



Local Development
Organization
منظمة التنمية المحلية

The legal system for the Governance of Local Councils in Syria



Preparation

Lawyer Youssef Nirabani

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Non-compliance with laws and regulations or its absence, lack of participation and transparency, low efficiency and effectiveness, failure in responding to the different needs of citizens and other phenomena reflect the absence of good governance principles in local councils. This deprives citizens of their rights to participate in the affairs of their region and to access services. It also leads to the absence of distributive justice and the decline in human development indicators associated with poverty, illiteracy, health and environment degradation leading to a loss of confidence among the community parties.

All these factors were existing before the eruption of Syrian revolution in 2011. The management of the state facilities was conducted centrally, and even local councils were nominated by the only ruling party with little authority. These councils were subject to the law 15 issued in 1971, which was loosely applied for decades. That is a result of the regime's unwillingness to activate participation of the local people in managing their affairs and services. When the Syrian revolution began in the spring of 2011, the regime stopped basic services for all towns and cities. All workers in the service sector and local councils in these areas have been disabled within the framework of the application of the siege policy and preventing food and services in these areas to punish the population collectively. After mid-2011, the regime started to lose control so it issued reforming laws as it promised Syrian society to perform several years ago. Then, it issued the 107 decree which contained the Local Administration Act, and it referred to the principle of decentralization of the Syrian laws in it for the first time, but it was not put to implementation as the previous law.

A large number of people in each city or town in the liberated areas were affected by the disruption of services. So, some activists initiated the organizations of relief and service work in these areas and provided some basic services to those in need. However, the scale of needs quickly began to grow, to the point that individuals or small groups can no longer continue to provide services and assistance alone without cooperation and coordination with others.

That's when the idea of local councils started to emerge. These councils were managed by people and groups who were able to provide their services to those in need, most of the finance or in-kind support was provided by Syrian individuals inside or outside Syria until the need became great and campaign of fund-raising started outside Syria.

Local councils represent the main administrative nucleus in the liberated areas. Because of the need of effective and credible local councils, it was necessary to organize them to develop their performance and to empower local communities to be able to manage their affairs, strengthen a culture of community harmony and promote dialog among the components of these communities. This will lead to achieve development, provide the necessary services for citizens and achieve security and stability. In the past few years, unified regulations and rules for local administration have been adopted by the Ministry of Local Administration in the interim Syrian government, and these regulations are based on the laws and regulations already placed in Syria in order to maintain the unity of laws and regulations. Through this report, we will address the main governance aspects of local councils in opposition areas, and how it has developed mainly in some regions of Daraa, Rif Damascus and Aleppo because they represent distinct experiences as a result of the specific circumstances of each region; we will draw on previous studies and reports of central meetings with former workers in local councils.

In the late 2012, the local councils started to emerge in the liberated areas increasingly. They were initiatives of the local population that were not subject to a clear system or governance, but it was based on personal efforts at the sub-councils and governorate councils. In September 2012, Duma council began to establish special regulation on elections and disciplines. Then the National Coalition of the Revolution and opposition forces managed it and the internal regulations of the provincial councils were issued in late 2013.

The internal regulations contained 132 articles and of the Provisional Financial Regulations of the Local Councils contained 44 articles. Later on, via the support of the Ministry of Local Administration, the interim Syrian government was formed and invited the provincial councils, some major city councils, lawyers and engineers syndicates to a workshop in Gaziantep in the middle of 2014 in order to establish the executive regulation of local administration derived in most of its provisions from Decree 107 of 2011 that includes the local administration law. Afterward, it started to be circulated to the councils for implementation. Some councils started to apply it, while other councils such as Daraa, Al Ghouta and Aleppo worked to issue internal regulations derived from the chart, and some of its provisions were amended to suit the situation in those regions.

