Mapping Local Governance in Syria

A Baseline Study

SUMMARY

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Introduction

The future of local governance in the Syrian Arab Republic has garnered much attention throughout the conflict. As the Government of Syria (GoS) enacted ambitious decentralization reforms in 2011, activists improvised alternative local governance structures in opposition-held areas. Even as the GoS has progressively recaptured areas previously outside its control since 2016, differences in local dynamics led to the re-establishment of formal local governance institutions. As a result, an important policy debate over the re-emergence of power relations within the post-conflict Syrian State has taken shape. Unfortunately, the policy debate has remained largely removed from actual local governance dynamics on the ground, which has created significant policy gaps. This report, 'Mapping Local Governance in Syria', seeks to address these critical gaps by mapping actual, research-backed local governance dynamics across the Syrian Arab Republic.

The report begins by analysing the official local administration system in the country, including tensions, gaps and challenges in the implementation of the decentralization reforms enacted in 2011. Next, it takes stock of de facto local governance dynamics in five sites across the country in order to capture parallels and variations. The selected cases include areas that have returned to GoS control (Al Tal and Tafas), the model of the Kurdish autonomous administration in the north-east (Deir-ez-Zor), strategic locations currently under the control of the Turkish authorities (Jarablus), and the north-western part of the country (Atarib) under *Hay'et Tahrir al Sham* (HTS).

The analytical framework adopted for comparing local governance models in these five sites focuses on the following five dimensions: (a) The formation and structure of local administration; (b) power dynamics: local versus central; (c) the autonomy of civilian-led local administration; (d) local participation, transparency, and accountability; and (e) funding and fiscal decentralization.

The study has benefited from analyses, dialogues and recommendations by Syrian stakeholders in the course of two rounds of technical consultations under the National Agenda for the Future of Syria (NAFS) programme. The first round explored the role of the local governance in post-conflict development, while the second focused on mapping varieties of local governance across the country. The presented data was gathered between September and December 2019 through in-depth interviews with local leaders, community activists and analysts. In addition, data from secondary sources, such as published statements, laws and regulations were consulted to verify findings and complement the analysis.

I. The local administration system: An analysis

While the study seeks to empirically map the realities of local governance, it is important to lay out the main contours of the country's official, local administration system as set out in Legislative Decree 107 of 2011.

The local administration system in the Syrian Arab Republic was traditionally composed of fourteen governorates (*muhafazat*), subdivided into 107 districts (*manatiq*), and 2,480 subdistricts (*nawahi*). Law 107 adopted a different territorial division legally designating broad mandates for cities, towns and townships as new governance tiers below the previously dominant governorates. Each governance tier now officially has an elected local council and an executive office.

Administratively, the law officially transfers oversight of public service delivery from the central ministries to local actors across six sectors: health, education, higher education, transport, roads, and solid waste management. The text formulates the responsibilities of local authorities to implement public service projects. However, it is unclear to what extent the delegation of power to municipal actors or even to governorates has actually occurred.

There is a significant degree of overlapping powers across local level councils, executive offices and central-level actors, which blurs accountability relations. Furthermore, the legal text does not clearly define functions, roles and responsibilities across central and subnational tiers.

The powers of municipalities also remain seriously curtailed, both vertically through direct interventions by appointed governors and horizontally from competing local structures. The militarization of the conflict has also increased the influence of security actors while the power of official administrative entities has been undermined.

Further compounding the picture is the lack of systematic efforts at cementing horizontal decentralization at the local level. Social accountability requires collaboration between civilians and the administration, and although Law 107 officially stipulates a few mechanisms involving citizens in decision-making, reforms have yet to formally institutionalize channels for community participation.

With regard to public finance, the country's local administration system allows for subnational actors to have separate budgets, exercise significant expenditure powers, and generate revenue through public-private partnerships. Still, analysts are careful to highlight that, in fact, very few fiscal decentralization steps have been taken on the ground, in part due to regulatory contradictions with the main public finance law, Decree 42/2006. Given the lack of both financial and human resources at the subnational level, and with an estimated shortage of 100,000 technical staff, decentralization has been uneven and not fully implemented.

