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## CIVIL SERVICE



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هذه الورقة هي من نتائج منصة الحوار التقني السوري لدى برنامج الاجندة الوطنية لمستقبل سوريا.  
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اخلاء مسؤولية:  
طُبعت هذه الوثيقة في الشكل الذي قدمت به ودون تحرير رسمي، وهي تعكس آراء الخبراء الذين عملوا على كتابتها ضمن إطار "برنامج الاجندة الوطنية لمستقبل سوريا" ولا تعبر بأي شكل من الاشكال عن رأي اللجنة الاقتصادية والاجتماعية لغربي آسيا - الاسكوا.

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This report is based on interviews conducted in person in Turkey, Jordan, Germany, and Switzerland over WhatsApp and Skype between April and May 2018 as well as analysis of open source information such as news articles, reports and social media posts. Interviewees included Syrian and international researchers, activists, NGO workers, civil society actors, implementers, and journalists. Their identities have been hidden for their protection.

## Democratic Self-Administration Areas

### I. General Overview

Some of the most dynamic areas in Syria are the self-declared democratic self-administration (“DAA”) areas. The DAA areas are controlled by the Democratic Union Party (“PYD”) and are composed of three cantons – Jazira consisting of Hasaka and Qamishli provinces, Furat consisting of Kobani and Tal Abyad provinces, and Afrin consisting of both Afrin and Shahba provinces – with the capital being Qamishli.<sup>1</sup> Since 2015 after the Syrian Democratic Forces (“SDF”) militarily defeated ISIS in large parts of eastern Syria, the PYD expanded its rule to include the Arab-majority territories including Manbij, Raqqa, Tabqa, Tal Abyad, Ein Issa and parts of Deir Ezzor.<sup>2</sup> Recently, following the Turkish military incursion into Afrin, the PYD and its military arm, the People’s Protection Unit (“YPG”), were forced to retreat reducing the original three cantons of the DAA to two.

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<sup>1</sup> These areas are commonly known as Rojava. The region gained its de facto autonomy in 2012 following negotiations with the Syrian government. In 2016, the DAA self-declared the establishment of a federal system of government as the Democratic Federation of Northern Syria. I will use Rojava and the Democratic Federation of Northern Syria interchangeably. Reuters Staff, “Syrian Kurdish Groups, Allies Say Approve Blueprint for Federal System”, *Reuters*, 29 Dec. 2016. Available at <https://uk.reuters.com/article/uk-mideast-crisis-syria-kurds/syrian-kurdish-groups-allies-say-approve-blueprint-for-federal-system-idUKKBN14I1BG>.

<sup>2</sup> In addition to obtaining massive swathes of territories from ISIS, the PYD has obtained global support and legitimacy to run territories traditionally outside of its influence and control. Rana Khalaf, “Governing Rojava: Layers of Legitimacy in Syria”, Middle East and North Africa Programme (Chatham House, 2016). Available from <https://www.chathamhouse.org/publication/governing-rojava-layers-legitimacy-syria>. While the post-ISIS territories are not formally considered parts of the DAA, for ease and purposes of this paper, I will define all PYD-held areas as part of the DAA. All PYD-held territories are politically and security-wise under the governance of the DAA. There are only minor administrative differences between the Rojava areas and the post-ISIS areas including variations in institutions, different education curriculum (as discussed below) and optional military conscription in post-ISIS territories (while mandatory conscription in the Rojava areas). Both Manbij and Tabqa are currently undergoing elections to decide whether to join the Democratic Federation of Northern Syria. While the first two elections at the commune and local council levels went forward, the third election was stalled largely due to the battle for Afrin. Interview with researcher.

#### a. Actors

While there are many actors in the DAA areas, the most prominent are the military and security actors. Generally, the DAA areas are controlled by the Democratic Union Party or the PYD.<sup>3</sup> The People's Protection Unit ("YPG") and the Women's Protection Unit ("YPJ")<sup>4</sup> are the backbone of the military units of the DAA. The Asayish are the internal security forces that operate within the DAA areas and fulfill various security roles from police to counterterrorism.<sup>5</sup> In September 2015, approximately two weeks after the Russian intervention in Syria, the Syrian Democratic Forces ("SDF") were formed consisting of the YPG, YPJ, Sotooro, Jaysh al Thuwar, Syriac Military Council, Sanadeed Army, Raqqa Revolutionary Front, Northern Sun Brigades, Jazeera Brigades, Freedom Brigade, the 99<sup>th</sup> Infantry Brigade, the Free Officers Gathering, the Manbij Military Council and Army of Tribes.<sup>6</sup> The SDF played a pivotal role in liberating many Arab-majority territories from ISIS that are unofficially considered part of the DAA areas.

