A Peace Plan for Syria II

Options for Future Governance

James Dobbins, Philip Gordon, and Jeffrey Martini

This Perspective is the second in a series in which the authors argue for practical steps aimed at reducing the fighting in Syria to provide more time for a national transition process. The ultimate goal of that process is an inclusive, unified, democratic Syria. As the international community continues to search for ways to resolve Syria’s civil war, this Perspective argues that decentralization of governance could be part of the solution. Syria has a history of highly centralized state control that has stunted the country’s development and contributed to the exclusion of significant parts of society. Devolution of power to localities can assist the transition process by lowering the stakes of the conflict, providing security to Syrians who have lost trust in the state, and deferring some of the fundamental issues that will require a drawn-out negotiation between Syria’s various factions. Some form of decentralization may also figure in any final political settlement in the event that Syrians prove unable to agree on a unitary state and the composition of a central government.

Update on a Peace Plan for Syria

In December 2015, the authors of this Perspective put forward a peace plan for Syria that made several recommendations for changing the U.S. approach to the Syrian conflict. That proposal called for the following actions:

1. Prioritize efforts to achieve a national ceasefire, decoupling such a ceasefire from negotiations on a comprehensive political transition.
2. Invigorate a diplomatic process that includes all the key outside actors, including Iran and Saudi Arabia.
3. Defer agreement on the divisive issue of Syrian President Bashar al-Assad’s future.
4. Establish a mechanism for enforcing the ceasefire based on external guarantors deploying troops in areas friendly to them.
5. Allow any and all armed groups, with the exception of United Nations (UN)–designated terrorist groups (for example, the Islamic State of Iraq and Syria [ISIS] and Jabhat al-Nusra), to opt into the ceasefire.

6. Devolve local authority to the internal factions—the regime, opposition, and Kurdish forces—in their respective areas of control, while continuing military efforts against ISIS in areas that it holds.

Five months later, progress has been made along several of these fronts. On February 22, 2016, a “cessation of hostilities” agreement was accepted by the key actors on the ground and all their external sponsors. Notwithstanding numerous violations and deterioration over time, this agreement temporarily brought about the most significant and sustained reduction in violence in Syria since the conflict started in 2011. Meanwhile, the main opposition groups, represented by the Saudi-sponsored High Negotiations Committee, agreed not only to support the ceasefire but also to participate in negotiations on Syria’s political future even without a guarantee of Assad’s departure, although that remains their goal.

By focusing on an extended transition period rather than a process that begins with Assad ceding authority to a transitional body, the U.S. administration also appears to be deemphasizing Assad’s departure relative to other goals. The United States and Russia have established joint ceasefire monitoring arrangements and regularly exchange information. And in a welcome step that broke an impasse over which armed groups would be classified as terrorist organizations and which would be party to the cessation of hostilities, the United States and Russia settled on a formula in which all groups, other than UN-designated terrorist organizations, would be allowed to opt in to the cessation of hostilities. On this basis, the Syrian regime and many opposition groups spent much of March and April 2016 pursuing ISIS on the ground rather than attacking each other.