Then, the Ministry of Local Administration, in cooperation with the local development organization (LDO), was then informed of the issuance of the common financial system and the rules of procedure of the administrative units and their executive offices. During that period, some of local councils didn't adapt the issued regulation of SIG (internal regulation – the executive regulation of local administration and the financial regulation). Instead of that, they were working without any regulations or they had their own. However, there were also a number of councils that adopted the executive regulation of the local administration issued by the interim Syrian government and issued a decision to approve it. This regulation is not fully applied, and there are no clear mechanisms to guarantee its application in the councils, but the governorate councils in Daraa, Damascus countryside and Aleppo approved the regulations issued by the government even if the application process varied.

Types of Local Councils

Decree 107 of 2011 and the regulations issued by the opposition stipulate that Syria has administrative units divided into (governorate, city, town, and municipality) and this is what has been applied in most opposition regions. However, there were other models appeared in some governorates such as the so-called Union of Local Councils established initially by some expatriates in Kuwait to relief the liberated areas in Daraa. Then, it was moved to work in the liberated areas trying to influence the sub-councils in order to compete with the provincial council, but it did not last effectively for long and remained without effectiveness until the displacement of Daraa residents governorate from it.

Also, the Union of Almarj council in the western Al-Ghouta appeared, and it was a gathering of some small councils there for coordination. However, it continued to follow the governorate Council in its office in the eastern Ghouta until the displacement of the eastern Ghouta residents to Syrian in the north.

In Aleppo governorate, the so-called Eastern and Northern Rural Councils Union also emerged for coordination and cooperation, but also under the umbrella of the Provincial Council. In addition, some of the opposition armed factions have formed city boards that tried to compete with local councils in providing services, but they did not succeed in most their attempts.

Local Councils Formation

The structure of the councils consisted of a reporting authority, the local Council and the executive office, which was also drawn from Decree 107 of 2011 and was confirmed by the executive regulation of the local administration issued by the interim government. The regulations stipulated that local Council meetings should be monthly and meetings Executive Office should be weekly.

In practice, the meetings of the Provincial Council in Daraa were non-permanent and the larger role was by the Executive Office where the Provincial Council was held only a few times and did not play its role in approving the plans and projects, taking this role as the Executive Office and in addition to its terms of reference.

In the Rif-Damascus governorate, because of the separation of the liberated

areas in the governorate and the distribution of Council members in those areas, the meetings of the governorate Council were conducted via Skype and social media, which made these meetings ineffective, as well as the meetings of the executive office of the governorate. By days, the office of the governorate Council was taken in the eastern Ghouta which plays an active role in the absence of the rest of the regions until the role of the governorate Council actually receded in the Eastern Ghouta.

In Aleppo governorate, it was different, where the governorate Council actually practiced its role effectively through its regular meetings as well as the executive office. However, the frequent targeting of the governorate Council's offices by the regime's forces led to its movement to several places and lost many of human and material resources.

Structure of local councils and its terms of reference

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With respect to terms of reference, the provincial councils have done a lot of work

Daraa governorate, the governorate Council of Daraa supervised the formation of local sub-councils, activated the work of the Directorate of Real Estate interests, the Department of Transport, the Civil Status Department and supported sub-councils. That has been done under the supervision of Dr. Yacoub Al Amar, providing them of wheat which was existed in the silos according to the population of each Council. In addition, he bought wheat from farmers at competing prices for the regime and sold it later to the grains enterprise, which in turn grind and sold it to local councils at encouraging prices. At that time, the governorate Council used to buy and sell it to provide salaries for executive office members and employees, and the council contributed to the activation of the Directorate of Hygiene and Water, worked on the restoration of schools and supported the medical side in cooperation with the civil defense

Rif-Damascus Governorate: The work of the Council was limited to relief at the beginning of its formation, and it continued to develop its provided services after it moved to the Eastern Ghouta, where many projects were carried out, especially in the Eastern Ghouta such as food security projects, especially agriculture, wheat and bakeries, and the Public Services Directorate's work on hygiene and sanitation, supervision of the educational process and examinations in cooperation with the Directorate of Education in the interim government. The Council supervised the formation of the sub-councils, but its role was limited, especially outside the eastern Ghouta, and supported the media offices of the sub-councils, however the blockade has adversely affected the sustainability and impact of these services

