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THE HISTORICAL DEVELOPMENT OF DECENTRALISATION IN SYRIA

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Abstract: *This article presents a comparative historical analysis of the development of decentralization in Syria during three historical stages: under the Ottoman empire, during the French mandate, and in the period after the country became independent. The purpose of this research is to reveal patterns that explain the current state of decentralization in Syria today. Primary sources such as legislative decrees and constitutions, as well as secondary scholarly and analytical sources are used in this work to analyse the development of decentralization in Syria. This article identifies different aspects in which the local administration system today has been influenced by previous laws and practices developed by previous governments, namely the country's administrative-territorial division, the concentration of power at the local level with centrally appointed persons, and the perception of decentralization as a threat to security. Despite many constitutions and legislations throughout Syria's history mentioning decentralization and empowering local administrative units, governance remains a highly centralized process, giving elected local administrative units limited powers and responsibilities. The securitization of administrative processes as well as prioritizing economic, political, military, and other elite interests throughout Syria's history have been obstacles to decentralising powers and redistributing responsibilities to local administration bodies. However, due to the development of events on the ground in Syria since the beginning of the crisis in 2011, different views on the best form of decentralization for the country's future and the role it can play at this important stage of the country's history began to appear in the Syrian society.*

Keywords: administrative-territorial division, decentralization, devolution of powers, centralization, center-local relations, Syrian Arab Republic.

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INTRODUCTION

In 2011, Legislative Decree (LD) No.107, the “Local Administration Law”, was adopted in the Syrian Arab Republic (SAR) in order to modernise and decentralise governing processes in the country. Due to the ongoing civil war which threatened Syria's territorial integrity and strained the country's resources, many of the LD's contents remain unrealised. This research reveals that, even though the concept of decentralisation was introduced in many constitutions and legislations throughout Syria's history, the public administration system in Syria remains highly centralised, as the development of decentralised local administrations has not been prioritized.

According to many researchers, decentralised local governance can play an important role in the restoration of peace and infrastructure both during and after different kinds of conflicts

[Tschudin, 2018; Brinherhoff, 2011]. Considering the current situation in Syria since the beginning of the civil war in 2011, mature and effective local governance can play an important role in rebuilding the country and restoring its infrastructure.

Based on the analysis of primary and secondary sources, this paper identifies patterns which explain why local governance in Syria remains a highly centralized process, and reveals different ways in which previous constitutions, laws and practices have influenced the local government system in Syria today.

SYRIA UNDER THE OTTOMAN EMPIRE

The territory of today's SAR is part of the so-called Bilad al-Sham region, which, from the 16th to the beginning of the 20th century (1516–1918), was ruled by the Ottoman Empire. The Ottomans divided the territory under their control into administrative units and developed a two-level management system, which included janissaries (the Sultan's elite troops) who were directly connected to the central government and responsible for maintaining order and collecting taxes, and the civil administration, which operated at the provincial level. The highest executive functions were performed by the military authorities, while judicial and basic administrative functions were performed by the civil authorities.

The Ottoman Empire went through several stages of territorial and administrative reorganisations aimed at reducing corruption and reforming the army, treasury, and administrative and territorial division of its provinces to increase its efficiency and influence in the regions. The most important of the administrative-territorial reforms is the adoption of the Provincial Reform Law, also known as the 'Vilayet Law' in 1864, according to which the administrative-territorial division in Bilad al-Sham under the Ottoman Empire was carried out according to the following scheme (fig. 1): each vilayet (Arabic: *ولاية*) is headed by a Wali and divided into sanjaks (Arabic: *سناجق*), each of which is headed by a Mutassarif, and the sanjaks, in turn, are divided into Kadas (Arabic: *قضاء*), headed by a Kaimakam. Kadas are, in turn, divided into subdistricts (Arabic: *ناحية*), headed by a subdistrict manager, and villages and farms headed by a Mukhtar.

The Walis and Mutassarifs were appointed by the Sultan, and the Kaimakams – by the Ottoman government. The subdistrict managers and mukhtars were elected. Doctor of Law A. Heidborn explains that “each agent is strictly subordinate to his hierarchical superior, who exercises over him a right of absolute control and may reform or cancel all his acts. The administration of each province [vilayet] is, therefore, concentrated in the hands of the Wali who, in his turn, depends entirely on the central power” [Heidborn, 1908, p. 159].