In addition to the ceasefire, several important developments have taken place since our original paper was published. First, Russian support has enabled the regime to consolidate its control over much of Damascus, Homs, and Hama, as well as expand its territorial control around Aleppo, including cutting off and threatening key opposition supply routes. The regime is not in a position to deliver a decisive blow to the Sunni opposition—to say nothing of reclaiming the territory it essentially ceded to the Kurds in the north and ISIS in the Euphrates River valley—but regime forces have consolidated their control over much of the western portion of the country. Second, on March 14, 2016, Russia announced that it had achieved its main objectives and began a partial withdrawal of its military forces from Syria, although Moscow continues to provide material assistance and conduct aerial bombing in support of the regime. The announced Russian withdrawal suggests that, although Russian President Vladimir Putin remains determined to prevent the Syrian regime from falling (a point we stressed in our previous assessment), he is not prepared to bear the costs of an effort by the regime to retake the entire country militarily. Third, Syrian Kurdish leaders in March announced a “Federation of Northern Syria,” uniting the three Kurdish cantons under self-rule. And fourth, the Assad regime devoted resources to retaking Palmyra, representing a tangible step in orienting the fight toward ISIS rather than the opposition factions adhering to the ceasefire; meanwhile, elements of the opposition north of Aleppo and elsewhere turned their fire on ISIS rather than the regime.
The situation in Syria remains highly unstable, and the off-and-on ceasefire arrangements could break down entirely at any time. The regime is showing no willingness to negotiate seriously on constitutional change or a comprehensive political transition and continues to insist that Assad must stay in power and that all of Syrian territory must be reclaimed. That said, recent developments do present an opportunity to reduce the violence in Syria on a more sustainable basis. If the parties on the ground and key outside actors forgo overly ambitious political objectives and prioritize extending the ceasefire, humanitarian assistance, and local governance, there is at least a chance that the nightmare Syrians and their neighbors have been living for more than five years can be brought to an end.

**Sustaining the Ceasefire**

This paper starts from the premise that the costs of the ongoing war vastly outweigh any benefits that can reasonably be expected to result from its perpetuation. After five years of heavy fighting, enormous loss of life, internal displacement, refugee outflows, regional instability, extremist radicalization, and terrorist attacks, the overriding goal of the United States and its partners must be to negotiate an enduring cessation of hostilities while supporting the inevitably lengthy dialogue among the Syrian factions regarding the future shape of the Syrian state. There was a time when the United States may have been tempted to prioritize any number of other objectives in Syria, including reducing Russian and Iranian influence in the region or setting Syria on a more democratic path. But those objectives must now be seen as secondary to the overwhelming interest in stopping the war, whose strategic, humanitarian, economic, and political consequences have become intolerable.

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The fundamental U.S. interest is in deescalating the Syrian civil conflict to save lives, stem further refugee flows, reduce the radicalization that stems from the conflict, and promote the return of refugees and displaced persons while focusing Syrian and international efforts on combatting ISIS.

Although a comprehensive political settlement that changes the Syrian government’s leadership is a desirable goal, it is probably unachievable in the foreseeable future. The official position of the United States and its international partners is that Syria’s political future is for Syrians to decide, consistent with the 2012 Geneva Communiqué and UN Security Council Resolution 2254. And the talks in Geneva are proceeding on the basis of UN Special Envoy Staffan de Mistura’s paper on points of commonalities. That paper notes agreement of all sides that “Syria shall be a democratic, non-sectarian state based on citizenship and political pluralism, the representation of all components of Syrian society, the rule of law,
The reality is that the recent cessation of hostilities became possible only when the opposition and its supporters finally decoupled their insistence that any halt in the fighting be accompanied by guarantees of a political transition. The risk in Geneva is that the opposition negotiators and their foreign backers make “the best” (that is, Assad’s removal) the enemy of “the good” (an extension of the ceasefire) and end up with “the worst” (a resumption in violence without any realistic plan to stop it if the truce breaks down). The United States should engage with the High Negotiations Committee’s external sponsors, particularly Saudi Arabia, to underscore that a commitment to resolving longer-term political issues—including a transfer of power and transitional justice—must not stand in the way of deescalating the conflict. A longer-term vision for Syria can help consolidate a cessation of hostilities, but that vision should not become a precondition for extending the cessation.