#### b. Governance

The PYD relies on three governance factors to legitimize itself: the provision of security, public services and public diplomacy.<sup>7</sup> Governance in the DAA areas is highly complex with many levels of decentralized institutions that remain heavily centralized within the hands of the PKK-trained "cadros".<sup>8</sup> Each of the cantons has its own legislative, judicial and executive councils and a general coordinating council acting for all the cantons.<sup>9</sup> The cantons also have academies,

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<sup>3</sup> Established in 2003, the PYD is the dominant force in Kurdish majority areas in Syria. It is often considered the Kurdistan Workers' Party's ("PKK") sister organization in Syria, although the PYD denies it. The PYD has adopted Democratic Confederalism as one of its ideologies and implemented the ideas of Abdullah Öcalan.

<sup>4</sup> The YPJ are seen as a separate body from the YPG. The YPG has a separate mandate to include 40% women and calls for gender equality. Within its bylaws, it calls for no special treatment for any religious group, language, nationality or gender. Bedir Mulla Rashid, "Military and Security Structures of the Autonomous Administration in Syria", Special Report (Omran for Strategic Studies, 2018). Available from <http://omranstudies.org/publications/reports/military-and-security-structures-of-the-autonomous-administration-in-syria.html>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Rana Khalaf, "Governing Rojava: Layers of Legitimacy in Syria", Middle East and North Africa Programme (Chatham House, 2016). Available from <https://www.chathamhouse.org/publication/governing-rojava-layers-legitimacy-syria>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* In theory, each canton works in a decentralized manner with its own constitution, government, parliament, courts, laws and municipalities. In practice, though, each canton (as well as the post-ISIS territories) are controlled by PKK-trained "cadros". Cadros maintain a high level of secrecy. Cadros are individuals who have spent their formative years trained in PKK academies in the Qandil mountains. This network of individuals serve as a parallel structure to the local councils and administrative bodies within the DAA areas, providing final approval of nearly all matters from municipal services to security. They also control the purse strings of the

committees, commissions and cooperatives operating within them.<sup>10</sup> Governance within the cantons operates upwards, from the communes to the neighborhood/district councils to the city councils to the cantons. Yet the cadres are heavily involved in all matters from governance to security to service-provision.

The areas formerly under ISIS control maintain similar governance structures with slight variations.<sup>11</sup>

### c. Human Rights/Gender Rights

#### Human Rights

Human rights agencies have reported over the years that the PYD, SDF and allied parties continue to mobilize child soldiers. Following an initial report by Human Rights Watch in 2014, the YPG signed a Deed of Commitment with the NGO Geneva Call pledging to demobilize all fighters within one month.<sup>12</sup> While the YPG demobilized 149 children one month later, Human Rights Watch continued to document cases of children under 18 joining and fighting with the YPG and YPJ.<sup>13</sup> Public sources show that some children under 18 even died in combat in June 2015.<sup>14</sup>

In addition, Amnesty International reported in 2015 the demolition of homes in the Arab village of Husseiniya and the Arab villages south of Suluk with the displacement of their respective populations.<sup>15</sup> Residents of the Arab villages in the Tel Abyad and Tel Tamr countryside were displaced from their homes by the YPG as well as 1,400 families in the Turkman village of

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DAA. While problematic in some respects, the role of the cadres provides a level of institutional stability and resource allocation to the DAA areas. Yet with the infusion of American financial support to the post-ISIS territories, the governance and military structures have gained some level of autonomy from the PKK structures. Interview with residents and experts.

<sup>10</sup> *Id.* Committees and commissions focus on diplomatic, social and political foundations, and economic, legal and self-defense functions.

<sup>11</sup> There is some variance in institutions between the Rojava areas and the post-ISIS areas. Interview with researcher.

