

Секция «Актуальные проблемы и тенденции правового регулирования в сфере государственного и муниципального управления»

Децентрализация в истории Сирийской Арабской Республики

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In 2011, Legislative Decree (LD) no.107 “On Local Governance” was adopted in the Syrian Arab Republic (SAR). This LD was hailed as a move that will modernise and decentralise governing processes in the country. However, mainly due to the ongoing civil war, which at some points has threatened Syria’s territorial unity and put a strain on the country’s resources, many of the LD’s elements, including decentralisation, remain unrealized. This phenomenon, we argue, has repeated itself historically as the concept of decentralisation was introduced in many constitutions and legislations throughout Syria’s history. However, the public administration system in Syria remains highly centralised.

Decentralisation consists of two components: the administrative-territorial division of the country, and the devolution of powers and responsibilities to local administrative units. A report by the International Institute for Democracy and Electoral Assistance (IDEA) on the constitutional frameworks for the Arab States region, explains that “the architecture of decentralization concerns both geographic considerations, such as the number, size and boundaries of local governments, and institutional/structural considerations about the different ways in which responsibility and authority may be allocated among the levels of government” (International IDEA, 2014, c.15). In this presentation, we present a comparative historical analysis of decentralisation throughout Syria’s contemporary history from the times of the Ottoman empire up until today. We take into consideration both, the changes in Syria’s administrative-territorial divisions over the studied period, and the extent of devolution of powers from the central government to local administrative units. The purpose of this research is to assess the extent to which each component of decentralisation has been implemented in Syria historically and identify patterns which can explain why, despite occurring in many constitutions and legislations throughout Syria’s history, decentralisation has not been fully implemented. The studied period in this work is divided into three stages:

1- Syria under the Ottoman empire. This stage includes the period from the fall of the Ottoman Empire in 1918 until the official start of the French mandate on Syria in 1923.

2- The French mandate

3- After gaining independence. This stage includes the ‘era of coups’ right after gaining independence, the period under Hafez Al Assad’s rule and the period under Bashar Al Assad’s rule.

Under Ottoman rule, Syria’s territory was divided and redivided to improve governing efficiency and maintain power in the regions. However, power was not decentralised, despite demands from nationalists and other political organisations. Moreover, even though Decree 5/L.R. was adopted in 1936 by the French authorities, as former Dean of Damascus university’s faculty of Law Abdullah Talabah states, that while this decree “divided Syria into local provinces and gave them the power to express their opinion and indicate the wishes of the residents of the local areas and their urban, cultural, and social needs, this organization was not put into effect because of the French’s desire to continue the occupation” (Talabah, c. 593). During the ‘era of coups’ and H. Al-Assad’s rule, the administrative-territorial division of the country was reorganized, and several legislations and constitution articles called for decentralising

powers to local administrative units. However, decentralisation was not prioritised, as other economic, social, political and security questions were considered more important. Finally, in 2011 LD no. 107 was adopted, and it “presented modern concepts and terminologies, relatively new to the previous Syrian regulations, like the notions of ‘decentralisation’, ‘democracy’ and ‘civil society’” (Gharibah, 2018, p.6.). However, once again, security concerns were prioritised over decentralisation and LD no. 107 remains a promising law on paper, but not yet fully implemented. As such, decentralisation in Syria has never been prioritised due to other pressing issues, such as security concerns, the development of the economy or foreign relations, or because it did not coincide with the interests of ruling elites.

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