provided for newly enrolled midwives and general practitioners who work in the reproductive health sector. Source: The Idleb Health Directorate's Facebook page.*

This is an epitomic example of how institutional legitimacy can be used as a vital and productive social force. Legitimacy has been essential for the health directorate to fulfil its role. While the Syrian Interim Government (SIG) remains more of a challenge than a source of support and the lines that divide institutional responsibility between the health directorate and local councils are far from clear, there is still much work to be done in health governance. Fears still mount over the future of the health directorate, particularly since many now view it as larger and stronger than it should be.

In conclusion, this research aimed at documenting the vital stages of health governance evolution in Syria. A central issue is that of institutional legitimacy. We have observed how institutional legitimacy that stems from communities themselves can be used as a powerful social force.



## From the Q&A session

**Q:** You said that the SIG, a body with legitimate power and the ability to make decisions, coordinate, give advice etc was needed. You also mentioned the failure of the SIG to do that. The SIG was not recognised as legitimate by the UN, or by many Syrians. SIG reps would say they were fought and advocated against. What are your thoughts on this?

**A:** There is an issue with the term “government” itself, but not with the concept of “governance”. The way we needed health directorates, we wanted a governance system for the entire opposition held area. I am not criticising the SIG as a concept, I am criticising it as a tool to create legitimacy. The real question is why and how could Idlib’s health directorate create strong legitimacy when the SIG could not? The health directorate did not demand elections, it was not democratic; but it is recognised as a legitimate authority. The SIG could easily do something like that, but instead, it always opted to fight with NGOs and local councils. It never created its own legitimacy for example.

**Q:** Do you agree that the regime’s systematic attacks on health infrastructure contributed massively to destabilising the health sector in these areas, and that was an obstacle to more organising/ capacity building/regulation for the health sector in the areas?

**A:** Yes of course. The ratio of doctors to people here in UK is 100:300, in Germany 100:247. In Idlib it’s 1:6,000 people. And one of the reasons behind that is that targeting hospitals pushed doctors to leave.

**Q:** Can we speak about the governance of one institution at a time, or one sector at a time, or does governance need an ecosystem of sorts? The health directorate of Idlib survived because at some point, there was a fight between Ahrar Al Sham and al-Nusra front, and if either tried to take over that institution, the other would have fought it. So it survived at the critical junction of balance

between two warlords who were afraid to overtake each other. And that created the space in which that institution grew, and then established its legitimacy and framework. This was not replicable in other sectors because in education there were already several more actors at play. Is this something that we can replicate/was it replicable? To what extent was health a model of sorts?

**A:** DFID adopted a model of funding for education directorates through large private international implementers, and not through the Syrian CSOs working with the education directorates. This did not lead to developing legitimacy for the education directorate, because it was seen mainly as a recipient of the fund, similar to any other NGO, whereas the health directorate created a sort of funding mechanism that brought these institutions together. DFID stopped funding the education directorate because it was close to the salvation government or HTS. Had the funding mechanism created that critical mass of support around the education directorate by NGOs and local councils, then HTS would not have been able to penetrate it. So education was punished twice, first by not creating the right model for governance and second when funding was terminated. Funding schools is not enough, we need to fund the education system.

The health sector governance model is replicable. We do not have big education NGOs, but we have the right model for it.

**Q:** If the government takes control of Idlib, what do you think will be the future of these directorates?

**A:** Health directorates were designed right from the beginning to be identical in their governance system to the government’s health directorates so that when/if a transfer were to happen, it would happen smoothly. If this were to happen in Idlib, there will be a system that could be easily integrated into the state (not the regime).

## Decentralisation and region-based representation in Syria; opportunities and obstacles

By **Dr Rim Turkmani**

The non-paper presented in early 2018 by the Syria Small Group (which includes Britain, France, Germany, Jordan, the USA and Saudi Arabia) proposed that the Syrian parliament should consist of two houses. The second house is envisaged to be constructed/constituted upon regional representation “in order to affect the decision making in the central government”. It also talks about the balance of regional interests and providing clear authorities/guidelines to regional governments according to the principles of decentralisation. In another recent paper by the same group entitled “Principles for a resolution of the Syria conflict,” it is proposed that “Authority should be explicitly devolved and decentralized, including on a regional basis”. Currently there is only one house in Syria, the People’s Assembly.

The idea of having two houses in the parliament in Syria, with one devoted to region-based representation, was never proposed by any political actor in Syria. It first appeared in the Russian-proposed constitution for Syria, which was leaked in mid-2016 and was later handed to the representatives of the opposition in one of the Astana meetings in January 2017. The Russian version suggests a region-based assembly which shares legislative power with the people’s assembly. In addition to legislative power, the region-based assembly would have the power to announce presidential elections, hold no confidence in the government, and ratify international treaties and conventions including agreements granting concessions to foreign companies and issuing general amnesties. It is suggested that the assembly be constituted by representatives of administrative units, but it is not clear whether these representatives would be appointed or elected and what election laws would apply.



*Representation on a regional basis in Syria during or just after a conflict could hold its own set of opportunities, but could also have serious undesired consequences.* ☞

Representation on a regional basis in Syria during or just after a conflict could hold its own set of opportunities, but could also have serious undesired consequences.

Before 2011, the authority of the Syrian state was very centralised. The state’s distribution of economic and natural resources was very biased and regionally disproportionate. Regions richest in natural resources, like the northeast, received very little back from the centre and had the lowest development indexes in the country. Mayors as well as all important decision makers in every region were appointed by Damascus and drew their legitimacy from this appointment and their relations to the power structure in the capital, and not from the local population. Ethnic minorities, particularly Kurds, were deprived of their cultural rights and many of them were deprived of other essential rights, including the right to citizenship. The rule of the supposedly secular and Arab Nationalist al-Ba’ath party selectively suppressed the expression of ethnic and sectarian identities, but at the same time and in its attempt to co-opt the local population and compensate for its weak legitimacy, it played on identity politics and manipulated sectarian and ethnic identities.

Seven years of war led to the fragmentation of the state’s centrality and paved the way for the rise of local and regional elites. Some areas went completely outside government control. The northeast is now governed by self-administration authorities, overwhelmingly controlled by the Partiya Yekitiya Demokrat (PYD) party, and has extended its control to areas taken from IS like Al-Raqqa. The USA has strong influence and presence in this region. Within this region Kurds are now freely practicing their cultural rights and have enjoyed more independence, but several reports point out that other minorities in these areas have been subjected to oppressive practices. The north-west is divided mainly between two areas, one directly controlled by Turkey, and another, mainly Idlib, controlled by the armed

opposition and extremist groups with significant Turkish influence and armed presence. Although civic local administrative councils were formed in Idlib, decision making is still dominated by warlords and armed actors who have been attempting to mobilise local communities with the use of sectarian rhetorical tools. Authority has also been fragmented within government-held areas itself, often leading to the rise of regional and local elites. These elites essentially draw their legitimacy from pervasive ethno-sectarian rationalities and their monopolisation and instrumentalisation of violence, as well as their control over the economy. Also, Russia and Iran have been able to substantially influence decision making within government-held areas, both in the centre and in some of the regions.

Syria is indeed in need of decentralisation, and it has been discussed in policy circles and among Syrians as an answer to many of the structural problems they have experienced and suffered from, both prior to and after the uprisings. But there is no consensus among Syrians on the level of this decentralisation.

All of this leaves many open questions to be answered regarding the proposed region-based representation in Syria. Drawing from the experience of other countries where similar systems were adopted post conflict, there are four main areas of concerns that need to be answered in relation to adopting regional-based representation in Syria. These are:

- 1 Could it possibly further entrench social/societal divides, along ethno-sectarian fault lines, and reward populists who mobilised people during the conflict along ethnic and sectarian lines? Could such a situation trigger more tension and conflict in the future between different areas?
- 2 Could it lead to rewarding warlords and violent elites and the creation of regional tyrants and oppression of the minorities within these regions?
- 3 Could it be an alternative to power sharing? And would such power sharing end the conflict or just shift it to a lower level at multiple sites?
- 4 Could it entrench external intervention and/or nurture/institutionalise local populations' structural dependency on foreign powers/nation-states?



From the session on decentralisation at the **Political economy and governance in Syria conference** in December 2018.

## Is decentralisation good for development?

By **Professor Jean-Paul Faguet**

**Professor Jean-Paul Faguet** is Professor of the Political Economy of Development at the London School of Economics and Political Science, and Co-Programme Director of the MSc in Development Management. He is also Chair of the Decentralization Task Force at Columbia University's Initiative for Policy Dialogue. He works at the frontier between economics and political science, using quantitative and qualitative methods to investigate the institutions and organisational forms that underpin development transformations. He has published in the economics, political science, and development literatures, including *Is Decentralization Good for Development? Perspectives from Academics and Policymakers* (Oxford, 2015), and *Governance from Below: Decentralization and Popular Democracy in Bolivia* (Michigan), which won the W J M Mackenzie Prize for the best political science book of 2012. His current work focuses on historical institutions, inequality and long-term, divergent development outcomes in Colombia and Latin America.

Decentralisation is at the centre of policy reform agenda everywhere. For example, Mexico, Egypt, Ghana and India all have active decentralisation programmes. The UK and USA also have devolution and federalism programmes. The World Bank estimated in the year 2000 that 80-100 per cent of world's countries were experimenting with decentralisation. Since then, new or deepening reforms have been announced in Japan, Cambodia, France, Turkey, and Kenya, amongst many others.

There are two fundamental sets of considerations when we talk about regionalism and designing sub-national units.

The first comes from fiscal federalism theory and is largely a set of economic considerations about service provisions, efficiency and the degree to which services are encompassed, or not, within a particular scale of regional unit. Fiscal federalism theory states that public services with locally specific benefits (such as garbage collection or streetlighting) should be pushed down to a very local level of provision. Other services, such as education and healthcare, should be provided by a higher level. National-level issues, like defence and monetary policy, should stay in the hands of the central government.

The second stems from more political issues that have to do with centrifugal versus centripetal forces, that can disaggregate a society or pull it together. The argument against decentralisation and federalism is that it tends to weaken the state, promote separatism and undermine national identity. The question is: will decentralisation stoke centripetal or centrifugal forces? The key factor in answering this question is the regional specificity of elite interests. If coherent regional elites exist in a country and have more to gain from secession than autonomy, national disintegration is likely.

The question then becomes: when will regional elites have incentives to invest in candidates, parties, infrastructure and programmes that promote national breakup or national unity? For example, campaigning may be based on regionalist pride and secession, or language and cultural exclusivity – or on improving transport and communication links outwards, and educational and cultural programmes built on shared history and identity.