Aside from gaps and contradictions in the law, the country's incoherent decentralization agenda reflects the absence of viable institutional reforms. The High Council, headed by the prime minister and the minister of local administration as its vice-president, is supposed to lead the decentralization process. Because all elected local councils are required to report to the High Council, it is likely to wield power over the country's local administration system. Moreover, the GoS formally established the High Council without designating adequate resources for large-scale capacity-building, which makes it unlikely for that entity to effectively steer the decentralization process.

II. Mapping local governance across Syria

A. Local administration: formation and structure

1. Al-Tal

In principle, the city council is considered the highest authority in Al-Tal and, thus, responsible for overseeing the work of the executive office. In practice, however, the balance of power between the city council and the executive office favours the latter. The executive office is reportedly using its influence to pressure council members to approve its proposals without proper examination or discussion. Likewise, the office seems to be systematically blocking the council from access to information required to monitor the executive office's work.

On a more positive note, an important vehicle for grass-root empowerment has emerged in Al-Tal, and that is the Committee for Development Affairs, which crowdfunds donations for the projects that the council is unable to finance, and reportedly functions autonomously in order to appease concerns among community members.

2. Tafas

Unlike Al-Tal, no local elections were held in Tafas because of its fragile security situation. The National Unity list, which nominated enough candidates to form a full council, ran unopposed and won by default (*tazkieh*). Research indicates that the council has been playing a marginal role, with decision-making dominated by the executive office, whose members were handpicked by the Baath party and security agencies.

In response, local negotiation leaders started playing a more proactive role in monitoring the council's work and even managing the distribution of key services. A new loosely structured community initiative, known as *al-lajna*, or the commission, has been launched to monitor and coordinate services provided by the Government.

3. Atarib

Following the withdrawal of the GoS from Atarib in 2012, a predominantly civilian-led local administrative council (LAC) was formed, and operated under the supervision of the Syrian Interim Government (SIG). However, when HTS and the Salvation government captured the city, the LAC disbanded itself and resigned, leading to the appointment of a temporary LAC by the Salvation Government, and also to a de facto split in the administrative structure, with some public services falling under either the control of the SIG or the HTS. Members of the district committees were entrusted with selecting fifteen members of the new council from a total of thirty-six candidates. The composition of the new council, however, became a source of controversy since not all the major families in the area were represented.

The new LAC falls under the supervision of the Aleppo branch of the Ministry of Local Administration and Services (MLAS), the Salvation Government. Its current structure consists of a director, a deputy director, and the following offices: relief, finance, legal affairs, services, archive (diwan), media, agriculture, projects and proposals, urban planning, education, and health.

4. Jarablus

The current administration came to power in August 2017 following a Turkish-led coalition, supported by Free Syrian Army (FSA) groups, captured the city from the so-called Islamic State of Iraq and the Levant (ISIS). Building on its military achievements, Turkey has channelled resources and humanitarian assistance to Jarablus presenting it as a successful example of its project in the country.

The governance structure in Jarablus is anchored on the Local Administrative Council, which was established to provide public services such as humanitarian aid, infrastructure renovation, healthcare, sanitation and education. The current council was formed on March 5, 2017 by representatives of non-State armed groups, tribes and the SIG (preparatory committee). Around 50 key figures in the area were involved in those consultations, but only ten of them, mainly armed faction and tribal leaders, were selected as members of the council.

Officially, the council represents the highest authority in Jarablus as its mandate includes both legislative powers (represented by the council in its entirety) and executive ones (represented by the executive office also known as the permanent committee). It is comprised of 11 offices: health, education, finance and treasury, *awqaf,* control and inspection, public relations, social services and relief, legal and statistics, services, agriculture, and subdistrict of Ghandoura. It is also noteworthy to mention that the Turkish Gaziantep province has deployed advisors to work in parallel to the Jarablus council on the ground.

5. Deir-Ez-Zor

The legislative council in Deir-Ez-Zor includes 151 members, most of whom are tribal leaders and prominent figures - such as doctors, lawyers and community leaders - from various towns and villages. It is in charge of issuing and approving rules and procedures governing the work of all councils under the umbrella of the Democratic Civil Administration of Deir-Ez-Zor (DCADZ), that works through committees/commissions to propose and study draft laws before presenting them to the rest of the council for approval. So far, individual committees have been established to cover education, public services and municipalities, health, economy, internal security, defence, organizations and humanitarian affairs, finance, social justice, women affairs, families of martyrs, and public relations. In addition to those relatively permanent committees, the legislative council also creates temporary committees to draft laws and regulations when needed. Laws and regulations are typically issued by a majority vote.

