Decentralisation

A Potential Gateway to Solution in Syria

Field Research

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Executive Summary

This research examines decentralisation as a potential gateway to conflict solving in Syria and the constitutional guarantees required for its implementation. The Research reviews the reasons, challenges, opportunities, and implementation conditions of decentralisation on three levels: political participation, development, and community stability.

The Research results show the pivotal role of decentralisation as a solution in Syria. On the one hand, extreme centralisation has played a role in deepening the development gap and weakening political participation, which contributed to the outbreak of 2011 protests. On the other hand, decentralisation emerges as a tool to deal with the war effects, namely, to turn the wheel of development on again, recover the country's unity, and address social injustices.

Role of the extreme centralisation in the crisis outburst

Historical causes:

● Concentrated resources and opportunities: Damascus and Aleppo, as historical centers of power and wealth, have taken the lion's share of investments and public services, which exacerbated the economic, social, and development inequalities and negatively affected the development of other governorates, which were relative denied economic opportunities.

● Concentrated powers: the centralised system in Syria concentrated all powers in the hands of the central government, which weakened local administrations and reduced their ability to meet the needs of citizens.

● Urban-rural inequality and socioeconomic disparity between big and small cities: the gap between big cities and rural areas shows the unequally distributed services and opportunities, which fueled resentment and demands for reform.

● Weak people's participation: lack of active channels for people's participation in the political process reduces transparency and accountability, and enhances the feelings of exclusion.

War-related causes:

- The Syrian geography is divided among various authorities, none of them seems to be able to control the whole Syrian territory.
- The presence of foreign powers, whose withdrawal does not seem likely in the near future, may perpetuate the country's division.
- The institutional center-periphery disparity and the need for gradual return of the state institutions throughout the country.

Opportunities presented by decentralisation:

- Gradual reunification of Syria's territories on a win-win basis; recovery of the state authority over all territories with the participation of all actors in execution of Resolution 2254; and developing a political framework for the departure of all foreign powers from the country.
- Redistributing the powers and resources and enhancing local government: through a fairer distribution of powers and resources, decentralisation can enable the governorates and communities to take decisions that fulfill their own needs.
- Improving public services and response to local needs: local administrations can better identify and address the needs of their own communities, which would improve the quality of public services.
- Enhancing people's participation: decentralisation opens the door for a broader participation of citizens in the political process, which would enhance democracy and transparency.
- Providing a framework for the empowerment of women and youth, locally and nationally.
- Addressing the historical injustices suffered by rural areas, small towns, and some Syrian components, which suffered from marginalisation.

Challenges:

- Corruption and cleavage: without effective surveillance, decentralisation may aggravate corruption, and perpetuate the already existing regional and sectarian divisions.
- Change resistance: fearing that they may lose power and influence over their current territories, the Center and de facto authorities throughout the country may resist transformation towards decentralisation.
- Weak structures of the central government: after more than ten years of war, one may say that the weak structures of the central government are an apparent challenge to transition to decentralisation.
- Increased influence of foreign states and powers: effective decentralisation must reflect the ambitions and goals of community powers. However, in our status quo, the increased influence of foreign states and powers is a reality and will affect the shape of the future state, including the form of decentralisation.

Success conditions:

- **Constitutional and legal guarantees: developing constitutional guarantees to protect decentralisation and ensure fair distribution of power and resources; these can be achieved through:**
- **Constitutional criteria for the competent central authority's right to replace local units, in the performance of their functions, and to dissolve such units.**
- **Guarantees for fair participation in local decisions.**
- **Constitutional recognition of local units.**
- **Solidifying the electoral aspect of decentralisation in the Constitution.**
- **Constitutional guarantees of the right to found political parties.**
- **Activating the role of the Supreme Constitutional Court.**
- **Adopting geographical representation with guarantees to have all components represented, which can be achieved through restructuring some administrative divisions.**
- **Capacity building: developing the administrative capacities of local governments; enhancing transparency and accountability to combat corruption; and developing tools and programs to bring back the human capital abroad.**
- **International community support: the international community can play a critical role in providing some financial and technical resources to implement decentralisation.**

1- Introduction

Since the beginning of 1990s, the international community showed tendency towards the adoption of decentralisation in post-crisis countries, as a gateway for conflict termination and peacebuilding[1]. Decentralisation now is on the top of agendas of world development organisations, such as the World Bank and UNDP, which supplied local governments with resources, and supported local capacity building[2]. The spread of decentralisation has been enhanced by a variety of pressures, such as the poor government performance, urban expansion, democratic transition and shift of international donors' strategies and community demands[3].

Decentralisation, according to its partisans, is an effective and efficient governance mechanism that contributes to conflict termination and peacebuilding and sustainability in the country, through the provision of institutional structures that ensure the involvement of the struggling parties in the political decision making processes, and provides important opportunities for development, both political and economic, which are the cornerstone for the end of discrimination and marginalisation and transforming social struggles from violent ones to peaceful political competition that is waged within democratic institutions.

Regarding peacebuilding, decentralisation provides an important factor due to its role in reconstructing the state institutions in a way that ensures everyone's participation, especially in areas of conflict. Moreover, decentralisation grants citizens more means of participation in the government through the transfer of powers to local levels and reconnecting them to the Center after the geographical and political cleavages among the localities, on the one hand, and between them and the Center, on the other, owing to the ongoing conflict.

Also, inclusion of local communities in the decision making process and local development supports a fair development process, which mitigates tensions, both nationally and locally. On the one hand, making the decision-making positions more decentralised and closer to remote peripheries is supposed to play a role in reducing the risks of post-conflict state collapse[4]. Furthermore, linking these positions to the Center contributes to the realisation of stability, which is the basic pillar for peacebuilding.

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1 - حول المركزية واللامركزية في سورية بين النظرية والتطبيق، مركز عمران للدراسات الاستراتيجية، الكتاب السنوي الرابع، أيلول/سبتمبر 2018، ص118.

2 - تقييم تجارب اللامركزية في منطقة الشرق الأوسط وشمال أفريقيا: الدروس المستفادة للبلدان الخارجة من النزاعات، مبادرة الإصلاح العربي، 2019/7/31، تمت آخر زيارة في 2023/8/4، تقييم تجارب تطبيق اللامركزية في منطقة الشرق الأوسط وشمال أفريقيا: الدروس المستفادة للبلدان الخارجة من النزاعات – Arab Reform Initiative (arab-reform.net)

3- According to a research conducted by the World Bank in 1994, 63 out of 75 developing countries in the world, that are going through transitional stages, and whose population is more than 5 million each, announced that they have engaged in endeavors to transfer powers to local government units. For more, see: وتشرفت، بول، المركزية واللامركزية في الإدارة والسياسة، ترجمة عومرية سلطاني، سياسات عربية، العدد 51، 2021، ص 102

4- Benedict, Latto, "Governance and Conflict Management: Implications for Donor Intervention" Working Paper no 9. Crisis States Programme, Development Research Center, London School of Economic, 2002, pp 20,21.

As for political development; as decentralisation is closely correlated with democracy, in terms of transferring the power of selecting local officials to small units, it, also, provides considerable opportunities for the revival and enhancement of democratic citizenship; it is the first school for the empowerment of citizens, as well as politically and socially marginalised groups and creating their democratic spirit through their involvement in the management of their own local affairs. Additionally, decentralisation unleashes the potentials of creation and innovation , and allows experimenting different and innovative local policies, compared with the Center's inflexible and conservative ones .

Moreover, through enabling local actors to take local decisions, decentralisation plays a role in making a real change in favour of their grassroots and upgrading the horizon of relations with them, which may produce a new political class outside the dominant political parties and create more opportunities for marginalised groups, such as women and the youth, to engage in politics , taking into account that working in localities might be more appropriate for them than working at the national level, given the little resources required for local politics, compared with those required for the national politics.

As for women, working in localities enables them to balance their political activity and community responsibilities, while national politics often requires a move to the capital city and is generally a "full-time" job . In the same context, the local politics is an environment to educate political leaders and a gateway to involvement in the national politics. A relevant study found that 71% of women members of parliament had come into their posts after serving as councilors in local government .

Finally, decentralisation provides important opportunities for development. Decentralisation was primarily motivated by development, as people's needs and requirements are better fulfilled if those who are delivering them live among the people. Then, decentralisation expanded due to the variant local needs and inability of the government to plan accurately for local communities .

Decentralisation becomes even more important in post-conflict countries. The importance of decentralisation-development duality rises as a major peace gateway at the people's level; it allows the citizens to widely participate in the decision making process, which supports the drawing of development plans that are harmonised locally and nationally, on the one hand, and stem from the population's needs and territories' resources and potentials, on the other hand. This would realise civil peace, locally and nationally, through reflecting the local population's needs in an integrative approach that ties them to the other

5 - شاطري، كاهنة، تطور اللامركزية الإدارية، فرنسا والجزائر نموذجاً، جيل للدراسات السياسية والعلاقات الدولية، العدد 13، بتاريخ 13-1-2018

6 - يركيس، سارة والمعشر، مروان، اللامركزية في تونس: تعزيز المناطق وتمكين الشعب، مركز كارنيغي، 11 حزيران/يونيو 2018.

7 - يركيس والمعشر، اللامركزية في تونس.

8- Democracy and the Challenge of Change: A Guide to Increasing Women's Political Participation, National Democratic Institute, P 91.

9- Ibid, p. 91

10 - عبد الوهاب، سمير محمد، اللامركزية والحكم المحلي بين النظرية والتطبيق، مركز دراسات واستشارات الإدارة العامة، كلية الاقتصاد والعلوم السياسية، جامعة القاهرة، العام 2009، ص 39-40.

localities, which would enhance the recovery of community cohesion and identity building through economic exchange among the territo¬ries.

However, despite the opportunities provided by decentralisation, in practice, especially in post-conflict countries, decentralisation faces many challenges, which may, if disregarded, bring in adverse results that may lead to the state breakup, as was the case of former Yugoslavia[11]. Decentralisation in a country that has no robust institutional structures, or whose structures are completely different from the pre-conflict ones[12], may lead to distraction from the essential task of strengthening the central government's authority, especially in terms of monopolising the legal use of force, police, judiciary, use of state revenues, and fiscal and monetary policies[13].

Moreover, granting ethnic or sectarian minorities a degree of self-government, especially with the weakness of national institutions and fragile collective national identity, would strengthen sub-identities at the expense of citizenship and might enhance separatist factions, especially in the Third World countries, where the polities are fabricated and inherited from the colonial era[14] and suffer from the influence of foreign states, which support the warring parties; thus, the state structure is the result of agreement among many states that use their influences on local leaders, components, or communities, and that structure is solidified through a wide range of structural agendas and liberal economic transformations[15]. On the other hand, though decentralisation may reassure minorities at the national levels, it also may create new conflicts within the same local unit through inciting local minorities (which may be a majority at the national level) against the local majority, exactly the same as centralisation might threaten minorities at the national level[16].

The role of decentralisation in the launching of political development is also risky and full of challenges in developing countries, in general, and countries in conflict, in particular. Local elections may perpetuate the exclusion of the youth and women due to the society's masculinity, and the hegemony of family and tribe on the public life[17] . They may also perpetuate the authority of warlords[18].

11- Latto, Benedict, p 5.

12- Heijke, Merel and Dion van den Berg, Dynamics Between Decentralisation and Peace Building. IKV Pax Christi and VNG International, 2011, p6.

13- Max Weber says that, with the gradual emergence of rationalised state, the official structures of authority will be undermined by the power networks, and bureaucracy will be the means to transform the social act to a rationally organised act, and when the administration becomes totally bureaucratic, the resulting dominance order will be unbreakable. For more, see هوتشكروفت، المركزية واللامركزية، ص104، 105

14 - التنمية المؤسسية والمراحل الانتقالية، اللامركزية في خضم التحول السياسي، الإسكوا، 2013/10/22، ص 14.

15- Latto, Benedict, p 21

16- علي، أحمد إبريهي، اللامركزية المالية في العراق والتجربة الدولية، الحوار المتمدن، العدد 6050، تاريخ 10-11-2018
https://www.ahewar.org/debat/show.art.asp?aid=617681.

عبد الهادي، محمد، الفرص والتحديات ... اللامركزية وتشكيل النخب النسائية المحلية، المركز العربي للبحوث والدراسات، 30 أبريل/نيسان 2019، http://www.acrseg.org/41191

هوتشكروفت، المركزية واللامركزية، ص 109، 110.

Finally, regarding the role of decentralisation in development, studies showed negative results in the developing countries due to reasons arising from the weakness of national and local institutions and the unequal provincial capacities.

Therefore, some guarantees must be provided to avoid the negative impacts of decentralisation and make optimal advantages thereof.

First, in order for decentralisation to guarantee economic and financial efficiency, nationally and locally, there should be empowered central apparatuses, central management information systems, and a value system that makes it possible for the Center to give up the direct management and, at the same time, lead and supervise to control the whole public sector, so as not to exceed its limits, and then intervene with appropriate tools that harmonise the local governments' policies with the overall development efforts[19].

Second, decentralisation requires efficient local institutions that can well perform their functions; this is not available in many developing countries, especially the ones that went through conflicts that destroyed their institutions, killed trust among their territories, dispersed their human resources, and depleted their natural resources. Therefore, implementing decentralisation in such cases may lead to many risks, such as providing poor quality services as local administrations might be unable to fulfill their obligations properly[20] , which may lead the public to turn against decentralisation, as a system, and not only against the local administration. On the other hand, with the absence of good governance, decentralisation may double the government's functions, which leads to ineffective, overlapped, or contradictory policies throughout the country. Also, government's expenses often increase in decentralisation, because the number of elected or paid officials increases at all levels of polity.