*If coherent regional elites exist in a country and have more to gain from secession than autonomy, national disintegration is likely.* ☹☹

But how could decentralisation be designed for unity? There are several considerations that could be taken to ensure the unity of the state.

- 1** Reforms that underpin unity by transcending boundaries and ways of thinking. The country should be decentralised a level beneath its major cleavage, such as on the municipalities rather than the provinces level. If ethnicities are concentrated in regions, then decentralisation should be at the municipal level.
- 2** This would cause municipalities and local governments to be identified not with group identity or privilege but instead with issues of efficiency and service provision.
- 3** Complementary reforms can promote a single internal market for goods and services, preventing the development of elites with region-specific interests.

- 4** Improved infrastructure and transport links can also help integrate people and the economy. Binding a country together “from the bottom up” via infrastructure and transport leads to economic growth.<sup>16</sup>

There is a trade-off between the strength of national leaders versus the institutional strength of the state. A central leader is strong at the expense of the state. Decentralisation sacrifices the central government leader’s authority in favour of the institutional strength of the state.



Voters casting their votes in the local elections in Afrin. Photo source: cantonafrin.com

<sup>16</sup>Faguet, Fox and Pöschl provide examples from Ethiopia, Canada, Spain, and Bolivia.

## Syria's experience with federalism

By **Dr Zeidoun Al-Zoubi**

Syria has experienced federalism twice in its history. The first was enacted in the 1920 constitution and lasted for 15 days. The second lasted for three years and was imposed by the French High Commissioner during the French Mandate over Syria. The latter failed mainly because of the way Syria was seen by Western countries back then. It was seen as a set of different factional groups based on sects and ethnicities. This led the West to conclude that the best way to mitigate conflict between these factions was to create boundaries based on sectarian enclaves. This was translated into the division of Syria into three parts. The model failed in 1925 because of pressure by Syrians against such a system.

What about today? The north western parts of the country have called for federalism, mainly campaigned for by the Kurdish political parties. But this was rejected everywhere else in the country. Some prefer a model of decentralisation that increases local decision making power, but not to the level of federalism. Until two years

ago, it was considered blasphemous to discuss federalism in Idlib because it was considered national treachery and would promote separatism. Now everyone whispers the word "federalism" in Idlib because they feel that there is no political transition in Damascus and there is no democratic power sharing. This led some to look into the federal system as a way to gain autonomy and open the possibility of aligning the local elites with Turkey rather than reintegrating with a centralised authoritarian state.

In brief, decentralisation is strongly tied into the likelihood, or not, of having a political solution in Syria. No one can anticipate what a federal system will look like in Syria before we know what kind of political solution we will have. If the political solution is fair and inclusive, everyone will be eager to be part of the central state, mainly because no one locality has the resources to manage their own locality. If the political solution is not inclusive, some parts of Syria will be federalised under the influence of foreign countries, even if it is only de facto decentralisation.



Women in Ainjara in the countryside of Aleppo taking part in a campaign to encourage women to participate in the local elections. Photo source: [geiron.net](http://geiron.net)

## The Syrian perspective on decentralisation

By **Moutasem Sioufi**

**Moutasem Sioufi** is the Executive Director of The Day After Association (TDA). TDA is an independent, Syrian-led civil society organisation working to support democratic transition in Syria.

Before joining TDA, Moutasem worked as a senior programme manager at Democracy Council, implementing a MEPI-funded project to support local councils and civil society organisations in Syria. The program aimed at empowering these organisations, helping them to serve their communities, and to build their organisational capacity. Between November 2012 and April 2013, Moutasem worked as an adviser for Syrian Opposition Coalition (SOC) leadership. He has been involved in civil society activities in Syria since the Damascus spring in 2001 and been involved in nonviolent activities that demanded change and freedom in Syria since 2011. Moutasem holds an MSc in Management in Construction from Kingston University, London.

In my view, the question of whether or not someone is for or against decentralisation or federalism is not the right approach to tackling this issue. Decentralisation should be thought of in terms of challenges and opportunities for the political solution and the development of the country.

If the regime adopts a regional-based representation, we will see an abuse and manipulation of power by regime associates, which will serve the interests of corrupt clientelist networks around the regime. If the

current status quo continues, we will see the reflection of regional and international relations within local governance mechanisms.

But if a genuine political transition takes place, if we get a democratic constitution and national dialogue is initiated and political/governance arrangements are discussed on a national level, we will then see an opportunity for civil society and progressive national secular parties to play a role.

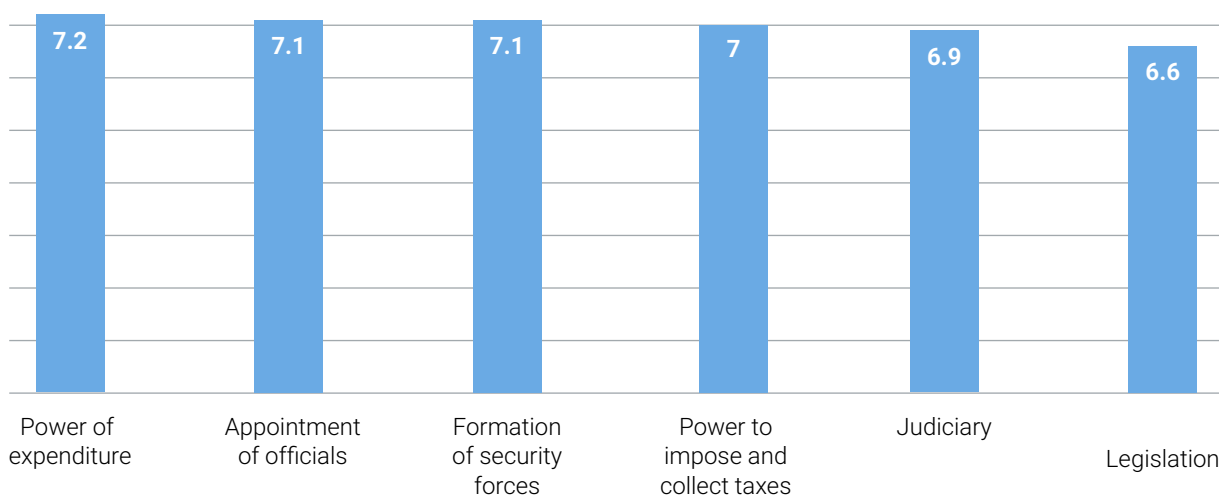


*A romantic/political wall graffiti in Deraa, South Syria, that reads "Your eyes are like the state; no justice, no mercy and no equality", reflecting local perceptions of the state.*



Between 24 February and 11 May 2017, we conducted a social survey of 1958 respondents at the TDA, asking which constitution Syria needed. In the survey we asked participants to what degree they supported the following statement: "Syria must adopt a decentralised political system based on granting broad administrative powers to local authorities". 42.4 per cent of the

respondents supported the statement while 35.5 per cent opposed it. We then asked those who were in favour of that statement "How much power should be vested in the local authority in your opinion? From 0 to 10, where 0 is complete subjugation to the central authority, and 10 is complete independence from the central authority." The results are shown below.



The size of the powers that must be in the hands of the local authority (arithmetic mean). Credit: The Day After<sup>17</sup>.

When segregating the results based on geography, we found that only a small percentage of people in regime-controlled areas supported decentralisation, compared with opposition-controlled areas and Syria Democratic Forces (SDF)-controlled areas. Furthermore, more than half of the respondents rejected the proposal to grant SDF-controlled areas a special status of greater authority than others. This was supported by about a quarter.



*‘Syria must adopt a decentralised political system based on granting broad administrative powers to local authorities’. 42.4 per cent of the respondents supported the statement while 35.5 per cent opposed it. ”*

<sup>17</sup> The graph was extracted from a report conducted by The Day After under the title "Which Constitution Does Syria Need".

## From the Q&A session

Comments by Dr Omar Abdulziz Hallaj: In addition to the issue of people not wanting to go back to a centralised security system because they're afraid for their lives, there's been an internal question within the region about whether there's going to be secular or Islamic Sharia law in Syria. A substantial part of the conflict emanates from this root or rift in envisioning the Syrian governance system. The issue of moving into a more centralised or decentralised system has been on the table since the 1920 constitution. Back then, everybody agreed to a secular constitution. This was in part to repel one of France's justifications to uphold their mandate over Syria (ie, that they would guarantee a secular mode of governance). The federal system they proposed back then was one that assuaged minorities' fears. Ever since, we've been moving away from that ideal. Islamic law was part of the 1950 constitution. This is one of the dimensions of the question on centrality versus decentralisation in Syria.

The other dimension is the division of resources. On average, the central government in Syria has been spending roughly \$1,000-1,500 per capita annually on governorates like Damascus, Lattakia and Tartus. In places like Deir Ez-Zour, al-Hasakeh and Dar'a, the Government spends an average of \$200 per capita per year.

Now, with the conflict, there's also a security aspect to the question. People are generally afraid to go back to being governed by Damascus without guarantees. So it's more of a question of trust and guarantees than on the architecture of the state itself.

Put together, we have two main considerations. We could have eight or nine administrative units, which would produce a federal system of a different type even if the country is not federalised. The government has been proposing, in the regional planning commission, to somehow reduce governorate authorities to purely administrative ones and lead development on a regional level. They proposed seven regions in Syria.

Alternatively, we can imagine the reverse: a highly centralised system with a lot of decentralised local powers where we end up with about 25 governorates. Between the two (seven regions or 25 regions) there's a completely different political economy at play. Fundamentally, these are the questions that we have to discuss, because what is currently being defined as democratic self-administration is going to have to negotiate within these lines.

**Q:** In Syria, resources are not equally divided across the region. If we have decentralisation, does that pose a risk in instigating inter-regional conflicts over resources? Fiscal policies, I think, will not be managed on a central level, so how will taxes be distributed across each region?

**Answer from JP Faguet:** Fiscal distribution of resources is an issue of continuing friction in almost all countries with some level of decentralisation. The main problem is when resources are distributed in a politicised manner. Resources should be distributed unequally or asymmetrically because they need to be distributed with respect to the cost of providing a more equal set of services for all citizens. Costs will typically be higher in rural dispersed areas with more difficult geographies than in more densely populated areas like Damascus where the cost per person, for providing sewage or water etc, is relatively lower on a per-person basis.

Separately from that, cities tend to produce more fiscal resources that then need to be redistributed so that services can be provided elsewhere. So service provision should be unequal but it should be seen to be unequal in ways that respond to technical, geographic and other criteria as well as fairness.

One of the main difficulties in this is that different regions and cities within a country are disproportionately able to raise their own fiscal resources and then fund the services they have to provide. So there have to be transfers, both vertically (from the national government) and horizontally (between rich and poor cities and regions). If that's seen to be done in a way that supports more equal access to goods/services and hence more equal democratic rights, that's easier to defend.