The executive council is the highest administrative body in the autonomous administration in Deir-ez-Zor. It is responsible for the implementation of laws, resolutions and decrees that are issued by the legislative council and judicial institutions. It is led by the bureau of the presidency. In addition, there are 12 technical committees, which operate like ministries and cover the same areas as the legislative council.

B. Power dynamics: local versus central

1. Al-Tal

No real changes occurred in the existing hierarchical power structure in Al-Tal, which allows the centre to control all aspects of administration. Authority is largely exercised by the governor and line

ministries, in contrast to the elected city council. Although the executive office still submits its annual plans to the council for approval, the GoS has, de facto, placed the decision-making power in the hands of the governor and the central government.

On the ground, the council does not seem to have much administrative authority over the executive office and service provision directorates. In fact, the council does not even have the mandate to contact those entities directly. The relationship is similar between the service provision entities and their respective line ministries. The work of those offices is limited to assessing the needs in their areas and then submitting proposals on what they think should be done. However, the final decision on what gets implemented is taken by the respective line ministries.

In terms of the recruiting process, line ministries, the governorate council and security agencies seem to influence the hiring process of top-level employees in the city. However, the local city council and executive bodies seem to have more authority over the hiring process when positions are financed externally by humanitarian or development organizations.

2. Tafas

There appears to be a delicate balance of power between the city council and the informal commission, 'the *lajna*', formed by local leaders. Officially, the council and the executive entities affiliated with it are responsible for administering basic services such as water, electricity, bakeries, garbage collection and education. On the other hand, the commission wields significant power in monitoring the delivery of services and intervening whenever problems arise with regard to access or quality. In particular, the commission seems to focus on preventing the politicization of the provision of basic commodities and relief. The two entities are obliged to cooperate in running the city as smoothly as possible. When differences emerge between council and commission, the latter seems to have the upper hand as it yields power on the ground. Furthermore, the commission seems to be able to communicate some of its demands through channels higher than the council, like security agencies or Russian officials.

3. Atarib

While the Local Administrative Council officially coordinates local services, it has limited influence over local executive authorities in charge of providing these services. This is partially due to the affiliation of some of those entities to a rival entity, the SIG, which is still in charge of funding and administering three key directorates in Atarib, namely health, education and agriculture. Consequently, the local administrative council is only entitled to coordinating with those entities which function independently.

4. Jarablus

Officially, the council of Jarablus operates under the supervision of Aleppo's provincial council, which, in turn, falls under the umbrella of the SIG's ministry of local administration. However, aside from cases of minor coordination, the SIG does not have any real administrative authority over the council of Jarablus. Rather, the council represents the highest executive authority in the city and enjoys substantial authority over the executive offices. Formally, the relationship between the council and the Turkish Government is limited to financial and technical support. However, due to Turkey's direct and heavy involvement on the ground through the provision of resources and humanitarian assistance, it has been able to exert a significant influence over policy direction and decision-making processes within the council.

This relationship is managed on the local level between the Gaziantep province, with the vice-governor and municipality on the one hand, and the city council on the other. In addition, Gaziantep local administration has deployed delegates or advisors from different backgrounds to work on the ground in Jarablus, in parallel to the council and its offices. Those Turkish advisors are Government-appointed technocrats who are involved in day-to-day activities, including planning and supervision.

5. Deir-Ez-Zor

DCADZ is, in theory, the highest authority in the region, but observers struggle to confirm where decision-making power actually lies. The legislative council in Deir-ez-Zor is responsible for proposing, studying and approving all legislation. However, its authority seems to be mostly ceremonial. In reality, the executive council has stronger influence and works almost independently of the legislative council. In many cases, the executive council has reportedly issued and implemented laws without obtaining approval from the legislative council. This is largely because of the incompetence of the legislative council, which mostly consists of members who were appointed without any prior knowledge about their job.

Multiple sources highlighted that behind the official governance structure of DCADZ, there is an informal structure made up of Kurdish individuals known as *kadros*, who play instrumental roles in setting up civilian councils in Deir-ez-Zor and reportedly make all key policy decisions.

As for the relationship between the services directorates and the executive council, the directorates fall under the authority of the council's respective committees and report directly to them.