Third, there must be severe legal anti-corruption procedures; implementation of decentralisation in post-conflict countries or countries in conflict may lead to the spread of corruption and weak enforcement of the law, especially in small localities where no accountability mechanisms are in place, because they are subjugated by certain community actors or lack qualified administrative capacities[21]. Enforceability of law diminishes with the remoteness from the Center down to the smallest community, where the pressure of anti-law interest groups increases, and the culture and social structures that support those groups are stronger[22]. On the other hand, the unequal distribution of natural resources, industries and job opportunities between one province and the other, may lead gradually to weakened laws

19 - علي، اللامركزية المالية.

20 -الشاكر، محمد خالد، بناء الدستور ومستويات الحكم اللامركزي: الحماية القانونية لفكرة عدم تركيز السلطة، المرصد السوري لحقوق الانسان، 26 تشرين الثاني/نوفمبر 2018.

21 - الشاكر، المرجع السابق

22 - علي، اللامركزية المالية

23 -الشاكر، بناء الدستور.

and regulations, or cause provinces to look for gaps in the laws to attract investments and capitals, which would entail a kind of negative competition among the provinces, reflecting, generally, on the state sovereignty and public policies[23].

Finally, transferring functions to sub-central levels might not bring in positive results, in terms of fair distribution of wealth and welfare; rather, it might cause more harm to the vulnerable and the poor.

So, decentralisation might constitute an important gateway for peacebuilding and stability, through the activation of political participation and fair development, but, it may cause the failure of all that if improperly designed, in a way that does not take into account the reality of the concerned state and its different territories, as well as the structure of national and local institutions, the nature of communities and distribution of their resources.

Therefore, and given that decentralisation is one of the major issues raised in Syria, in both the civil and political arenas, as a leverage of the political solution, that the political actors have different suggestions about it, and that the Syrian legal and political literature lacks such in-depth studies, in this regard, the Research proves to be significant, given the opportunities that decentralisation avail for conflict termination and peacebuilding and sustainability, as well as the constitutional guarantees that should be recognised in the political accord document, with a view to enhancing those opportunities and confronting the challenges and risks emerging with the transition to decentralisation.

2- Research objectives:

Given the importance of decentralisation on the agendas of all Syrian actors, and the different views of those actors of decentralisation manifestations, forms and extent, and given that decentralisation is one of the most important tracks towards peacebuilding and democratisation in many countries that suffered from conflict and divisions, we believe that it is necessary to consider the opportunities that a decentralised local governance system may introduce in Syria for conflict termination, peacebuilding, development and restoration of the country's unity; to view the risks and challenges of such transition given the Syrian reality today; and to view the constitutional mechanisms that can confront such

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23- الشاكر، بناء الدستور.

challenges and provide the suitable constituent structure to establish a local governance system that is acceptable by the community and can contribute to the peacebuilding process and turning the development wheel in Syria on. We hope that the Research contains some value-added for those who are interested in the democratic transition and peacebuilding, especially the ones who have influence on the Syrian question.

3- Research problems and questions:

The Research starts from a main premise that decentralisation is one of peace achievement tools in Syria on three axes: peacebuilding, people's participation, and development.

The Research also assumes that there are disparities among the powers controlling the country's three areas of influence, and their views of the solution, in general, and the role of decentralisation, in particular.

Based on that, the Research seeks to answer the following questions:

● What is the status quo of local governance in Syria, legally and politically?

● What are the aspects of solution in Syria and how do they intersect with decentralisation?

● What disparities do the conflicting parties have about the meaning and the required role of decentralisation?

● What opportunities does decentralisation have in achieving peace in Syria?

● What opportunities does decentralisation have in achieving community stability, turning the development wheel on again, and expanding political participation?

● What are the challenges of implementing decentralisation in Syria and how can they be overcome?

● What is the desired magnitude of decentralisation?

4- Methodology:

The Research used the qualitative research methodology and its tools (FGDs, in-depth interviews with key informants, document study, and direct observations of researchers.) to understand the opportunities and challenges of decentralisation as a gateway to solution in Syria.

4.1- Data source:

1. Focus group discussions.

2. In-depth interviews with key informants.

3. Studying and analyzing the relevant laws and documents.

4. Previous studies and research.

4.2- Research sample:

The Syrian Arab Republic was divided, according to the areas of control and influence, to three territories: The Center, Northeast Syria (NES), and Northwest Syria (NWS).

The Research sample includes key informants (community activists, civil and political actors in various civil and political entities, members of local councils, clergymen, community leaders, staff of administrative units) throughout the Syrian geography. The purposive sampling technique was used, taking into account the diversity and qualifications of sample individuals, as much as possible. The snowballing technique was also used during the data collection process. In this technique, the persons interviewed suggest other key informants in their community to be interviewed.

During the data collection phase, 10 FGDs were conducted:

- 2 in the South,

- One in the Middle,

- One in the Capital,

- 3 in NES,

- 2 in NWS, and

- One in the Coastal area.

The Syrian geography was divided into the following regions:

● The South: Sweida, Southern Rural Damascus, and Quneitra.

● The Middle: Homs and Hama.

● The East: Deir ez Zur, Hassakeh, and Raqqa.

● The Coast: Tartous and Latakia.

● The North: Aleppo and Idleb.

● The Capital.

The Regional Planning Law #26/2010 was used, taking into account the differences among the control areas and their extent to determine the distribution of FGDs.

For example, according to the Regional Planning, the North includes Aleppo and Idleb, and the East includes Hassakeh, Raqqa, and Deir ez Zur, but due to the control powers, we had to deal with samples from North Aleppo that is under the opposition's control, and from Aleppo city that is under the government's control.

No FGD was conducted in Daraa owing to the security situation there, and inability of any activist to participate physically or virtually.

Table 1: Distribution of Research Sample

			Total
Sex	M	37	86
	F	49	
Workshop modality	Physical attendance		10
	Virtual attendance		
Education	University or more	83	86
	Under university	3	

Table 2: Distribution of face-to-face interview sample

		M	F	Total
	Number		4	22
Participant's place	External interview	3	3	6
	Internal interview		1	16
Political affiliation	Affiliation with a political faction	6	1	7 (various affiliations from the Baath Party to AANES parties)
	No political affiliation		3	15 (activists in civil society and NGOs)
Education	Under university	1	1	2
	University or more		3	20
Interview modality	Physical			7
	Virtual			15
Age range				37 - 74

Figure 1 shows the theoretical framework of the Research, on which the interview and FGD questions were based.
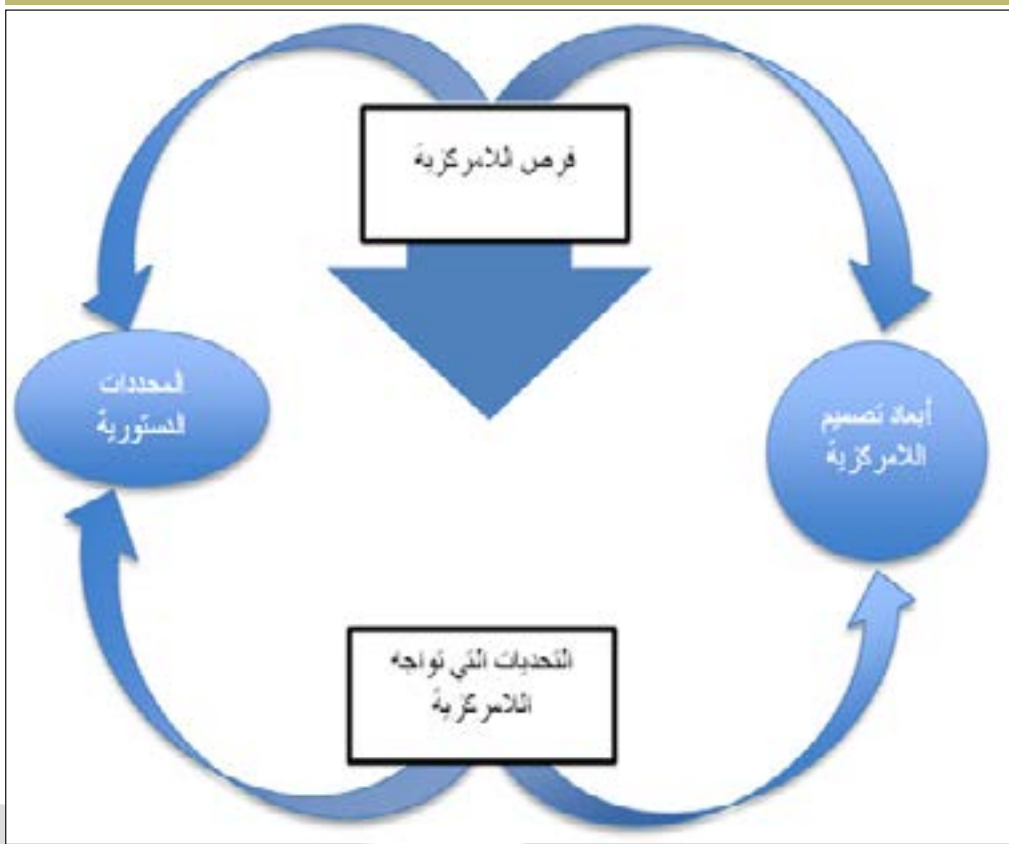

Figure 1: Theoretical Framework

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4.3- Research terminology

Decentralisation: the distribution of the state institutions' responsibilities and powers between the central and local authorities, whether through an administrative order, a law, or the Constitution.

Administrative decentralisation: the division of administrative functions between the central government and local administrative units, so that the central authority assumes the duty of fulfilling the general needs, of which all people of the county benefit. While local entities assume the duty of fulfilling the local needs that are specified to a certain geographical area.

Fiscal decentralisation: it shows to which limit local authorities are autonomous from the central ones, in terms of local resources collection and expenditure, whether through taxes, fees or productive enterprises.

Electoral decentralisation: it shows to which limit the power of choosing local officials is transferred to local units.

Political decentralisation: it shows to which limit local authorities are independent in choosing local officials and taking decisions on local issues. It is a term that combines electoral decentralisation and decision-making power together. Its summit is when local councils have the power of making local legislation.

Local governance: a term used by some countries to describe their administrative organisation instead of the local administration term. It does not reflect the depth of decentralisation in them; rather, it reflects to which limit the powers are distributed and the legal reference of this distribution.

Federation: a form of state, whose constitution stipulates that the legislative, executive and judicial powers are distributed between the central government and the provincial governments and that the provinces participate in the central politics through the provincial chamber of parliament. In this system, the provinces must take part in the constitutional amendments.

Unitary or simple state: a form of state, whose constitution stipulates that the central government has solely the three powers.

Component: a term referring to a population group that feels that it is distinctive from other population groups, whatever that distinction is: national, ethnic, religious, or sectarian, and whether the group resides in one geographical place or spread throughout the country.

5- Research outcomes: decentralisation as a gateway to solution in Syria:

As mentioned above, at any political settlement or peace agreement in a post-conflict country, often a new vision of the state governance system is introduced. Power sharing and absence of social justice have always been root causes of conflict, and institutions have been central elements of conflict among people[24] . This view of governance is represented by state restructuring through a process of distribution of powers and responsibilities among the provinces through federation, self-governance or decentralisation.

"The reason why decentralization, in its many forms, is being turned to by international peacebuilding efforts is because it can provide basic (rule of) law, security and dispute resolution, solidify peace accords, enhance women's participation/gender mainstreaming, and enhance peripheral minority or localized participation in government affairs"[25] . However, this process is risky, especially if formulated on a racial or sectarian foundation, because then, the divisions caused by the political violence and racial cleansing might be deepened, especially when the decentralised entities are weak and unprepared for post-conflict administration, as was the case in Bosnia Herzegovina.

Also, transfer of power "can exacerbate tensions between richer and poorer regions." Moreover, "the devolution can provide regions with the necessary institutions on which to base secession, as happened in the former Yugoslavia;" also, "minorities -including newly created minorities within devolved entities- might mobilise to demand further devolution."[26]

Therefore, there are different opinions about decentralisation's ability to safeguard the national unity under fragile government formations that arise after conflict or state failure.

24- Einar Braathen and Siri Bjerkreim Hellevik, The Role of Decentralisation in Peace Making and Conflict Management Processes, Norwegian Institute for Urban and Regional Research, Gaustadalléen 21, Box 44, Blindern, N-0313 OSLO, p 19.

25- Bevensee, Emmi, "Decentralization in Violent Conflict Zones: Views from the Periphery" (2015). Capstone Collection. 2772. p 17. Link: https://digitalcollections.sit.edu/capstones/2772

26- Latto, Benedict, p 5.

In Syria, decentralisation is one of the most important and controversial issues on the negotiation table between the government and the opposition, without having any agreement on its form, dimensions, and the Center's role in it.

5.1-The role of decentralisation in conflict termination and peace sustainability in Syria:

The experts' opinions showed that the implementation of decentralisation in Syria today is an important, and single, for some, gateway to terminate the conflict and the existing cleavage status in Syria. It also leads to peace sustainability and protection, through the great opportunities that decentralisation may avail to revive political participation and push balanced development wheel forward.