**Q:** Do you think humanitarian/developmental aid has a particular role to play that would be more supportive of governance in Syria, with particular regard to decentralisation?

**Answer from JP Faguet:** Aid can be very important, especially in a period of transition. It can help generate the design of a fiscal federalist system. In a period of transition, foreign aid can pump lots of money into the economy to help provide services in a way that helps stitch the country together.

The example of Ethiopia is germane. DFID is the lead agency, with the participation of the World Bank and the African Development Bank and other agencies, in the biggest aid-financed sub-national investment programme in the world. They're pumping one billion dollars a year into sub-national investment in education, health, agriculture and roads. This has been tremendously successful and even more successful than centralised investment was before this programme began. The money is being used more efficiently than earlier because there are a lot of everyday efficiencies that can be gained when resources are controlled by local government.

**Q:** You mentioned an inclusive state, I presume by that you mean an inclusive centralised state. What will that look like?

**Answer from Z. Zoubi:** The best thing we could see right now is through the constitutional committee. That's the only opportunity we have and is in itself a dream. Initially, everyone thought that Resolution 2254 was the solution, now it's only a small part of it.



Girl from Raqqa in an internal camp in the countryside of Raqqa. Picture credit: Abood Hamam.

## The Kurdish question in Syria; who represents Kurds?

By **Dr Mohamad Hasan**

**Dr Mohamad Hasan** is a legal consultant in the Kurdistan Region of Iraq, with more than 13 years of legal experience in the Middle East and Europe. Mohamad often holds lectures in KRG, particularly in Cihan University, on the constitutional systems in both Iraq and Syria. Mohamad holds a PHD from the University of Pantheon-Assas Paris II (the Sorbonne University in Paris) with a dissertation entitled *"Iraq and Kurdistan: The Genesis and the challenges and prospects of the federal constitutional system"*.

When addressing the Kurdish question in Syria, we often talk about a singular "Kurdish cause". Is it an accurate depiction of the issue at hand, or is it a more general question regarding minority rights in Syria? The former depiction risks viewing it as a case of exception that has to do with Kurds themselves, rather than approaching it in a way that underlines chauvinistic state policies that have disenfranchised all ethnic minorities, albeit disproportionately. The solution differs according to how we view and approach this.

I will start with a general historic overview of Kurds in Syria, with a focus on Nasserite policies during the United Arab Republic and the 1962 population census, before delving into the different structures and Kurdish political movements that emerged in Rojava after the 2011 uprising.

### Historic overview

Kurds have experienced differential suffering during their presence in Syria, Iran, Iraq and Turkey. The paper, however, will mainly focus on Kurds residing within Syria's national boundaries.

Following independence from the French, Syria experienced a series of military coups in which ethnic-based nationalist discourses were instrumentalised in desperate attempts to gain legitimacy. Kurds disproportionately suffered from this.

Several problems arose following Syria's unification with Egypt under the United Arab Republic (UAR) in 1958. Although Nasser came to be known as a "friend of Kurds", this only applied to Iraqi Kurds. Kurds in Syria, on the other hand, were prohibited from speaking their language in public or formally teaching it. Some were even too afraid to speak Kurdish in their own homes. This was paralleled with harsh restrictions and suppressions of any form of Kurdish cultural and/or political activities and organising.



A crowd celebrating the Kurdish new year of Newroz in Derbassiya, March 2016. Credit: Andrea DiCenzo, Al Jazeera.

## The 1962 census



The special red identity card issued for *ajanib al-Hasakah* (those who have been deprived of citizenship).

During the period that followed the breakdown of the UAR, both before and shortly after al-Ba'ath took power, Kurds suffered from state policies in unprecedented ways. In 1962, a study was commissioned by Mohammad Taleb Hilal, head of the Political Security branch at the time, on the region of al-Jazira<sup>18</sup>. The study, which was on the application of Decree No. 93 of 23 August 1962, concluded that the presence of Kurds in Syria posed a threat to Syria's national security and Arab identity. To counter this, the study put forth a series of policy recommendations, including to [1] effectively change the demographics of Syria's al-Jazira region in the favour of ethnic Arabs, [2] economically weaken or disenfranchise the Kurds, [3] spread illiteracy and ignorance among Kurdish communities, [4] appropriate the Kurdish identity and co-opt it within the larger "Arab" identity, and [5] erode their ethnic specificities and limit or discourage their presence in Syria.

After al-Ba'ath took over, these recommendations were translated into actual policy programmes, summarised here: [1] stripping large swathes of the Kurdish populace of their Syrian nationalities and considering them foreigners in their own land, in accordance with the 1962 census, [2] state appropriation of Kurds' fertile lands under the guise of land reforms, [3] resettling Arab tribes in Kurdish-majority areas, particularly along the banks of the Euphrates river, [4] Arabising the names of Kurdish towns, villages and cities, [5] significantly hampering Kurds' ability to participate in political life (to nominate themselves into parliament or public offices, for instance), [6] prohibiting all Kurdish cultural celebrations<sup>19</sup>, [7] considering the Kurdish language and culture as threats to national security, and [8] detaining several Kurds and transferring them to State Courts under accusations of "conspiring against the nation".

The 1962 census led to the denaturalisation of almost 120,000 Syrian Kurds at the time. However, the number was estimated to be approximately 400,000 in 2011 since neither the first nor second generation descendants of al-Maktumeen received Syrian citizenship<sup>20</sup>. This is despite the fact that according to article 3 of the Syrian citizenship law, anyone residing within Syrian territories has a right to citizenship so long as his/her father is Syrian, or both their parents are stateless.

### Post-2011

Following the 2011 uprisings, Kurdish participation in the popular movement was through youth movements and coordination committees and later through Kurdish political parties. Kurdish nationalist political parties organised themselves under the banner of the Kurdish National Council (KNC) while anti- or non-nationalist political parties established the Rojava Assembly.

Kurdish demands evolved in several phases. At the very beginning, demands exclusively targeted democratic transition. Later they encapsulated political, economic and constitutional reforms that would constitutionally guarantee their essential citizenship rights.

<sup>18</sup> Syrians for Truth and Justice (STJ) published a detailed report titled "Syrian Citizenship Disappeared: How the 1962 Census destroyed stateless Kurds' lives and identities" that, in addition to documenting state policies related to the denaturalisation of Syria's Kurds, incorporates testimonies from al-Maktumeen (ie, those who were denaturalised as a result of the census).

<sup>19</sup> At least 10 Kurds were killed during every Newroz celebration until 1988.

<sup>20</sup> There have been no official estimates of al-Maktumeen. However, an STJ report states that "according to unofficial statistical data, the 1962 census created at least 75,000 maktumeen out of a total of 120 to 150 thousand stateless at the time. The number of *ajanib* (foreigners) exceeded half a million as of 2011".

Afterwards, and due to several factors beyond the scope of this paper, Kurdish opposition voices started calling for the toppling of the regime and then for self-determination. The latter was broadly identified as a call for the establishment of political and administrative autonomy within the framework of Syrian territorial unity and sovereignty. Both political currents demanded a federal state, but the specificities between them hugely varied. KNC's calls for federalism, for instance, were loaded with nationalistic undertones.

The KNC aligned itself with the Damascus Declaration opposition early in the uprisings and later joined both the Syrian National Council (SNC) and the Syrian Coalition. KNC members were represented in the Higher Negotiation Committee and were therefore represented in the Geneva talks. *Partiya Yekîtiya Demokrat* (PYD), on the other hand, politically broke away from any form of nationalist and considered KNC's politics to be a primary cause behind Kurds' historic marginalisation. PYD refused the concept of the nation-state and put forth the Öcalanist notion of a "democratic nation" instead.

In 2013, self-administration units were established in three cantons (Afrin, Kobane and al-Jazira). Each canton has its own judicial and legislative councils as well as an executive body. *Yekîneyên Parastina Gel* (YPG) and *Yekîneyên Parastina Jin* (YPJ) were established as the military arms of the Democratic Federation of Northern Syria (DFNS)<sup>21</sup> while the *Asayesh* were established as an internal policing

force. It was only in 2016, however, that DFNS was publicised as the governing body of northern Syria, with its own constitution.

Independent Kurdish figures and many civil society activists on the other hand, were able to distance themselves from partisan politics, but were not organised under any unified body. They bore the brunt of political polarisation and the lack of political clarity. Instead, they put their efforts into advocacy, civil society work, and human rights defence as a means of protecting the individual and collective rights of Syria's ethnic minorities. Those independents, mainly composed of non-partisan activists, civil society representatives, technocrats, and human rights advocates, generally agree on a number of supra-constitutional principles. These are: the unity of Syria, Decentralised state, gender quotas, secularism, the separation of powers, the sovereignty and impartiality of the judicial system, and the granting of essential rights to all of Syria's societal components and minorities.

Syria is a country with a diverse and enriching array of cultures, languages, confessional beliefs and ethnicities. The inauguration of any exclusionary regime is detrimental to its social cohesion. We must therefore hold an approach that does away with exclusivist ideologies, whether based on ethnicity or religion. Instead we should rely on a unifying national framework to revive Syria's social fabric on the bases of diversity.

## Summary of the Q&A session

**Dr Hasan** was asked about the historic origin of Kurds in Syria, ie whether Kurds have historically resided within the historical boundaries of Syria or have migrated towards the end of the 20th century to Syria from Turkey as a result of PKK's armed strife with the Turkish state. Such an argument has recurrently been used to question Kurds' indigeneity within the region.

The question was answered by both Dr Hasan and a conference participant. Both answers refrained from providing an elaborate historical account of Kurdish presence within the modern boundaries of Syria in order to avoid controversy but also due to the limited time available. Instead, their arguments were premised around the futility of questions around ethnic originality, particularly when it comes to a country whose borders were demarcated by foreign powers less than one hundred years ago. Examples of the displacement of Assyrians, Armenians and some Arab tribes into Syria in the early and mid-20th century were given as proof that Syria's demographics have always been fluid and that therefore any question of indigeneity is bound to be empirically void.

The debate ended with a plea to arrive at a conclusion that whoever is residing within Syrian borders has a right to the same citizenship, political participation and economic entitlement as any other citizen residing within the country.

<sup>21</sup> Or the Autonomous Administration of North and East Syria (NES) since September 2018.