<sup>12</sup> Geneva Call, "Syrian Kurdish armed non-State actor commits to ban anti-personnel mines, sexual violence and child recruitment", 16 June 2014. Available at <http://genevacall.org/syrian-kurdish-armed-non-state-actor-commits-ban-anti-personnel-mines-sexual-violence-child-recruitment/>. In a meeting with Geneva Call, YPG Deputy General Commander Redur Xelil stated, "Despite earlier measures to prohibit the recruitment of children under 18, we admit that the problem persists, we are aware of international concern about this issue, and we are making every effort to find a permanent solution, in collaboration with all stakeholders." *Id.*

<sup>13</sup> Human Rights Watch, "Syria: Kurdish Forces Violating Child Soldier Ban, Despite Promises, Children Still Fight", 15 July 2015. Available at <https://www.hrw.org/news/2015/07/10/syria-kurdish-forces-violating-child-soldier-ban-0>. Human Rights Watch, "Syria: Events of 2016". Available at <https://www.hrw.org/world-report/2017/country-chapters/syria>.

<sup>14</sup> *Id.*

<sup>15</sup> Amnesty International, "We had nowhere else to go: Forced displacement and demolitions in Northern Syria", October 2015. Available at <https://www.amnesty.org/download/Documents/MDE2425032015ENGLISH.PDF>.

Hammam al-Turkman.<sup>16</sup> Those suspected of or having familial ties to non-state actors, particularly ISIS or the Free Syrian Army (“FSA”), were also targeted for forced displacement and the destruction of their homes.<sup>17</sup>

Recently, HRW reported that it has received reports of torture and ill-treatment in the detention facilities controlled by the SDF. SDF is reported to have held individuals without charge in violation of fair trial guarantees and has restricted the free movement of displaced persons from Raqqa and Deir Ezzor, who end up in displacement camps with deteriorating humanitarian conditions.<sup>18</sup>

## Gender Rights

The authorities of the DAA have been highly acclaimed for the rights afforded to women. In July 2016, the provisional charter of the DAA was replaced with the Federal Democratic Rojava Social Contract.<sup>19</sup> The Charter adopted a progressive gender equality standard in governance structures with equal gender representation in all administrations<sup>20</sup>, with a specific focus on women’s political, social, economic and cultural rights.<sup>21</sup> Indeed, the DAA set a 40% quota to encourage women to participate in institutions at the commune, district, city and canton levels.<sup>22</sup> In practice, interviewees varied in their opinion on gender rights. While all interviewees agreed that women are involved in public life in the DAA, including at the highest political levels, some interviewees noted that women are still tokenized and much of the discourse on gender rights is propaganda for western audiences rather than a true commitment to gender equality.

## **II. Policy Gaps**

### a. Displacement and Voluntary Return

The humanitarian situation in the DAA areas vary from one region to another. While the Jazira has seen much less displacement and voluntary return than other areas, Afrin and the areas liberated from ISIS such as Manbij and Raqqa have seen tremendous population movements. In the battle for Raqqa, more than 200,000 people were displaced from May 2016 to November

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<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Human Rights Watch, “Syria: Events of 2017”. Available at <https://www.hrw.org/world-report/2018/country-chapters/syria>.

<sup>19</sup> Ghadi Sary, “Kurdish Self-governance in Syria: Survival and ambition” (Chatham House, 15 September 2016). Available from <https://www.chathamhouse.org/publication/kurdish-self-governance-syria-survival-and-ambition>.

<sup>20</sup> Generally, councils and committees in the DAA areas have a co-presidency with one man and one woman.

<sup>21</sup> Fight for the Rojava Revolution, “Charter of the social contract in Rojava”, 1 July 2016. Available from <https://ypginternational.blackblogs.org/2016/07/01/charter-of-the-social-contract-in-rojava/>.

<sup>22</sup> Rana Khalaf, “Governing Rojava: Layers of Legitimacy in Syria”, Middle East and North Africa Programme (Chatham House, 2016). Available from <https://www.chathamhouse.org/publication/governing-rojava-layers-legitimacy-syria>.

2017 and the city and surrounding areas were emptied of nearly all their residents.<sup>23</sup> In Manbij, over 60,000 people were displaced during the fighting between the SDF and ISIS in 2017.<sup>24</sup> Between January and March 2018 alone, over 130,000 people – nearly 50% of the population – were displaced from Afrin following the Turkish military incursion.<sup>25</sup>