5.1.1- The opportunities that decentralisation in Syria may create for conflict termination:

The Research showed the pivotal role that decentralisation may play in conflict solution in Syria for many reasons:

I- Decentralisation as a peacebuilding means:

After more than ten years of conflict and the de facto division of the country to three areas of influence, the Syrian elites of all areas agree on the necessity to terminate the status quo as reflected in the different control areas, due to its negative and worsening impact at the national level, and the need for transition to democratic decentralisation. The elites interviewed have all agreed that the declination of development, its disparate territorial levels due to the centralised economic policies, and the disparate developmental practices across the territories, have been among the most important factors that generated and motivated the Syrian conflict; the conflict erupted in the most marginalised areas.

The participants have unanimously agreed that decentralisation is the optimal solution to start

a balanced development process that takes into account the socioeconomic and human differences among localities. They also agreed on the need to reach a democratic and real representation of the people at both the central and local levels, through the creation of a proper democratic governance form that opens the floor for people's participation and takes into account the cultural and territorial considerations within the framework of the national interest that cares for everyone.

However, the participants assured that this can be achieved only through the existence of a strong center that keeps sovereignty powers at the national level, and shares powers with the localities, so that such participation would take the characteristics and distinctions of localities into account.

II- Decentralisation realises the interests of de facto authorities:

As mentioned above, owing to the conflict, Syria is currently divided into, at least, three de facto areas of influence: the government-controlled areas (GCA), NES, and NWS. Each of them has its own political system and foreign relations, as if it were an independent entity. So, the essential challenge of conflict-terminating, peacebuilding in the country and protecting it from division, is how to reunify these areas in a national, agreed on, political order.

Though distrust among these areas and the powers dominating them is one of the major reasons of the conflict, it can be a motive for these powers to accept decentralisation, given that none of them can determine the conflict end by military force, and that decentralisation is one of the most important solutions to avoid the country's cleavage.

Currently, the central government does not control the whole country's territory, and it has benefits of recovering control over the out-of-control areas, especially the ones with plenty of resources. So, the socioeconomic pressures and the imminent division risks, may push the regime to develop a participatory formula, through which it recovers its strength, retains its sovereignty powers at the national level, and shares some powers with the localities.

As for the de facto authorities in the other areas, official transition to decentralisation is an essential condition to bestow local legitimacy upon the de facto governments, through the current Center's recognition thereof and ensuring their people's support to them, which would pave the road for a concili-

ation process, through which the warring parties' interests are realised.

Also, some of the de facto authorities, felt the burden of responsibility and realised that they need the Center, due to the magnitude of the economic and political challenges imposed by the geopolitical situation.

> "It has interests in recovering the relations with the localities; the central government governs a relatively small geographical area of Syria with limited economic resources, and where minorities exist, and this is its winning card or ladder to power. These interests will not be realised without restoring its relations with the localities. Another narration must be talked about -the victory narration- which it cannot talk about without recovering the relations with the localities and the whole Syria. I mean here the regime as a whole, and not specific persons."
> -AnInterviewee.

In NES, for example, after the experience of running the localities, managing the alliances and imminent risks, and the difficulty of running the area regardless of the Center and balances of regional powers, some influential voices started to push for the adoption of the principle of accepting what is possible in the current complicated situation.

On the hand, decentralisation may satisfy these areas' hunger for self-governance through granting them a degree of state power to help them maintain their culture, as a compensation for the few opportunities they have to affect through parliamentary representation. The power transfer negotiations may, themselves, discuss these issues and contribute to the state legitimacy.

III- The role of decentralisation in activating democratic political participation:

The Research results show that decentralisation may expand political participation locally, and, thus, realise some progress in the democratisation process, even if locally, through the transfer of power of selecting local officials to local population and involving them in the management of their local affairs , taking into account that decentralisation may allow the inclusion of weak political parties, such as territorial and ethnic parties, which often proliferate during democratic transition and conflicts, in decision making, especially those relevant to their territories. In the same context, some participants saw that a well-designed decentralisation give women and the youth opportunities to be engaged in politics. Thus, decentralisation may provide opportunities to activate political participation in Syria, which has been confirmed by the interviews that expressed the attitudes of some de facto authorities.

IV- Electoral decentralisation accords with the practices of both the central and de facto authorities:

All authorities that are controlling areas of influence in Syria have used a form of election to select members of local institutions. Through Law #107/2011, the Syrian Government determined that elections are the means for membership of Syrian local institutions, such as the local councils and executive bureaus[28] , save for certain positions. Then, it established this principle constitutionally by means of Article 131 of the Constitution, which stipulates that the administrative units must have elected councils, selected through public, confidential, direct and equal elections. The central government kept organising local elections despite the conflict.

> Studies that I participated in during 2009-2010 revealed that the Syrian conflict lines have been drawn along the poverty lines projected in those reports. The marginalised areas had more readiness to host terrorism or any party they deemed savior of any kind. Lack of development enhanced the ignorance on which the different hostile ideologies were built during the conflict. Moreover, lack of development worsens the service, economic and social status."
> - An Interviewee from Damascus.

In NES, a try to organise elections took place in 2018, but it stopped at the third phase due to security reasons and local conflicts.

Also, in NWS, some local elections were organised, especially between 2015 and 2019, but they were very limited.

Now, local elections seem considerably stopped in NES and NWS, and partially in the GCAs (where the elections are mere formalities to a large extent).

V- Decentralisation enhances political participation in the Syrian political and partisan reality:

Though there are no precise statistical studies on Syrian political parties, and in the light of experts' opinions, we can say that Syrian territories are different in terms of political and partisan activity.

In the GCAs, the political activity is declining and the map of political parties is still limited to the traditional ones, such as the parties of the National Progressive Front (the Baath Party, Socialist Union Party, Communist Parties, Syrian Social Nationalist Party, etc.) and some parties that appeared after

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27 - يركيس والمعشر، اللامركزية في تونس.

28- Articles 19, 20, 21, and 76 of Law #107/2011

2011, though fragile and have declined social bases.

In NES, there is considerable partisan pluralism, but most parties have identitarian nature (Arabic, Kurdish, Syriac, etc.). The activity of those parties is limited to local level, and they revolve around the de facto authorities. Taken all that into consideration, electoral decentralisation may lead to those parties' participation in the local decision making, which would reassure them about their role, and then, lead them to open and seek participation in the national decision making.

> "In Tartous, there are the Baath Party, Syrian Social Nationalist Party and some communists without any basis of the youth."
> -   AnInterviewee from Tartous.

VI- Decentralisation enhances people's trust in the state:

The common feature of all Syrian territories, regardless of the authorities controlling them, is that people distrust their local officials. This is manifested in the weak participation of people in elections, because they have no hope of bringing their candidates to power, no hope of change, and a sense of uselessness.

On the other hand, the interviews showed that people distrust the central government apparatuses, or at least, have little trust in them compared with their trust in local leaders.

For example, most interviews assured that people, in most areas, resort to community leader, clergymen, and powerful men to settle their conflicts. And some assured that those leaders would act as intermediators even between the opposition factions and the central government.

> "The Center assumes the main responsibility, because it is responsible for the existence of deprived localities that have no development mechanisms or powers. This is caused by centralizing the economic power and activity, and, thus, the political one. We have two main areas where growth factors, and not development, are concentrated; they are Damascus and Aleppo, and, relatively, Homs."
> -   AnnInterviewee from Sweida

Decentralisation gives those local leaders, especially who are not affiliated with powerful parties that enable them to engage in national politics, the possibility to reach local decision making positions. Thus, in the end, it may lead to increased political participation. People might be motivated to participate in the electoral process to ensure that their trusted leaders reach the decision making positions.

5.1.2- The opportunities presented by decentralisation in Syria to realise development:

Development is one of the major motivations for decentralisation; people's needs are better fulfilled if the persons providing them reside among them. Therefore, since late 19th century, with the development of modern state functions, the disparate local needs, and the government's inability to plan accurately for local communities[29] , a strong trend towards increased decentralisation of functional responsibilities from the central government to local and regional governments, appeared[30] . Today, decentralisation is a priority on the agendas of world development agencies, like the World Bank and UNDP, which are trying to

> "In NES, the situation started with a state of ecstasy, then, people started to awaken and think rationally that the powers we were demanding were too much, and we had to think of Syria's geopolitics and the interference of other states and actors, as well as the Turkish monster and the Islamists."
> - AnInterviewee from NES.

provide local governments with resources and build local capacities[31] .

> "The Baath Party bloc is the only real system in Aleppo. The other parties are gatherings and formations of individuals and not real parties."
> -Interviewee from Aleppo, GCA.

The importance of decentralisation-development duality rises in the countries suffering from conflicts, as a major gateway to peace at the people's level; the inclusion of citizens in the decision making process supports development plans that stem from the population's needs and territory resources. This would realise civil peace, locally and nationally, through reflecting the local population's needs in an integrative approach that ties them to other localities, which would enhance the recovery of community cohesion and identity building through economic exchange among territories.

In Syria, many people view decentralisation as a gateway to peace, through supporting local development and reconnecting all territories economically. The experts interviewed have all agreed that the declination of development and its disparate territorial levels have been among the most important factors that generated and motivated the Syrian conflict; the conflict erupted in the most marginalised areas in terms of development. The experts attributed that failure to

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29 - عبد الوهاب، اللامركزية والحكم، ص 39-40.

30- Decentralization in Unitary States: Constitutional Frameworks for the Middle East and North Africa, published by the Center for Constitutional Transitions, International Institute for Democracy and Electoral Assistance (IDEA), and UNDP, 2014, p. 30.

31 - تقييم تجارب اللامركزية، مبادرة الإصلاح العربي.

many reasons, most of which are referred to the Center's domination on development.

Analyzing these opinions, we can say that there are some opportunities that decentralisation is hoped to provide for development and stability in Syria.

I- Enhancing development, nationally and locally:

Decentralisation provides development plans that take the differences among territories into consideration, which helps bridging the territorial development gaps and reducing the feeling of being marginalised.

> "The economic policy, which was concentrated in the hands of the authority's myrmidons and officials, was a major factor for the eruption of 2011 protests."
> -An Interviewee from NWS.

Central development plans in the past used to focus on the economic growth, especially in Damascus and Aleppo, and not on balanced development, which led to a huge developmental and economic disparity among the territories, especially in the case of eastern governorates and territories (Raqqa, Deir ez Zur, and Hassakeh) and northwestern ones (Idleb and Aleppo countryside). This marginalised the role of localities and neglected their specificities, limiting the issue to connecting the peripheries to the Center, politically, ideologically and security-wise, which isolated them from any apparent development process, framed them within the Center's development track, and subjected them to the Center's vision. All that denied the localities the necessary and suitable role in the development process, weakened the people's participation locally, and caused the community to be approached as a beneficiary, and not a partner, against a centralised power and monopolised resources and decision making.

> "These practices constituted an assistant factor in the emergence of local identities in some areas, as they were used as resorts to fight the government and get rid of marginalization."
> - A participant from NES.

On the other hand, the extreme centralisation weakened the national economy's flexibility against external factors, and led to serious economic results, such as the exodus of capitals, owing to the conflict, unsuitable investment environment, fluctuating prices and sanctions. All that was, according to some, aggravated by the Center's unanticipated decision of coercive shift from social market economy to a form of new economic liberalism.

II- Reducing inequality of resources:

Contrary to the central plans and policies, which improperly channeled the funds, causing a demographic effect, such as rural-urban migration, and a feeling of marginalization at the localities, decentralisation provides opportunities to produce development programs and plans that respond to local needs. This leads to bridging the territorial gap of human and financial resources.

III. Reducing corruption and favoritism:

Decentralisation and local good governance may create opportunities to combat the systematic corruption and prevailing clientelism, which came as results of the extremely centralised policies.

> "A main factor in the Syria conflict is the disparate development of the areas; the conflict erupted in the most marginalised areas, which is attributed to the fact that development plans were centralised and did not take the local distinctions into account. In fact, radical ideologies were easy to reach some areas, which were used as resorts to get rid of marginalization… the centralised economic policy, which was concentrated in the hands of the government people and officials, was a major factor of the protests."
> - A participant from Hama.

Since the 1970s, these policies created an alliance between some benefitting traders and influential officials of the Center. This alliance played a role in the development failure and territorial imbalance, which contributed, in the end, to the Syrian crisis.

According to some participants, Deir ez Zur Governorate, was extremely neglected by the Center, despite its abundant resources. While, according to others, the main problem in a city like Aleppo was the economic dominance of Damascus through networks of favoritism, and not through transparent governance systems.