Moreover, the United States and its external partners, including Russia and Iran, working through the International Syria Support Group, should look for opportunities to incentivize ceasefire compliance and penalize violations. To consolidate support for the ceasefire among the local population, the United States should continue to prioritize the delivery of humanitarian assistance to besieged towns, promote other confidence-building measures (including prisoner exchanges), and use discussions with Russia to institute stronger mechanisms for reporting and enforcement. In the near term, a practical step would be enhancing communication links between opposition and regime commanders on the ground who can deescalate conflict at a local level. Communication between pro- and anti-regime commanders exists in an informal patchwork today, but deepening it would mitigate the chances that spoiler actions undermine ceasefire compliance. To incentivize regime adherence, the United States should engage with Qatar, Saudi Arabia, and Turkey to cut off assistance to opposition groups that break the terms of the ceasefire. U.S. and other representatives
should also engage Iranian officials in this dialogue. And over the longer term, the United States should seek stronger mechanisms for ceasefire implementation, including punitive action against violators. In these efforts, Washington will need to draw on the support of regional actors who define success beyond removing Assad, punishing Iran, or preventing Kurdish autonomy. Regional partners who are closer to the U.S. position on priorities in Syria include the United Arab Emirates, Jordan, and Egypt, and their engagement will be necessary to rein in the more maximalist positions of Saudi Arabian and Turkish leaders, who seem inclined to fight to the last Syrian in order to overthrow Assad.

**Governance Arrangements**

While cautioning against excessive expectations from the political talks, we acknowledge that some progress on arrangements for governance in Syria is essential to maintain even a partial and imperfect ceasefire over the longer term. Because the goal of a reunified Syria—under an agreed national leadership and with a single set of security structures—is distant, there needs to be consideration of how to provide basic governance to opposition-held areas in the interim. Decentralization is promising in two respects. First, it moves the focus away from irreconcilable differences over the vertical distribution of power within a central government to more-promising discussion of a horizontal distribution of power. Second, decentralization can help overcome the lack of trust among the contending parties, given that it lowers the stakes of the conflict and promises all parties a measure of autonomy and security. Therefore, in this Perspective, we offer four alternative models for decentralization that might emerge as a result of a peace settlement, or even in the absence of such an overall agreement. Although formalizing such agreements among the parties and under international auspices would be preferable, it may be that these arrangements will evolve de facto rather than de jure. One way or another, they will need to reflect the reality of local control if they are to endure even temporarily.

**Option 1: Decentralization Lite**

The least ambitious option would be to implement the current arrangements in Syria’s amended constitution of 2012, in which articles 130 and 131 call for “applying the principle of decentralization of authorities and responsibilities” and assert the “financial and administrative independence” of local governance structures.\(^{10}\) Because the constitution provides little guidance on how this decentralization should work in practice, the language of these articles would need to be paired with implementation of Legislative Decree 107 from October 2011, in which the regime pledged to grant wider authorities at the provincial, city, township, and municipal levels; set aside a modest percentage of the state budget for local administration; and grant localities some limited revenue-raising opportunities.\(^{11}\) In addition, the decree makes elections the basis for selecting most local representatives—with the notable exception of governors, who remain appointed.

Because the local elections held by the regime in late 2011 were boycotted by the Kurds and Arab opposition groups and are generally viewed as illegitimate, they would need to be re-run, which is certainly not going to happen anytime soon. And because the authorities created by Legislative Decree 107 exist only on paper, they would need to be implemented. They might also need to be expanded to include greater fiscal decentralization because the current arrangement does not provide a strong basis for revenue-
This decentralization option assumes only limited reform of the current governing structures. Rather than more-extensive devolution, which would need to be enshrined in the constitution, this option could be achieved simply via more-faithful implementation of existing laws. It would require no redrawing of Syria’s administrative divisions and no constitutional or legislative overhaul. Although this option mitigates the risk of a failed transition, it provides little impetus for reforming a repressive state apparatus. The model would likely appeal to the Assad regime and its backers but almost certainly be opposed by Kurdish groups seeking greater autonomy. It would be acceptable to the primarily Sunni-Arab opposition and its foreign backers only if decentralization were paired with the establishment of a more broadly based government in Damascus. Otherwise, opposition groups—and their outside backers—will remain skeptical that decentralization would be implemented any more effectively in the future than it has been so far.

