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Local Elections in Post-Agreement Syria: Opportunities and Challenges for Local Representation

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Executive Summary

- The newly emerged local governance structures and the social norms and dynamics they have imposed at the sub-national level in Syria have played a major role in shaping the Syrian conflict. However, these structures have been marginalised in the internationally-backed pre-agreement negotiation processes, which will impede the implementation of any political solution and will inevitably weaken its legitimacy at the local level.
- Given the increasing international and regional consideration to the reconstruction of Syria, the exclusion of these local structures, which are best suited to represent the needs of their local communities, will weaken the inclusiveness and relevancy of any reconstruction attempt in the future.
- Therefore, the adaptation of a combined top-down and bottom-up approach to the political solution would facilitate the implementation of any political arrangements between the warring parties and would arguably support legitimising such arrangements at the national and sub-national level.
- However, the current administrative and legal frameworks which regulate the electoral processes and the distribution of roles and responsibilities between the Central Government and the Local Administrative Councils (LACs) have largely failed to develop an actual vision of decentralisation.
- The pseudo-decentralised approach envisioned in the Syrian laws; namely the Law of General Elections (Law No. 5 for 2014) and the Law of Local Administration (Law No. 107 for 2011), has proven to be ineffective and unable to gain the required social acceptance.
- There is a general impression that Law 107 is a quantum leap in terms of decentralisation, and that it has fundamental differences from what has been previously implemented, namely Law No. 15 for 1971. However, the new law is nothing more than a superficial facelift of what has been the practice of managing Syria's local affairs for the past 40 years.
- The Local Administration Law in Syria does not give any real powers to the elected local councils. Most of the real powers are still concentrated in the hands of the Damascus-appointed Governors, who preside over elected councils and enjoy almost absolute powers over their provinces at all administrative levels with a judicial immunity granted by the law. In addition to the total absence of any effective measures to impose transparency, accountability and public participation.
- Most of the essential functions in the sectors of health, education, agriculture, service delivery, resource management and local revenue management are still centralised at the ministerial level.
- Theoretically, the newly issued Law of General Elections (Law No. 5 for 2014) has managed to introduce relatively new political concepts to Syria's socio-political scene to be more consistent with the constitutional amendments made in 2012, especially the abolition of Eighth Article of the Constitution of 1973, which states that the al-Baath party is the leader of the state and society. The law allowed the participation of non-Baathist political parties in local elections and opened the way for wider popular participation in these elections.
- In reality, however, the law still suffers from many fundamental problems that will ultimately prevent the holding of representative, free and fair local elections. Such as:
 - The absence of voting rights for IDPs, refugees and the Syrian diaspora
 - The total absence of any mechanisms to ensure women's representation at the local level
 - The unjust administrative division of Syria's administrative units
 - The lack of integrity of Syria's official judicial institutions that supervise and manage the elections, and the lack of public confidence in the capabilities of these institutions
 - The absence of real powers and tangible impact of the elected local councils, which in turn has created a negative public perception towards these local structures, which considers them as nothing more than empty facades to the al-Baath-led security and intelligence branches
- In order for the political solution to have any real effect over the Syrian conflict, these laws (the laws of local elections and the laws of local administration) must be modified in order to enable the local governance structures to play an influential role in rehabilitating the local communities, ensuring a broad public participation, promoting the social cohesion, mitigating the effects of war economy, stabilising the local economies and empowering the social harmony at the national and sub-national levels.

1 Introduction

The reality of the current Syrian conflict and its regional and international impact necessitates that any future political and negotiated solution must take into account the local complexities of this widespread conflict in all Syrian territory. Such localised and diverse complexities are usually not factored in the political agreements of countries emerging from civil wars, and they are often marginalised in the pre-agreement political negotiations. This impedes the implementation of any agreement between the warring parties. The Syrian situation is no exception.

The local dynamics of the ongoing conflict and its newly emerged social norms and governance systems have played a major role in defining, shaping and directing this conflict on the ground. It has created a new socio-political identity of the Syrian state. Therefore, these localities must be one of the primary carriers of any future agreement. The isolation and marginalisation of these local dynamics will have catastrophic consequences, especially with regard to the reconstruction phase and the restoration of the deeply fragmented social structures in Syria.

In reality, most of the relevant agreements that have recently taken place in Syria were agreements of a local nature, where local communities and their post-uprising established administrative structures were the main negotiators/implementers of such agreements. These local agreements alone are insufficient to end the ongoing war in Syria today, especially in the absence of a comprehensive political solution at the national level. However, they have been able, albeit temporarily, to ensure the minimum level of stability that may allow a longer-term solution in the future.

We argue that the adaptation of a combined approach of top-down and bottom-up approach to the political solution would facilitate the implementation of any political arrangements between the warring parties. The first step towards achieving this is the rehabilitation of local communities through the creation of administrative and legal frameworks that allow them to be represented at the national and sub-national levels thus giving legitimacy to the desired political agreement. The most applicable way to approach that goal is the careful planning of free, fair, transparent and representative Local Elections with clear legal frameworks that guarantee judicial and social accountability (Lopez-Pintor, 2005).

Post-agreement local elections in Syria can be seen as a crucial stabilisation method across all sectors. At societal level, ensuring broad public participation in these elections, including an emphasis on the right of women to be nominated and to vote, would promote social cohesion, reduce tensions among neighbouring communities and contribute to the empowerment of social harmony. Furthermore, after the constant waves of internal, external and forced displacements and demographic changes in all Syrian regions, and after

these IDPs have been stripped of most of their rights; local elections are an essential method of restoring their dignity and empowering them within their host communities, as well as being a substantial incentive for these IDPs and refugees to return to their areas of origin (Shujaat, 2016). More on this issue in Section 5.2 and 5.3.

Structurally and institutionally, the Local Administrative Councils (LACs) in the areas controlled by the Syrian government have not witnessed any actual local elections since the beginning of 2011. Consequently, most of these councils continue to function in accordance with outdated decrees that no longer reflect the public aspirations for decentralisation. As for areas outside the control of the Syrian government; namely the opposition-held areas, and despite the formation of LACs with structures similar to those located in government areas, these councils, however, are often formed in an arbitrarily way and have largely failed to represent their local communities through proper electoral processes. Their role was limited to provide basic services of an emergency nature without creating a tangible long-term impact on the decentralised administrative structure of the state. In the PYD-controlled areas, although there is a higher level of decentralisation in comparison to the rest of the Syrian regions, the local governance bodies that were formed in those areas were also not elected democratically, and their decision and sovereignty are at the disposal of the military forces controlling these areas. More on these topics in Sections 4.1, 4.2 and 4.3.