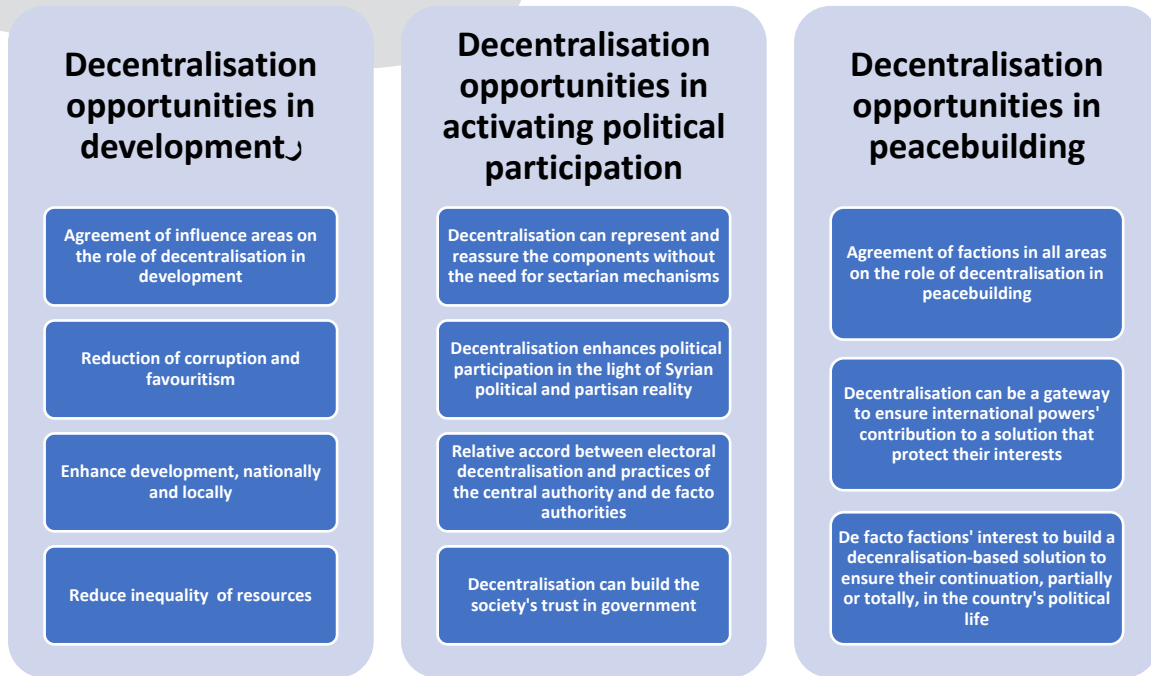| Decentralisation opportunities in development↲	Decentralisation opportunities in activating political participation	Decentralisation opportunities in peacebuilding
Agreement of influence areas on the role of decentralisation in development	Decentralisation can represent and reassure the components without the need for sectarian mechanisms	Agreement of factions in all areas on the role of decentralisation in peacebuilding
Reduction of corruption and favouritism	Decentralisation enhances political participation in the light of Syrian political and partisan reality	Decentralisation can be a gateway to ensure international powers' contribution to a solution that protect their interests
Enhance development, nationally and locally	Relative accord between electoral decentralisation and practices of the central authority and de facto authorities	De facto factions' interest to build a decenralisation-based solution to ensure their continuation, partially or totally, in the country's political life
Reduce inequality of resources	Decentralisation can build the society's trust in government	

Figure 2: Opportunities of decentralisation as a gateway to solution in Syria

5.2- Challenges and risks of decentralisation implementation in Syria:

Years of extreme centralism, especially after the conflict, entailed many challenges in the face of transition to decentralisation and may reverse the desired results of decentralisation and threaten the existence of the state, itself, and not its democratisation and growth only.

5-2-1 Challenges of decentralisation success

in achieving a peace agreement among the actors in Syria:

Historical experiences show that many risks are associated with decentralisation in post-conflict countries, whether due to the state structure dissolution, or the radical change in its pre-conflict state[33] . Decentralisation may become a factor of distraction from the essential task of

strengthening the central government's authority and undermining the administrative structure of modern state, itself . Therefore, the implementation of decentralisation, in the Syrian context of division and fragmentation, may imply risks that threaten the state existence and unity, because of the challenges produced by years of centralism and conflict.

I- No unanimity over decentralisation form:

Decentralisation objective of development improvement and upgrading social stability, in the countries where citizens lack a feeling of unity and commitment to the central government, might not be realised. In Iraq, for example, the lack of "unionist culture" affected the national cohesion and impeded the implementation of decentralisation[34] . While in Somalia, the political elite's division on the role of the Somalian state that should come to existence after the civil war, and the power sharing type, is it confederal, federal, consensual, or decentralised[36] , led to their failure in state building, so far[36] .

> "In Tartous, the components are not crystallised and have no accord on the form of government. Additionally, they do not have enough awareness to, first, distinguish themselves from the regime, and then, criticize the government form, and finally, propose a participatory alternative."
> -   Annterviewee from Tartous.

> "Aleppo people's ideas are not identical. Some of them don't care about the government nature, centralised or decentralised. If the [same form of government] continues to exist in Damascus, they support the idea of attaching themselves to Turkey because this is better than returning to Damascus. The other part of spectrum prefers sticking to Damascus, because they have organic interests with it. So, their interests do not go alongside with decentralisation. There is a wide range between these two extremes. To some degree, people fear the words of decentralisation or federation. Therefore, their options are either returning to Damascus centralism with the possibility of having Law 107 enforced, or belonging to Turkey (within a federal spectrum)
> -   Annterviewee from Aleppo

In Syria, there is no clear envisaging of decentralisation among the elites, of both the government and the opposition, alike. For broad currents of opposition, decentralisation became a magic stick to realise peace and development and sticking to decentralisation became a compensation for the political change dream, which the developments undermined.

If we look at the local governments generated by the conflict, we see that Syria's Democratic Forces view the political decentralisation as a perpetuation of the federal model, which does not reflect the precise meaning of the concept of polit-

34 - اللامركزية في العراق نظرة أخرى، الاسكوا- بيروت 2017، ص8.
https://www.unescwa.org/ar/publications/%D8%A7%D9%84%D9%84%D8%A7%D9%85%D8%B1%D9%83%D8%B2%D9%8A%D8%A9-%D9%81%D9%8A%D8%A9-%D9%83%D8%B2%D9%8A%86%D8%B8%D8%B1%D8%A9-%D8%A3%D8%AE%D8%B1%D9%82-%D9%%D9
35 - أفياري علمي، نظام موحد لامركزي نموذج ممكن لأرضية وسطية في الصومال، سياسات عربية، أيار 2015، العدد 15، ص14،15.
36- Ibid. p. 27.

ical decentralisation, as a guarantee of the components' rights and interests in the area, and the state unity, at the same time. However, this is not a popular unified attitude; there is Kurdish-Arab disagreement (identity-based stances) that has been caused by years of economic and cultural discrimination against, and marginalisation of the Kurdish component.

In NWS areas, many opinions can be heard of; in essence, they do not recognise the central government's legitimacy owing to the deep cracks caused by years of conflict.

> "LOCALLY, PEOPLE FEAR DECENTRALISATION, DUE TO THE LATEST TENSIONS. THEREFORE, IT MUST BE MADE CLEAR THAT THIS IS NOT A FEDERATION, NOT A SELF-GOVERNMENT, AND NOT A CALL FOR SEPARATION. THE SOCIETY REJECTS SUCH IDEAS FOR FEAR OF SEPARATISM ACCUSATIONS."
> -ANNTERVIEWEE FROM HOMS.

The scene becomes more complicated in the areas engaged in the conflict, where the domination is divided between the central government and the opposition. Some see that there are indications that Aleppo, the second city of Syria, in terms of importance, knows apparent division between the city and the countryside. Considerable social powers in the city, which have a kind of coherence and cohesion in their culture, traditions and experiences, may prefer to return to the Center's authority with some administrative decentralisation that a strong center, maintaining the power over sovereignty institutions (security, army and foreign affairs) guarantees, and gives the localities a wider margin to develop their own areas on an administrative basis and not an identitarian or sectarian basis. While a big part of the northern countryside prefers to deal with Turkey, due to the current authorities there and the considerable economic ties with the Turkish side. As for the government, it insists on administrative decentralisation as a reform track that started in 2011 and was crowned by Law 107 that the government deems a threshold that may not be trespassed. Moreover, it views any invitation to trespass it a call for divisional plans backed by foreign powers.

	NES	NWS	GCA
Decentralisation-De-velopment relation	Close correlation: de-centralisation would pave the way for real competition among administrations for joint development and exchange. Decentralisation would also enable local communities to enjoy their resources, even if partially.	Strongly correlated: no de-velopment without decen-tralisation. People struggle over resources or existence; when the resources are fair-ly distributed and people elect their representatives, no struggle arise.	There should be negotiation spaces with the central gov-ernment to open potentials for local field activity. Such spaces must be opened by the state to encourage the people contribute to the recovery and building of their towns. "Trust among communities and between communities and the state must be re-covered, to create gradual opportunities and potentials to build decentralisation based on people's experience on field, and not on external expert's opinion, who might give an idea as the optimal solution."
Challenges It is unanimously recognised that there is need for a robust center that acts as an umbrella for the various localities and control their work without excessive intervening in their affairs. Fair distribution of resources; division of decentralised units should observe from the very beginning that there are no very wealthy localities, on the one hand, and very deprived ones, on the other hand.	The resources avail-able can do nothing compared with the demand and the re-construction require-ments; localities are running their affairs on a day-to-day basis. No structural or con-structional stability. There is need for integrated economy and foreign econo-my. This depends on the power given to localities to borrow or request aids or the possibility of hav-ing direct funding that is not channeled through the center. It also depends on how localities would look for donors. "The Kurdish com-munity in exile will support the Kurds in Northeast Syria, while the extended clans in Arab coun-tries would support the clans in Deir ez Zur." Influence of foreign intervening; if there is an internationally supported political compromise.	Consequences of the conflict and the long years of despotism, in the first place; since the days of President Hafez al Assad, the laws were enacted and enforced to protect the cen-tral government's interests. Solving the accumulated problems, such as HLP issues, which caused so many unsolved problems. Any form of governance would face problems at the beginning. Therefore, tran-sitional solutions should be thought of, issues must be prioritised, and then, big, accumulated problems are dealt with. Fragile infrastructure and extreme social disruption.	The war end and having a po-litical solution and decision to end the Syrian political blockage. Rebalance community blocs to allow them to resume their economic activities. Revive the middle class, which is necessary for real politics and democracy. Return of all human expertise abroad, whether industrial, commercial, local or civil. A real development is im-possible under the ongoing struggle, despite the assis-tance, resources of crossings, and external funding which is no more than 30% of the pre-conflict budget.

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	NES	NWS	GCA
Decentralisation definition from the controlling actors' viewpoints in the three areas	Adopting local governance with broad authorities (up to federation) in a way that serves development goals in every locality based on its uniqueness and ensures the use of its resources in its development.

Ensuring exchanges and being finally under a unified central authority for the whole Syria.

Decentralisation is a means to maintain the country's unity, prevent its disintegration and fragmentation, because it gives people the confidence that their peculiarities are respected, and demands are met. Therefore, there will be no need to think of separation or any kind of independence. | One may not talk about administrative decentralisation only; we have to talk about political and economic decentralisation; every area has its own resources and administrations, which are like federations, but no one dares call them like that.

Political decentralisation is necessary; people do not submit to the current regime's control in Damascus.

No form of governance can work under the current authority. | Decentralisation is real development and implementation of Law 107.

"I am not utterly with the Syrian state federalisation, but also I am not with administrative decentralisation, as is the case of Basra and North Iraq. I am with the same current regime after developing some articles for the people to feel that its demands have been met." |
| The legal protection required for decentralisation. | Having a constitutional text providing for decentralisation, as part of the social contract, and ensuring the rights and duties and commitment to Syria's unity and the localities' commitment to the center. | Providing for decentralisation in the Constitution. | Start enforcing Law 107 and amending it, as needed. |
| Decentralisation forms | Asymmetric decentralisation that is built on existing identity in the area, because that would take into account the currently controlling actors, support stability, and achieve the required development. | Asymmetric decentralisation; we cannot talk about a readymade decentralised system that is similar to any system applicable in any country; we have a society suffering from immense economic bleeding and mistrust among its components. | We need governance on phases; we need to agree on the shape of decentralisation.

Supporting the center's institutions, today, is essential to build any political solution. if these institutions are weak, they cannot confront the international powers' plans. |

Table 4: Different conceptions of the desired decentralisation among control areas

II - Localities mistrust the Center:

Though the central government existed before 2011, the state-citizen relation experienced long periods of mistrust, due to corruption, authoritarianism, absence of democracy, and low levels of rule of law. The gap was deepened after the conflict due to the geographical detachment of territories and the psychosocial conditions, which killed the faith in the central government. This status was fueled by the exchanged military campaigns. Based on the interviews, we can basically distinguish between two types of localities, in terms of their relation with the Center.

> "No trust in the local authorities, as the role of those councils is distrusted, as well. Also, the results [of elections] are based on the results of the [Baath] Party's internal consultations."
> -   Annterviewee from Latakia

> "In Aleppo, the community of Aleppo does not believe that the local authority is really a local authority, and not a channel to reach the central authority in Damascus."
> -   Annterviewee from Aleppo.

The first type includes the localities that are still under the Center's control. In some units, the Center managed to build acceptable relation with the actors controlling the local institutions, on a basis of mutual interests or loyalism. The Center managed to build a network of favoritism with many socio-economic structures. In some areas, such as the coastal area, this was built on confidence and loyalty. However, this relation remained at the level of local officials, as the central government focused on the continuation of control, by imposing conditions that ensure the Center's control continuation, either through the upper power, or through the notables without any true participatory relation. This is confirmed by the weak people's participation in local elections, even in the areas where the central government's loyalists constitute a majority.

The second type includes the localities which became out of the Center's control after the conflict, and started to act as states, running vast areas in NES and NWS. This status dictates the need to sit to the negotiation table and discuss the demands of both the Center and the localities.