Aleppo Governorate: Aleppo Council, since its foundation, has sought to provide basic services to citizens in various regions of the province, beginning with organizing the provision of flour, bakery, mills, relief and transport Directorate. Then it proceeded to organize the work of the local councils. That is through first, forming the legal office that was subsequently developed to the local Council Directorate. Then, the Education Office was established, which supervised education, schools and examinations in cooperation with the organizations and the interim governance. The governorate Council has been affected by the repeated shelling of the Council's offices that lead to repeated loss to the liberated areas of the Council's relocation to several geographical areas, affecting human personnel and material resources, adversely affecting the services provided by the Council. Also, the absence of a fixed financial resource and the failure to develop a collection system to assist the councils in providing basic services in a sustainable manner and sometimes organization competed councils in providing services as well as the lack of coordination with them and the orientation of supporting organizations to the sub-councils without any coordination with the governorate Council that led to the ineffectiveness and sustainability of basic services.

Local Councils Oversight

The text of Decree 107 of 2011 and the Executive Regulations of the Local Administration on the types of control over the local councils is formed by official supervision and are divided into internal, external and popular supervision with the supervision of citizens, organizations and the media.

Daraa governorate council: A formation of oversight office composed of representatives from the Bar Association and the Justice House was set up of three-person in Houran to hear complaints from sub-councils and citizens. The Commission reported every one and a half month to the Executive Office of the province on complaints and their treatment; at the third session of the Council's work, an Executive Office member was assigned to oversee the committee. There was no external oversight of the Council by the interim government,

and there were regular meetings with representatives of the sub-councils to listen to their needs.

Rif-Damascus Governorate Council: There was no oversight office and there were regular meetings with local residents while financial reports were sent to the interim Syrian government on an annual basis to learn about the final budget of council.

Aleppo Governorate Council: There was an oversight office composed of a committee formed by the Council for Administrative and Financial Supervision, which issued its reports to the governorate Council, and the Central Authority for Administrative and Financial Supervision in the interim Syrian government also sometimes exercised a supervisory role over some of the governorate Council's directors. The Provincial Council's legal office also received complaints from the sub-councils about conflicts of jurisdiction between them and about problems related to the distribution of relief to the sub-councils.

Funds and External Relationship

The lack of self-help resources for local councils and their dependence on external support contributed to the instability and volatility of their work and services from time to time in which at the beginning of the formation of governorate councils, support through the National Coalition of Revolution and opposition forces in 2013 for the formation of councils and the provision of services in areas outside the control of the regime amounted to \$1 million for Aleppo and Rif-Damascus governorate and \$500 thousand for Daraa governorate. As the interim Syrian government was formed and started to work in 2014, salaries were distributed to the local councils in the north of Syria for two consecutive months, including governorate councils and sub-councils, and lump-sum amounts to the councils of Rif-Damascus and Daraa, which contributed to the provision of services and the formation and support of sub-councils.

In term of dealing with the international and donor organizations, Daraa governorate council had been working to benefit from the credit fund projects


in restoring schools, hygiene and water projects, and has benefited from the wheat cultivation and purchase project from farmers supported by the Qatar Foundation, the ACU and the General establishment for the seed propagation. The Council also worked on investment of electricity and water network resources, boreholes licenses and contractors to support its financial resources, and the governorate Council was struggling with the difficulty of entering equipment and funds from the Jordanian border and the lack of commercial border outlets with it.

Rif-Damascus Governorate Council: In particular in the Eastern Ghouta and as a result of the blockade at most stages of its existence, it had suffered from limited resources and high price, no self-resources for the Council, free services and direct contact with international donors for agricultural and relief projects.


Aleppo Governorate Council: The situation was better in terms of border outlets with Turkey, allowing many international organizations to work with it on various projects in the governorate, where the governorate Council carried out six bakeries, received 25% of the furnaces' earnings as income to the council, and also implemented two wheat mills and it had operational expenses of the Council from a number of international organizations for several months.



**Local Development
Organization**
منظمة التنمية المحلية

 +90 531 701 0015

 info@ldo-sy.org

 www.ldo-sy.org
