



# Introduction to Governance Development in North and East Syria (NES)

Brief Research Paper

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## **Executive Summary**

This paper sheds light on the governance structure of the Autonomous Administration (AA) in North and East Syria (NES). Among its main features are its lack of electoral legitimacy and regional and international recognition, and its large number of overlapping institutions and administrative structures.

This paper analyzes AA's main policy areas, namely: security; education; and, its administrative and bureaucratic dossier. It continues to describe the Local Administration law decree 107, a decentralization law that determines the authority of the AA in relation to that of the regime, but that still lacks in clarity and scope. Among others, the paper recommends that the law should allow the AA a degree of military and security power to sustain the power equilibrium with the central government and should be translated into a constitutional foundation.

Finally, the paper concludes that to establish long-lasting social peace in NES, the area should be free of hostilities from neighboring powers, should have economic security, and needs a political solution for the crisis in Syria that addresses the Kurdish issue. To meet these requirements, the AA needs a degree of legitimacy and global players should push towards political consensus both on an intra-Kurdish level as well as with the Syrian Regime. Furthermore, its mechanisms for managing public resources should be reset, for which it needs the help of international agencies and institutions.

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## **Introduction**

What is the trajectory of the governance model in the NES in terms of its economic, administrative and security aspects amid an ever more complex scene of compounded political and military hegemony? In the absence of a clear political solution for the future of that region where the political and military situation often affects all forms of public administration in all areas, what are the governance tools and mechanisms in NES amid the political, security and military transformations sweeping the region? And how can those mechanisms and tools “evolve” in order to boost stability and civil peace?

Shifts in the governance model began to occur in early 2012. Two major transformations took place in the region following long decades of power being concentrated in the hands of the central government in the area which it long considered “an internal colony.”

- ◆ The northern territories of the NES region were “handed over” to the YPG, except for the cities of Qamishli and Hassaka, under a political deal struck between them and the Syrian regime. As a result, the governance mechanism and management of public affairs transformed the area in terms of security, education and bureaucracy.
- ◆ Several other regions, especially south of Hasakah and the whole of northern Raqqa and Deir Al-Zor were suddenly outside the control of the central government, while extremist groups took turns dominating the area until ISIL managed to seize control over it in early summer of 2014. During that period, any form of administration was essentially non-existent.

## **The Autonomous Administration of NES’ main features:**

- ◆ The AA’s legitimacy was not recognized by Syrian Government bodies, public and “constitutional” institutions and regional and international powers. This lack of legitimacy has prevented the AA from further developing its capacities, its own network of alliances and its confidence in itself or what it produces on all levels.
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- ◆ This AA did not hold elections and it's not built upon solid well-established electoral legitimacy. All elections that were held were sham, their results known in advance, and did not lead to any change in the AA's main characteristics.
- ◆ This administration has not been transparent, having a large number of overlapping institutions and administrative structures, with multiple functions and duties. The solid core of public affairs administration in the region is self-contained and closed, unclear and opaque and does not accept accountability by other governmental groups and institutions, be it the press, legislative bodies, or civil society. This does not mean that there are no freedoms in that region, including political, media, civil, and societal freedoms, but they have little impact on the solid core of power in that region.
- ◆ The AA hasn't managed to produce a set of general laws regulating public life and mechanisms to manage that aspect of governance, despite the vast literature available in that field, such as "the social contract", covenants, and laws. The administrative process is implemented through other rules that are enforced by active members from within the solid core of government, whose task is to coordinate and manage the various sectors of governance.

## **The Autonomous Administration's three main dossiers**

### **First: Security**

- ◆ The Syrian Democratic Forces (SDF) lost control over the entire northern border with Turkey, withdrawing from a 35 kilometer radius to the south in adherence to the Turkey-Russia Sochi deal. However, the SDF continues to be fully in charge of security just as it was previous to the deal, except for the border pocket stretching between the cities of Tal-Abyad and Ras Al-Ain. Asayesh forces, police and intelligence units remain the main security authority in all of the NES area.
  - ◆ The Syrian regime has managed to symbolically deploy forces in certain areas, especially near the border and on the main highways. However this presence remains symbolic,
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with regime forces having no actual power on the ground and under an agreement with the SDF. It is evident that the SDF provides logistical and military support to Syrian regime forces on the ground, in other words they are under the SDF's protection.