Regarding the localities, in general, the Center deals with them only through its legal system.

The experts agree unanimously that the Center does not have the will to develop any participatory formula with the localities; it fears of having that interpreted as weakness that may cause it to give up the power, or part thereof. Currently, the Center believes that there are many forms of participation through the existing institutions, regardless of the conflict impacts; these forms are at the national level (the Parliament) or the local level (local councils), or through popular organisations and trade unions. There is no will, at all, to change these channels; a participation desire would weaken its power, and it does not want to build the necessary tools for such participation, or even any form of political or partisan pluralism, or participation in administrative and economic affairs. Some see that it is not serious even in enforcing and activating Law #107.

> "The regime's mindset and way of thinking, as well as the formulation of the Constitution and the laws, need a change; it enacted Law #107, which looks good, if looked at from a distance, but, in practice, everything is in the Center's hands."
> -   A participant from Rural Damascus.

Most participants, from all areas, assure that the central government is not ready for any real sharing of power with the localities that may lead to negotiations about the Center's powers. The regime seeks to reproduce itself in old fashion, through some renewed replacement of favoritisms based on the domain and context.

Area	NES	NWS	GCA
Local community-center trust (After 2011, the conflict affected the relation with the authority, and then with the Center) Deep disagreement on the conflict-related narration.	Generally, there is no trust, because the central government is not trusted to have the desire to turn the development wheel on and realise fair distribution of wealth. Also, the central government is not trusted to fulfill the demands of some components (Kurds, Assyrians and Syriac)	State of hostility and enmity. Complete hostility with the central government owing to 2011 events. Moreover, there is sheer ideological and cultural disagreement with the center.	Very weak trust due to the economic conditions. There is community division. A part is deeply tied to the government structurally and historically based on the mutual interests. While there are deprived and marginalised groups who have no trust in the government, but their influence is negligible.
The localities-center relation	Parity-based relation. The central government collapsed after 2011 and it governs only parts of Syria.	Aggressive relation. Mistrust existed before the conflict and worsened after the excessive violence.	There isn't one single form of the community-state relation; it differs from one area to another based on the closeness to the center in terms of services and loyalty.
Status quo of local authorities Some of these authorities receive offshore support, which makes them subject to regional and international influences.	Robust authorities that have legitimacy and centrally administrate their areas.	There are robust authorities that have relative legitimacy because they provide security and services and centrally administrate their areas. Of course, there is big difference between North Aleppo, where local authorities have no legitimacy due to their affiliation to the Turkish government, and Idleb, where the authorities provide security and services.	Trust has deteriorated due to the economic conditions and dominance of the centers which is held accountable. But there are no local authorities or alternatives combating the center's legitimacy. The central authority does not reflect real representation of Syrians, which entailed mistrust in the center's officials.

Table 4-2: Trust between the Center and local communities in the various control areas

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The Center's will and ability to share power with localities. Control over groups and (community entities through favoritism and not a standardised citizenship pattern. The state has evolved	The ruling regime cedes to all foreign actors, but never cedes to negotiate the form of governance.	The ruling regime does not see any actor, because it considers any cession in favor of the people as its end.	There is no will, because the will to share will weaken the authority. The center does not have the tools needed to build such participation or any form of political or partisan pluralism, or even participation in

III- De facto authorities and their foreign connections:

The interviews showed that the negotiations between the Center, and its foreign allies, on one side, and the de facto authorities, and their allies of supporting states, on the other side, may result in compromises, in which the local population's interests are not a priority, and lead to a type of de-centralisation that serves the de facto authorities, including warlords, and is influenced by the supporting states' agendas, which would make peace sustainability subject to their accords and interests.

However, if no negotiations are embraced, this means long episodes of violence between the Center and the peripheries, within broader circles of engaged regional and international interests, which may lead to division.

On the other hand, even if foreign factors are neutralized, perpetuating the distribution of power among the local de facto authorities may enhance the sub-national identities at the expense of citizenship, which may entail adverse effects, strengthening the separatists and threatening the national state unity, especially in newly emerged states, as is the case in our region, where the nation and the state are not identical, due to historical circumstances, which will not be thoroughly discussed here.

> "The major challenge today is the absence of international accord regarding the Syrian question; there is a regional order without clear features, and we do not know where Syria is in this order."
> -A participant from Raqqa.

The fears of some districts' separation are justifiable in the Syrian situation, regardless of their trueness. The conflict gave powerful local authorities, running vast areas through political, military and security apparatuses, foreign relations that are independent from the Center, and economic ties, exchanges and networks with the neighbors, regardless of the central government.

In NES, for example, some localities believe that they have realised advanced stages on the way towards their national ambitions, because, they, now, have many powers, authorities, and stable administrative structures. Moreover, they receive regional and international support from the USA and Iraqi Kurdistan, which makes them in a strong position, from their point of view. However, regional pressures, by Turkey and Iran, for example, and the absence of international accord on the shape of local governments, push the de facto authorities to reconsider the foregoing factors and indications, to conclude that federation, for example, is not an acceptable form, and may be born dead.

> "Now that each locality is a center by itself, it will be a major challenge to withdraw the powers from the localities, persuade them that there is another center, and to strengthen the Center, so that it can run the localities and coordinate among them, as this is its function."
> -A participant from Hassakeh

5-2-2 Challenges of decentralisation implementation in Syria regarding political participation:

A long history of extreme centralisation and absence of democratic practice, pre- and post-conflict, created a set of challenges that may face the desired opportunities of decentralisation, in terms of active political participation.

I- Absence of electoral democratic culture:

The first challenge that democratisation may face in Syria is the existence of a long history of non-democracy, which casted a heavy shadow on the different areas of control caused by the conflict. If we look at local elections, for example, we see that in GCAs, elections are distrusted; the community view them as a mere formal process with ready-made results. Even in the areas that are known for their loyalty to the Center, Tartous for example, local authorities are distrusted as the role of the councils is distrusted, as well. Also, the results [of elections] are based on the re-

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sults of the Baath Party's internal consultations. Last elections proved that the local community of Tartous tended to reject the Baath Party's authority or the usual faces. This was apparent from the many objections filed against the local elections' results.

In NES, there have been no real elections since 2018. At that time, there was a try to organise popular elections in the so-called federation, covering the area from Derik to Afrin, but it stopped at the third phase due to security reasons and local conflicts. Now, AANES appoints the directors of local councils, under which there are seven different administrations that are appointed through local conferences. Active members of community are invited and some of them are selected consensually. Now, they act as transitional councils until the elections, which have been delayed and hindered by the different conflicts, are organised. Though we understand the current complexities of security problems, conflicts, power exchange, and different interests of Arab clans and the Kurds, which makes such elections impossible, one can say that we are before a state of authoritarian centralisation that is exercised at a narrower local level.

In NWS, there have been no elections since when the Organization for the Liberation of the Levant and its allies took control of the area.

II- Local population's negative attitude of local authorities:

The trust between the people and localities is not limited to the absence or formality of the electoral dimension; it appears through other indications, such as the failure of local authorities to achieve stability and security and to provide the basic services, needs, infrastructure and development projects. The ambitions have been huge for some, who viewed the areas as "liberated" from the central government, but still suffer from deterioration at all levels. The gap appears in the way of conflict-solving. The population resort to tribal solutions, informal arbitrations, intermediations to find compromises, or even personal relations with security apparatuses. Some mafias recover personal right in return of certain amounts of money. These ways are common in all areas, though the GCAs know higher levels of resorting to courts than other areas.

Interview analysis show inverse proportionality between the local authority' closeness to the Center and people's trust in it. The more a local authority is affiliated to the central one, the more distrustful it is for the citizens.
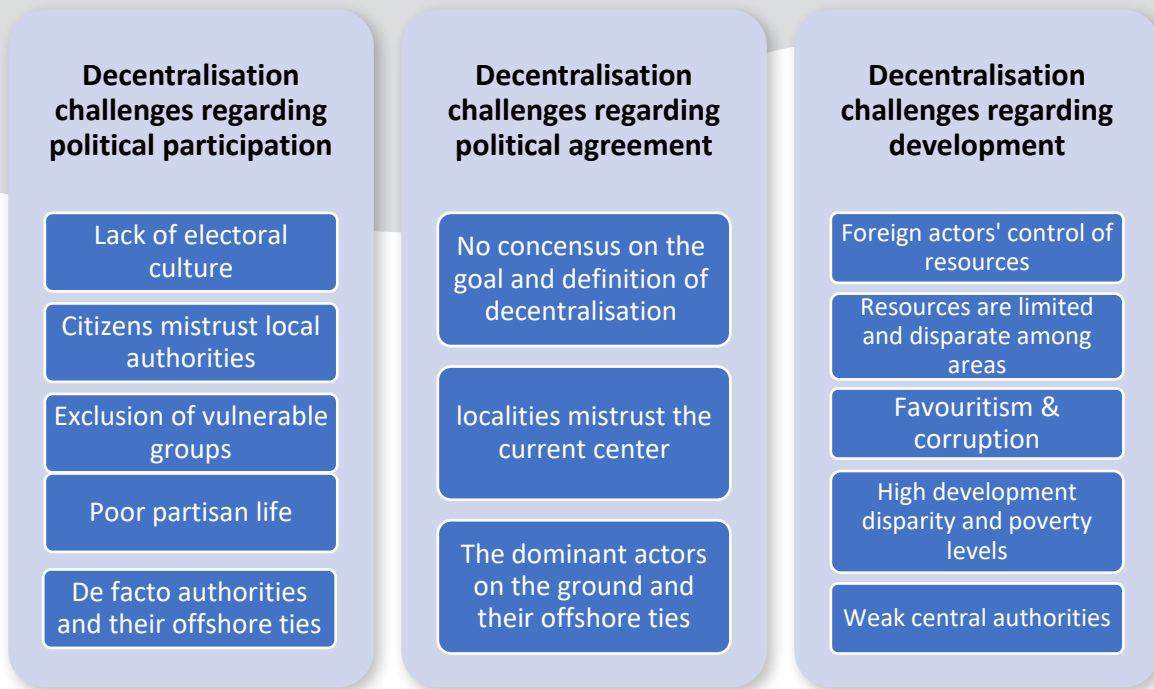
Decentralisation challenges regarding political participation	Decentralisation challenges regarding political agreement	Decentralisation challenges regarding development
Lack of electoral culture	No concensus on the goal and definition of decentralisation	Foreign actors' control of resources
Citizens mistrust local authorities		Resources are limited and disparate among areas
Exclusion of vulnerable groups	localities mistrust the current center	Favouritism & corruption
Poor partisan life		High development disparity and poverty levels
De facto authorities and their offshore ties	The dominant actors on the ground and their offshore ties	Weak central authorities

Figure 3: challenges of decentralisation
as a gateway to solution in Syria

Local authorities	NES	NWS	GCA
Elections	None	None	Formal
Trust	Weak trust owing to AANES dominance, but it is the best existing one.	Weak trust owing to traditional community actors' dominance, but they are better than pre-2011.	Weak trust owing to the Baath Party's dominance and favoritism network.
Source of legitimacy	Appointed by AANES, except for the cantons.	Appointed by Organization for the Liberation of the Levant, and by Turkey in some areas.	The local authority is a version of the central one.
Components' opinions	Arabs and Kurds have disparate views. Arab clans mistrust AANES; there are acute conflicts fueled by foreign actors (USA, Iran, Turkey).	No apparent disparity	Generally, no disparity; the government tries to please all components.
Warlords	The unified administrative and military order reduced the chances of such personalities to reach the decision-making positions.	Those who have arms, have the upper hand.	They exist in the government's structures, in the opposition structures and even in civil society structures. They have more power in contact zones because they play a vital role in supply chains. Recently, their role declined in favor of giving higher role to the Party.
Conflict-solving ways Most of these ways are common in all areas, though the GCA know higher levels of resorting to courts.	People resort to tribal solutions, unofficial arbitration, or intermediation to have compromises. Local courts.	Resorting to intermediators. *De facto* actors. Tribal solutions. Sharia courts.	Mafias that restitute rights for a certain amount of money. People resort to courts if they are financially capable.

III- Exclusion of marginalised groups:

It is well known that local elections in developing countries often exclude the youth and women due to the community masculinity and the dominance of family and tribe over public life[37]. Results of the local elections in GCAs in 2022, are the best evidence of this; the percentage of women candidates constituted only 18.8% of the total candidates[38], while the percentage of the winning women candidates did not exceed 11%[39], though the Baath Party had instructed its branches to vote for women[40].

IV- Weakness and nature of political parties:

The Research results showed the people's refrainment from partisan involvement in GCAs and NWS.

In GCAs, the map of political parties is limited to the traditional one, despite their weakness and declined social basis (Baathists, Nasserists, Communists, and Muslim Brothers).

In NES, the parties have an identitarian nature (Arabs, Kurds, Syriac) and their activity is limited to the local level. Though the implementation of decentralisation in such cases may provide a serious opportunity to include these parties in the local political process, it implies a great risk of bringing traditional powers, or even warlords and militia leaders, to membership of local institutions.

In post-conflict countries, where local powers dominate and national parties are weak, as is the case in Syria, elections are expected to grant warlords the opportunity to perpetuate their power.