“...local elections would play a pivotal role as a tool for institutional capacity building and developing the social capital”

Therefore, in this case, local elections would play a pivotal role as a tool for institutional capacity building and developing the social capital (Jokay, 2001). Especially if these elections are based on solid legal bases, expressed technically and legally in a modified law of local administration that reflects a clear definition of decentralisation, by increasing the roles and powers of all administrative units, while reducing the powers of the central authority and its Damascus-appointed representatives, like governors and district managers. These issues are discussed in more details in Section 2 and Section 5.6.

Moreover, for local elections to be successful it is also crucial to understand what constitutes legitimacy at the local level. What is it that would make people feel that the system and the candidates are legitimate? Without understanding this aspect and taking it into consideration, even the best designed local elections law and the best run elections would not succeed in constructing legitimacy from the bottom up, and would not gain peoples' trust and participation. In this paper we focus

mainly on the procedural element of local elections. In subsequent publications within the framework of the Conflict Research Programme, the question of substantive legitimacy in Syria will be explored.

Another important aspect of local elections is the political economy of these elections which dictates the strategic interactions between state institutions and key economic and political players at the national and sub-national level, in addition to the role of Governors and the intelligence branches in the exploitation of the political economy of local elections for the sake of creating and empowering localised patronage networks, which, in turn, have a significant impact on the constitutes and the entire electoral process. Nonetheless, the political economy of local elections is not part of this paper's scope of work which mainly focuses on the legal and social implications of the current Syrian laws.

2 The Evolution of Syria's Local Administration Laws:

The local administration modalities in Syria have passed through two major benchmarks; the 1971 law of local administration; Legislative Decree No.15 for 1971, and the modified version of that law, the Legislative Decree No. 107 for 2011, or what is commonly known as "the law 107". Both of these laws reflected significant changes in Syria's political climate at a particular time. The first law was issued shortly after Hafez al-Assad had risen to power in 1970, whereas the latter, "modernised" version of the law, was presented within a package of attempted political reforms by Bashar al-Assad as a response to Syria's growing protest movement.

Both of these laws, despite the considerable time interval between them, are principally linked with each other. Therefore, any attempt to analyse the current laws of local elections, namely Law No. 5 for 2014, without shedding a light on the Law of Local Administration, Law No. 107 for 2011, which had laid the foundation for most of Syria's local governance structures and approaches, would be short-sighted and incomprehensive.

In the following sections, we'll highlight the most important aspects of Syria's Law of Local Administration (Law 107), in an attempt to measure its progress, investigate its weaknesses and conclude practical recommendations that could hopefully improve the functions and deepen the impact of any possible post-agreement local elections.

2.1 The Legislative Decree No. 15 (1971):

For almost 40 years, Syria's local administrative affairs were regulated within the framework of the Local

Administration Law - legislative decree no. 15 date 11/5/1971, modified by law no. 12/1971¹. This law was designed and developed by the Regional Command of al-Ba'ath Party, Syria's ruling political party, to increase its limited presence in the country's peripheries and to reflect Hafez al-Assad's attempt in decentralizing Ba'athist centralised apparatus after his "Corrective Movement" of 1970, by focusing on institution-building and increasing the level of administrative delegation from the central government to the subnational administrative units.

The law focused on the division of roles and responsibilities between the Central Authorities and the Local Administrative Units (councils). In addition to the geographical distribution, internal structures, chains of command, sources of funding, accountability measures and the electoral procedures of these councils.

The decentralised framework envisaged in the previous local administration decree was largely restricted by the state's excessive centralised nature and the overwhelming dominance of security agencies and al-Ba'ath localised branches. Decision-making power for political, security, judicial, and budgetary affairs remained centralised in Damascus (Khaddour, 2017).

Vital sectors like education, health, agriculture, industry, local resources and revenue management were developed, implemented and managed by the relevant ministries in Damascus. Moreover, almost all of the crucial delegated responsibilities were concentrated with the hands of Provincial Councils (PCs), and more specifically: Damascus-appointed Governors. PCs were given political, sociocultural and environmental activities including all big projects (dams, waste management...etc.), as well as a direct and strict financial and administrative management role over of all administrative units within the governorate's border. They also enjoyed a margin of shared responsibilities with the relevant ministries including services and activities which affect areas and populations inside and outside cities and villages.

2.2 The Legislative Decree No. 107 (2011):

Shortly after Bashar al-Assad was elected president through a popular referendum held in 2000, a serious reform programme was planned with both developmental and political dimensions. The political aspect of this reform was suspended, whereas, a gradual and non-comprehensive reform was implemented in certain economic and public administration aspects, by expanding the private sector, reforming public sector and increasing economic openness and international integration. (Hinnebusch, 2012). As a result, the UN and other international agencies started to gradually gain a more obvious role in developing institutional capacities of

¹ Legislative Decree No. 15 for 1971: <https://goo.gl/r87bFn> (Last accessed on March, 15th, 2018).

the public sector, in collaboration and under strict observation from state institutions.

Syria's Tenth Five-Year Plan (2006-10) has set out a framework for transformation, entailing a new social contract between the state, the private sector and civil society. It also outlined significant reforms to eliminate the state monopolies, improve the efficiency of public services and civil servants, in addition to enabling civil society to make meaningful contributions to policy making and monitoring the performance of public officials.

Around the same time, a new law of local administration began to be drafted, aiming to address the main gaps of the previous one while reflecting the transformative reforms listed in the Tenth Five-Year Plan. On 2011, following Syria's protest movement, the Legislative Decree No. 107 was issued as one of the many political reforms' attempts to "democratise" the country and to enhance the legitimacy of its institutions.

Theoretically, the new legislative decree, law 107, introduced some major changes in comparison to the decree no. 15 (1971). It presented modern concepts and terminologies, relatively new to the previous Syrian regulations, like the notions of "decentralisation", "democracy" and "civil society", which were largely absent from its older version. The Ba'athist tone was considerably less obvious; for example, the elected councillors are not obliged anymore to swear an oath to "fulfil the goals of the al-Ba'ath party in unity, freedom and socialism". Additionally, a multiparty local election system was introduced in association with the newly issued law for Political Parties, Legislative Decree No.100 for 2011, which allowed the establishment of political parties and granted them with the right of participation and representation in all forms of elections.

"...the appointed Governors are still in possession of almost ultimate powers over the lower administrative units while enjoying a high level of legal impunity against public accountability and legal prosecution."