## The political economy of local elections in Syria

Summary by the report editorial team of a presentation given by **Dr Omar Abdulaziz Hallaj**

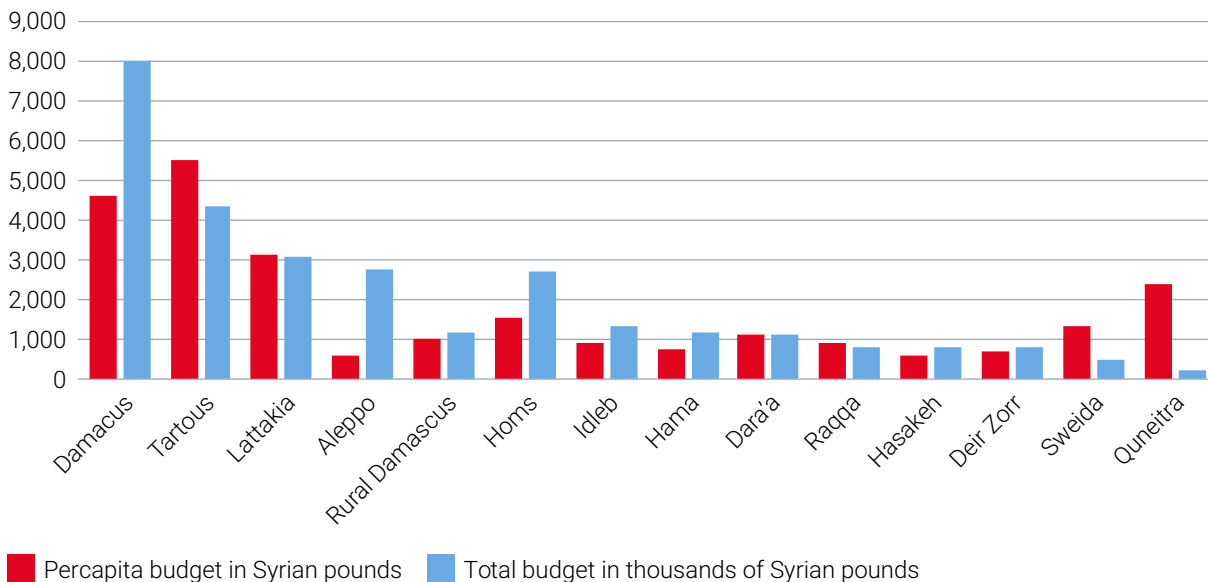
Examining and assessing local or national elections in Syria from the perspectives of democracy or fair representation is insufficient. In Syria, the main function of local and national elections is to build and empower a patronage network for the regime. Understanding how these elections function can provide insight into the kind of political economy that is being fostered and the key actors on the local and national scenes. Often, these elections are strategically used to distribute key people to ensure a balance of different communitarian concerns, sectarian representation and social orders, as well as to empower people who are closer and more loyal to the government.

A deeper grasp of the current status of elections, at the national and sub-national levels, and how they might affect future agreements is important. The UN Security Council Resolution 2254 includes elections as one of four elements that will define the way forward for a political solution.

To understand local elections in Syria, we need to understand that the central government's current annual expenditure is only \$0.5 billion, a significant drop in comparison with the \$17 billion national budget for 2011. This low spending at the local level is an indicator that local councils are not perceived by the central government as local entities responsible for allocating resources at the local level.

A high percentage of spending was directed to line ministries, which are supervised and largely controlled by governors. Therefore, the political economy at the governorate level is significantly more important than the local level.

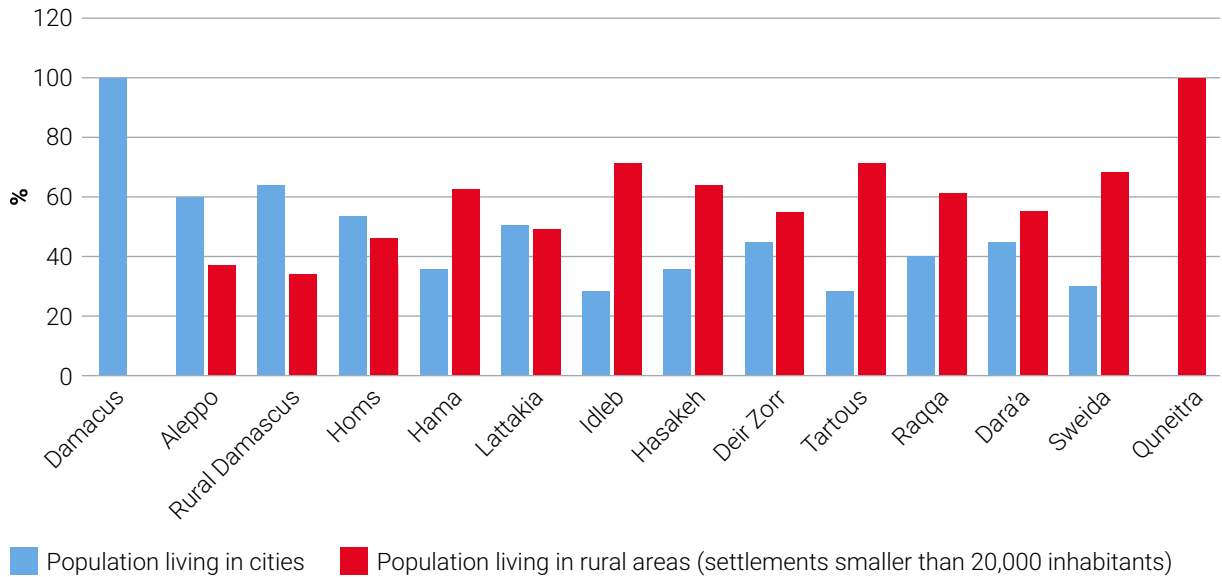
According to 2011 figures, Syria's national budget was unevenly spent. Some communities were receiving substantially more than others on a per capita basis (as shown below). In terms of gross amount, the governorate of Aleppo might seem to be receiving a lot of money. However, with a population of 5.5m people, it received the least amount of per capita spending at the local level.



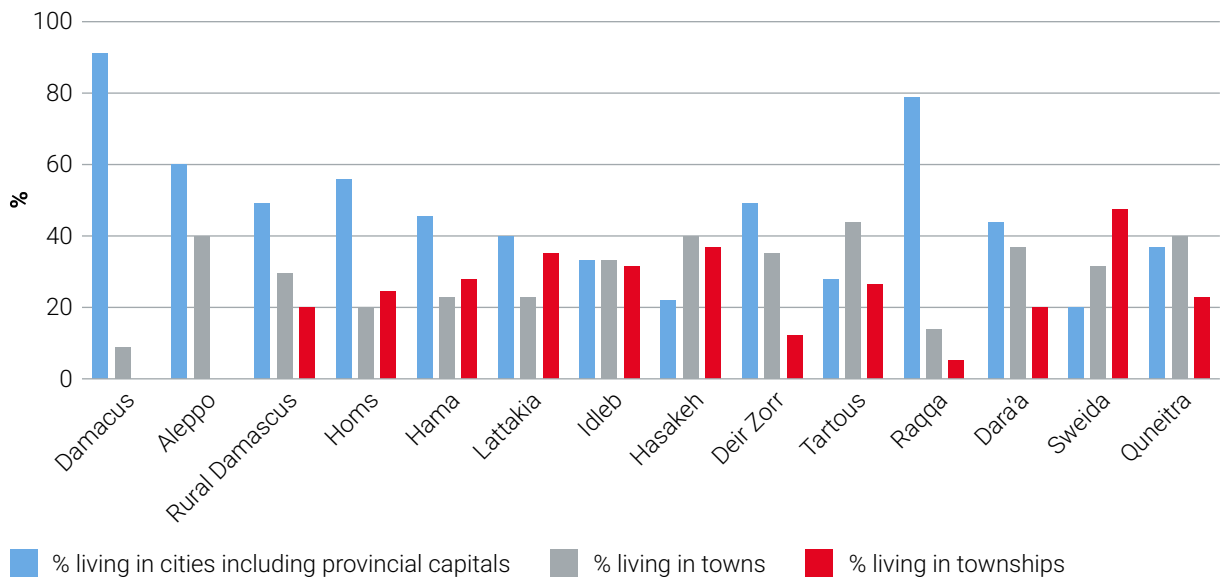
*Total and per capita distribution of the independent provincial budgets in Syria in 2010. Source: Ministry of Local Administration and Central Bureau of Statistics.*

To some extent, the job of local governance bodies is to encourage limited access to state formality. The role of local governance, through elections, was to uphold and entrench the local gatekeepers that enable this kind of access to the formal economy.

It is very important to examine the administrative distribution of local councils, because in 2011 certain gerrymandering and demographic shifts were carried out in a way that jeopardise the credibility of any future elections (See the figure on "Population distribution before the issuing of law 107").



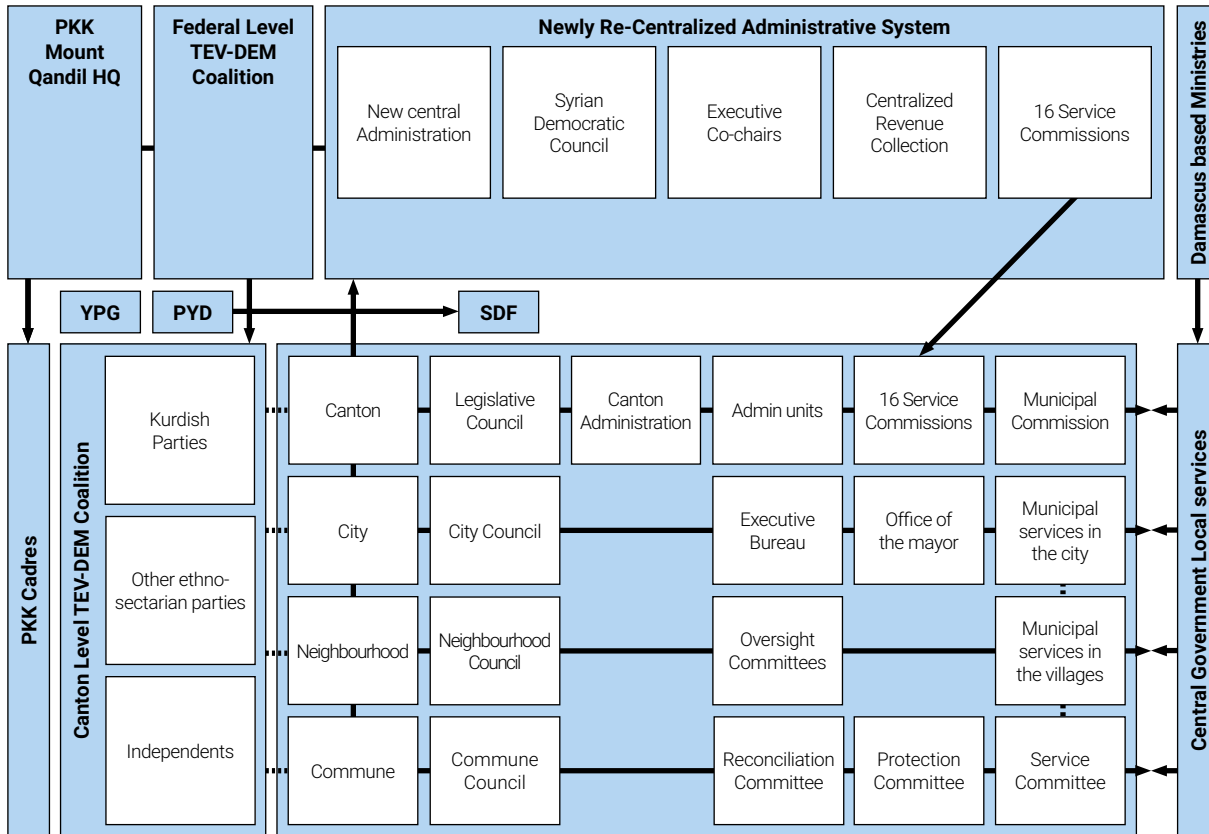
Population distribution before the issuing of law 107/2011. Credit: Omar Abdulaziz Hallaj.