The Syrian People's Assembly's formation, produced by the 2016 elections, confirms these fears. It brought into the Assembly many clan sheiks, warlords and leaders of military and security groups . It is true that parliamentary elections in Syria are mere formalities, and their results are

37 - عبد الهادي، الفرص والتحديات

38 - قسم المتابعة والأبحاث في حركة البناء الوطني، حوكمة التنمية المحلية في سوريا خلال مرحلة التعافي، مقاربات محلية، حركة البناء الوطني- سوريا, 2022,ص. 24.

39 - قسم المتابعة، حوكمة التنمية، ص 41.

40 - عواد، زياد، وفافييه، أغنيس، الانتخابات في زمن الحرب مجلس الشعب السوري (2016-2020)، الناشر غير معروف، 30 نيسان 2020، 11. 2019/index.php/https://medirections.com- 26-12-08-05-L,06-wartime/2020/27-50-15-07-05

41 - عواد، وفافييه، الانتخابات في زمن، 27-26.

determined by some bodies and apparatuses of the central government, but the formation reflects the regime's view, in general, of the community's mood and the prominent role of those groups.

The experts' opinions confirm this risk; in the three areas, the warlords' dominance on the trade among the regions, especially in contact zones, affected the local decision.

In the GCA, and with the conflict freeze, they became businessmen, running their own enterprises, and their dominance means changed from arms to power and money. Now, they influence the local authorities, through funding and supporting certain candidates, who work for them. After 2018, they started to have representation in the parliament and local councils.

> "In NES, like all Syrian areas, we lack human resources due to migration and displacement. While in NWS, they have plenty of human resources, because, in recent years, there were capacity building and empowerment efforts. In Aleppo, for example, there are no traders, as in the past, but new traders who have no experience or considerable capitals. The new generations are not as experienced as the old one. This is not to belittle their potentials, but to say that age and experience have not qualified them to be deemed as an important human resource."
> -A participant from Deir ez Zur.

V- De facto authorities and their foreign connections:

The conflict resulted in new de facto authorities, on which settlement agreements would bestow political legitimacy, regardless of the citizens' will. No need to say that those local representations are military ones produced by years of civil war in a complicated internal-external interaction process. Though a decentralised governmental system may, as mentioned above, serve the interests of those authorities, as winning local elections may change their de facto legitimacy to de jure legitimacy, the relation of those authorities with the supporting foreign powers may put the whole democratic transition at risk.

5-2-3 Challenges of decentralisation success to achieve development in the current Syrian context:

The decentralisation-development duality, as a major gateway to peace, at the people's level, confronts a set of challenges in the Syrian context, which may abort the development process and entail reversed results, for many reasons.

I- Foreign powers' control of resources:

Foreign powers have some positive impact, through the efforts of donors to raise some funds that are necessary for development, and some roles that are viewed locally, based on the area, as factors of political and security stability. However, those interventions may constitute the major hindrance before development, in case decentralisation is implemented, because those powers control the resources, through their alliances with some local leaders. This may perpetuate the foreign interests by legitimising the warlords' rule, granting them immunity from prosecution, and laundering their money through re-investments.

There's fear, here, that a rentier economy might be supported at the expense of production, which would lead, in the end, to the abortion of development and to a kind of illusive peace through a kind of power sharing among sub-national community actors, which would adversely affect the development process.

> "Today, warlords play a negative role against decentralisation, which may constitute a kernel of a solution. This, to a large extent, might be the result of their exploitation of the state role absence and its inability to play its sovereignty role, which enables them to play social roles as leaders, who seem to protect security and stability in the areas across conflict lines. They are not interested in solving the complicated problems along the conflict lines and moving towards a new form of relation among the areas. They have advantages of keeping the areas in a state of tension and struggle. In fact, today, no one can deny the mutually beneficial relation between the ruling authorities and warlords, especially in GCAs. This is attributed to the coercive economic sanctions imposed on GCAs and their need to resort to various ways to escape the sanctions through local community leaders and warlords."
> - Participants from NWS.

> "The internal factor is summarised by the fact that the community is approached as a beneficiary and not as a partner, because we view the community as a beneficiary and not a partner. This has been accumulating for years, even before the conflict."
> - A participant from Homs.

II- Weak popular participation in development:

Popular participation in development takes different shapes. It may appear as participation in activities of voluntary teams and NGOs, or as manifestations of freedom of

expression through protests and demonstrations, etc. But all opinions agree that popular participation has been weakened a very long time ago, and still, for many internal and external reasons.

This, however, does not negate the heightened level of community participation after the 2011 events, whether through voluntary teams or NGOs, throughout the Syrian territories, and for objective reasons, despite the constraints placed on such participation.

As for external factors, where the civil society has no role, they are summarised by capital flight due to the war and the restrictive policies in place, the bureaucratic procedures, investment approvals, various types of corruption, unsuitable investment environment, and price fluctuations. In addition to that, there are the international sanctions against Syria.

III- Shortage and unequal territorial distribution of resources:

Most interviews indicated that human and financial resources are unequally distributed among local units. This is attributed to many reasons: conflict circumstances, different magnitudes of territorial destruction, and the government's concentration on Damascus and Aleppo.

On the other hand, most opinions agree

that there is shortage of human resources in all

"The unsustainable economic system and distrust make the grassroots participation a short-run one, because there is no trust on the long run. This pushes Syrian citizens, who are overburdened by unbearable pressures, not to stake on long-term policies, even if they bring in economic advantages. It is more beneficial to them to have transitional clientelism or local enterprises to make their day-to-day living."
- Interviewees from Damascus.

The experts confirm that the currently available financial resources are insufficient, compared with the demand and requirements of reconstruction.

The insufficient human and financial resources, and their unequal distribution among the territories, may cause some local units to fail in fulfilling their obligations, or providing some services up to the level desired. This may gradually weaken the laws and regulations, cause them to be violated, or push people to look for gaps in them to mobilise invest-

ments and raise funds. This may entail a type of negative competition among the different areas and negatively affect the state sovereignty and general policies[42] . So, starting an asymmetric and unfair development process would, according to an expert, deepen the community and economic problems that place some areas in a superior economic and political situation, which would inflame the conflict over resources.

IV- Spread of favoritism and corruption:

The spread of corruption accompanies the implementation of decentralisation in the developing countries, especially in the small communities of local governments. This has many reasons, including lack of accountability mechanisms due to community considerations and shortage of administrative expertise[43] . Moreover, enforceability of law declines in remote localities, where the pressure of anti-law interest groups increases, and the culture and social structures that support those groups, flourish[44] .

> There are human resources, but unqualified and insufficient. Competence, here, is relevant to the experience and capacities of those resources. Also, there is a negative factor: the migration of elites from the localities to the Center, which has got excess of elites owing to that continuous migration. Financial resources are unequally distributed among governorates."
> - A participant from Sweida

According to experts, this risk is very high in Syria. Favoritism, corruption and marginalisation have been among the reasons of development weakness at the national central level. Those phenomena considerably increased in the localities and current areas of control, in addition to their ties with military authorities supported by foreign powers.

V- Increased development inequality and poverty levels:

As mentioned above, the Center's policies led to acute development inequality in favor of Damascus and Aleppo and in favor of urban areas against rural ones. The declination of development and its disparate territorial levels have been among the most important factors that gener-

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42 - الشاكر، بناء الدستور.

43 - الشاكر، بناء الدستور.

44 - علي، اللامركزية المالية.

ated and motivated the Syrian conflict; the areas where the conflict erupted had been the most marginalised ones. Therefore, bridging the development gap is a very pressing matter in Syria.

However, based on the experience of some developing countries, transferring the functions to the peripheries, with the existence of weak administrative staff and the spread of corruption and favoritism, might not bring in positive results, in terms of fair distribution of resourses and welfare; rather, it might cause more harm to the vulnerable and the poor. These things are expected to happen in Syria; the experts' opinions assure that corruption is prevailing in the Center and localities, in all current areas of control. Also, current experiences show that there are no real development activities, associated with the consumption of the available resources to keep alive.

> "[the government] does not have clear answers, nor does it have clear policies. Rather, it has inconsistent policies and instead of enhancing the decentralised policies, it enhances division. With the weakness of those institutions, they cannot confront the plans of international powers, interfering in the Syrian affairs. And if there is not a strong center, the relation with, or among the localities cannot be managed."
> -A Participant from Damascus.

VI- Weak ruling authorities:

Most experts' opinions referred to the weak authorities and institutions in both the Center and peripheries, on the one hand, and assured that the Center did not have the will or ability to develop a participatory formula of government with the territories. Some attributed that to its mentality, which is still governed by a long history of centralism. It is "able, but unwilling to develop a participatory formula with local actors. The Center fears the expansion of such formula to the national level." Another opinion saw that the current center is unable to build a participatory relation with the localities.

Therefore, no positive development results can be anticipated if decentralisation is implemented under a weak center, characterised by a strong tendency to monopolise all powers.

In this regard, an expert says, "supporting the Center's institutions, today, is essential for any efforts towards a political solution. With the weakness of those institutions, they cannot confront the plans of the international powers, interfering in the Syrian affairs. And if there is not a strong center, the relation with, or among, the localities cannot be managed. We need a decentralisation that follows the Center's strength."

5.3 - The Constitutional and legal mechanisms of transition to decentralisation:

As we have already said, the biggest challenge is the ability to reunify the country and integrate the territories voluntarily in one polity. Therefore, in order to terminate the conflict, and end the existing cleavage, which threatens the state existence, the dialogue should focus now on the determinants and mechanisms of building trust among Syrians, and reassure the various actors and areas about their role in the national and local political order, so that they constitute a cornerstone in a sustainable development project. On the other hand, such determinants should be interpreted constitutionally, whether through amendments of the existing constitution, or through a new, transitional or permanent constitution, so that they constitute restrictions on the current or coming central authorities, preventing them from manipulating the central system or transforming it to a formal system in service of the powers that dominate the central institutions, instead of serving the goals of democracy, development and sustainable peace.

In general, studying the constitutions of some countries that managed to terminate their conflicts and build democratic regimes through decentralisation, we found a wide range of constitutional mechanisms, that would transform decentralisation determinants to constitutional obligations. In other words, they would reassure local powers and territories, which had long suffered from centralisation and marginalisation, activate their political role nationally to ensure their interests and motivate them to open, and ensure that the national and local interests are aligned.

In order to reassure localities and build trust in the participatory process, some countries recognised the localities constitutionally. Other countries developed constitutional criteria for the formation of local units and setting out and amending their boundaries to be determined independently of central politicians' influences. In the same context, in order to activate political participation, some countries stipulated for the electoral decentralisation in the constitution. Furthermore, some countries developed the necessary mechanisms to ensure fair and inclusive representation.

> "[the Center] is unwilling and unable to build a participatory relation. I don't know if it is unwilling because it is unable, because there is a long history of non-participatory work, so, the other party does not have such culture. As for the willingness, we believe it is zero; during the crisis, centralism and singular voice were enhanced. It might be afraid."
> -A participant from Homs.

In order to ensure the participation of local powers in national politics, some countries adopted a bicameral system, in which a territorial chamber comprises representatives of territories, whether that representation is direct or indirect. Other countries developed their own legal systems of elections and political parties, with a view to ensuring the participation of local powers in national politics, as the electoral system is, actually, the usual means to realise such participation.

I- Constitutional recognition of local units:

For a long time, only constitutions of federal states recognised localities, while unitary states organised the recognition of localities by the law. However, by time, the constitutions of some multinational unitary states recognised local units, or at least, adopted a decentralised system, with a view to reassuring those components and territories by relieving them, in the constitution, from the center's domination.

The Syrian Constitution of 2012 recognises local units, in a general way. Article 130 thereof states, "The Syrian Arab Republic consists of administrative units; and the law states their number, boundaries, authorities and the extent to which they enjoy the status of a legal entity, financial and administrative independence." This general formula of recognizing local units is flexible, as it enables the status of such units to be modified by the law. And it is suitable for Syria today, with the existing displacement and immigration and lack of real information about the resources available in each locality.

However, this flexibility makes such recognition insufficient to guarantee the sustainability of those units, as this is determined by the parliamentary majority. Therefore, in order to rescue the formation of local units from narrow-minded political influences, it will be better to restrict the parliament's power in this regard, through solidifying these administrative levels, or, at least some of them, in the constitution. Moreover, it will be better to add an article allowing the creation of new units, if necessary, to ensure flexibility in the face of socioeconomic changes.

In Spain, for example, the Constitution provides clearly for the types of local entities, but it allows the municipalities of archipelagos to form groupings other than provinces, and allows the islands to establish their own administrations, be them insular or municipal councils[45] . It also allows the "bordering provinces with common historic, cultural and economic characteristics, [...] to form Self-governing Communities, in conformity with the provisions contained in" the

Constitution .

In a relevant context, it might be useful, for some territories with special historical, developmental, or cultural status, or even the ones that broke up with the Center owing to the Syrian conflict reality, to be mentioned, by name, in the Constitution to reassure them and ease their fears of falling again under the Center's domination.

II- Setting constitutional criteria for local units' formation:

In order to reassure the localities and integrate them in the participatory plan of decentralisation, it may be better to keep the issue of forming new local units and drawing their boundaries away from the tendencies of the political parties dominating the center. This can be done through the development of procedural criteria and conditions that control these issues and keep them depoliticised, and solidifying such criteria in the Constitution[46].