The law also intended to provide LACs with more decision-making power over most of the state sectors, including education, health, industry, private investments and revenue management, while transforming most of these services from the central ministries to the local

authorities. The guardianship of PCs over their lower administrative units was slightly reduced. Additional budgetary and financial responsibilities were granted to local councils. And, finally, social accountability was better defined with additional transparency and participatory measures.

In practice, however, the actual changes and modifications in dealing with local structures remained marginal. The amended roles and responsibilities were duplicative and ambiguous. Security, legislative and judicial powers continued to be centrally controlled by the government. Moreover, the appointed Governors are still in possession of almost ultimate powers over the lower administrative units while enjoying a high level of legal impunity against public accountability and legal prosecution.

2.3 Syria's Administrative Divisions:

Law 107 has divided Syria into four main administrative units, instead of five in the older version. These units are: Governorates (Provinces), Cities, Towns and Townships². All of these units have legal personalities and financial and administrative independence³.

Similar to its 1971 predecessor, Syria's administrative divisions were distributed according to the local population. However, due to the population growth in Syria since 1971, the population distribution over the administrative units has slightly increased; A City is defined as: "every governorate's centre or unit or population group which exceeds 50,000 people". A Town is any unit with a total population larger than 10,000 and less than 50,000 people, A Township is between 5,000 and 10,000⁴. The establishment, naming and the determination of population of all administrative units at all layers are done through a separate law⁵.

The main source of population data to determine the administrative divisions is based on the Civil Registry Records of each unit, which is provided from the Central Bureau of Statistics. Therefore, administrative units' distributions and the regulations of local elections for that matter do not include permanent residents of these units, unless these residents have previously changed their original Civil Registry records (*al-nufus*) to the unit they are currently residing in.

2.4 Roles and Responsibilities:

The law aims at granting more power over vast sectors to the elected local councils, in order to increase their legitimacy amongst their local communities and to give them the upper hand with all local affairs related to

² Villages and rural units (mentioned in the decree no.15 (1971)) were combined into Townships

³ Law 107. Article 7

⁴ Law 107. Article 1

⁵ Law 107. Article 14

service provision by “implementing the decentralisation of powers and responsibilities and concentrating them in the hands of the people from different social statuses, in accordance with the principle of democracy ... Establish Administrative Units capable of planning, executing, and applying the development plans pertaining to local society and implementing related projects effectively and efficiently”. Central government’s responsibilities were relatively reduced compared to the older version; “The role of the central authorities shall be limited to planning, enactment, organisation, and supply of modern technical methods and implementing major projects which the Administrative Units are unable to implement”⁶.

The law also granted Governors with a legal immunity for their actions during service; only the Supreme Judicial Council has the authority to persecute the Governor and only after he is transferred to it by a presidential decree. Public or civil actions could not be taken against him except by decision from the Supreme Judicial Council⁷.

Law 107 also indicated that the representatives of Governors at the lower administrative levels are not the elected City, Town or Township councils, but rather the Districts/Sub-Districts appointed managers. These managers have a security mandate to oversee public security and to establish public order and are appointed by the Minister of Interior, based on a recommendation of the Governor, and with a direct reporting line to him⁸.

3 Syrian Law of General Elections (Law No. 5 for 2014):

The political reforms that followed the uprising of 2011 did not stop at changing the law of local administration, they went further to introduce several attempts to improve and democratise Syria’s public sphere, mainly by allowing new and non-traditional political parties – parties which were not part of al-Ba’ath-led National Progressive Front- to legally participate in the political arena. This newly established political space came as a result of the fundamental amendments and modifications to the old Syrian constitution, the 1973 constitution, where the modified constitution, the 2012 constitution, abolished the paragraph that granted al-Ba’ath Party the right to a political monopoly over all aspects of the Syrian state and society.

Removing al-Ba’ath status as “the ruling party of the state and society” and replacing it with constitutional articles allowing the alternation of power between other political actors, in addition to the consequent promulgation of a law regulating the work of the political parties in Syria (Law No. 100 for 2011), paved the way for amending the general elections law in Syria, by allowing these parties to

enter the elections at all levels; legislative, presidential and local.

3.1 Electoral Divisions:

According to the Law of General Elections (Law No. 5 for 2014), LACs’ elections are carried out on the basis of Electoral Districts. The number of Electoral Districts is based on Syria’s administrative divisions and is proportional to the population of each of these divisions/units.

The number of Electoral Districts for Provincial Councils, Provincial centre cities, and cities whose population exceeds 100,000 people, is determined by a decision from the Minister of Local Administration. As for the rest of administrative units; each unit is considered a single Electoral District⁹.

Each District shall elect a number of Candidates equivalent to the number of seats allocated to it. The number of seats for the councils of the administrative units is determined by a decision from the Minister of Local Administration in accordance with the percentages specified in the Local Administration Law¹⁰.

LACs’ members shall be composed of representatives from the following two sectors:

1. Workers and Farmers. (Sector A)
2. All remaining categories of people. (Sector B)

The proportion of representatives from (Sector A) shall be at least 50% of all elected members of Local Councils (across all Electoral Districts). And the number of members allocated for each sector is determined by a decision from the Minister of Local Administration with regards to each Electoral District¹¹.

3.2 Electoral Committees

The law tried, on theory, to empower the principle of the rule of law over local elections and to raise the level of judicial accountability and legal monitoring over the electoral processes throughout the formation of several bodies of a legal nature that oversees elections at all administrative levels. The following is a general explanation of these bodies, their powers and their association with each other:

The High Judicial Committee for Elections: A judicial committee composed of seven members named by the High Judicial Council (which is headed by the President) from among the counsellors of the Court of Cassation. The High Committee is responsible for full monitoring

⁶ Law 107. Article 2

⁷ Law 107. Article 56

⁸ Law 107. Article 78

⁹ Law No. 5 / 2014, Art. 26: 1,3.

¹⁰ Law No. 5 / 2014, Art. 26: 2,4.

¹¹ Law No. 5 / 2014, Art. 24 and 25.

and supervision of Local and Parliamentary elections and has the mandate to undertake all necessary procedures to ensure the freedom, safety, integrity and transparency of these elections¹².

Branch Committee: A tripartite judicial committee of appeals judges, formed by the High Judicial Committee in every Governorate. This Committee is responsible for:

- Determining the Election Centres in each Electoral District in coordination with the Governor.
- Supervising election results received from Election Centres.
- Deciding on appeals submitted to it by the Nomination Committees and the Election Centre Committees¹³.