Distribution of Populations as per Ministerial Decree 1378/2011. Credit: Omar Abdulaziz Hallaj.

The governorate of Aleppo, for example, has 5.5m people with roughly more than 20 cities, 111 towns, and very few townships. The governorate of Lattakia, meanwhile, has about one quarter of Aleppo’s’ population, with four cities, proportionately similar to Aleppo, and 90 townships. Therefore, the distribution of administrative favors went to every corner and every village in Lattakia, whereas in Aleppo, rural areas were lumped into the urban areas.

Even though law 107 was supposed to broaden local authority, the actual impetus of the law was undermined through the administrative distribution of local councils. One of the main innovations was to ensure that communities had elected members representing them at a local level. The government went in and nullified that after the law was issued, by removing this advantage and lumping many of the rural areas across the country into the next town or the next city.



Local governance structure in Kurdish-dominated self-administration areas. Credit: Omar Abdulaziz Hallaj.

The political economy of patronage in Syria is a complex web based on distributing government favor among national elites rather than at local levels. These favours include access to permits, access to recognition, or even getting an NGO official license. All of these could be seen as part of the kind of favoritism the system has created.

In contrast, in opposition-held areas where elections were relatively more democratic, the national-level patronage system has been disrupted and replaced by localised patronage networks controlled by armed actors. This has crippled civic actors, who were supposed to be the bearers of a new democracy and limited their access. In one case, where donor funds were directed to supporting very localised actions rather than supporting territorial ones, this further disempowered local civic actors and left territorial influence and control to armed groups.

The situation is similar in Kurdish-held areas, even though their system is considered more transparent. The people who end up being nominated to these elections are selected by the Movement for a Democratic Society (TEV-DEM) political coalition, which is controlled by the Democratic Union Party (PYD). They have managed to create some sort of balance between different communitarian groups, and the leadership of TEV-DEM decide which of these selected players get to enter which layer of the system. Their canton-based governance system has been recentralising after they issued several directives which reversed the power they put into the hands of local councils back into a centralised system dominated by the PYD.

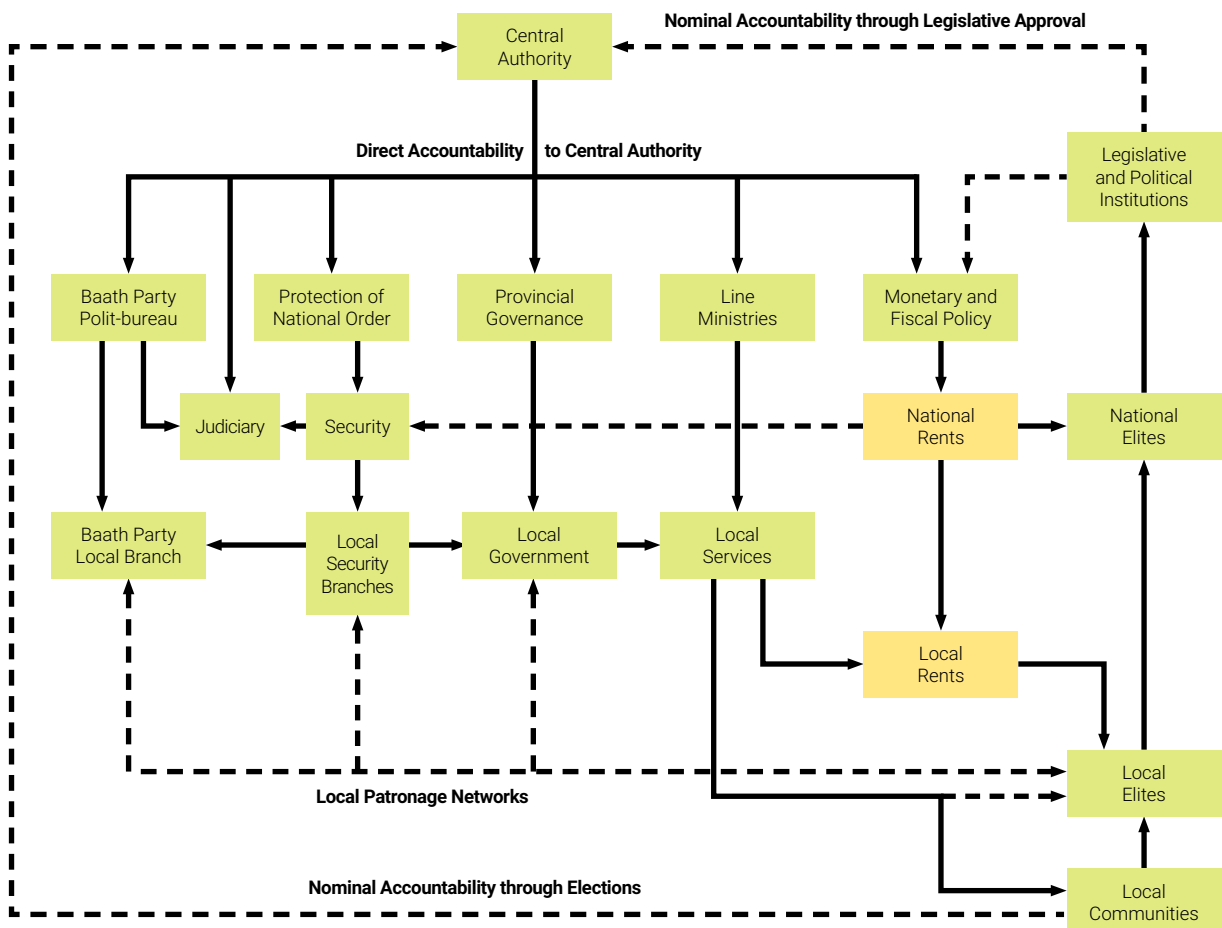
What are considered to be good governance measures in opposition-held areas are not considered the same by local communities. These communities look at different aspects of what they consider relevant for legitimacy and governance, such as government accountability, service provision, security, trade networks and access to decision makers.



For example, the city of Aleppo is divided on social, sectarian, religious, and ethnic bases. The al-Ba'ath party has always taken advantage of these divisions by creating an election ticket (list) which reflect most of these identities in addition to clientelist loyalty to the governor, the al-Ba'ath party chief and/or intelligence branches.

Consequently, the current electoral system of single-district simple-majority would always guarantee that the al-Ba'ath list will win the elections. At the same time, a different electoral system, such as single-district proportional majorities, would also ensure the likelihood that al-Ba'ath win elections because the party leadership decides who runs against them in the other tickets or lists.

Even in a post-conflict situation, the proportional system will not be an advantage to the opposition parties because they lack the political machinery and financial resources to win elections. In Syria, there are 15,000 voting centres for national elections. Opposition parties would need 10 volunteers for each centre, which means an army of 150,000 volunteers. This requires a lot of financial and logistical support. As a comparison, local elections in Lebanon cost approximately \$1 billion for a country with only four million citizens. With Syria's larger population, local elections would greatly surpass this amount, with some estimates suggesting they might reach between two to three billion dollars.



Mapping of the flow of power and legitimacy within state institutions and communities on the local and national levels. Credit: Omar Abdulaziz Hallaj.

## Local elections in post-conflict Syria

By **Mazen Gharibeh**

**Mazen Gharibeh** is a research associate at the Department of International Development at the London School of Economics and Political Science, working on analysing conflict drivers and public authority in Syria. He is also a senior governance advisor, currently advising the Syrian Interim Government (SIG) on building their capacity in good governance mechanisms and developing their policies and strategies as part of an EU-funded and GIZ-run project.

Mazen's background combines academic research with policy work and strong grassroots experience: he is a co-founder of Homs Local Administrative Council and worked with numerous local councils in Syria on how to increase their legitimacy. He is widely connected in all these three levels. He published on local governance and the perception of legitimacy in Syria. Previously he worked as a lecturer at Brno University and Palacký University in the Czech Republic, as a governance advisor with Adam Smith International and as a consultant for several international think tanks.

Despite the regional and international projections of the Syrian conflict, the core of the conflict remains deeply rooted at the local level. The local dynamics of the ongoing Syrian conflict and the newly emerged social norms and governance structures have played a major role in defining and directing this conflict on the ground. They have created a new socio-political identity of the Syrian state and shaped the local debate to include pressing issues such as: decentralisation, identity politics, civil society and social accountability. Most of the warring parties in Syria have realised at an early stage the significance of demonstrating responsive and effective governance structures for the purpose of legitimising their existence.

However, the importance of these local governance structures has not been properly reflected within the internationally-backed peace processes – such as Sochi, Geneva and Astana – and this will have catastrophic consequences on reconstruction and the restoration of the deeply fragmented Syrian social structures. These newly born localities must be the primary milestones of any future peace talks and the main carriers of any possible political agreement.

The most applicable way to work towards this goal, from a local perspective, is the careful planning of free, fair, transparent and representative local elections with a clear legal framework that guarantees judicial and social accountability towards the elected local structures.

### The evolution of local administration laws in Syria

Local administration modalities in Syria have passed through two major benchmarks; the 1971 law of local administration (Legislative Decree No.15 for 1971), and the modified version of that law (Legislative Decree No. 107 for 2011), or what is commonly known as law 107. There are only a few minor cosmetic differences between the two laws, despite the considerable time interval between them.

Law 107 did not offer any meaningful changes to the central apparatus of the al-Ba'ath state. It promised to delegate additional administrative and fiscal powers from the central government to the elected councils. However, these changes should have been clarified in the National Decentralisation Plan, which should have been created by the High Council of Local Administration. This council was never created, and these changes were never introduced. As a result, the situation remained largely the same as before and all the decision-making power for political, security, judicial, and budgetary affairs remained centralised in Damascus.