Generally, there has been more voluntary return to areas captured from ISIS than others. In Raqqa, for example, residents are returning in large numbers despite the large-scale destruction and massive demolition of homes. The US is currently spending hundreds of millions of dollars in reconstruction in Raqqa and has encouraged IDPs to return.<sup>26</sup> While there has been return to Raqqa, many residents remain hesitant to return due to the PYD rule. The US has tried to balance Arab interests in the newly-conquered SDF areas like Raqqa, yet the PYD has undermined some of these efforts by partnering with smaller and weaker local Arab tribes in its control of Raqqa. These tribes have less support of the overwhelmingly Arab residents of Raqqa, causing some residents to not return.<sup>27</sup>

Generally, there have been healthier return dynamics since the heavily-documented PYD displacements of Arab residents from Tal Abyad in 2015, due largely to US military and financial support.<sup>28</sup> Those who have not returned have generally either had political affiliations with Turkey, were previously involved with ISIS, had relatives with ISIS or are escaping forced military conscription.<sup>29</sup>

Due to its minimal destruction and booming economy, Manbij has seen the highest level of returnees across ethnic lines.<sup>30</sup> In Manbij, for example, residents were initially prevented from returning to their areas following the SDF defeat of ISIS in late 2016. Once security measures

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<sup>23</sup> OCHA (23 May 2017). *Syria Crisis: Ar-Raqqa Situation Report No. 6*. Available from [https://reliefweb.int/sites/reliefweb.int/files/resources/Raqqa%20%20sit%20rep%2026%20May%20-n6\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Raqqa%20%20sit%20rep%2026%20May%20-n6_0.pdf).

<sup>24</sup> OCHA (16 March 2017). *Syria Crisis: Menbij Situation Update No. 1*. Available from <https://reliefweb.int/sites/reliefweb.int/files/resources/Menbij%20sitrep%20FINAL.pdf>.

<sup>25</sup> OCHA (28 April 2018). *Afrin Displacement Facts and Figures*. Available from <https://reliefweb.int/sites/reliefweb.int/files/resources/Afrin%20Fact%20and%20figures%2018%20April.pdf>.

<sup>26</sup> Interview with implementer.

<sup>27</sup> *Id.*

<sup>28</sup> Roy Gutman, “Have the Syrian Kurds Committed War Crimes?”, *The Nation*, 7 February 2017. Available from <https://www.thenation.com/article/have-the-syrian-kurds-committed-war-crimes/>.

<sup>29</sup> Interview with international researcher. The PYD has applied “qanoon wajib” – the forced conscription of males – similar to the Syrian Government conscription of males. This conscription is enforced in all the Rojava areas and was recently extended to the areas conquered from ISIS. When the PYD tried to enforce the conscription in Manbij, though, in November and December 2017 they faced major opposition from the local population. There was a general boycott and major backlash from the population. Due to this backlash, the PYD no longer enforces the conscription in Manbij and in other Arab-majority areas. Interview with Manbij resident.

<sup>30</sup> Interview with international researcher.

were set in place and the PYD administration allowed for residents to return, the majority of residents returned. The SDF screened returnees to ensure that they were not involved with ISIS or the Free Syrian Army or had direct familial ties to ISIS.<sup>31</sup> It is estimated that 70-80% of Manbij's residents have now returned to Manbij in addition to thousands of IDPs (it is estimated that 50-60% of Manbij is IDPs).<sup>32</sup>

While residents in Manbij and other PYD-held areas have not faced too much difficulty in reintegration, IDPs have faced some difficulty in their long-term integration. In order to stay in any PYD-held area, for example, IDPs or persons whose national card (hawiya) is not from that area need to have a local guarantor (kafil). In Manbij, the guarantee (kafalah) needs to be renewed by the authorities every month. Those who cannot find a kafil are either forced to leave the PYD-held areas or are limited in their movement and risk further displacement should they be discovered without a kafil.<sup>33</sup>

#### b. Service Delivery

As compared to opposition-held territories, the DAA areas have both better and more stable service delivery. Generally, the PYD administration has been effective in service provision. Through its executive commissions which are akin to ministries, the PYD administration has been able to provide fuel, education, jobs, electricity, water, sanitation, healthcare and security.<sup>34</sup> The DAA has been the most effective in covering the population's daily needs such as gas cylinders and food materials, but it has also built education structures and secured resources for reconstruction projects.<sup>35</sup>

The DAA provides public services for a fee and generates income from the water, electricity and the food that it sells. It also raises taxes from construction permits, land, business revenue, cars, agricultural income, border trade and the passage of people in addition to receiving

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<sup>31</sup> The SDF also screened residents for their potential involvement with the Free Syrian Army, particularly with factions that had previously fought the SDF. Interview with Manbij resident.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*; Interview with Kurdish researcher. That said, the PYD administration has been keen to not have people remain in camps and have encouraged IDPs to leave camps as soon as their areas are liberated from ISIS. The US and other international actors have also played a vital role in stabilizing PYD-held areas by rehabilitating areas to allow for the voluntary return of residents. Interview with international researcher.