Nomination Committee: A tripartite judicial committee from judges of the Court of First Instance, named by the High Committee in every Electoral District. Its main responsibilities are:

- Examining Nomination applications and announcing the names of those whose nomination has been accepted
- Confirming the sector to which the Candidate belongs¹⁴.

Election Centre Committee: shall be formed from three members by a decision from the Governor in every Election Centre from among civilian state employees in order to manage the Election Centre, administer the voting process in the Centre, Count the votes, announce the results and prepare ballot records and submit them to the Branch Committee¹⁵.

3.3 Candidates and Voters Registration

Candidates and constituents could only exercise their right to vote or to stand as candidates in the Electoral District where their *Electoral Locality* is based, i.e. the location of their Civil Registry records.

Eligible voters are registered in The General Electoral Register which is prepared by the Ministry of the Interior in coordination with the Ministry of Justice, the Ministry of Local Administration and the Central Bureau of Statistics. The High Judicial Committee must confirm that the General Electoral Register is precise and up-to-date at least two months before any electoral process. (Art. 27, 28 and 29).

The General Electoral Register *does not include* permanent residents who are living in an area which is different from the area where their original place of Civil Registry records is located. In theory, constituents have the right to transfer their Electoral Locality from one

Electoral District to another within the Governorate or from one Governorate to another in accordance with any identity card or trade union card or document issued by an official entity. However, they must prove that they have spent at least two years residing in the location to which they wish to transfer their Electoral Locality. (Art. 59)

3.4 Electoral Processes

After the conclusion of voting, the Election Centre Committee begins to open the ballot boxes in public and count the envelopes contained in the same centre. Afterwards, Every Committee shall submit a record to the Branch Committee including the names of the Candidate and the number of votes each obtained.

Upon receiving the Committee records, the Branch Committee supervises the tallying of the Election results in all Electoral District Centres. Then it submits its report to the High Judicial Committee, which in turn reviews the reports and share the results with the Ministry of Interior and the Ministry of Local Administration.

Candidates in each sector are ranked according to the number of valid votes each received. The top Candidates from each sector according to the number of seats allocated for it shall be considered the winners in the Elections.

The Branch Committees announces the final Election results for membership of Local Administration Councils. Afterwards, The President issues a decree naming the winners of membership Provincial Councils and Provincial centre cities. The Minister of Local Administration issue a decision naming the winners of members of remaining Local Administration Councils¹⁶.

4 The Reality on the Ground

What we have highlighted so far is merely a general description of what the legal and administrative framework which governs Syria's local relations should look like based on various Syrian laws. However, the application on the ground is very different from the written texts, which have often been "ink on paper".

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.

¹² Law No. 5 / 2014, Art. 8 and 10.

¹³ Law No. 5 / 2014, Art. 11 and 12.

¹⁴ Law No. 5 / 2014, Art. 13 and 14.

¹⁵ Law No. 5 / 2014, Art. 15 and 16.

¹⁶ Law No. 5 / 2014, Articles: 74, 75, 79, 80 and 81.

As we mentioned earlier in the introduction, it is almost impossible to present any future vision of post-conflict Syria, particularly with regard to the governance of local elections, without considering what is written in the legal texts and comparing them with the actual application on the ground. This approach gives us the opportunity to form a basic conceptualisation of the roadmap which could lead the country towards the establishment of local electoral procedures that will contribute to a stable political transition capable of restoring the existing social divide.

Accordingly, and given the complexity of the political, military and administrative landscape of the Syrian conflict, and for the research necessities related to the general objective of this paper, we've divided Syria into three different administrative regions, based on the dynamics of governance structures in each of these regions; the government-controlled areas, the opposition-controlled areas and the PYD-controlled areas. In the following sections, we will examine the local structures, governing laws and electoral realities in each of the aforementioned area of influence.

4.1 The Government-controlled Areas

The central government in Damascus has noticeably failed to implement the new local administration law. As a result, there were no real tangible changes to the already existing local structures under its control. These structures continued to operate in accordance with the previous laws, Law No. 15 for 1971, without any significant changes in their functions, services, powers, responsibilities and relations between them on the one hand, and with the "Centre" on the other hand.

The failure of the central government to impose its own administrative law can be attributed to two main reasons. First, the lack of a real political desire to apply any form of decentralisation in its areas of control, for fear of weakening the centrality of the political power of Damascus at the expense of localities, especially the geographically distant ones, and thereby reducing its ability to manage the crisis.

Secondly, due to administrative problems and ambiguities related to the law itself. Although the law gives a general definition of administrative decentralisation, however, it failed to provide the proper executive procedures to implement such a concept. For instance, the detailed arrangements, adjustments and the necessary regulations required to transform the power and functions of the relevant ministries and other central authorities to the local councils should've been provided by the National Decentralisation Plan (NDP). The newly introduced High Council of Local Administration was tasked to develop this plan in collaboration with the relevant ministries and oversee the transformation of these functions to the councils within a period of six

months after the issuance of the law¹⁷. The High Council and the NDP, however, have not been created yet. Therefore, the additional responsibilities and the relatively larger margin of authority over the aforementioned sectors have not been identified nor transformed.

Similarly, the Law of Local Elections has not been enforced or executed in all of the areas under government control. LACs which were elected before 2011, based on the old local electoral law, have continued to operate with the same mechanisms and with nearly the same people until now. Where the President benefited from the broad powers granted to him by the law of local administration, in particular, the ability to extend the term of LACs' executive offices almost indefinitely.

Perhaps the only changes that took place after 2011, were the appointment of a number of new governors in some of the main provinces, such as Homs, Damascus and Suwayda. In addition to reducing the security and judicial powers stipulated for the governor, and granting these powers to the heads of the most prominent intelligence agencies in each province, through the formation of what is known as the "Quadripartite Committee", which includes the governor, the head of the Political Intelligence Branch, the head of Military Intelligence branch, and head of the branch of Air Force Intelligence.

This "Quadripartite Committee", together with a network of local businessmen, warlords and tribal leaders constitute the main local force in any Damascus-controlled area, thus marginalising any potential role of local councils to have any real and effective role in the management of the local affairs of its regions, which were largely limited to providing some municipal services such as waste management, rubble removal and street lighting.

4.2 The Opposition-controlled Areas

The highly fragmented nature of the Syrian conflict, socially, military and, perhaps most importantly, geographically, in terms of the vast geographical distance between the areas controlled by the opposition forces, and the lack of real "physical" contact between most of these areas, in addition to the failure of the Syrian opposition to establish an effective, unified and centralised administrative body, have played a major role in giving the local councils a considerable and special attention from the opposition forces. For them, it was the only feasible way to extend their control and create de facto authorities that could increase their level of legitimacy over their controlled territories. It was an obvious and strategic choice for the opposition to rely on LACs to demonstrate their governance-related abilities in order to gain the required social acceptance amongst the local communities.