*Law 107 did not offer any meaningful changes to the central apparatus of the al-Ba'ath state.* ”



Campaign posters in a square in Damascus. Credit: Myriam Youssef.

Almost all the crucial delegated responsibilities are concentrated in the hands of Damascus-appointed governors. These governors are appointed by a presidential decree based on recommendations of the intelligence branches and have the legal right not to be accountable to traditional judicial institutions.

### Major issues related to local elections law

The voting rights for internally displaced persons (IDPs):

- Voting rights in Syria are based on electoral localities, which are associated with civil registries – birth registrations. Only citizens who were born in the administrative unit are eligible to vote for its council.
- Participating in local elections requires physical presence at the election centre during the elections period.
- As a result, permanent or temporary residents (including IDPs) who are unable to safely return to their original place of residence are deprived from their right to freely participate in local elections.

Women's representation:

- The Syrian Law of General Elections has neglected to allocate any kind of gender quotas for any type of public elections.

- The law of general elections and the law of local administration must ensure that women constitute a "critical minority" of at least 35 per cent of all local administrative council (LAC) members, by introducing a mandatory electoral gender quota whereby a minimum of 40 per cent of the candidates on the electoral lists would be women, and/or imposing quotas (35 per cent) of reserved seats for women in all LACs.

Election observation and administration:

- Syria's elections have been coercive and predetermined by al-Ba'athist Party leaders and high-ranking intelligence officers in Damascus.
- There is no public trust in the state's legal and judicial institutions. The institutions' integrity and capacity to observe elections is questionable.
- In the foreseeable future, the Syrian judicial system will not be able to handle such a task.
- Therefore, international election observation missions are needed – such as EU EOMs and OSCE – which would be equipped with a full mandate (similar to the 1997 Municipality Elections of BiH).

## The 2018 local council elections in Syria and their implications

By **Myriam Youssef**

**Myriam Youssef** is a Syrian journalist based in Damascus. Working as a freelance journalist for around three years, she focused on social and humanitarian aspects of the Syrian war, and she reported related stories for local and Arab media outlets. In addition, and in the past year, she has been working on social and cultural research with a number of Syrian and Lebanese institutions.

Last September, municipality elections were held in the government-held areas in Syria based on a presidential decree issued by the Syrian president. These elections should have taken place at the beginning of 2016, when the term of the previously elected local councils ended. However, the Syrian government decided to extend the term of the councils, under the pretext that elections could not be carried out in the midst of a war on terrorism, despite the fact that parliamentary elections were in fact carried out as planned in 2014.

I present here a summary of the local council electoral process in Syria in September 2018, based on field research conducted during each stage of the elections. The full research is published in Youssef et al., 2019.

### Main findings

- The total number of candidates for these local elections was 41,482 for a total of 18,478 seats. The majority of candidates (70 per cent) were from al-Ba'ath Party or part of the al-Ba'ath-led National Progressive Front.



University students queue to cast their votes at the Student's Residence at Damascus University. Source: Social Media.

- The remaining (30 per cent) of candidates, can be categorised into three groups: businesspeople or those backed by construction and holding companies; candidates who were driven by a particular sectarian or geographical affiliation; and candidates who believed they had the capacity to effect change. These were mostly those who in the preceding years had entered civil work of some kind.
- The number of candidates per number of seats had in fact reduced in comparison to previous elections, it went from 3.3 in 2007 to 2.4 in 2011 to 2.2 in 2018.
- Civil society actors and figures did not noticeably appear or participate in the electoral process, except for some public awareness campaigns on electoral rights and local administration law, commonly known as law 107. The main reason of their abstention from participation was because most of them saw these elections as nothing more than an appointment process or merely celebratory posturing with no real impact.
- Field-level observations suggested a low representation of young candidates compared to those aged 40 and above. This was especially due to many young men between the ages of 25 and 50 having left the country to avoid detention and military service.
- Female representation in the nomination process appeared to be relatively low. Based on field observations, the highest estimate would not exceed eight per cent, significantly lower than the official announcements by the government and other state-run media outlets.
- The election campaigns were extremely modest and rare, limited to a few city centres, which poses the question of how serious these elections were and whether they were simply a posturing exercise for the acquisition of specific political and economic gains.
- In Ghouta, one of the areas taken by the regime in 2018, the signs of the nomination and election processes were few and far between. There was hardly any electioneering witnessed, nor were any independent candidates observed.
- In Raqqa and Idlib, special election centres were set up for them in Hama province. Our field observations witnessed low levels of nomination, particularly of women, in the lists of these two provinces, which also led to tens of withdrawals of nominations which happened a few days before the election.
- Al-Hasakah province witnessed mass withdrawals against the backdrop of detentions of tens of candidates by the security forces of the Partiya Yekitiya Demokrat (PYD) and the Syrian Democratic Forces (SDF), which refused to hold elections for the Syrian government in their areas of control. This was reflected starkly on polling day, with the electoral process only taking place in the security square which was under the control of Syrian government forces. The rural centres were absent from the electoral process completely, out of fear of the security forces of the PYD and SDF armed groups.
- The government stated that the turnout had been 56 per cent of eligible voters, approximately 16,300,000 people. This is significantly higher than what was observed through field observations, one-on-one interviews, and media reports, which cite voter participation as being poor in some areas and almost non-existent in others.
- Field-level observations and face-to-face interviews with around 50 people (from Damascus, rural Damascus, Tartus and Homs) revealed a sense of apathy and a low turnout to the polls, as a consequence of the despair felt with the predetermined nature of the results. As a result, turnout to the polls in the different Syrian towns and cities was poor.
- Most of the voters were state employees or students who were instructed by their employer or university to go to the polls or were friends and family of the candidates themselves.



*Most of the voters were state employees or students who were instructed by their employer or university to go to the polls or were friends and family of the candidates themselves.* ”



Campaign posters in a square in Damascus. Credit: Myriam Youssef.

## Conclusion and recommendations

### Local elections as a political message and a preparatory measure for the reconstruction phase:

There are several reasons for the regime's determination to hold local elections at this particular time. Perhaps the most important are:

- The elections can be seen as a political gain which in turn allows for the consolidation of field-level gains secured by the Syrian regime in the battles of Ghouta and Dara'a.
- Law 107 gave the local councils some sort of local authority over some aspects of the economy and construction investments, and thus the elected councils will have a strong role in the upcoming reconstruction phase, with regard to both planning and implementation. It is important therefore for the regime to ensure that members of these councils are strong supporters.

- Similarly, law 10 allows for the introduction of new "redevelopment" areas. It also gives the executive office within the administrative unit wide-reaching powers to plan and implement these new "redevelopment" areas. Therefore, it was very important to elect new local councils to start to apply this law.

### The public perception towards local elections:

Through face-to-face interviews and field visits, the general impression of citizens regarding local elections can be summarised as follows: there is a big loss of confidence in the overall system of governance including the regime and its laws; an increasing level of mistrust in the entire legal and judicial system; a significant spread of a sense of futility; and a high awareness that the electoral process in Syria is merely a mockery of elections.



Female candidate poster in the city of Damascus. Credit: Myriam Youssef.

#### Policy implications:

- Constitutional and legal changes are a necessary but insufficient condition for democratic transition in Syria. Any meaningful political transition process will indeed require substantial changes in constitutional and legal frameworks and should be based on electoral processes at several levels. But these amendments and procedures alone will remain futile and could end up as a facade for the authoritarian regime, if not accompanied by other conditions and measures.
- Besides legal changes, real change requires actions that restore confidence in the overall system of governance at all levels. Several insurance policies are needed for the Syrians to believe in any legal change and to be more likely to comply with it and thus give it meaning or legitimacy. What is needed is: first, wide consultation and participation in the construction of these laws; second, for Syrians to have confidence that these laws and procedures, such as elections, are designed to serve the public interest; and third, that the process should be as inclusive as possible.
- A genuine democratic process of change in Syria also requires a structural change in the political economy that allows the dismantling of the relationship between power and money, that opens for all the possibility of equal and fair participation and benefit from the process of development and reconstruction, and that allows citizens to exercise their supervisory and monitoring role in a manner protected by law.
- The increase in the proportion of female breadwinners in Syria and their increased participation in the labour market in Syria presents another reason for the calling for quotas for women in elections at all levels to ensure their fair representation. Increasing their representation is also an important entry point for changing the political economy structure of the local councils, thus weakening the networks of private interests and reducing corruption, especially since these networks are usually dominated by men. It is important to note that it is not enough just to allocate a quota to women to encourage them to participate in the elections and to run for them. Procedures and programmes of political empowerment and capacity building for women are also required.
- Certainly, the process of change in Syria will not be easy and will take a long time, but not putting the process of change on the right track from the outset will only ensure progress in the wrong direction.

## Documenting human rights abuses in Syria: Gaps and ways of addressing them

Summary by the report editors of the presentation given at the conference by **Dr Iavor Rangelov** and **Sema Nassar**

**Sema Nassar** is a Syrian researcher, documenting violence against women, with a particular interest in evaluating data on arbitrary detention and enforced disappearances in Syria. This involves collecting and analysing relevant information. Sema has organised several training programmes for a group of field researchers to provide them with the requisite technical skills in documenting and monitoring sexual and gender-based violence within Syria, as well as providing advice to local and international organisations in this field.

Sema participated in Syria's in-country consultations for the UK National Action Plan on Women, Peace and Security. Sema is the Co-Founder of Urnammu for Justice and Human Rights, based in Quebec, Canada. She is also a member of the Working Group on Women's Rights and Gender Equality (GWG).

**Dr Iavor Rangelov** is Research Fellow at the Conflict and Civil Society Research Unit, London School of Economics and Political Science. He is Chair of the Executive Board of the Humanitarian Law Center in Belgrade and Co-Chair of the London Transitional Justice Network. His main research interests are in the areas of human rights and security, transitional justice, and civil society. His current research examines the shifting resource base of civil society in the context of closing civic space globally, with a focus on new forms of activism, philanthropy and technology. He is involved in the Syria research stream of the Conflict Research Programme at LSE, focusing on war crimes documentation and transitional justice. He is the author of *Nationalism and the Rule of Law: Lessons from the Balkans and Beyond* (Cambridge University Press) and co-editor of *The Handbook of Global Security Policy* (Wiley).

Dr Iavor Rangelov and Sema Nassar presented a summary and initial findings of their ongoing research project at LSE that seeks to understand how the character of documentation of human rights violations in Syria might impact transitional justice processes.