After the adoption of the “Vilayet Law”, ‘Syria’ was divided into 3 vilayets:

- 1 – the vilayet of Syria;
- 2 – the vilayet of Aleppo;
- 3 – the vilayet of Beirut.

In addition, two sanjaks, Jerusalem and Deir Al Zor, were considered independent sanjaks, because their governors reported directly to the central authority, and not to the respective governor general “either because of religious and political (Jerusalem), or for administrative reasons (Zor)” [Heidborn, 1908, p. 7].

Due to several local, regional, and international factors, including the expansion of the Ottoman Empire into Europe, the growing influence of European countries in the region, and the demands of Arab nationalists among the region's residents for independence, the influence of the central government in various regions of Bilad al-Sham diminished over the years. European countries started building relationships with minority groups. For example, “Oriental Christian and Jewish merchants mostly had foreign protection, and whole communities had links with one

last long. In 1923, the French mandate for Syria officially entered into force, and the short-lived Kingdom of Faisal seized to exist.

The region under the French mandate was governed as a group of states under the French High Commissioner's control. The French created the State of Greater Lebanon and the State of Syria. By 1925, the State of Syria was divided into 4 parts:

- 1 – Sanjak Latakia or 'autonomous territory of the Alawites';
- 2 – The 'state' (L'État) Syria, which included the cities Aleppo, Hama, Homs and Damascus;
- 3 – Druze Autonomous Territories (Jabal-Druze) in south-eastern Syria;
- 4 – Sanjak of Alexandretta (now Turkish Iskenderun).

Thus, in Syria, the French created semi-autonomous local states within the national state. French governors appointed by the High Commissioner headed all these entities. As Syrian lawyer Youssef Al Hakim explains, the national government's tasks were limited to "reducing the impact of the mandate, directing people to prevent internal unrest and preventing French advisers from interfering in all administrative affairs, limiting their work to technical, financial, economic and cultural issues" [Al Hakim, 1991, p. 19].

The French faced acts of disobedience from nationalists in Syria who demanded independence. In response, the French authorities allowed elections to the Constituent Assembly, which formed a draft constitution for the Syrian State. The draft constitution included several articles, which stated that the Syrian territories are an indivisible political unity and that the territorial division of the region in accordance with the Sykes-Picot agreement is not recognized. Approving such a constitution would have meant the end of the French mandate. Therefore, the Constituent Assembly was dissolved by the French authorities who, in 1930, declared that the state of Syria would become the Republic of Syria, and published their own version of the constitution. The constitution included amendments that would ensure France's presence in and control over the Republic, as well as elements of decentralisation.

Article No. 109 stated that "administrative districts and their competences are determined by a special decree taking into account the specifics of some of these districts" [*Constitution of the State of Syria*, 1930]. Decree No. 5 L/R of 1936 provided for the establishment of administrative divisions on the basis of governorates divided into districts (Arabic: قضاء), districts into regions (Arabic: حي), and regions into villages, and the creation of local councils with the power of indicating local residents' needs. However, giving more powers and responsibilities to local officials was considered a step towards autonomy and independence, and thus, a threat to the French mandate in Syria. As Syrian Doctor of Law Ahmed Ismail argues, "this organization was not implemented due to the desire of colonialism to continue occupation through interfaith and tribal strife" [Ismail, 2021, p. 75].

The local community continued to fight for independence from the French mandate and in 1946, due to the weakening of France during World War II, as well as internal and external pressures on France, Syria was able to gain independence and was governed by a republican government formed during the mandate.