- ◆ Both Turkish and Russian patrols deployed on the borders don't perform any military or security duties, their mission is only limited to monitoring any military SDF presence in rural areas. These patrols are unable to enter border cities, or to truly monitor and sweep villages and security facilities in that area.
- ◆ Two simultaneous attempts to build an alternative security/military force to operate in the area failed. The Syrian regime was seeking to form factions from anti-AA and anti-American intervention Arab tribes, while Russian forces were aiming to form military militias similar to its affiliate Syrian Army's fifth division. However, both attempts so far have partially failed due to complex reasons, including lack of financial resources to cover the process or fear of US direct reaction and the local population's lack of trust in Russia and the Syrian regime.

## **Second: Education**

There is no denying that an educational process is in place in the NES region however, this does not mean that the quality of education meets all the necessary requirements that are vital for modern learning and are considered as essential mechanisms for ensuring sustainable development for the future.

The educational process in NES suffers from the following fundamental problems:

- ◆ The region's social components have profound distrust in the educational process managed by the Kurdish administration as locals believe it lacks any future economic vision. The local components believe that recent political developments indicate that the Kurdish AA has no future and that internal agreements will eventually lead to its dissolution, while its institutional "legacy" will be entirely destroyed especially in terms of education.
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- ◆ None of the NES' educational institutions, certificates or outputs enjoy any official recognition from any entity, neither the Syrian government institutions nor regional or international associations recognize its legitimacy. This lack of recognition presents an obstacle for the development of these institutions and poses a challenge in terms of communication with their counterparts from international institutions and bodies. Additionally, the lack of legitimacy causes frustration among local communities and makes them reluctant for their children to pursue their education at these institutions.
- ◆ The educational personnel in the AA's institutions aren't as qualified as members of the Syrian regime's teachers and staffs. The AANES staffs don't hold degrees from reputed university or institutes that qualify them to teach. The same applies to all educational levels as well as curriculums.
- ◆ It doesn't seem like the AA and the Syrian regime will be able to reach an agreement that would ensure that education be spared the political and security tug of war. It is the wish of the majority of educational elites in the region that a consensus regarding the neutralization of the educational system would be reached. The Syrian government should allow the AA's educational institutions to gain legitimacy which would facilitate the government's work in managing and regulating the system. The Syrian regime's insistence on absolute the political centralization of power, with regards to legitimacy, stands in the way of reaching a consensus in terms of education.
- ◆ The AA doesn't seem to adopt clear and prompt measures to develop or gain legitimacy for its educational process. No committees or a competent body have been formed in this context despite the pressures it has been under. The same applies to the administration's lack of effort to reconcile with the Syrian regime.

### **Third: The administrative “bureaucracy” dossier**

The AA in the NES region continues to maintain its original hierarchy, despite losing control over some areas such as Afrin, Ras Al-Ain and Tal Abyad.

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Additionally, this general administration has managed to maintain stringent internal features that haven't disintegrated by the great transformations that took place during the past years. Those features are considered in some sense "identifying and structural" factors to the composition of the administration and can be summarized as follows:

### **1. General Expenditures:**

The AA receives its general expenditure funding from several sources, such as the local and foreign sales of oil derivatives, the added value of the purchase and resale of agricultural products, as well as private monopolies that pump exceptional resources, such as cement, iron, and cigarettes, and of course income from money transfers from abroad, foreign trade, public service fees, customs taxes and other resources.