In the case of a large-scale conflict like Syria, the entire range of transitional justice instruments will be important, including accountability/criminal prosecutions but also different forms of restorative justice such as reparations and restitution. In Syria, there have been significant efforts by international actors to document violations and atrocity crimes but little effort has been made to assess these documentation efforts and identify potential gaps and shortcomings that might have significant implications for transitional justice. A central aim of the project is to assess whether and how civil society might be filling these gaps. That means examining the documentation work conducted by international actors and civil society initiatives and assessing the extent to which they can provide a basis for credible and effective justice processes.

From the outset, the project detected an overwhelming focus, at both international and civil society levels, on documentation for accountability/retributive justice purposes. For example, instruments such as the International Mechanism for Investigation and Prosecution, and the International Commission for Justice and Accountability, focus on perpetrators and preparing cases for prosecution. The character of the documentation is aligned with these objectives. Moreover, documentation efforts aimed at accountability tend to focus primarily on the regime and IS, effectively neglecting other non-state actors as well as a range of external actors implicated in serious violations either directly or through aiding and abetting.

Rangelov and Nassar emphasised another gap in current documentation efforts. By focusing almost exclusively on accountability, international actors have directed little, if any, attention and resources to documentation activities that might support victim-centred aspects of transitional justice – different instruments of restorative justice, from recognition to reparations and restitution of land and property.



Um Raed stares for long hours into the rubble of her neighbourhood, almost completely in ruins. Um Raed, whose family lived in the Palestinian camp of al-Yarmouk for more than 40 years, is among hundreds of thousands whose lives can only be partly revived by a comprehensive restorative justice process. Photo credit: Maher al Mounes.

While the project is still ongoing, here are the preliminary findings from the data collected in the project so far:

- The most rigorous and serious human rights organisations have focused on using documentation to publicise and condemn perpetrators of atrocity crimes.
- Lack of access has prevented documentation of human rights violations in many areas, especially newly “reconciled” areas.
- Some of the smaller civil society groups have adopted a more victim-centred approach. However their efforts tend to focus more on assisting victims and their families, especially detainees and victims of sexual violence, rather than documentation. Some groups are helping the families of victims to organise themselves and strengthen their capacity to seek justice themselves.
- The gaps in documentation often have to do with the justice mechanisms that are available. For example, the International Envoy can be contacted with cases that involve the government, but is not able to talk to IS or the rebels. Thus the mechanisms in place end up shaping what is documented.
- A recent development is the adoption of a protocol for cooperation between the International Mechanism and Syrian civil society organisations – potentially, steering civil society even further towards a focus on accountability.



*By focusing almost exclusively on accountability, international actors have directed little, if any, attention and resources to documentation activities that might support victim-centred aspects of transitional justice. ”*

## The Civil Society Support Room

The Civil Society Support Room (CSSR), established by the Office of the Special Envoy to Syria under de Mistura's leadership in 2016, can be seen as a positive process in the context of failed initiatives and negative developments at the political level. We hear in this section about CSSR from three different perspectives. First, an academic perspective,

with the presentation of the preliminary findings of an LSE research project manager in CSSR, next the perspective of one of CSSR participant, and finally a member of the UN office of the special envoy to Syria team, who has been involved from the outset in making CSSR a reality.



*United Nations Special Envoy for Syria Staffan de Mistura addresses participants and attendees to the Geneva peace talks. A member from the Civil Society Support Room and a member of the Women advisory board sitting behind him, February 23, 2017.*

## Process in its own right; the Syrian CSSR

By **Marika Theros**

**Marika Theros** is a governance and human rights expert working at the intersection of public policy, academia, civil society and business. She is currently a senior researcher at the Institute for State Effectiveness, where she leads their State of the State initiative. Over the last ten years she has designed a number of research and dialogue processes in Afghanistan, the Gulf, Lebanon, Europe and the Balkans, related to human rights security and justice. Prior to this, she served as a Research Officer at the London School of Economics and Political Science, a senior human rights consultant for a large construction project owner in the Persian Gulf and a senior consultant for the Rockefeller Brothers Fund. She is currently a board member for the Humanitarian Law Center and the Balkan Forum.

The Civil Society Support Room (CSSR) was initiated by active civil society lobbying and a receptive and responsive UN Special Envoy, Staffan de Mistura. It is both a physical room in Geneva to convene civil society actors from across conflict lines, and a space for dialogue, networking and advocacy. Compared to other processes for inclusion, the CSSR is a new approach to civil society engagement in peace-making and has the potential to serve as a learning tool for future contexts. Its design as an iterative and flexible process, capable of adapting to changing

conditions on the ground, helped generate a sense of ownership from the participants on the design itself. It began with 12 participants but has grown to include nearly 500 civil actors from a range of backgrounds, geographies, and expertise. While the majority come from NGOs and organised sectors of civil society working on different issues, there are also public figures and experts, including legal and constitutional experts, university professors, and former government advisors.

The survey on the CSSR was conducted by a team at the LSE Conflict and Civil Society Research Unit, and was presented at the conference by one of its members, Marika Theros. Ongoing research into the CSSR includes individual interviews, focus groups, meetings reports, secondary sources, discussions with policy makers and media mapping, but the presentation focused on initial survey findings. The survey was completed by 103 participants. It included 28 questions designed to capture the impact of CSSR on those who have participated, and to elicit their perspectives on its role and how best to improve its design. From the background information provided by survey participants, we learn that:

- Two thirds were men, and one third were women.
- Fifty-two per cent were over 40, but only 16 per cent were under the age of 30.

- The majority of participants came from organised sectors of civil society (74 per cent of CSOs), and the remainder were individual experts and publicly-known figures.

The survey found that participants viewed its potential impacts on multiple levels, including on the political process, on developments on the ground, and on peacebuilding. Participation in the CSSR significantly reduced confidence in the political process and its negotiating parties. In addition, nearly half did not believe that the CSSR influenced the agenda or outputs of three intra-Syrian political talks, and not one respondent believed it contributed to creating an environment of trust among negotiating parties. Positive impact on the political process was seen in helping break the dichotomous narratives of the Syrian conflict presented by negotiating parties and outside actors, often seen in black and white sectarian terms.

#### Participant views on the impact of their participation in CSSR:

**72 per cent** believe more in the importance of civil society participation in the peace process, while 15 per cent do not

**52 per cent** believe CSSR helped break barriers with others from different political views

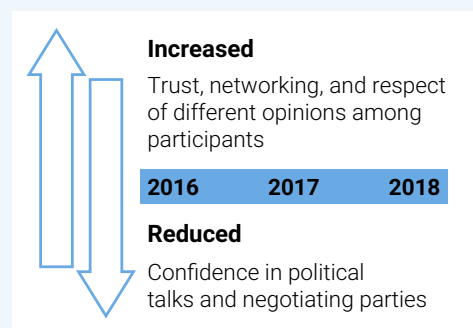
**58 per cent** believe that CSSR expanded networking, while 27 per cent do not

**57 per cent** more receptive to working across conflict-lines, while 22 per cent are not

**50 per cent** more receptive and understanding to different opinions, while 30 per cent are not

**58 per cent** strongly disagree that the participation enhanced their trust in negotiating parties (only 17 per cent did)

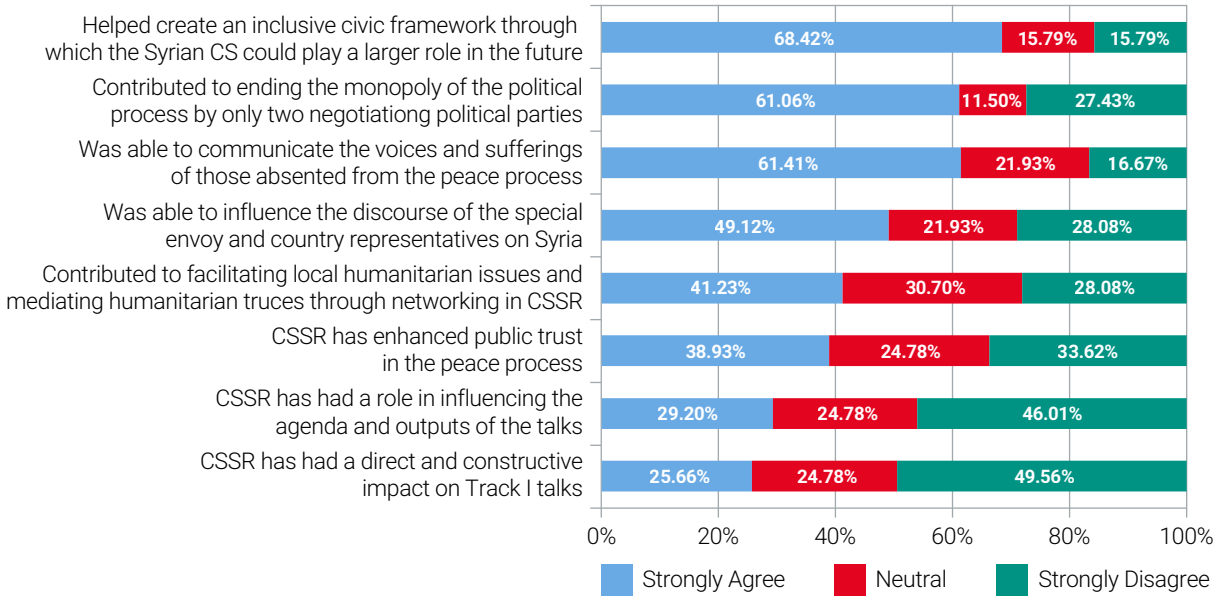
**47 per cent** strongly disagree that the participation enhanced their trust in the political process (only 35 per cent did)



*Impact of the Civil Society Support Room. Credit: The Conflict Research Programme's (CRP) Syria Unit.*



To what extent do you agree or disagree with the following statements regarding the impact of the CSSR on peace talks?

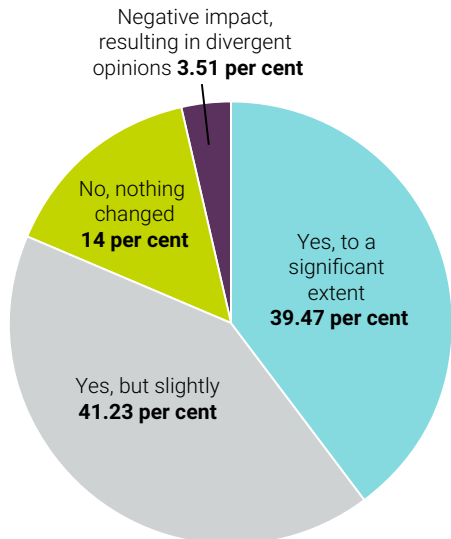


Perceptions of participants in the Civil Society Support Room with regards to its impact. Credit: The Conflict Research Programme's (CRO) Syria Unit.