AFTER GAINING INDEPENDENCE

After gaining independence, the process of national identity and state structure formation began. In 1950, a new constitution was adopted. Article No. 126 stated that the territory of the Republic should be divided into governorates. Article No. 127 fixed "the expansion of competencies of heads of administrative divisions" [*Constitution of the Syrian Arab Republic*, 1950]. Several laws related to the territorial and administrative division of the territory were also adopted. In 1956, Law No. 215 "On the work of Mukhtars" was adopted. In accordance with

Law No. 172 “On Municipalities” of the same year, municipalities in SAR were divided into four levels. Law No. 496 “On Administrative Regulations”, adopted in 1957, “included the division of SAR into provinces with legal personality, provinces were divided into districts, districts into subdistricts and subdistricts into villages and farms” [Ismail, 2021, p. 77]. This law was considered the first step towards modernising the organisation of local authorities in Syria. However, as Syrian Doctor of Law A. Alaw argues, Law No. 496 “was aimed at achieving administrative decentralisation by the formation of local councils on the basis of elections, but the reality was different, as the members of these councils were appointed by the central authority, especially the officials of central executive authority such as the governor, and the central authority did not resort to holding actual elections, on the pretext that political conditions at the time did not allow this” [Alaw, 2021, p. 15].

This period in Syria’s history, also known as the ‘era of coups’, was marked by internal struggle for power, and social, economic, and political instability. Moreover, at that time Syria was focused on returning its territories occupied by Israel in 1967¹ and thus “the military faction [of the Al-Baath party] proposed reducing government spending on the economy and threw all resources at strengthening of the military capabilities” [Pir-Budagova, 2015, p. 188]. In 1968, a draft law on local authorities was published for discussion. The bill “provided for the creation of local councils in cities, towns and villages. Their powers included control over all problems related to the economy and culture of the country, social security of workers” [Pir-Budagova, 2015, p. 187]. However, since the state’s resources were directed to gain victory in the conflict with Israel, this bill did not see the light and thus did not open the way for the development and expansion of decentralisation.

The ‘era of coups’ ended when Hafez al-Assad came to power in 1970. During his rule, several legislative changes concerning local government were adopted. In 1971, the Ministry of Local Administration was formed, and LD No. 15 ‘On Local Self-Government’ was adopted, with the purpose of “making local administrative units at all levels responsible for economy, culture, providing services and all other matters that concern the citizens in an administrative unit, and transferring the specific measures related to implementing these matters to local powers” [LD No. 15, 1971, article 2].

According to LD No. 15 ‘On Local Self-Government’, Syria was divided into five types of administrative units:

- 1 – governorates or provinces (Arabic: محافظة);
- 2 – cities (Arabic: مدينة);
- 3 – towns (Arabic: بلدة);
- 4 – villages (Arabic: قرية);
- 5 – rural units (Arabic: وحدة ريفية).

All of them, except the rural units, had legal personality. Each of the administrative units with legal personality has two bodies – a local council and an executive office. Each province has a Governor who heads the Provincial Council (PC) and serves as “the link between the executive office in the province and the central government in connection with the decisions and measures taken in his province” [LD No. 15, 1971, article 33]. Thus, he is the highest representative of the executive branch at the provincial level. The Governor is appointed by order of the President with the consent of the Cabinet of Ministers and dismissed by decree of the President. Heads of local councils of cities, towns and rural units are appointed from among local councils’ elected members by decrees on the proposal of the Minister for the heads of city councils and by the decision of the Minister on the proposal of the Governor for the remaining councils [LD No. 15,

¹ In 1967, Israel occupied the Golan Heights, a territory that officially belongs to Syria.

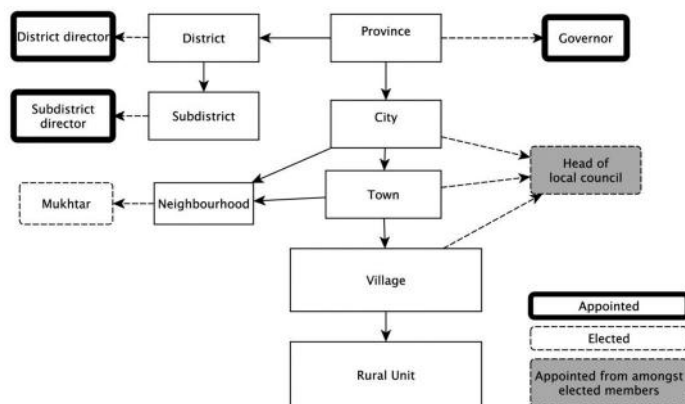


Fig. 2. Administrative-territorial division and division of powers among different government levels in Syria according to LD No. 15 of 1971.

1971, article 15]. As such, this LD concentrated local powers and responsibilities in the hands of centrally appointed officials (fig. 2).