On the other hand, it is not known what mechanisms, numbers and methods are used to redirect these available resources. It is true that the AA's Social Contract authorizes the Legislative Council to supervise the general budget. But that remains only a formality. The public administration and governance in the east of the Euphrates region does not achieve the essential condition related to the law on public exchange, which states that the executive bodies cannot implement any disbursement process without the supervision of the main legislative body, which in turn sets a special chapter for each exchange, so that there is no possibility to perform Disbursements without law / section fall under it.

### **2. "Cadro"**

The "Cadro" are members who are ideologically organizationally and politically affiliated with the PYD. They're involved in the different AA administrative, economic institutions, bodies and entities. Those members are distinguished by a number of key elements that other AA bureaucrats don't enjoy:

- ◆ They are not formally and transparently employed in these institutions. Rather, they are supra-administratively appointment, without being subject to official assignment documents or bureaucratic and administrative regulations.
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- ◆ They enjoy exceptional powers that go beyond the normal leverages and limits enjoyed by any employee or member of these institutions. In a sense, they themselves represent the supreme and actual authority overstepping laws and authorities of the administrative apparatus.
- ◆ It is impossible to monitor and evaluate the performance of administrative Cadro members, making holding them accountable a challenging task. This is due to the lack of an initial mechanism that governs their work, which is usually an administrative and bureaucratic entity and dynamic.
- ◆ The lack of a general law that defines the powers and rights of the Cadros, and the tools through which their performance can be monitored if they overstep the powers entrusted to them.

### **3. Overlap of power**

It is true that the AA is the main authority in the NES region. However, several Syrian regime institutions continue to operate in the areas they are in charge of numerous domains, albeit unannounced, whether at the service level such as the electricity, water and public health departments, or in the fields of education, security, public transport and particularly the Aviation Authority, particularly in both the cities of Qamishli and Hasakah.

### **4. Poor long-term planning**

The majority of administrative and executive institutions and bodies in NES are based on the assumption that they are mere ad hoc “caretaker” bodies rather than authorities that have sustainable impact and are capable of bringing about development and improve to their structures, work mechanisms as well as improving the quality of their staffs, elites and institutions.

This behavior is the result of a number of pressure elements, on top of which are the military and political affairs. The majority of the AA bodies realize tacitly that the current arrangement in NES is a temporary measure and pressure by both the Turkish government and Syrian regime will eventually topple the current structure while all operational institutions will be destroyed.

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## **Common ground with Local Administration law decree 107**

Finding common ground during the numerous unofficial negotiation rounds between the Syrian Regime and the AANES was all but possible. As the AA was demanding regional federal rights, the Syrian regime continued to insist on only providing what is stipulated within the 107 decree of the Local Administrative Law.

However, the use of different linguistic terminology distinguished the 107 decree of Local Administration Law which the head of the regime issued following the popular and international pressure put on the government. These amendments to the law were only aimed to allude to the fact that the government was undertaking political reforms.

However, all indications ,whether with regards to the local administration's infrastructure in regime-controlled areas or through the two rounds of local elections held by the Syrian regime in that period the results of which were known in advance point to the fact that local administrations' vision and mechanism remained intact and operate as before. The same applies to the type of relationship governing the central authority, it's very solid cores, and service institutions' in local administrations,

This vision and mechanism are based on four pillars:

- ◆ These local administrations do not have any authority over their work, but rather receive their full instructions and clout either from central institutions, or from local security services, which are deemed as the real implementers and authority in areas where they operate.
  - ◆ These departments work within the regime's political, security, and economic prescripts, as they are actually executive agencies whose scope of work is similar to the duties assigned to security ministries, such as defense and the interior. These departments are not considered autonomous authorities and do not have the ability to question the aims and direction of the central authority.
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- ◆ Law 107 includes a set of expressions of political literature and a number of inalienable rights which are not actually put to practice. These expressions do not go beyond being merely a linguistic cover for the central authority, similar to the method used in the matter of the constitution, which is merely a cover for granting legitimacy to the authority of the regime. It is true that Law 107 stipulates elections at all levels, distributing wealth and controlling part of it locally, but these provisions do not have any credibility, and they are not applied in a transparent and practical manner.
- ◆ The lack of any political jargon in the Local Administrative Law especially in terms of the Kurdish community and the other local components' constitutional rights, the law also doesn't state which entity has the legitimacy to manage resources and how the process is split among the central and local authorities.