¹⁷ Law 107. Articles 3 and 6

Over the course of 2012, the first generation of LACs has succeeded to be perceived as the main body for basic service delivery, such as water, electricity and bread, besides being a key coordinating actor between the evolving relief-based grassroots organisations. Which prompted the Syrian political opposition, namely the Syrian Opposition Coalition (SOC), to incorporate LACs within its body and to endorse them as its main governing entities at the local level (Gharibah, 2017).

Nonetheless, and despite the level of communication between the geographically adjacent councils, a holistic governance approach over the opposition-held areas was absent. Therefore, in early 2013, several SOC-led attempts to organise these councils by establishing legal and institutional standards for their work have occurred. The establishment of the Syrian Interim Government (SIG) in March 2013, as the administrative and executive body of the SOC, has facilitated these attempts through its Ministry of Local Administration (MoLA).

Shortly after its establishment, SIG has adopted the Syrian Law of Local Administration (Law 107) as a baseline of its institutional and regulatory framework.

However, SIG has also introduced several modifications to the body of the original law in an attempt to expand the principles of decentralisation and to make it a slightly more flexible to address the continuous changes of the security situation in opposition-held Syria. The main modifications in SIG's version of Law 107 – SIG's Regulatory Frameworks for Local Administration – could be summarised as follows:

- Abolishing the position of Governors and delegating all of his/her powers and responsibilities to the elected head of the provincial council (except Governor's security mandate which was delegated to the Prime Minister of SIG)
- Changing the electoral processes (more on that in the next section) to be more compatible with newly emerged social norms
- Introducing a fixed number of local councils' members at the town and township levels
- Increasing the planning and monitoring responsibilities of LACs and the neighbourhood committees (which is not an official administrative unit with a legal personality)
- Eliminating the Governorates' sub-divisions (Districts and Sub-districts), which are mainly related to the ministry of interior with judicial and security mandates, and reported directly to the governor.

Electoral Procedures:

Between 2012 - 2013, most of LACs were formed based on a consensus between influential "revolutionary" actors, local activists, armed groups, notables, tribal leaders and traditional families. However, since late 2014, several key councils, mainly Provincial Councils (PCs) and strategic City Councils (CCs), like the City Councils of

Aleppo, Idlib, Ma'aret al-Nouman, Saraqeb and Douma, have had several indirect elections following SIG's modified electoral processes. These indirect elections, however, were exceptional cases and not the general norm, which continued to be based on the consensus of local forces, particularly military and religious ones (Gharibah, 2017).

In spite of all efforts to unify the laws governing local elections in the opposition areas, the arbitrary nature has remained the predominant theme of the formation of these local governance bodies. In the following paragraphs, we will highlight the most important "organised" electoral procedures in these areas.

"In spite of all efforts to unify the laws governing local elections in the opposition areas, the arbitrary nature has remained the predominant theme of the formation of these local governance bodies."

Provincial Elections:

Based on SIG's Regulatory Frameworks for Local Administration, most of the Provincial Elections were conducted as follows:

- Each province constitutes of several Electoral Districts based on the number of population living in each district (SIG's population data are also based on the Law No. 1378 / 2011). Every year, three months before the end of PCs' terms, The Minister of Local Administration issues a decision determining the number of these Electoral Districts. The number and the geographical boundaries of each district may differ from one term to another based on the security situation and based on who is controlling the area.
- For each Electoral District, an Electoral Body is formed in each administrative unit in that District. Electoral Bodies are proportional to the number of population of each administrative unit (1 member in the Electoral Body for every 10,000 people, provided that the number of members of the Electoral Body shall not be less than one person per administrative unit). For instance, the city of Busra al-Sham in the province of Dera'a has 33,253 people, therefore, it has 3 members/representatives in the Electoral Body.
- The local council in each administrative unit is responsible for receiving nominations and supervising the elections of the members of the unit's Electoral Body
- All Electoral Bodies in all Electoral Districts constitute the Provincial Electoral Body, (PEB). For instance, the province of Dera'a (1,125,593 people) has 7 Electoral Districts and 123 members in its PEB.

- Provincial Electoral Bodies then (s)elect Provincial Council members, which in turn (s)elect the head of the PC.
- Also, based on the Minister's decision, two tripartite judicial committees shall be formed: The Election Committee and the Appeals Committee.
- In most cases, areas outside of the opposition control have no electoral body. However, it is up for the Minister to take that decision.
- Finally, the (s)elected members of PC are publicly announced, afterwards, they select the members of the executive committees.

Local Elections for the rest of Administrative Units:

The Syrian opposition, especially the political one, has always been more concerned with the provincial council elections than the other local elections, and these elections have always received the most attention at the expense of other local elections. This can be attributed to three main reasons:

- The failure of the Syrian opposition to create a central judicial and administrative authority across all the areas they are controlling, which forced it to resort to the division of power provincially by relying on PCs to create semi-central structures to be administratively linked with it.
- The lack of financial and human resources to hold local elections in all the administrative units which are controlled by the opposition.
- The dominance of the armed factions over a large number of councils in the other administrative units, and the non-recognition of these factions of the legitimacy of the Syrian opposition, specifically SIG.

Depending on the above, local elections for the rest of the administrative units can be described as follows:

- No clear policies and procedures for the elections of city, town and township councils.
- Ad hoc basis, different from one area to another
- These elections are, in theory, organised and supervised by PCs. However, in reality, PCs have a very limited role in these elections
- They follow indirect election methods using Electoral Bodies for each administrative unit. These bodies are generally formed by local activists, tribal and community leaders, traditional families and representative of influential local NGOs and CSOs.

It is worth mentioning that several cases of direct elections have occurred over the past couple of years; Zamalka, Saqba and the City of Idlib. However, in almost all of these cases, the election centres were systematically targeted by warplanes and barrel bombs resulting in injuries and even deaths of civilians. The high risk of organising general direct elections has postponed additional attempts in Eastern Ghouta and Dera'a to follow these methods.