While the ‘era of coups’ had already ended, the internal struggle for power continued. As R. Hinnebusch explains, the leadership of Hafez al-Assad aimed “to consolidate Ba’ath rule, broaden the base of the regime through accommodation with opposition elements, and build an army and an Arab alliance able to recover the territories lost to Israel” [Hinnebusch, 1981, p. 184]. Moreover, the economic situation in the country worsened during that time. As such, there was neither will nor economic resources to develop a decentralised local administration system.

LD No. 15 “On Local Self-Government” remained the main law regulating the work and organization of local government until the adoption of LD No. 107 “Local Administration Law” in 2011 by President Bashar al-Assad. LD No. 107 was adopted as an attempt to reform legislation on local administration and calm the protests that broke out across the country, then escalating into a civil war. This LD stipulated that all divisions of local administration should be elected. It also divided the country into four administrative levels:

- 1 – province (in Arabic: محافظة (muhafaza));
- 2 – city (in Arabic: مدينة (madina));
- 3 – town (in Arabic: بلدة (balda));
- 4 – municipality (in Arabic: بلدية (baladiya)).

According to LD No. 107, the position of the head of the PC is held by two different people: the Governor and the Secretary General (SG). Each province has a Governor appointed by order of the President. The Governor supervises the work of local authorities, as well as central authorities in the province, and monitors the implementation of laws and regulations adopted by them. A province’s SG, on the other hand, is appointed by decision of the Prime Minister based on the Minister of Local Government’s suggestion. His main tasks are coordinating work between central and provincial bodies and monitoring the implementation of provincial plans by local authorities. The third highest ranking official in the province, the head of the PC who handles the day-to-day activities of the council, is elected by secret ballot at the first meeting of the council. While more positions on the local level are now elected, including the heads of city, town and municipality councils, new appointed positions were created, such as that of the city director and the province’s

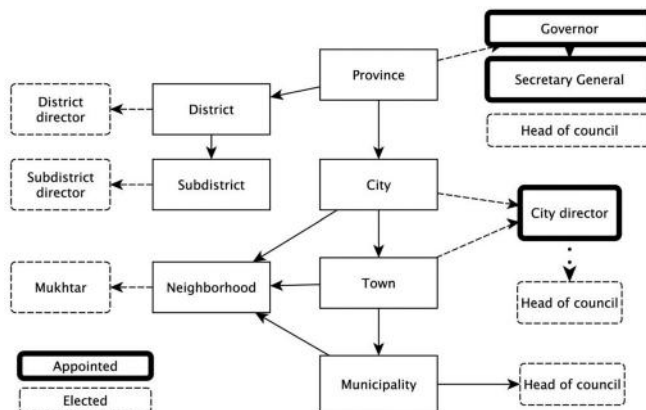


Fig. 3. Administrative-territorial division and division of powers among different government levels in Syria according to LD no. 107 of 2011.

Source: Legislative Decree No. 107 of 2011.

SG, who hold a higher status and more powers than elected officials (fig. 3). Thus, while the administrative division of the country was reorganized and elections to local councils were held in 2018, the power on the local level remains concentrated in the hands of centrally appointed officials.

While LD No. 107 provided for decentralising administrative and financial powers, many aspects of the law, including developing a national decentralisation plan and transferring powers to local administrative units, have not yet been implemented due to the ongoing civil war. LD No. 107 states that the Higher Council of Local Administration (HCLA) should develop a national decentralisation plan and establish a limited-term program to transfer competencies to local government bodies within a maximum period of five years [LD No. 107, 2011]. However, no such plan has been developed yet. Given the threats to the country's territorial unity brought on by the war, the issues of maintaining security and control over the country became a priority, pushing the issues of development and decentralization to the 'back burner'. As such, decentralisation was, once again, not prioritised and considered a threat to security, and therefore, the local governance and its mechanisms remain centralised.

DECENTRALISATION IN SYRIA SINCE THE BEGINNING OF THE CIVIL WAR

During the civil war the country became fragmented into areas controlled by the Syrian government and competing political forces. Alongside the territories controlled by the Syrian government, there are currently also the "Autonomous Administration of North and East Syria" (AANES), otherwise known as the Democratic Federation of Northern Syria (DFNS); north-western Syria, which was administered by the Syrian Interim Government (SIG) until January 2019, when Hayat Tahrir Al Sham (HTS)² captured the area, and is now run by the Syrian Salvation Government; northern Syria, which has been since August 2017 administered by the SIG after a Turkish-led coalition, supported by Syrian National Army (previously Free Syrian Army) had pushed ISIL³ out of the area.