<sup>34</sup> Rana Khalaf, "Governing Rojava: Layers of Legitimacy in Syria", Middle East and North Africa Programme (Chatham House, 2016). Available from <https://www.chathamhouse.org/publication/governing-rojava-layers-legitimacy-syria>.

<sup>35</sup> While the PYD administration has been able to provide stability and some level of services, its focus remains security more than anything else. Ghadi Sary, "Kurdish Self-governance in Syria: Survival and ambition" (Chatham House, 15 September 2016). Available from <https://www.chathamhouse.org/publication/kurdish-self-governance-syria-survival-and-ambition>.

financial support from diaspora networks and support groups.<sup>36</sup> Further, its natural resources such as oil and agricultural land provide the necessary income to support service delivery.

Yet service delivery in the DAA areas still fall short of service delivery in government-held territories. Indeed, electricity and water provision have deteriorated due to the ongoing conflict and absence of state institutions. In Qamishli in 2015, for example, electricity and water were cut for 10-15 consecutive days. While generators have served as important substitutes (or complements) to electricity networks since 2015, electricity and water continue to be cut for hours or even days at a time.<sup>37</sup> Similarly, due to the lack of fuel, waste collection has been inconstant, resulting in the spread of skin diseases such as Leishmania.<sup>38</sup>

The health sector has also been impacted. During the ISIS siege on the Rojava areas in 2015-2016, medical services were diminished and medicine was largely unavailable. Medicine would be flown in from Damascus in insufficient quantities.<sup>39</sup> Following the defeat of ISIS, there has been improvement in the health sector but health services remain 60-70% of what used to exist prior to the conflict. Much of the local medical cadre has left the country or taken jobs with higher salaries. International organizations continue to refuse to work in areas with a Syrian government presence.<sup>40</sup>

As with all other sectors, service delivery varies from one area to another within the DAA depending on the main funders as well as the extent of destruction. While the US has played a pivotal role in service delivery in Raqqa since its liberation from ISIS by spending millions of dollars, for example, service delivery still remains largely fragmented and insufficient due to the near-complete destruction of the city and its surrounding areas.<sup>41</sup>

Large parts of the DAA areas still receive services including electricity and water from the Syrian government. The Syrian government also pays teacher salaries in large parts of the DAA areas and operates hospitals and clinics.<sup>42</sup> In Manbij, for example, following the defeat of ISIS by the SDF, electricity began to be provided by the Syrian government for approximately 2-3 hours a day.<sup>43</sup> The PYD administration provided families with generators to cover the remainder of the day.<sup>44</sup> In addition, the Syrian government coordinates education with the PYD administration in Manbij. While schools operate within Manbij using the government-approved curricula, students must travel to government-held territories to take the ninth grade and baccalaureate exams. All

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<sup>36</sup> *Id.*

<sup>37</sup> Interview with Qamishli resident.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> International organizations have played an important role in providing health services in the DAA areas. Many are currently based in Amuda. *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> ISIS destroyed much of the electricity networks. The PYD administration has begun to repair the networks but they are far from fully repaired. Interview with Manbij resident.

<sup>44</sup> Residents are required to pay for the generators and fuel required to operate the generators. *Id.*

diplomas and degrees are issued by the Syrian government. Students seeking higher education must attend colleges or institutes located in government-held territories.<sup>45</sup>

While the Syrian government quite often plays a complementary role to the PYD administration, it sometimes plays a competitive role in service delivery. In Qamishli, for example, locals pay fees and taxes to both the PYD institutions and the Syrian government. In addition, locals are torn between using the PYD justice structures while still needing to officiate all documents in Syrian government courts due to the lack of accreditation of PYD structures.<sup>46</sup>

### c. Legal Framework and Institutional Reform

Over time, the Rojava areas have been able to develop a quasi-state to stand in place of Syrian government institutions. The PYD administration has a legislature that passes laws as well as a police force (Asayish), courts and civil registration institutions.<sup>47</sup> As noted above, these institutions may work parallel to the government structures or in competition.