Main Challenges:

In spite of the positive developments of LACs over the past five years; they are still facing a lot of obstacles and shortcomings due to numerous factors, such as:

1. International actor's Influence: the SIG has failed to become a sustained and continuous conduit for financial and administrative support to LACs, since a lot of its state and non-state backers, mainly Qatar, Turkey and the U.S, have drastically decreased their funding to the opposition in general. As a result, its enforcement mechanisms over LACs have become largely marginalised over the years at the expense of the expanding influence of international actors over them. International donors and their Syrian and non-Syrian implementers and agencies, which are the main source of funding and support for all the various services in the opposition-held areas, remained almost as the sole driver of the situation. Their different agendas have shaped the priorities of LACs and transformed them into more donor-based rather needs-based strategies. Moreover, international donor's policies do not usually comply with SIG's regulations and standards, which, in turn, have deepened the differences between the LACs' administrative layers - the provincial and local levels. Thus weakening the LACs' administrative structures and hierarchy and creating a conflict in the distribution of roles and responsibilities between PCs, CCs and sub-local councils (towns and villages councils).
2. The influence of armed groups: in most cases, LACs have a relatively good level of coordination with moderate armed groups located within their areas. Whereas LACs are responsible for services provision to the public, these armed actors have the actual power of enforcement. However, in some cases, these groups try to push their own agendas, one way or another, and to influence the decision-making process of LACs, but their usual method to achieve their purposes is done through their representatives or close allies within the body of these councils. The Islamic armed fractions, on the other hand, have always tried to create their own service provision bodies, as alternative structures to LACs, whether to gain legitimacy and social acceptance or to have the ultimate control over a specific area. And, in several occasions, these fractions tried to minimise the authority of LACs and even to dismantle them by deliberately attacking their offices or targeting their elected members.
3. Local competition: since all the services are externally funded through international donors, the emerging Syrian NGOs, the main recipients of such funds, have grown in number and power. Currently, they are the main source for providing services in the opposition-held areas. Especially since they have stronger institutional capacities and technical competencies; are more resourceful; and with visible access to the international communities in comparison to LACs, which made the latter less influential and even irrelevant in some sectors, such as health and education.

4. Public perception: LAC's lack of inclusiveness, transparency, social accountability and participatory mechanisms, created a gap between them and their targeted constituencies. Therefore, the public is constantly criticising LACs, which are failing to address the increasingly urgent needs of their communities, as the humanitarian and security situation is continuously deteriorating.

4.3 The PYD-controlled Areas

In late 2012, following the withdrawal of Syrian regime from vast territories in the north, the Democratic Union Party (PYD) dominated region of northeast Syria has gradually gained a relative autonomy. The full extent of such an autonomous "state", however, was realised in November 2013, when the PYD, the dominant Kurdish political arm, announced its Rojava (West Kurdistan) project - the Democratic Federation of Northern Syria. Driven by the long desire for self-determination, and taking advantage of the governance vacuum in the provinces of Qamishli, al-Hasakah and the northern countryside of Aleppo's province, where the regime's aerial strikes and heavy bombardments were considerably less violent in comparison to the provinces of Idlib, Homs, Dera'a and Rural Damascus (Khalaf, 2016).

Similar to the rest of armed insurgencies in Syria, the PYD relentlessly aimed at gaining the required legitimacy, inside the country and abroad, by demonstrating an inclusive governance system, providing services and security, coordinating and building military alliances with different parties, and tuning the international media narrative to its advantage by relying on network of allies and supporters in the region and across Europe (Sary, 2016).

The PYD has also proven its ability to govern by establishing a seemingly robust governance system; the PYD's de facto autonomous federation - Rojava, which incorporated three self-governing cantons; Jazira (the provinces of Qamishli and al-Hasaka), Kobani and Efrin (main districts of the northern and western countryside of the province of Aleppo). And since 2016, PYD has also claimed several adjacent territories, like the Arab-majority towns of al-Raqqa's countryside, as part of its Rojava project. These areas were either recaptured from ISIS or being handed over by the Syrian regime (Khalaf, 2016).

Rojava adapts a decentralised system, consisting of different administrative layers; each canton includes several city councils, which, in turn, are made up of neighbourhood/district councils which represent the local communes (the lowest administrative level); a collection of tens or hundreds of households. Each layer has co-presidents and a number of ad hoc committees and councils. The two co-presidents of each commune

are gathered in what is called the people's assembly or council of the district/neighbourhood in addition to elected members from the communes. The number of the people's assemblies' members depend on the overall population of each district. And each layer delegates representatives to the councils/assemblies of the higher administrative layer¹⁸.

Cantons, the highest administrative layer, are designed to enjoy an administrative autonomy. They are supposedly responsible for providing services, in addition to another legal, economic and, perhaps most importantly, self-defence functions through Rojava's security forces, the Asayesh, which act as the local law enforcement and border guards (Sary, 2016).

PYD's model of cantonal-governance claims to adopt a different value system than the rest of governance "islands" of Syria; a system where secularism, inclusiveness of all ethnic groups, gender equality, and localised power are the pillars and drivers of change, at least theoretically.

In practice, however, the political and decision-making powers are strictly tied to PYD's top leaders, leaving the people's assemblies and communes' representatives with cosmetic power over services provision (Khalaf, 2016). Moreover, several reports have suggested a systematic practice of discriminatory acts against Arab Sunnis in several Arab-majority towns in al-Raqqa's countryside and Manbij, where male residents are forced to join the YPG, the People's Protection Units - PYD's military branch, and, in some cases, the Asayesh forces have reportedly prevented Arab families, specially men, from returning to their original villages after "liberating" them from IS under the pretext that most Arab men from these areas are whether extremist fighters or IS enthusiasts¹⁹. Moreover, many children have been recruited to fight with YPG affiliated groups, in addition to the continuous unlawful detentions of Arab and non-PYD Kurdish activists and community leaders by the Asayesh (Amnesty, 2017).

5 Suggestions and Recommendations

5.1 Electoral and Administrative Divisions

Syria's administrative divisions, and subsequently the number of Electoral Districts, LACs' elected councillors and their corresponding responsibilities, are entirely based on Civil Registries provided by the Central Bureau of Statistics. The last general census was conducted in 2004²⁰, therefore the population data of this census, upon which the administrative distribution of 2011 was based,

¹⁸ *Rojava's Communes and Councils*. Blog. Available at: <http://www.biehlonbookchin.com/rojavas-communes-and-councils> (Accessed on 9/6/2018).

¹⁹ *US-Backed YPG Kurds Are Ethnically Cleansing Arabs From Raqqa, and the World Is Silent*. Global Research. Available at:

<http://www.globalresearch.ca/us-backed-kurds-are-ethnically-cleansing-arabs-from-raqqa-and-the-world-is-silent/5595067>. (Accessed on 9/6/2018).