² Recognized as a terrorist group in Russia.

³ Recognized as a terrorist group in Russia.

In the areas not controlled by the central government, there were demands for vital services such as water, medicine, education, etc. As a response, structures, parallel to governmental ones appeared, some of which “were institutionalized in the form of Local Councils (LCs), which ... support the functioning of all kinds of public services ranging from distributing aid, providing medical services and education, maintaining the judiciary system, to managing waste collection” [Khalaf, Ramadan, Stolleis, 2014, p. 9].

Based on a study on the functional presence and different decision-making arrangements by local governments in five sites across the country controlled by the Syrian government, as well as different political and armed actors, political scientist Asya Meehy concludes that “civilian local governance structures across the country lack autonomy from powerful parallel structures and armed actors, which have grown influential as a result of years of conflict” [Meehy, 2020, p. 43]. This indicates that the ‘centralization’ mentality and approach to local governance are deeply rooted in the Syrian society and its structures.

Nevertheless, as M. Gharibah, a researcher at the London School of Economics, states, “the reality of the Syrian civil war imposed new local dynamics, some of which conformed to the administrative laws governing the work of the state institutions, while others created entirely new systems of governance driven by political agendas and local mechanisms different from those stipulated in the Syrian laws” [Gharibah, 2018, p. 9]. While the entities that are currently not under the Syrian government’s control and the governing systems they created are neither locally nor internationally officially recognised, they do provide important experiences that should be considered within the framework of research on decentralisation in Syria. On one hand, these experiences justify the central government’s fears of territorial fragmentation. On the other hand, they indicate that different understandings of the concepts of decentralisation and local governance are developing in Syria.

For example, the preamble of the “Social Contract of the Democratic Federation of Northern Syria” (SCDFNS), the AANES’s constitution, states that the nation-state system in Syria has “led the country to destruction and fragmentation of the society fabric. To end this chaotic situation, the democratic federal system is an optimal solution to address the national, social, and historical issues in Syria”, adding that “the democratic federalism of northern Syria is based on a geographic concept and an administrative and political decentralization; it is part of the united Syrian democratic federalism” [SCDFNS, 2016, Preamble]. As such, it sees wide political decentralisation in the form of federalism as the ideal solution for the problems that Syria faces today.

An opposing position can be found in the works of Syrian Doctor of Law A. Alaw, and Syrian lawyer H. Al Aswad, who argue that “political decentralisation, represented by federalism, represents an imminent and immediate danger to the national unity” [Alaw, 2021, p. 11]. Al Aswad explains that the fear of federalism is rooted in the fact that the current proposals for it go towards the division of unified states and not towards the unification of separate states [Al Aswad, 2021]. Whereas Alaw argues for broad administrative decentralisation, which he considers a democratic method that encourages the participation of citizens in the management of their regions’ affairs [Alaw, 2021, p. 25], Al Aswad argues for gradual decentralisation in three directions: economic, administrative, and political. He identifies the latter as the ability of citizens to elect and dismiss their political representatives locally, determine their powers, and formulate, monitor, and evaluate their tasks [Al Aswad, 2021]. He explains that while political decentralisation is usually understood as a step towards division and separation, it is, in fact, one of the forms of calming the fears of marginalized Syrian groups, which include not only national and religious minorities, but also those who reside in the distant countryside, small cities and migrate to the outskirts of cities. As such, Al Aswad argues that “granting these groups a degree of political representation will certainly make them more attached to the Syrian nation..., more

convinced of its institutions, and strengthen the emotional relationship between them and the entire political process as their own, or at least as real participants in it" [Al Aswad, 2021].