C. Autonomy of civilian-led local administration

1. Al-Tal

There are signs that the local authorities in Al-Tal have limited autonomy. The local branch of the political intelligence agency exercises considerable influence over the executive office. In addition, it seems to screen the local council's activity, blocking decisions and projects if they do not serve the personal interests of high-ranking officers. Likewise, the council does not have the authority to hire individuals without prior security clearance from the agency. Such decisions are typically made based on the perceived loyalty of the relevant individuals rather than on merit.

2. Tafas

The local governance authorities of Tafas lack autonomy from non-state armed actors, which exercise considerable influence over decision-making. These actors include militia formerly affiliated with the opposition, security agencies, and the Russian military police.

3. Atarib

According to the head of the local council in Atarib, HTS, the main armed entity in charge of the area, does not have any authority over the council's work. While some concurred with his position, research indicates that the security apparatus of HTS (*katibeh amnieh*) has intervened in the council's work, in some cases detaining or investigating members of the council who are perceived as threats. The group,

however, does not seem to be directly involved in providing public services, imposing fees or controlling local resources.

4. Jarablus

Since the defeat of the ISIS, the Turkish-backed armed factions have played an important role in shaping the council of Jarablus. These groups, whose role was supposed to be limited to fighting ISIS, have played a crucial part in selecting members of the local administration. According to multiple sources, however, including council members, armed militias do not usually meddle in the work of the city council. This has been attributed to a delicate balance among tribal powers, which are represented in the council membership. If one armed faction attempts to use its leverage to control the council, tribal figures who do not belong to that same faction show resistance.

5. Deir-Ez-Zor

According to members of DCADZ, there is a strong firewall that prevents armed forces from intervening in the work of the local councils. Nonetheless, local sources indicate that military and armed forces have been able to dominate the strategic decisions of local councils through the unofficial network of *kadros*, many of whom occupy high profile positions inside those forces.

D. Local participation, transparency and accountability

1. Al-Tal

Officially, accountability relations in Al-Tal are predominantly top-down. While the executive office should be monitored by the city council, the latter lacks the ability to monitor local decision-making by the executive office. Instead, monitoring is done by the governor, who, in turn, is monitored by the Ministry of Local Administration and the Environment.

That said, the formation of a committee for development affairs has opened space for the implementation of projects based on local needs through crowdsourcing.

2. Tafas

The dominance of central directorates/line ministries in Tafas has weakened local accountability mechanisms. However, local initiatives, such as *al-lajna*, have opened channels to influence some of the policies of GoS towards Tafas. For example, dozens of Government employees in Tafas were fired from their jobs due to failure to report for work during the conflict, but were reinstated after the negotiation committee insisted on their return during discussions with GoS.

3. Atarib

The local administrative structure of the Salvation Government officially created multiple channels for local participation. Formally, the committees and *mukhtars* meet with the council every two weeks to discuss the needs of their constituencies. The council and its offices receive official complaints and organize public meetings in common areas, like the city's main mosque or culture centre. However,

research indicates that these channels are widely perceived as illegitimate or ineffective. Many people view the council as a proxy for HTS which seized Atarib by force.

4. Jarablus

Council members in Jarablus, including those of the executive office, are responsible for supervising the lower tiers of the local administration. In terms of transparency, the council generally publishes news on basic services such as water, electricity, health and education. On the other hand, it does not publicly share any data on its strategies, programmes and budgets.

Community members hesitate to engage with local governance structures due to a lack of trust and limited access to information on local programmes. That said, the tribal nature of Jarablus seems to have filled this void by allowing community members to voice their concerns to tribal leaders who, in turn, may use their influence to communicate with the council.

5. Deir-Ez-Zor

On paper, the governance model in Deir-Ez-Zor celebrates grassroot empowerment and the right of citizens to participate in local decision-making. However, the democratic credentials of these entities have been called into question as members often seem to have been appointed rather than elected. The powerful influence of the *kadros* over local decision-making also casts shadows on the accountability of local governance structures.

Civilians, in general, cannot monitor the work of the council as they do not have access to the information required. The same applies to local notables who focus on discussing service-related issues. More precisely, there is a significant lack of transparency in the work of the council, and the details of its financial affairs are not shared with local populations.