In post-ISIS areas, the PYD administration has set up similar institutions to those in the Rojava areas. While no provincial structures exist, local councils have formed with smaller councils established all the way down to neighborhood communes. These areas are controlled by the Syrian Democratic Council (“SDC”) and are protected by the SDF.<sup>48</sup> The PYD and the Americans have spent considerable time and money rehabilitating institutions destroyed by ISIS including schools, electricity and water networks, detention centers and agriculture institutions.<sup>49</sup> While areas that have not faced mass destruction such as Manbij have successfully rehabilitated many of their institutions, areas like Raqqa that were effectively leveled have a far ways to go in the rehabilitation of their institutions.<sup>50</sup>

The PYD administration is often hindered with excessive bureaucracy and institutions. The creation of parallel institutions has also caused confusion for the local population who is unsure how to officiate documents or personal matters.<sup>51</sup> Without official recognition of the constitutionality of the PYD administration, the central government still holds tremendous weight over these areas which may lead to future conflict. Indeed, the PYD’s head of public relations,

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<sup>45</sup> *Id.* Alternatively, students can go to the Rojava areas and study in PYD institutes or academies but their degrees are not recognized by the Syrian government. Indeed, this has caused an exodus of both Kurdish and Arab students from those areas to government-held areas to continue their studies. *Id.*

<sup>46</sup> Rana Khalaf, “Governing Rojava: Layers of Legitimacy in Syria”, Middle East and North Africa Programme (Chatham House, 2016). Available from <https://www.chathamhouse.org/publication/governing-rojava-layers-legitimacy-syria>.

<sup>47</sup> Interview with international researcher.

<sup>48</sup> *Id.* Yet as noted above, all these areas are controlled by the PYD and in turn by the cadres. Interview with expert.

<sup>49</sup> Interview with Manbij resident.

<sup>50</sup> Interview with researcher.

<sup>51</sup> Ghadi Sary, “Kurdish Self-governance in Syria: Survival and ambition” (Chatham House, 15 September 2016). Available from <https://www.chathamhouse.org/publication/kurdish-self-governance-syria-survival-and-ambition>.

Sihanok Dibo, announced that the party would be willing to send a delegation to Damascus to negotiate the ratification of the law on local administration, Law 107, in hopes of obtaining official recognition of the social contract and the PYD rule.<sup>52</sup> In doing so, the PYD may be able to obtain official recognition of its institutions and governance bodies.

Currently residents in the DAA have engaged in creative measures to officiate their documents. Some residents, for example, have hired lawyers to go to the government-held areas to officiate documents including civil registration and personal documents (passports, hawiyas, property documents, etc.).<sup>53</sup>

The PYD has set up “people’s courts” in each of the Rojava areas and parts of the post-ISIS territories as well as high courts in the Jazira and Afrin cantons. People’s Courts oversee all civil and criminal matters except for terrorism matters.<sup>54</sup> They also include a “justice room” which arbitrates conflicts prior to them being sent to the “civil room” for full litigation.<sup>55</sup> High courts, on the other hand, oversee more politically-charged matters in addition to arbitrating any conflicts within the electoral commission.<sup>56</sup>

Each commune houses a mediation committee which oversees neighborhood disputes. These committees are unofficial bodies that try to resolve conflicts prior to being sent to the people’s courts.<sup>57</sup>

In setting up its legal system, the PYD used many of the same government courts and applied approximately 90% of Syrian law.<sup>58</sup> Despite the great overlap in institutions and laws, most people within the DAA areas prefer government courts due to their official recognition. Residents either travel to government-held areas to use the courts there or else assign a power of attorney.<sup>59</sup>

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<sup>52</sup> *Id.*

<sup>53</sup> Interview with Manbij resident. Property documents are the most contentious documents to officiate. The PYD administration does not recognize property documents officiated by the government and the government does not recognize property documents officiated by the PYD administration. In order to avoid issues with either side, residents often officiate property (and other) documents with both parties. Interview with researcher.