In the past few years, the central government has also been giving more importance to the role that local government institutions can and should be playing in not only providing services, but also developing local communities. For example, in 2019, the Ministry of Local Administration and Environment held a workshop in partnership with the UNDP, at which different problems facing local government institutions were discussed, and methods to overcome them were proposed [SANA, 2019]. In 2021, during a meeting with the HCLA, President Bashar Al Assad stated that "decentralisation, before it begins with the law, must begin with practice and actual participation" [*President Assad: decentralisation*, Al Manar, 2021]. This indicates that the Syrian government is gradually revising its previous "narrow" interpretation of local government and accepting the important role that it can play in rebuilding the country and providing citizens with basic services.

As such, the realities of the Syrian conflict have created space for different interpretations of decentralisation and discussions on the best forms of decentralisation for the future of Syria.

CONCLUSION

The comparative historical analysis carried out in this work reveals several aspects in which the structure and organisation of local administration in Syria today have been influenced by previous governments. We highlighted 3 main aspects:

- 1 – administrative-territorial division of the country;
- 2 – concentration of power at the local level in the hands of centrally appointed officials;
- 3 – perception of decentralisation as a threat to the country's territorial unity and the control of the centre over the regions.

Under Ottoman rule, Syria's territory was divided and redivided to improve governing efficiency and maintain the empire's power and influence in the regions. According to historian A.T. Fildis, "when the Allied powers advanced into Syria, the political divisions of the country followed the lines of the provincial administrative divisions of the Ottoman Empire" [Fildis, 2011, p. 129]. Then the French divided the region into national states in accordance with their goals of maintaining their influence in the region and quelling demands for independence. As such, the borders of today's Syria, as well as its administrative-territorial division have their roots in the decisions taken by the Ottomans and the French.

The same can be said about the organization of powers allocated to local administrative units. During the Ottoman and French rules, nationalists and other political organisations demanded the devolution of more powers and responsibilities to local officials. In response, both the Ottomans and the French took some initiatives to decentralise more powers to local authorities who spoke the local language and knew local traditions to facilitate the governing process. These initiatives, however, remained largely on paper, for neither the Ottoman *tanzimat*, nor the French legislation led to the effective devolution of powers to the hands of local rulers.

After the country gained independence and new legislation regarding the organisation of local administration was adopted, centrally appointed officials were given extensive powers over lower administrative units and their councils. Even though LD No.107 called for elections at all local administrative levels⁴, the highest positions in the local administration structure (Governor, city director, SG) are appointed, rather than elected.

We argue that the idea of a centrally appointed official with extensive powers on the local level, serving as the link between the local and central levels, is a practice inherited from previous

⁴ According to LD No.15, the head of the council was appointed by the Governor from amongst the members, elected to the council.

administrative system organisations, adopted during the years under Ottoman and then French rule to facilitate governance in the peripheries, while still maintaining strong power and presence in them.

This points to the fact that decentralisation is seen as a threat to security and to the central government's control over the country. During both the Ottoman rule and the French mandate, the power was not effectively decentralised due to fears of the increasing nationalist and pro-independence sentiments. During the 'era of coups' and Hafez al-Assad's rule, the administrative-territorial division of the country was reorganised, and several legislation acts and constitution articles called for decentralising powers to local administrative units. However, decentralisation was not prioritised, as other economic, social, political and security questions, particularly the war against Israel and power consolidation, were considered more important and received more political and financial attention from the ruling elites. Finally, LD No. 107 adopted in 2011 "presented modern concepts and terminologies, relatively new to the previous Syrian regulations, like the notions of 'decentralisation', 'democracy' and 'civil society' " [Gharibah, 2018, p. 6]. However, as a result of the civil war, the security concerns were prioritised over decentralisation and LD No. 107 remains a promising law on paper, but not yet fully implemented. As such, real decentralisation in Syria has never been prioritised due to other pressing issues, such as security concerns, the development of the economy or foreign relations, or because it did not coincide with the interests of the ruling elites, who saw decentralisation as a threat rather than a method for effectively managing and developing the country's territories.

However, due to the ongoing civil war, the instability and fragmentation it brought on, the question of decentralisation has appeared as a viable alternative to federalising the Syrian state, while maintaining territorial unity and the centre's control. Different parties propose different forms and arrangements of decentralisation, with some advocating for federalism, and others for balanced financial, administrative, and political decentralisation. However, it is clear from the current academic and political discussions in Syria that real decentralisation should be an important element of the plan to rebuild and stabilise the situation in the country.

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