The Syrian Constitution did not comprise any specific or procedural criteria to control the lawmaker's decision on the creation of local units and drawing and amending their boundaries. This makes the formation or reformation of local units subject to the will of the powers dominating the central government[47] . Therefore, developing new criteria for creating Syrian local units and stating them in the Constitution is a very important and thorny matter.

Though it is better to adopt various criteria to serve the transition process, and reflect the reforms desired, this might be difficult in transitional stages, especially in the countries that witnessed community cleavage. Thus, using the existing infrastructure might be better, because it is less controversial, in addition to the people's knowledge thereof and familiarity with it. However, this may perpetuate the formerly used discriminatory policies and enhance territorial imbalances[48].

Therefore, it might be useful to adopt such criteria with some flexibility, so that it would be possible to modify the boundaries of such units in the future, if needed. Experiences of the countries that sought to solve this contradiction show us a set of solutions; some countries recognised

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45 - 1978 Constitution of Spain, Section 141.

46 - 1978 Constitution of Spain, Section 143.

47- 2012 Syrian Constitution, Article 130.

48- Decentralization in Unitary States:… p. 41-42

the existing boundaries, adopting, at the same time, mechanisms to modify them in the future, if that serves the broader reform.

In India, for example, "the existing boundaries were retained at the outset, but the national parliament was empowered by the constitution to unilaterally alter the boundaries of states. The state legislatures must be formally consulted, but their consent is not required."[49] The Constitution of Spain did the same, giving more power to local units. It stated that "In the exercise of the right to self-government recognised in (…) the Constitution, bordering provinces with common historic, cultural and economic characteristics, insular territories and provinces with a historic regional status […] to form Self-governing Communities, in conformity with the provisions contained in" the constitution[50].

III- Setting constitutional criteria to modify the boundaries:

The state may, due to changes in the economic and urban activity, or due to territorial imbalance of population, find itself obliged to alter, partially or totally, its administrative divisions to deal with these changes and retain the essential objective of administrative divisions, which is the self-administration of regions[51]. However, the boundary change goal might be to serve the narrow interests of the leaders of central institutions. For that, some states constitutionalised the criteria of boundary change. Such criteria can be classified as: standard constrains and procedural constrains.

The standard constrains mean the criteria that the legislator sets in the law or the constitution, obliging the authorities empowered to alter to take into account when proposing or deciding to alter the boundaries. Examples of those criteria include: telecommunication means, geographical features, population density, demographic trends, historical and cultural ties, infrastructure and economic feasibility, and opinions of local population. In general, these criteria differ from one country to another, depending on their circumstances and goals of the decentralised system.

As for the procedural constrains, they are the procedures stipulated to make a change. They vary; some of them deal with the suggestions for a change, while others deal with the ratification of suggestions and the suggesting body, though, in most country, such right is exclusive to the executive power or the legislative power, or both.

49-Bulmer Elliot, Federalism, International IDEA Constitution-Building Primer 12. 2nd edition, 2011, 26.

50 - 1978 Constitution of Spain, Section 143.

51 - عباس غالي داود، خالد محمد بن عمور، منطقة الجبل الأخضر في ليبيا: دراسة في الجغرافية الإدارية، مجلة الأستاذ- العدد 203، 2012، ص 1591, 1592

Some constitutions and laws stipulated that a commission that is independent from the executive and legislative powers must approve the suggestion for change. This is a useful mechanism that helps in forming sustainable units and reduces partisan exploitation[52] .

As for the ratification of changes, some constitutions bestow this power to the legislature solely, upon a proposal from the executive power. This choice is important, as the central government is in a better position to know if the local government to be formed can implement the national policies and consider the wider consequences of the change. However, it is a risky choice in the countries "dominated by a single political party", as is the case in Syria, or in the countries governed by parliamentary systems[53]. Therefore, we believe that it would be better to have the proposal made by an independent commission; this would mitigate the influence of such single political party or parliamentary majority on the process. Another possibility to prevent the dominant bloc from controlling the change process, is to stipulate that such law may pass only through a higher majority.

Another approach is adopted by some countries, which stipulates that "the population that would be affected by the change in internal boundaries may approve the change through a referendum." An example of that is the Constitution of Ghana, which distinguishes between the percentage of votes required for a boundary modification and that required for a merger. A modification may pass "if at least 80 per cent of voters (…) vote in favour of modification, and if the voter turnout is at least 50 per cent." In case of merger, "60 per cent of voters in each region facing merger must vote in favour, in order for the merger to proceed." This approach has considerable advantages; it gives the populations, who probably have better information about the need for change, a say in the final decision of modification. It also reflects more accurately the public opinion, bestowing legitimacy on the action taken. But, it is risky, as well, especially in non-democratic and divided countries, because people may vote based on partisan considerations, regardless of the common good and the development goals of decentralisation. Thus, it will be better to avoid this method in early stages, or mix it with the advising independent commission approach. Again, this is the approach adopted by the Constitution of Ghana, which "provides that if a commission of inquiry appointed by the president on the advice of the Council of State determines that there is a need and demand for change in a particular area, it will recommend that the president hold a referendum in that area."[54]

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52 - Decentralization in Unitary States:… p. 49-50.

53 - Decentralization in Unitary States:… p. 51.

IV- Solidifying electoral decentralisation in the constitution:

Electoral decentralisation shows to which limit the power of choosing local officials is transferred to local units. The lesser the central authorities interfere in the formation of local institutions, the deeper decentralisation is.

Enhancing the electoral aspect has a crucial importance in the building of the Syrian state legitimacy, especially after its cleavage to areas of influence, controlled by de facto authorities. Elections motivate people to engage in politics, and, if properly designed, they contribute to the formation of a governmental hierarchy, within which the various groups live together in peace. Moreover, they allow marginalised districts, minorities and all other groups to express themselves from inside the system, which would support the country's stability and loyalty to the state[55] .

Additionally, electoral decentralisation revives and enhances the political life, through enhancing the role of local parties and upgrading their relations with their voters. This also promotes tremendously the local units' independency, and thus, reinforces the administrative and financial aspects of decentralisation. The more elected members the local entities have, the more independent from the central government they are.

Back to Syria, we see that the 2012 Constitution stipulates that administrative units must have elected councils, selected through public, confidential, direct and equal elections. This text is important, but it has two shortcomings. It does not say whether the formation of the executive bureaus of local units is conditioned by elections, or whether that applies to local councils only. Moreover, the text gives the law the power to decide how the heads of those councils are selected by elections or by appointments[56].

While speaking about the electoral aspect, we have to say that some countries use the appointment approach for some positions in local executive councils. Though this is not a democratic approach, it may be a good solution in the early stages of transition to decentralisation. It may be useful for activating the Center's control over local matters, ensuring that national and local interests are aligned, and that the essential rights are protected in the elected councils dominated by warlords.

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54 - Decentralization in Unitary States:… p. 50-51.

55 - الشاكر، بناء الدستور.

56 - 2012 Constitution of Syria, Article 131.

However, to ensure the efficiency and effectiveness of the control provided by the appointment approach and keep it depoliticised and free of influences of the powers dominating the central institutions, appointed members must have sufficient guarantees, after their appointment, to be independent from the influence of the appointing body. This is a common practice in the texts relevant to the appointment of judges, whose independence is not jeopardized by their appointment by the executive or legislative powers[57].

Also, it is important to not give the appointment power to one sole person, whether the president or the prime minister, and to make the appointment decision a joint one between the two, or to give it to one of them under the condition that the other must sign it. Building a democratic system requires a balance between the legislative and the executive powers, and between the two branches of the executive power, whenever there is two. One of the practices used in mixed systems is that both the prime minister and president of the republic must sign all important decisions of the executive power, such as the appointment of senior officials and making internal and foreign policies. Of course, this also requires judicial supervision on both powers[58]. The same applies to parliamentary systems; where both the president of the state and the competent minister, or the chairperson, sign on such decisions. Other alternatives include the parliament's ratification, especially the second chamber, if any.

In presidential systems, where the executive power is concentrated in the hands of the president of the republic, it is better to make the president's power, in this regard, pending on the parliament's consent, especially the second chamber, if any.

Generally, and regardless of the state political system, the power to dismiss an appointed official must be restricted by certain criteria, in order to keep such matters depoliticised. It is possible, for example, to make the dismissal power in the hands of a power other than the appointment power. Also, a dismissed member may be given the right to object the decision before the body that makes the decision and before the competent court.

It might be suitable, as well, to prevent an appointed member from hindering the work of local institutions, limiting its role to informing the central government of decision shortcomings, initiating a judicial, administrative, or constitutional supervisory action, depending on the decision shortcoming.

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57 - الكبتي، نجيب أحمد محمد، اللامركزية بين الحكم المحلي والإدارة المحلية، مجلة البحوث القانونية، جامعة مصراتة كلية القانون- ليبيا، المجلد 5 العدد 1، 31-10-2017.

58 - شودري، سوجيت، وآخرون، النظام شبه الرئاسي كوسيلة لتقاسم السلطة: الإصلاح الدستوري بعد الربيع العربي، الناشر، مركز العمليات الانتقالية الدستورية والمؤسسة الدولية للديمقراطية والانتخابات، 2014، 112.

V- Ensuring fair membership of local institutions – quota system:

As we have already mentioned, one of the major risks of decentralisation in Syria today is the possibility of bringing the de facto actors, even warlords, to membership of local institutions, and excluding other groups. So, in order to ensure that the electoral aspect of decentralisation realises its objective of fair political participation, access of marginalised groups to decision-making positions must be ensured through solidifying quota systems in the constitution, or, at least, in the legal system of local elections.

In Egypt, for example, the Constitution solidifies affirmative action measures in a way that ensures the representation of workers, farmers, women and other marginalised groups. Though it authorises legislators to regulate local elections by a law, it stipulates that one quarter of the seats is allocated to youth under 35 years old, and one quarter to women, provided that workers and farmers are represented by no less than 50 per cent of the total number of seats. Also, it stipulates that these percentages must include a proper representation of Christians and people with disability[59].

In Tunisia, gender equality in the formation of municipal and regional councils is provided for in the law, through the women-men alteration on all lists of candidates, and equation between the heads of partisan lists for the political parties that have more than one list[60]. This showed improvement in women's position since the first democratic municipal elections on 6 May, 2018. The percentage of women candidates amounted to 49 per cent of total candidates, while 47 percent of women candidates won the elections[61].

In Syria, the percentage of women candidates for the 2022 municipal elections constituted only 18.8% of the total candidates[62], while the percentage of the winning women candidates did not exceed 11%[63], though the Baath Party had instructed its branches to vote for women[64].

Therefore, in order to activate equal political participation, a quota system must be considered to ensure the representation of marginalised groups and groups with specific status in all decision-making positions, nationally and locally alike.

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59 - 2014 Constitution of Egypt, Article 180.

60 - يركيس والمعشر، اللامركزية في تونس.

61 - اللامركزية والتمثيل النسائي في تونس: أول رئيسة بلدية في تونس العاصمة, 23-9-2019 , الناشر غير معروف، منشورات تضامن http://www.tadamun.co/%D8%A7%D9%84%D8%AA%D9%88%D8%A7%D9%8A%D8%A9-%D9%83%D8%B2%D9%85%D8%B1%D9%84%D8%A7%D9%84%D9%86%D8%B3-%D8%A3%88%D9%8A-%D8%AA%D9%81%D9%8A-%D9%86%D8%B3%D8%A7%D8%A6%D9%84-%D8%A7%D9%8A%D9%95%D8%AB%D9

62 - قسم المتابعة والأبحاث، حوكمة التنمية، ص 24.

On the other hand, it might be useful to adopt a suitable political isolation law, so that the one who is proved to have perpetrated crimes against Syrians, is prevented from candidacy to membership of local and national institutions. In fact, though such provision is very important to ensure the institutional reform, it might put the whole transition process at risk. According to the interviews, warlords have strong influence inside local units, and even on the economy among areas of influence; some of them have become powerful businessmen through the provision of money and services. Moreover, some of them became members of parliament, which is a clear indication that the government recognises their community power. Therefore, if a political isolation law is passed, it must be done in a way that all regions and de facto authorities agree on; otherwise the process might be reversed.

VI. Setting constitutional criteria for the competent central authority's right to replace local units, in the performance of their functions, and to dissolve such units:

Some legal systems give the central authorities the right to dissolve local councils that fail to fulfill their obligations, or to replace them for a certain period of time to deal with some exceptional circumstances. Though this mechanism is very important and has a considerable role in striking a balance between the localities' rights and the regular functioning of public utilities and in facing the urgent circumstances that local institutions cannot face, it is the most dangerous approach, as well, not only for the independency of local institutions, but for their very existence as well.

Therefore, in order to benefit from this mechanism, it must be restricted to specific cases, so that the authority empowered to exercise this right can use it only in those cases.

It is better to have such restrictions stipulated in the constitution. Also, it is better to make dissolution procedures go on many levels without restricting it to a single body, as is the case of the Syrian legislation, which restricts it to the president alone and does not stipulate for any criteria restricting the president's power[65].

In Italy, for example, the law empowers the government to dissolve a regional council, in two cases only: if it starts illegal actions violating the law or the constitution, or if it fails to perform

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63 - قسم المتابعة والأبحاث، حوكمة التنمية، ص 41.

64 - عواد وفافييه، الانتخابات في...، ص 11.

its functions due to the absence of its members' majority. This, however, requires the dissolution to be considered at the highest levels; it must be considered within the Council of Ministers, and then, a report must be issued by a mixed parliamentary commission, whose members are from the two chambers, and whose opinion is advisory. Then the president of the state issues the dissolution decision in a justified decree. It must be highlighted, here, that a council dissolution does not transfer its powers to the state; an abnormal committee is usually formed to arrange for elections within 3 months[66].