**Option 2: Institutionalized Local Control**

A more ambitious decentralization plan would devolve autonomy to the local level for major government functions, including policing and administration. In essence, this would scale up the model already at work in opposition-held areas, where local councils provide community-level governance with the support of external patrons. This approach is already evident in what the United States calls “liberated areas,” such as Deraa and Idlib, as well as in opposition-held territory in Aleppo, Damascus Rif, Hama, and Latakia. Supporters point to the local legitimacy enjoyed by these councils relative to the émigré opposition. They also note some of the successes these local councils have had in service provision, particularly in the operation of bakeries and in the water, sanitation, and hygiene sector. Where these local councils have been less successful is in security and justice; opposition fighters often strong arm civilian leaders, and the application of justice has often fallen to Islamic courts.

A sustained break in fighting and different incentive structure could allow this model to be further civilianized and replicated in regime-held areas. Implementing this approach would not necessarily require changes in administrative divisions. But effective authority would be devolved to elected councils representing towns, townships, and municipalities (see the map). Legal changes would be required, however, to formally devolve these authorities and responsibilities. In this formula, the essential bargain would be one of autonomy for loyalty, with communities controlling their own affairs in exchange for loyalty to the state and to a minimalist central government whose authorities would be confined to customs and border control, a national army for responding to external threats, and taxation of commerce.
There are several challenges to this model. First, Syria has a strong history of centralized control, so it is unclear whether there are capable leaders at the local level to provide essential services and governance—even with outside support. Second, this model presupposes a major concession by the regime, which may not be realistic given the leverage the regime can derive from its current position on the battlefield. And third, the arrangement runs the risk of Islamist-oriented brigades and civil society organizations using force and social welfare as a means to sustain their local control and grow their support bases. Local control, in other words, does not guarantee moderate or democratic control. Outside powers might thus have to contribute significant resources—or, in some cases, even troops—to make it work.

**Option 3: Asymmetric Decentralization**

The third option, which could, in fact, be combined with one of the others, would be a deal on Kurdish demands for autonomy. The most obvious scenario would be if the Kurdish cantons of Afrin,
Jazira, and Kobane, which have just declared themselves a federation, are granted a measure of autonomy, while the rest of Syria would operate under central government control. If the status of the Kurdish region remains self-declared but is not recognized by Damascus, this outcome would be similar to 1990s Iraq, in which the military situation—in that case, the no-fly zone executed under Operation Northern Watch—and the weakness of Baghdad resulted in de facto autonomy for the Iraqi Kurds. If the arrangement were accepted by the central government and enshrined in the constitution, the situation would be analogous to present-day Iraq, in which the Kurdistan Regional Government enjoys enhanced autonomy but still participates in national-level decisionmaking. The distinguishing feature of this arrangement would be its asymmetry in that the Syrian Kurds would enjoy autonomy that is not extended to (or, at this point, sought by) other groups, such as the mainly Sunni-Arab opposition or the Druze community concentrated in as-Suwayda.

While this is one of the more likely scenarios, given its alignment with the situation on the ground, it is also one of the most controversial. With the exception of the Kurdish Democratic Union Party, which has demanded autonomy, such an arrangement is rejected by the regime, mainly Sunni-Arab opposition, Turkey, and regional states that fear its precedent-setting implications for their own ethnic minorities. On the other hand, absent the regime’s ability to field a greatly enhanced military capability or Turkish intervention to stop it, it is not clear how the Kurdish progress toward autonomy can be reversed.

**Option 4: Symmetric Decentralization**

A fourth option would be if some degree of autonomy were applied to both Syria’s Kurds and areas controlled by Sunni-Arab opposition, dividing Syria into three or more regions (for example, a regime-held region, a Kurdish-held region, and an opposition-held region) that enjoy equal status with the other. Each region would be responsible for raising the revenue to provide services, each would exercise discretion over its own affairs, and each would field security forces for its own protection.