The survey found that the greatest impact of CSSR was on civil society itself, breaking stereotypes of the "other", and expanding opportunities for dialogue and networking across conflict lines. After participating in the CSSR, 74 per cent believe more in the importance of civil society in the peace process and 82 per cent believed that the CSSR was able to break barriers and converging conflicting viewpoints. More than half of

respondents were more receptive to working across conflict lines and to understanding different opinions. Through CSSR participation, the survey found that nearly 70 per cent viewed the CSSR as creating an opportunity for the development of an inclusive Syrian civil framework through which civil society can play a constructive role in peace and reconstruction.

Q: do you think CSSR was able to break barriers and converge conflicting viewpoints?



The most important impact was connecting Syrians from different areas and with different viewpoints; crystallising CS role in expressing people's interests.

A participant



We already believed that we had to work with civil society across conflict-lines, but we didn't have a way to do so' a participant.

A participant



The survey also found that 75 per cent of those under 40 felt CSSR positively impacted humanitarian action on the ground by directly connecting them to the UN's Humanitarian Task Force and to the ISSG ceasefire task

force. Moreover, it helped thicken civil society's networks across geographies, which, in some, could help lend support to humanitarian action by civil society themselves.

**Humanitarian Task Force**      **ISSG ISSG ceasefire task force**

OSE

CSSR      WAB

The ground

**41 per cent** believe CSSR helped facilitate humanitarian action on the ground  
**BUT**  
**75 per cent of those under 40** felt CSSR positively impacted humanitarian action on the ground

“  
*CSSR impact was more direct on humanitarian issues, ceasefires, and humanitarian access than on political talks.*”

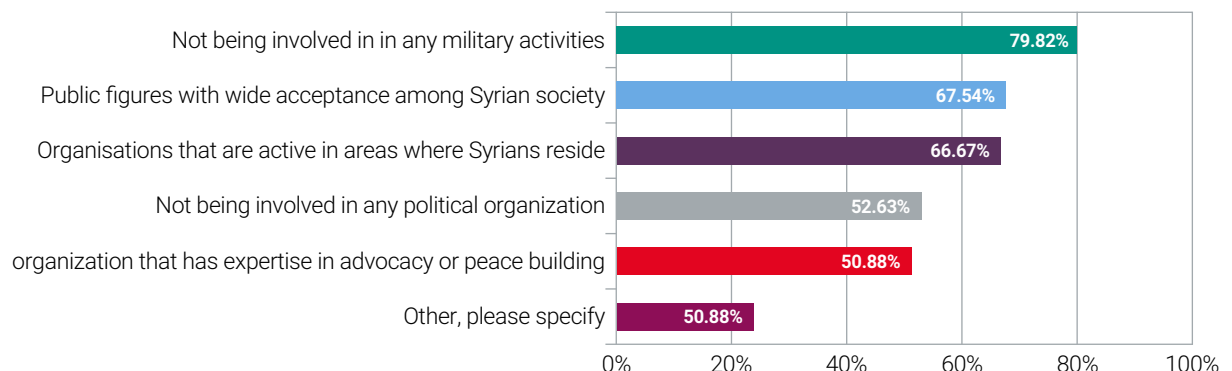
**A participant**

Going forward, nearly 80 per cent believed that, if the political talks were to stop, the CSSR would remain an important platform for peacebuilding and should continue to provide a space for civic actors to engage on important issues across the territories and conflict divides, and to express the voices of those from their communities.

Unlike dominant discourses, which express the conflict in sectarian terms, participants felt that the selection of participants should be value driven and not based on notions of representation, or gave equal weight to individuals rooted in communities and organised sectors of civil society.

In addition, participants did not believe that it was necessary for consensus to be reached on all subjects under discussion. Instead, 75 per cent felt that consensus should be found on the values and frameworks for rebuilding the legitimacy of the state. In this way, civil society was about reflecting the diversity of opinions in the country and seeking consensus on the foundational principles of what the vision for a new Syria might be. In this way, CSSR was seen a valuable part of the larger political process that should be conceived as a track in its own right. Given its impact across different levels, it should continue as a key element of a broader political process, and should be linked to the UN to help legitimise the role of civil society and increase its influence.

**What do you think is the most important criteria for selecting CSSR participants (both individuals and organizations)?**



## The Syrian Civil Society Support Room – a participant perspective

Summary by the report editors of the presentation given at the conference by a frequent participant in the CSSR

The CSSR is a new approach without precedents. As such, it has been a challenging and learning process both for the UN and Syrian civil society, and was seen one of the newest experiences in engaging civil society in peace talks. It evolved from being a room for 12 representatives of civil society organisations at the beginning to having nearly 500 participants today. It was particularly challenging at first for all participants to put aside their political positions in order to envision together a peaceful future for Syria. There was a tendency to blame others for everything that has happened. There was also a prevailing atmosphere of deep distrust and conspiratorial thinking with participants questioning the legitimacy of some of the other participants in the room. One of the difficulties lay in understanding their ownership of the process and their duty as active partners, rather than expecting the UN to present them with ready solutions. This is necessary both to ensure the success of this programme and for future similar programmes to come.

There are three main challenges: the first stems from the wide diversity within the CSSR, with participants coming from different backgrounds, areas and political views. The second pertains to the communication between participants and UN representatives; this was subsequently solved by the NGOs who facilitated communication. And third is communication with the political parties. This is a significant and ongoing challenge for the CSSR participants. Women's participation was also a challenge in the beginning but was resolved very quickly. In the first CSSR meeting there was only one female member in the room. At the last meeting in autumn 2018, the ratio of women to men was 60 per cent. The member also believes that the Syrian military and political class does not approve of the CSSR, thinking that political, military and security issues are not for civil society to discuss.

One lesson that was learned is that the role of civil society is more about monitoring than political negotiation, and that it plays an important role in holding parties accountable to push forward a peaceful agreement. The internal dialogue in the room was very rich and succeeded in breaking many barriers. Most importantly, and after long meetings and discussions, all participants reached a consensus on a set of values and on their roles in the room, so that they were an integral part of the design of the process. This increased the feeling of ownership in the room, and will hold the room together for the future and act as a solid base to reach further agreement.

Sustainable peace cannot be achieved without involving Syrian civil society from the beginning. This is something that all participants came to understand. And the role of civil society should not only be confined to the UN process, but should also extend to other meetings in which the future of Syria is being decided, such as regional meetings. CSSR has been challenging indeed but it is an important space for constructive dialogue that needs to be protected and much could be built on it.



*The internal dialogue in the room was very rich and succeeded in breaking many barriers... Sustainable peace cannot be achieved without involving Syrian civil society from the beginning.* ”

## About the process of forming the CSSR, from the UN perspective

Summary by the report editors of the comments made at the conference by **Salvatore Pedulla**, Senior Political Affairs Officer at the Office of the UN Special Envoy for Syria, in charge of the CSSR.

When appointed by Mr de Mistura, Pedulla was asked by the Special Envoy to establish a process that would facilitate the inclusion of Syrian women, experts and civil society organisations in the UN mediation process. The political process in Syria being especially complex, de Mistura said such a platform should be flexible, gradual, and part of the process of the UN-facilitated talks without jeopardising the self-civic nature of the space. It has been a challenge but also according to Pedulla, one of the most rewarding experiences of his UN career.

CSSR started with 12 organisations and has a current participation of over 500. The core is NGOs but CSSR also includes legal and constitutional experts, university professors, local civil initiatives and artists. There is a wide range of expertise and backgrounds. There is also incredible diversity in terms of the issues the organisations focus on, where they are based, etc. This diversity is part of the richness CSSR participants bring to the political process.

One common interest is the issue of advocacy. Most organisations do not have the resources, network or access to key international players to get their message out. Young organisations mushrooming in the context of the conflict do not come with an understanding of what a UN mediation process is. Last week 30 of those organisations had the opportunity to spend two hours speaking to 18 ambassadors about their concerns. The government and the opposition never sat in the same room together but civil society members, with differing opinions, were able to sit together, discuss and conduct advocacy with the international community.

Participants gave their expertise to the UN and in some cases were able to connect them with the humanitarian task force, which in some cases made a real difference for people on the ground.

It is a room that is both physical and a space that is about dialogue, connecting, networking and advocacy. It's been extraordinary to see the courage, resilience, dignity, efforts and generosity of so many Syrians from different generations.



*The government and the opposition never sat in the same room together but civil society members, with differing opinions, were able to sit together, discuss and conduct advocacy with the international community. ”*

## Concluding remarks by Professor Mary Kaldor

**Professor Mary Kaldor** is the Director of the Conflict and Civil Society Research Unit at LSE and Professor of Global Governance. Mary pioneered the concept of new wars and global civil society and her work on the practical implementation of human security has directly influenced European and national politics. Mary is highly regarded for her innovative work on democratisation, conflict, and globalisation. She was a founding member of European Nuclear Disarmament (END), a founder and Co-Chair of the Helsinki Citizen's Assembly and a member of the International Independent Commission to investigate the Kosovo crisis, established by the Swedish Prime Minister.

Her books include: *The Baroque Arsenal, New and Old Wars: Organised Violence in a Global Era, Global Civil Society: An Answer to War and Human Security: Reflections on Globalization and Intervention*. She is also the editor and co-author of the annual *Global Civil Society Yearbook*. Her most recent book *International Law and New Wars*, co-authored with Professor Christine Chinkin, was published in May 2017.

In 2003, Mary's work was recognised with the receipt of Commander of the British Empire (CBE) for "services to democracy and global governance".

While the dominant discourse is to think of war as a deep-rooted political contest between two organised sides, conference discussions highlighted how the war in Syria can be better understood as a new war. This kind of war constructs a new social condition in which numerous groups benefit economically and/or politically from violence rather than from winning or losing. While the deep-rooted conflict is between the regime and the people, the armed conflict can better be described as a mutual enterprise that involves a complex mix of criminality, terrorism, and repression fueled by multiple actors with stakes in the political economy of conflict.

Thinking in those terms is useful in answering the two big questions that came out of this conflict: has the regime won or is it a Pyrrhic victory? And what does that mean for the role of outside intervenors? First, if we conceive of war as an evolving social process, the regime has inherited a new kind of predatory social condition that is vastly different from the social order of before. Today, Syria is fragmented and controlled by diverse factions, militarised and populated by numerous militias. On one hand, we see the destruction of human capital, the middle class, the educated people, and cultural heritage. On the other is the rise of a new business elite associated with the regime and the militias, while the people are left poor and devastated with children traumatised and out of school.



"Peace players" in the city of Tartus engaging in a civil society run project that mainstreams peacebuilding in basketball. Picture credit: Mobaderoon web site.



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