E. Funding and fiscal decentralization

1. Al-Tal

The city council in Al-Tal depends on transfers from the central government through the Ministry of Local Administration and the Environment. Locally generated revenues from taxes and fees are limited due to the large-scale damage within the city. The council enforces local taxes and fees, but research indicates that it is facing difficulties collecting taxes and revenues retroactively covering the period the city was outside the control of GoS.

2. Tafas

Similar to other areas under the control by the GoS, the city council in Tafas is heavily dependent on transfers from the central government. Indeed, the revenues generated by the council from taxes and fees are limited due to the large-scale damage within the city.

3. Atarib

The council in Atarib has three main avenues of income: renting out premises owned by the council such as shops and stadiums; fees on basic services and taxes; and central transfers from MLAS or other ministries/service directorates. However, according to the council's director, revenues generated locally by the council remain low, amounting to less than 40 per cent of the budget.

4. Jarablus

The council in Jarablus draws on three main financial sources: revenues from fees, levies, and taxes; revenues from the Jarablus border crossing with Turkey; and transfers from the Government of Turkey which cover the salaries of council employees and other executive employees, such as teachers, medical staff, and military and police forces.

5. Deir-Ez-Zor

DCADZ depends on funding allocations received from the autonomous administration, which covers two categories of expenditures: the running cost of the administration and the cost of development projects. In addition, DCADZ generates revenue from direct and indirect local taxes, though this source of financing is limited because of the low quality of services provided, lack of job opportunities and widespread poverty. Also, DCADZ generates revenues from taxes imposed on big businesses and companies through registration fees. However, it seems that the money collected is centrally allocated by the autonomous administration. Revenues from Deir-ez-Zor's oil fields have been the subject of controversy because they are directly managed by the autonomous administration through the *kadros*, who, in turn, allocate funds across the various federation regions and the councils running them.

III. Key findings

This study identified six major technical gaps in local governance across the country, which should guide future programming in this area. These gaps are:

(a) Lack of democratic accountability as three of the five local councils examined were formed without elections;

(b) Local councils are politically weak structures even though, in certain contexts, they are formally in charge of administering public services. Decisions regarding the design and delivery of public services are often centralized, with lower tiers of government often dependent on non-automatic or conditional transfers from the centre;

(c) Local governance structures lack the necessary technical capacities. Massive displacement and human capital loss in the course of the conflict significantly undermined the ability of local institutions. Weak capacities have not only reduced the effectiveness and efficiency of public services, but also the monitoring role of local councils;

(d) Weak links between the citizenry and local authorities is a pressing challenge. While grassroot activism, civil society, and the involvement of market actors in local governance is slowly rising, such progress varies in degree across areas studied;

(e) Lifting legal, bureaucratic and security restrictions on civil society operations and NGOs is an essential step towards activating social accountability mechanisms, as is the strengthening of capacities of local-level civil society organizations and civic-based NGOs;

(f) Powers have been decentralized unevenly. Formal attempts are being made to establish or activate local councils as spaces for political representation at the subnational level, although these entities lack important democratic credentials. Local actors are officially administering essential administrative services, while fiscal decentralization is lagging behind. In the absence of a significant capacity to raise revenues, local actors rely on strategic rents or transfers from the centre to cover their budgets, a situation that undermines their ability to administer services.

An important policy debate over the reconfiguration of power relations within the post-conflict Syrian State has taken shape over the last nine years, with actors advocating the applicability of various models ranging from full-fledged federalism or quasi federalism to decentralized governance within a unitary State. Recently with the exception of some explicit Kurdish calls for local autonomy within a federal state, inter-Syrian dialogue seems to increasingly converge on democratic decentralization as a cornerstone of the country's future social contract and its post-conflict political order. Given that this debate around the future shape of the Syrian State has remained largely removed from local governance dynamics on the ground, this study provides a mapping exercise of the various local governance arrangements and mechanisms present on the Syrian territories.

In addition, this report serves as baseline for any future local governance assistance framework as part of stabilization programming following a political settlement based on UNSC resolution 2254. The analytical framework adopted for comparing local governance models focuses on the autonomy of civilian-led local administration; mandates, responsibilities and actual powers of local councils, and executive authorities in charge of services provision at the national, subnational and local levels; the degree of administrative decentralization; participatory and accountability credentials of governance structures at the local level; and effective fiscal decentralization. As an exploratory baseline for local governance, the study has benefited from analyses, dialogues and recommendations by Syrian stakeholders.

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