VII- Constitutional guarantees of the right to found political parties:

Political parties are a political and social necessity for the building of a democratic political system, because they play a pivotal role in the political participation and peaceful expression of the people's will[67]. They act as institutional channels that allow the citizens to participate in policy-making and to affect decision makers[68]. For that, most countries stipulate, in their constitutions and laws, for the right to form, promote and join political parties.

The 2012 Syrian Constitution adopted this approach; it abolished the single party system, in which the ruling Baath Party was the leader of both the state and society, as solidified in Article 8 of 1973 Constitution, and recognised political pluralism and the contribution of political parties to the national political life.

Yet, the Research shows that the partisan activity is almost dead and political parties are weak in GCAs and opposition-controlled areas, with a relatively better status in AANES areas. In addition to social reasons and security pressure, we can say that the legal system governing the political parties in Syria, i.e. Legislative Decree #100/2011 and 2012 Constitution, have contributed to the eradication of the already almost dead political life. This is due to many reasons: the aforementioned law does not recognise the freedom of founding political parties, instead, it stipulates that political parties may be founded and may act after being licensed. It also subjects the foundation of political parties to the executive power's will; applications to license political parties shall be considered by a committee formed by the executive power. The Law also provides for ambiguous and unachievable conditions for the license to be granted, which allows the Committee a wide

66 - محمد، نبيه، الجهوية المتقدمة بين اللامركزية واللاتمركز (الجانب القانوني والمحاسبي)، الناشر المؤلف، الطبعة الأولى، 2019، 92.

67 - دمان ذبيح، عماد، الضمانات القانونية لحماية حق تكوين الأحزاب السياسية في ظل القانون العضوي 12-4 المتعلق بالأحزاب السياسية مجلة الباحث للدراسات الأكاديمية 2016 ص 406.

68 - عثمان، محمد عادل، تأصيل مفهوم المشاركة السياسية، المركز الديمقراطي العربي للدراسات الاستراتيجية الاقتصادية والسياسية، 2016.

discretionary power of granting the license or not.

Therefore, in order for the political and partisan life to be activated, it is preferable to have the freedom of founding political parties solidified as a constitutional principle, and to deem a party licensed by mere notifying the competent administrative body. However, this does not mean that the constitution may not provide for the principles of democratic and peaceful political activity, as well as the other principles that the different parties agree on the need to protect, such as the central system, for example, so that they constitute constrains on the parties' programs and activities. It is preferable, as well, for the constitution to provide for the judicial body that is empowered to control over the parties' activities and programs and their conformation with the constitutional rights and principles. Moreover, it is preferable to attach such control to the Constitutional Court, as is the case with the German Constitution[69].

In addition to the importance of freedom of founding political parties to strike a balance between the need to activate the political life and prohibit the activity of anti-democracy parties, it is also useful in the case of having many parties that are founded on territorial or ethnic foundations. The experts remarked that there are so many Kurdish and Assyrian parties, whose programs are limited to their geographical regions, in NES. This freedom of founding political parties would ensure the political participation of these parties, nationally and locally, which may push them towards openness, expansion and moderation, instead of shifting to underground, or even armed, activity, which may amount to separatism, if denied the right to political activity.

VIII- Establishing a second chamber of parliament:

It seems that establishing a second chamber of parliament, representing the territories, might be an essential gateway to include the localities in the central decision making process, and then, upgrade their contribution to the whole national decision making. This is a crucial factor in reassuring the localities in the future and ensuring their involvement in the political solution.

Moreover, establishing a second chamber, especially when the localities are sub-provincially represented, contributes to the representation of social components, be them sects, religions, or tribes, without naming these components in the constitution, and helps reassuring them without having any kind of sectarian representation.

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69 -The Basic Law for the Federal Republic of Germany of 1949, Article 21.

The fact that the second chamber system does exist in many countries of the world and the region, helps in having it accepted here; it exists in Jordan, Egypt, Algeria, UAE, Morocco, and Lebanon, though it has not been activated in it so far.

The second chamber has various functions, based on the constitution, which is supposed to reflect the people's ambitions in every country. In Jordan, for example, the second chamber represents the senates; in Lebanon, it represents the sects; in Iraq and UAE, it represents the regions; in Morocco and Algeria, it represents local entities and technical organisations, such as trade unions, and the like.

So, in Syria, the second chamber may take one of these forms, or a mixture of them, depending on the political agreement achieved. We believe that the UAE and the Moroccan models are acceptable ones and can be taken as a starting point. However, the representation boundaries must be redefined.

IX- Activating the role of the Supreme Constitutional Court:

The constitutional court is the cornerstone of a democratic system; it is the guard of the constitutional provisions. Therefore, providing for constitutional rules in the constitution is not enough; they must be viable to achieve their role of safeguarding the nation. They are the highest contract that organises the nation's existence and relations of individuals and groups within the nation. This cannot be achieved without real guarantees to enforce the constitutional provisions, in a way that ensures that they are respected and not violated by the legislative or executive powers. In addition to being the highest judicial entity regarding the protection of the rule of law, the supreme constitutional court, if decentralisation is adopted, will be entrusted with the function of dispute resolution among local authorities and determining the constitutionality of the laws enacted by the local and national legislatures, if they violate the federal laws or the constitution.

The Syrian Constitution charges the Supreme Constitutional Court, as a central judicial body, with control over the constitutionality of the laws and legislative decrees. The Constitution also provides for the statute of the Constitutional Court, including its formation, appointment and immunities of its members. It also details how the Court exercises its mandate of controlling over the constitutionality of the laws and legislative decrees.

Those constitutional provisions play a crucial role in empowering the Court to exercise its

mandate, effectively and independently, so that it acts as the trusty guard of the provisions of the constitution, which, in turn, expresses the nation's will.

In the Syrian constitutional reality, we can indicate to some obstacles that affect the Court work and hinder its exercise of its functions as supposed:

- The Syrian Constitution does not provide for the number of the Supreme Constitutional Court members. It only sets the minimum number (seven members, at least), but the Law #7/2014 states that their number is eleven members, nominated by President of the Republic by a decree. In order to ensure the Court independency, it would have been better to include the legislative and judicial powers in the appointment of the Court members[70] .

- The Syrian Constitution bestows President of the Republic wide powers regarding the Court formation; the President nominates the Court members and chairperson and renews their membership. As the one who appoints the members, he has the right to re-nominate a Court member, whose term has finished, for an unlimited number of terms, as long as the member has not exceeded the age of 72 years. This, however, weakens the Court independency, because renewing a Court member's term is decided by the executive power. It will be better, here, to set an unrenewable term for the Court members, or half of them, at least, provided that such term is long enough[71].

- The Constitution states that the Court members enjoy impunity against dismissal, save in the cases provided for in the law. The Court Statute confirms that a Court member may be dismissed only by a justified decision made by the Court plenary and in cases limited to losing the post requirements, or if the Court member is charged with something that violates confidence or respect, or with serious violation of the position's duties or requirements. It is a point for this Statute that it details the mechanism to be followed in such cases. The Court plenary must convene to consider the charges raised against a member, make a decision on the dismissal of the violating member and inform President of the Republic of the decision. This is an excellent guarantee, but it would have been better for the Constitution to provide for the general criteria of dismissal, leaving the details to the law, which is easier to change compared with the Constitution[72].

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70 -The 2012 Constitution of Tunisia, for example, states, in Section 118, that the Court's members (12 in total) shall be appointed as follows: 4 by President of the Republic, 4 by the High Judicial Council, and 4 elected by Parliament. While in Lebanon, the ten members of the Constitutional Council are appointed 50-50 by the Parliament and the Council of Ministers.

71 - In Lebanon, for example, the membership duration is six years unrenewable. While in Tunisia, the members are appointed for nine years; one third of the members are renewed every three years. Section 118 of the 2014 Constitution of Tunisia. A 9-year term is deemed suitable for the Council or the Constitutional Court members to perform their functions.

- Though the Court empowers individuals to challenge the constitutionality of a legal provision by means of raising an objection, this approach is not a sufficient guarantee, as this choice is difficult to pursue, and the Court is given a broad discretionary power. The Court's role might be better activated by endorsing the control by confrontation, and referral from courts .

- It is important to seek a mechanism that ensures the right of individuals to challenge the laws that contradict the constitutional provisions. Also, it is important to reconsider the constitutional fifth percentage set for members of the parliament to challenge the constitutionality of a law or a legislative decree, making it 10 members, for example, which would ensure better representation of all categories of the people who might be harmed by an unconstitutional law, instead of limiting that right to the parliamentary majority, which already has the power to reject laws within the parliament.

- The Constitutional Court must be bestowed more powers to prevent the manipulating of a change. Such powers include control over the constitutionality of constitutional amendments, which would reduce the power of the authorities in the future to make constitutional amendments that may restore the center's domination, or even overthrow democracy.

- The power to control over legislative abstention: it means the control over the parliament's abstention from carrying out the works entrusted to it by the constitution, such as developing the law of local administration or local elections.

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72 -The Egyptian legislator authorises the Supreme Constitutional Court to decide the unconstitutionality of any provision in a law or regulation submitted to it within its jurisdiction, and in connection with the dispute raised to it, following the procedures in place regarding constitutional lawsuits, same as the courts or competent judicial bodies when considering a case. If a court deems unconstitutional a provision in a law or a regulation that is necessary to make a ruling on a dispute, it ceases the case and refers the file, free of charge, to the Supreme Constitutional Court to make a ruling on the constitutional aspect of the case. See Art. 27 and 29 of the Statute of the Supreme Constitutional Court in Egypt, no. 48 of 1979.

In this Research, we studied decentralisation as a potential gateway to conflict solving in Syria and its opportunities and challenges.

We started from a basic assumption saying that, given the country's cleavage to three areas of influence, (GCAs, NES, which is controlled by AANES, and NWS, which is controlled by the Organization for the Liberation of the Levant and the "Syrian National Army", decentralisation can be a realistic potential track to reinterpret Resolution 2254 in a way that ensures the Syrian state territorial unity and sovereignty over its territories.

Based on a field research, during which, we carried out 10 FGDs and 22 in-depth interviews, throughout the Syrian geography, we showed that decentralisation can introduce an important opportunity to start a solution, because it provides a framework that ensures mutual interests of both the de facto authorities and the central government, alike. This way, the State recovers its legitimacy and has access to direly needed resources, and the de facto authorities come to a recognised legal framework.

Decentralisation may also introduce a framework to turn the development wheel on, because the unfair distribution of resources among the governorates, giving Damascus and Aleppo the lion's share, and marginalising rural area in favor of urban areas, have been direct causes of conflict in the country.

The Research showed the possibility of launching a political participation process, which, in essence, is a kind of democratic transition, at the local level, and for the local participation in the central decision making. On the other hand, decentralisation would encourage the founding of local political parties, or the already existing ones, with a view to activating partisan activity, in general.

Moreover, decentralisation may contribute to enhancing the participation of the youth and women, especially if associated with quota codes. Additionally, decentralisation may restore citizens' trust in the state, which has been lost for a long time.

On the other hand, decentralisation can be a framework to reassure some components of the Syrian society, which have long suffered from marginalisation, without adopting a sectarian system that threatens the whole society.

However, in spite of these opportunities, we highlighted that decentralisation faces many challenges. On the one hand, foreign powers are still controlling the local decision, or, at least, influencing it to a large extent. And they, on the other hand, are still controlling the available resources in the region. This makes any solution subject to the consent of these powers. If decentralisation cannot introduce a solution that responses, to a certain degree, to these powers' interests, they can hinder such choice.

We also showed that the influential stakeholders do not seem to have the least agreement on a certain type of decentralisation, set aside their misunderstanding of decentralisation and its dimensions. Moreover, the de facto authorities distrust each other, on the one hand, and there is no trust between them and the society, on the other.

NES wants federation, calling it political decentralisation, while the central government wants a form of administrative decentralisation, as provided for in Law #107, though it does not reject the idea of developing it towards more representing forms that may bring it to the level of political decentralisation, even if not so called.

In the end, we underlined the justifiable fears of the spread of corruption if the authorities fail to enforce the laws equally throughout the Syrian geography.

Then, we detailed a number of constitutional mechanisms that may ensure effective implementation of decentralisation and good governance.

In a nutshell, we can say that there is a dire need for similar studies, that try to clarify each aspect of decentralisation and understand the difficulties of implementing those aspects and how they can be overcome.

We, also, need other studies that try to answer to the questions of the Syrian chaotic reality. Questions like:

● **What is the best post-conflict system of government in Syria?**

● **What is the electoral system that best represents the localities, aligns the local interests with the national ones, allows the implementation of effective decentralisation, and achieves its desired results?**

● **To which limit can the administrative system's bureaucracy reproduce the post-conflict state? And what is the magnitude of its role?**

● How is the volume of economic relations among some localities and the neighboring countries going to affect their future relations with the Center?

● How did the conflict affect the Syrian national identity? And what is Syria's new identity?

These questions, and others, about so many controversial essential issues, will help create a space for in-depth legal and political discussions that seek to develop the necessary means and solutions to overcome them through dialogues that may lead to building accords that help Syria get out of its prolonged calamity.

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