Because elements of the regime and the Sunni opposition still have designs on total victory, devolution on this scale—which would widely be seen as a form of federalism—is opposed by both. And at a more visceral level, the very term federalism connotes a Western conspiracy to many Syrians, conjuring up colonial designs to reduce the country to statelets. The United States and Russia, on the other hand, have deferred to Syrians on the question of whether federalism is an appropriate solution. This option could align well with Russia’s conception of “useful Syria” being composed of Damascus and the Mediterranean Coast, while the remainder of Syria is of secondary interest. Most regional states would oppose such an outcome because it would likely preserve both the regime in Damascus and the presence of Russian and Iranian forces and influence. Turkey would be strongly opposed to any autonomous

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Kurdish zone along its border, given the precedent that could set for Turkey itself.

See the table for a summary of the four options discussed in this Perspective.

**The Way Forward**

Even if a new, more broadly based government can somehow be installed in Damascus, it seems unlikely that the opposition would allow the Syrian Army and the regime’s security services to operate in the areas that opposition groups now hold. Thus, while the result of a new government may be a “reunified” Syria on paper, the practical effect will still be some division of the country along the ceasefire lines that apply when the settlement is reached. This division may not be total. Opposition areas may welcome the extension of nonsecurity elements of the reformed Damascus-based government into the areas they hold, while the opposition retains local responsibility for policing and defense. It is even possible that, over time, the Syrian Army and other security services might be reformed to a degree to gain the trust of the former opposition, but this is unlikely to happen quickly. The Kurds will probably never agree to be fully reintegrated, even if the Arab opposition does. Thus, even if a transition of power in Damascus can be agreed, the most likely de facto outcome will be some version of our second option—that is, control of security and many other functions will exist at the local level in opposition-held areas. Again, some national government services might eventually be extended to these areas, which already occurs to a limited extent, but only on a selective and locally controlled basis.

Whether Assad stays or goes and whether the Syrian state is reunified on paper, the country is likely to remain significantly divided between regime-held and opposition-held areas for some time to come. There will be a real danger that these opposition-held

### Table. Options for Future Governance in Syria

<table>
<thead>
<tr>
<th>Option</th>
<th>Administrative Unit for Decentralization</th>
<th>Key Step</th>
<th>Constitutional Change?</th>
<th>Advantage</th>
<th>Disadvantage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decentralization lite</td>
<td>District</td>
<td>Implementation and expansion of Legislative Decree 107</td>
<td>No</td>
<td>Has an existing basis and built-in regime support</td>
<td>Legitimizes the regime initiative</td>
</tr>
<tr>
<td>Institutionalized local control</td>
<td>District</td>
<td>Devolution of power to the local level, including service provision, fiscal issues, and security</td>
<td>No</td>
<td>Builds on the local council model already supported by the United States in liberated areas</td>
<td>Runs the risk that administrative units fall under control of irreconcilables</td>
</tr>
<tr>
<td>Asymmetric decentralization</td>
<td>Region composed of multiple provinces</td>
<td>Acceptance—either de facto or de jure—of Kurdish autonomy</td>
<td>Yes, if de jure</td>
<td>Mirrors the de facto situation on the ground</td>
<td>Does not address the fundamental divide between the regime and Sunni Arab opposition</td>
</tr>
<tr>
<td>Symmetric decentralization</td>
<td>Region composed of multiple provinces</td>
<td>Extension of similar autonomy to Arab opposition areas</td>
<td>Yes, if de jure</td>
<td>Is more equitable than the asymmetric model, and the larger unit of administration helps capability</td>
<td>Has no natural supporters among Syria’s internal Arab actors</td>
</tr>
</tbody>
</table>
areas will become even further atomized and radicalized, broken up into ever-smaller enclaves and taken over by irreconcilable elements from ISIS, Jabhat al-Nusra, or other extremist groups that desire to resume the conflict. It will be important, therefore, that the United States and its partners help bolster local governance and security in these areas, not in an effort to perpetuate the divisions, but to sustain the peace and preserve the possibility for eventual reunion.