²⁰ <http://www.cbssy.sy/index-EN.htm>

is outdated. In order to overcome this issue, we suggest the following steps:

1. An updated general census should be conducted in accordance to UN Department of Economic and Social Affairs standards mentioned in the "Principles and Recommendations for Population and Housing Census – Revision 2". The census should be implemented by the Central Bureau of Statistics in collaboration with UN Agencies and supervised by international and Syrian CSOs.
2. The population data should not only be based on Civil Registries; it should also take into account residents of administrative units who have been living there for at least two consecutive years since 2011.

Moreover, as for the Electoral Divisions. All Syrian electoral laws, whether in the area controlled by the central government or the opposition, relied on the administrative divisions defined in the local administration law. This dependence will necessarily create a situation of imbalances in terms of representation, especially in the areas where the population has been forcibly evacuated. Therefore, the electoral division must be at the neighbourhood level within each administrative unit, regardless of its definition. Increasing constituencies by making them at the neighbourhood-level will increase community participation in all local elections and will ensure that more people are nominated and represented.

5.2 Voting Rights for IDPs

Voting rights for constituents in Syria is based on their Electoral Localities, and since these Localities are entirely associated with Civil Registries – which are, in turn, mostly derived from birth registrations - that means only citizens who are officially registered in the Civil Registry records of their administrative unit are eligible to vote for its council.

Even though Syria's Civil Registry law allowed citizens to reallocate their Civil Registry records to their permanent place of residence, the electoral law applied a mandatory term of two years since the reallocation of such records in order for these citizens to be able to vote or stand as candidates. However, in reality, in order for a person to reallocate its record, he/she will need a security permission from the General Intelligence Agency, which is nearly impossible to obtain.

Moreover, in order to participate in local elections, a person should be physically present at his/her hometown's Election Centre during the elections period. As a result, permanent or temporary residents, and, perhaps most importantly, IDPs who are unable to safely return to their original place of residence, will be deprived of their right to freely participate in local elections.

IDPs are entitled to the same set of rights as non-displaced citizens, which include the right to political participation and representation. The disenfranchisement of IDPs deepens the social, political and economic marginalisation that they typically face. It denies them of the ability to influence the decisions that are directly affecting their lives and thereby to direct their local councils and the state's national policies to effectively address their pressing issues.

Therefore, the post-agreement election law should amend the definition of the Electoral Localities to include permanent or temporary residents. Consequently, Candidates and Voters Registrations should be also associated with a person's place of residency or domicile. Additionally, a minimum durational residency requirement, like 12 consecutive months, should be imposed as a precondition to local elections. In that case, citizens living on Syrian soil will have three choices: a) to freely select to physically cast their ballots in their original hometowns, if that wouldn't impose any sort of security threats on them, b) to vote for the local council of their current place of residence, without affecting their right to return or their legal IDP status, or c) to introduce the right of "absentee voting", where any citizen could vote for the local council of his/her hometown (original residence) without having to be physically present there.

5.3 Voting Rights for Refugees

Law No. 5 / 2014 grants the right to vote for "Syrians not residing on Syrian territory" only for the presidential elections (Art. 99). The law also prohibits any form of voting by proxy (Art. 3). Which means that the Syrian diaspora and the additional 5,6 million Syrian refugees who fled the country after 2011 are not able to participate in local (or parliamentary) elections.

The Universal Declaration of Human Rights (1948) stipulates in Article 21 that "everyone has the right to take part in the government of his country, directly or through freely chosen representatives".

Therefore, Syrian citizens who are living outside of Syria, and regardless of their refugee or asylum status in their host countries, may delegate their voting power to a representative inside the country, whether this representative is a first-degree relative or any person with a written legal delegation.

"the Syrian diaspora and the additional 5,6 million Syrian refugees who fled the country after 2011 are not able to participate in local (or parliamentary) elections."

5.4 Sectorial-based Elections

As mentioned before, the percentage of representatives from Sector A (Workers and Farmers) shall be at least 50% of all elected members of LACs. The law also grants the Minister of Local Administration with the power to determine how many reserved seats from Sector A should be allocated in each council, without any further specifications on the mechanisms of this allocation. Throughout the years, since the Ba'ath Party's rise to power during the March 1963 coup, the Party was determined to organise the results in a way that would allow it to maintain full legislative and administrative power, alongside its hold on the executive branch, by allotting half of all seats in LACs to candidates from within its ranks, under the banner of "seats reserved for workers and farmers." The same technique was applied to the election lists for the parliament, and even for industrial and commercial chambers of commerce. A complex localised network of tribal leaders and small businessmen who are loyal to al-Ba'ath Party would be placed on predetermined lists of workers and farmers, thus preventing the rise of any group that might be deemed disloyal to the Party.

These sectorial divisions should be eliminated from the law of elections (at all levels) to prevent any attempt in manipulating the results and to create a more competitive, democratic and participatory electoral system.

5.5 Women Representation

Besides the quotas reserved for "workers and farmers", the Syrian Law of General Elections has neglected to allocate any kind of gender quotas for public elections. In an assessment conducted by Local Administration Councils Unit (LACU) in 2015 on women participation in opposition-held LACs, the percentage was less than 1.7% of all (s)elected members. Therefore, any attempt to reform the regulatory framework of local elections should include a women quota in order to politically empower women in the public sphere. The suggested quota system should aim at ensuring that women constitute a "critical minority" of at least 35% of all LACs members. This could be achieved through:

- a) Introducing an electoral gender quota regulation which requires at least 40% of the candidates on the electoral lists are women (a compulsory party quota in all elections), and/or
- b) Imposing quotas (30%) as reserved seats for women in all LACs (and other elected bodies).

5.6 Roles of Governors and LACs

Governors are appointed and discharged by a presidential decree as the heads of the elected PCs. They are the highest representatives of the Executive/Central

Authority, which grant them with the capacity "to oversee the work of Local Councils and all Local and Central Agencies in the Governorate" (Law 107, Art: 39, 40 and 41). Furthermore, Governors have political, legislative, judicial and security mandates. Authorised by the Executive Authority, they have the power to take all necessary measures to consolidate public security, implement and safeguard rules of constitutional public freedoms, in addition, to carry out the duties of judicial police where appropriate (Law 107, Art. 40). Article 52 of Law 107 clearly states that: "The internal security forces in the Governorate shall implement the orders of the Governor ... If the Governor deems that the internal security forces present in the Governorate are insufficient to ensure public security, he may request the use of Army forces". The role of the elected members of PCs, including the newly established position of the President of Provincial Council, over these security or judicial sectors is totally absent. To that end, the law states that in the event that the Governor is discharged or is absent, the head of the Governorate police shall deputise him in his capacity as a representative of the executive authority (Law 107, Art. 55).