For that reason, the following five internal conditions need to be fulfilled:

- ◆ The AA must be allowed to maintain some form of its military and security power in order to be able to sustain the power equilibrium with the central government in case it doesn't comply with the contents of any agreements. It is true that this step should come as part of a political-military agreement, but it could also be stipulated in the Administrative Decentralization Law particularly in terms of police and security body management
  - ◆ The agreement must translate into a constitutional foundation, since laws and resolutions can be repealed by presidential decrees. Therefore, the constitutional recognition of the Syrian Kurds must be at the heart of the agreement.
  - ◆ The proposed amendments need to address two clear features, the first pertains to the official languages in the NES region and the second should cover the public resources distribution mechanism.
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- ◆ The agreements must be sponsored by the US and other international powers as well as Russia in particular in order for the Syrian regime not to regard it as a reversible administrative resolution.
- ◆ The restructuring and reintegration of old regime administrative institutions within the newly-established AA bodies. The dissolution of AA institutions would mean that hundreds of thousands of their staffs would be left unemployed without any other source of income.

### **Obstacles that face establishing and enforcing governance that meets the requirements of civil peace**

There are four levels of "long lasting social peace" which the NES needs to fulfilling order to be deemed compliant with this condition:

- ◆ The area shouldn't be subject of hostility from any of the powers stationed in neighboring areas, which are immeasurably more powerful particularly Turkey and the Syrian regime.
  - ◆ The local populations in that region need to feel real economic security while it is essential that they sense that their living conditions are not going to return to what they were previous to the conflict. The NES region used to be an underdeveloped internal colony, with both its Arab and Kurdish components being equally underrepresented within the central government institutions.
  - ◆ If no roadmap for a political solution to the entire Syrian crisis is found, the NES will continue to be the subject of instability as long the Syrian civil war continues to rage, which would have long lasting repercussions across the country.
  - ◆ Any agreement should include a clear solution to the Kurdish issue, even if it was on a miniscule level. The solution would pave the way towards mending the prevalent sense of injustice felt among Kurdish elites and local communities and eventually banish the roots of political and civil discord.
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**In order to fulfill the aforementioned conditions, the Autonomous Administration of North and East Syria must overcome the five following obstacles:**

- ◆ The AA needs to gain a certain level of legitimacy, whether it be through acquiring recognition from the Syrian regime or from neighboring states. Legitimacy is the main and most effective dynamic for ensuring the development of this authority and its ability to adapt to the objective conditions of any general administration.
  - ◆ Global players especially the United States and Russia need to push towards enforcing two types of political consensus with the AA. The first must focus on reaching an intra-Kurdish agreement as well as a consensus with local populations from Arabs and Assyrians, allowing all components to participate and be represented in governance. The second agreement needs to be established with the central government (the Syrian Regime) in Damascus.
  - ◆ The management of public resources and the adopted mechanisms should be reset. Even if this region does not enjoy clear and full legitimacy, and despite the numerous obstacles facing its development, the administration must not hesitate to hire, for example, one or more international public accounting firms that may be able to oversee this aspect of governance.
  - ◆ An international strategy that does not stipulate combating terrorism in the region as the main and only goal needs to be devised, particularly by the U.S. Moreover, long-term stability is a multifaceted and highly structured issue that transcends all efforts to reduce the issue to security and pure militarization. No general administration can develop without the help of international agencies and institutions, especially if it is nascent like the NES administration.
  - ◆ Establishing the economic, educational and moral infrastructure foundations for regionalizing the NES, meaning moving from the mere geographical realm into political, economic, cultural and symbolic spheres, in order for local communities to identify their common higher interests.
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