Given the lack of trust among the parties and the presence of irreconcilable spoilers, it is unlikely that any of the above formulas (or indeed any conceivable blueprint) could bring enduring peace in the absence of some arrangement for international guarantees and oversight in the form of peacekeeping. In our earlier paper, we suggested that these guarantees and oversight be provided by the currently involved external powers, to include the United States, Russia, Iran, Turkey, and Jordan. An alternative, and the more traditional approach, would be to involve other, nonengaged and therefore more-neutral parties in such an effort. One way or another, some such arrangement is likely to be needed if any settlement is to stick, even one as provisional as the current cessation of hostilities.
Notes


2 The organization’s name transliterates from Arabic as al-Dawlah al-Islamiyah fi al-'Iraq wa al-Sham (abbreviated as Da’ish or DAESH). In the West, it is commonly referred to as the Islamic State of Iraq and the Levant (ISIL), the Islamic State of Iraq and Syria, the Islamic State of Iraq and the Sham (both abbreviated as ISIS), or simply the Islamic State (IS). Arguments abound as to which is the most accurate translation, but here we refer to the group as ISIS.

3 The High Negotiations Committee is composed of 34 members spanning the exiled opposition associated with the National Coalition, members of the National Coordination Body, nominal independents, and armed groups, including elements of the Free Syrian Army and Saudi-supported Jaysh al-Islam. See Aron Lund, “Syria’s Opposition Conferences: Results and Expectations,” Carnegie Endowment for International Peace, December 11, 2015. As of May 23, 2016: http://carnegieendowment.org/syriaincrisis/?fa=62263


5 At the time of this writing, a regime offensive on Aleppo and a counter-offensive by Jabhat al-Nusra and other armed groups has led to intense fighting in that area. The ceasefire has also broken down in Ghouta, a suburb of Damascus that is a stronghold of Jaysh al-Islam.


7 The Final Communiqué reads, “It is for the Syrian people to determine the future of the country. All groups and segments of society in Syria must be enabled to participate in a National Dialogue process. That process must not only be inclusive, it must also be meaningful—that is to say, its key outcomes must be implemented. On this basis, there can be a review of the constitutional order and the legal system. The result of constitutional drafting would be subject to popular approval”; see United Nations, “Action Group for Syria: Final Communiqué,” Geneva, March 6, 2012. As of March 23, 2016: http://www.un.org/News/dh/infocus/Syria/ FinalCommuniqueActionGroupforSyria.pdf


11 See Syrian Arab Republic, Legislative Decree 107, Damascus, October 2011. This decree established four main administrative divisions. The largest subnational unit is the governorate (al-muhafaza), which can also be translated as province. The next-largest unit is the city (al-madina), with any population center of more than 50,000 people receiving this designation. Below that is the township (al-balda), which encompasses one or more population centers summing between 10,001 and 50,000 people. Finally, there is the municipality (al-haladiya), which encompasses one or more population centers summing between 5,001 and 10,000 people. All of these governance structures fall under Syria’s 65 districts (al-Manatiq) and 281 subdistricts (al-Nuwaibi). Article 134 of the legislative decree calls for 3 percent of revenue in the state budget to go to towns, townships, and municipalities.

12 Decentralization schemes “differ from federations and autonomy in that they do not have a specific constitutional status or constitutional guarantees” (Peter Harris and Ben Reilly, eds., *Democracy and Deep-Rooted Conflict: Options for Negotiators*, Stockholm: International Institute for Democracy and Electoral Assistance, 1998, p. 157).


14 Both Jabhat al-Nusra and Ahrar al-Sham operate public-service arms. The former runs the “Public Administration for Services,” and the latter runs the “Civilian Services Administration in Liberated Areas.”
About This Perspective

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