The law also granted Governors with a legal impunity for their actions during service; only the High Judicial Council (which is headed by the President) has the authority to persecute the Governor and only after he is transferred to it by a presidential decree. Public or civil actions could not be taken against him except by decision from the High Judicial Council (Law 107, Art. 56).

The concentration of administrative, fiscal, judicial and security powers in the hands of Damascus-appointed Governors weakens the constituents' incentives in actively engaging with local councils' elections, thus leading to "rubber stamp elections" where elected councillors are systematically marginalised with no significant decision-making powers. Therefore, Governors should be directly elected from their communities in order to obtain the required legitimacy and to be accountable in front of their constituents, which will inevitably lead to an actual and effective decentralised governance system.

5.7 Elections Observation and Administration

For over 40 years, Syria's elections have been largely described as coercive and sham elections, predetermined by Ba'athist Party leaders and high-rank intelligence officers in Damascus (Syrian Expert House, 2013). Therefore, administering nation-wide post-conflict local elections within a deeply fragmented and polarised Syrian community, where public trust in state's apparatus, especially the legal and judicial institutions, is entirely demolished, would require immense and exceptional efforts from the international community to build public confidence in the honesty of electoral system (UN-Women, 2005), help to deter coercion and intimidation

and enhance the legitimacy of the LACs that emerge from elections.

In order to achieve the aforementioned goals, international election observation missions, such as European Union Election Observation Missions (EU EOMs), the Organisation for Security and Co-operation in Europe (OSCE), or any similar UN-mandated international observation missions, should be mobilised and equipped with a full mandate to be directly involved in every element of the electoral processes; the formation and membership of all judicial committees: The High Elections Committee (headed by an International Chief Observer), Appeals Committees, Branch Committees and Election Centre Committees. Additionally, these international missions should spare no effort in encouraging domestic groups, such as Syrian CSOs and CBOs, to actively participate in the observation process. However, since most of these local organisations do not have sufficient knowledge or resources to organise effective monitoring efforts; building the capacity of Syrian local observers in the international standards of election observations should be a priority for any observation mission in Syria.

5.8 External Armed Actors

The warring parties in Syria gradually realised the importance of demonstrating an effective governance system within their areas of influence as an essential tool in imposing authority and obtaining social acceptance or legitimacy amongst local communities, and also to be able to allocate material and human resources to maintain their power and ability to fight. Different authorities had very different models of governance and different ways of exercising power. As a result, different governance structures emerged in different areas. The variations are explained by the type of dominant influential power, the nature of the external interventions by international and regional supporters and the internal socio-political dynamics and local context.

As we have noted in our analysis of what is actually happening on the ground regarding local elections in the various areas of control over the Syrian territory; there are several common characteristics that can be derived from all these experiences. The most important of which is the involvement of armed groups, regardless of their political, ethnic and religious affiliations, in the formation of local governance bodies and the selection of their members in the areas under their control. This effect of the armed factions has two main forms:

First, a direct intervention in the formation of local structures, either through the formation of a service council directly affiliated with the military faction (most common in the case of Islamic factions, especially the extremist ones). Or through an unofficially declared quota guaranteeing the presence of civilian figures close to a specific military faction within the elected body of the local council. In some cases, this intervention has been

illustrated by restricting the work and functions of the local council through linking it to religious-based judicial bodies, such as Shari'a Courts, which were directly affiliated with or formed by a specific armed group or militia. These courts had directly supervised the electoral process and exercised a total oversight over all services implemented by the council. This form of influence is considerably more common in the areas outside of government control (the opposition and PYD-controlled areas).

Second, an indirect intervention in the formation of local councils, particularly those located in areas controlled by the Syrian government. Since these councils have not been subject to any real local elections since 2011, and there has been no real change in their basic structure, pro-government armed groups, together with the intelligence branches and a complex network of warlords and local businessmen have marginalised the work of these councils by dominating all services provided in most crucial sectors.

Therefore, the success of any post-agreement electoral process must address the issue of the involvement of armed factions and informal local networks, such as tribal leaders and religious figures, in order to preserve the integrity of these elections and the legitimacy of the newly emerged elected councils. This can be achieved by implementing the following actions in the pre-election phase:

1. Stabilising local communities by implementing a comprehensive Disarmament, Demobilisation and Reintegration activities, in addition to Security Sector reforms. These activities and reforms should be seen as necessary and urgent preconditions for any attempt to organise a nation-wide local election.
2. To neutralise all those who take up arms from any direct political involvement, particularly with regard to their candidacy for any official position in the elected local councils (or any other official entity), while retaining, of course, all other civil rights, especially with regard to the right to vote. The time period for such neutralisation should be five years from the moment a political agreement is reached.
3. To take all the necessary measures to prevent any source of electoral violence, by imposing strict standards on political behaviour and campaign tactics, in addition to proposing sanctions for non-compliance.
4. Supporting community-based organisations to exercise their social control role in relation to the entire electoral process, including monitoring the eligibility of candidates for any official position according to the general rules governing local elections.

5.9 Timeframe

The question of the time needed to start the electoral process at the local level is one of the most complex questions related to the elections, especially in countries emerging from a nation-wide destructive civil war like

Syria, which has an added burden of carrying a gruesome legacy of tyranny and repression.

On one hand, local elections play a key role in the early recovery of local communities; giving them a sense of ownership over the political agreement and an important motive for its success at the local level. Particularly if the state succeeds in holding fair and representative elections for local councils. In addition to the positive impact of these elections on the post-agreement reconstruction phase and the reactivation of basic services across all sectors, such as health, education, agriculture and others.

However, on the other hand, there are several crucial preconditions that should be thoroughly addressed in the pre-election phase in order to prepare the appropriate climate to hold such elections without compromising their integrity. Such preconditions are constitutional and legal amendments that ensure the fullest possible functioning of the electoral process, the creation of judicial mechanisms for the administration and monitoring of elections, the achievement of social cohesion – as much as possible –, protection mechanisms for refugees, returnees and displaced persons. In addition to creating a regulatory and legal framework that achieves decentralisation and gives elected local councils real powers and responsibilities in order to enable them to manage their local affairs and rehabilitate their societies.

As a result, speeding up any electoral process at the local level will necessarily lead to distorted results that would abort any real political impact in the future. Especially since the political structures required to exercise free electoral processes are not yet available. Accordingly, we propose that local elections in Syria can only be held (or be of any relevance) only after all the aforementioned preconditions have been fulfilled, but without exceeding more than four years since the date of the implementation of any nation-wide political agreement.

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