<sup>54</sup> Often criminal matters are given a terrorism label so as to justify their transfer to Rojava courts. In post-ISIS areas, any terrorism-related charge is not tried in those areas but rather transferred to the courts in the Rojava areas. Residents of post-ISIS territories complain that such actions tokenize their courts and give more weight to courts in the Rojava areas. *Id.*

<sup>55</sup> The justice room is unique to PYD courts. The Syrian government does not have this division in its courts. In addition, the PYD do not have sharia or religious courts and has eliminated certain religious-based laws like “mahr”. All personal and family matters are done in civil courts including marriages and divorces. *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.* One key difference between the PYD legal system and the government legal system is that the PYD courts assign free lawyers as needed for any matter. *Id.*

<sup>59</sup> The Syrian government still has functional courts in both Hasaka and Qamishli so many residents of the DAA go there to do their civil documentation as well as other legal matters. *Id.*

In some post-ISIS areas like Manbij, there are no functional courts so residents must either travel to a neighboring city within the DAA or to government-held territories.<sup>60</sup>

One of the most contentious institutions is education. Since 2015, the PYD administration changed the curriculum in the Rojava areas from that recognized by the Syrian government to an entirely new Kurdish language curriculum with ideological support to the PKK and Abdullah Öcalan. Initially, the PYD administration revised the curriculum of grades one through three. Over the subsequent three years, it revised the curriculum up to grade nine. The PYD administration recently announced that it will issue a revised curriculum up to grade twelve over the next year or two.<sup>61</sup> The change in curriculum has caused great discontent even among PYD sympathizers.<sup>62</sup> Indeed, the change in curriculum in only parts of the DAA areas threatens to create parallel communities and de facto segregation. It also threatens students' future educational opportunities as the curriculum and educational institutions in the Rojava areas are unaccredited.<sup>63</sup>

#### d. Reconciliation and Social Cohesion

Social conflicts in the PYD-held areas are largely tied to political differences rather than deep-seated ethnic conflicts or conflicts between IDPs and locals. Indeed, all interviewees confirmed that there was a high level of coexistence between Kurds and Arabs including intermarriage and social integration. In addition, IDPs and locals co-exist well. Rather, tensions exist with the ruling PYD-administration.<sup>64</sup> The PYD has a strong grip on the DAA areas and has prevented both multi-party rule and a civilian-led administration from emerging.<sup>65</sup> Any

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<sup>60</sup> *Id.* Manbij residents may travel to neighboring cities like Raqqa or Tabqa where PYD-run courts exist yet these courts still lack recognition from the Syrian government.

<sup>61</sup> In the revised curriculum, Arabic courses start during the fourth grade. The PYD administration has announced that it will prepare an Arabic and Syriac curriculum different than the one taught by the Syrian government. The PYD administration has also announced that it is developing a Kurdish curriculum to be taught at its universities. While the PYD's curriculum is not recognized by the Syrian government, the PYD administration is seeking international recognition from European countries. Interview with Qamishli resident.

<sup>62</sup> Interview with Kurdish researcher. In his interview, he noted that the switch in curriculum happened suddenly and without any consultation with the population. "It was completely unnecessary and merely a reaction to the government's denial of the Kurdish language."

<sup>63</sup> Rana Khalaf, "Governing Rojava: Layers of Legitimacy in Syria", Middle East and North Africa Programme (Chatham House, 2016). Available from <https://www.chathamhouse.org/publication/governing-rojava-layers-legitimacy-syria>. In an interview with a resident of Manbij, he noted that large numbers of both Arabic and Kurdish students have left the Rojava areas for post-ISIS territories to enroll in schools that use government curriculum in order to obtain officially-recognized degrees.

<sup>64</sup> While there is strong social cohesion in the DAA areas, Arabs generally view the PYD as a Kurdish administration while Kurds view the PYD as a one-party rule. Interview with researcher.

<sup>65</sup> International Crisis Group, "The PKK's Fateful Choice in Northern Syria", Middle East Report No. 176 (Brussels, 4 May 2017). Available from <https://d2071andvip0wj.cloudfront.net/176->

individuals seeking to be part of the governance structures must work within the PYD structures or affiliated parties, irrespective of the individual's ethnic background.

In Raqqa and Manbij, for example, while Arabs are the main actors within both governance and administrative bodies<sup>66</sup>, their involvement is on an individual rather than an organizational or party basis.<sup>67</sup> In addition, Arabs are not involved in security matters. As such, Arabs within the PYD-held areas feel largely tokenized.

The PYD administration has engaged in discriminatory treatment against Arabs and IDPs under security pretenses, particularly following a number of high-profile terrorist attacks.<sup>68</sup> The PYD, for example, has displaced entire Arab communities in Hasaka including Jazaa and Ras al Ayn under the pretense that the communities housed armed groups (the FSA). To this date, the communities have not been allowed to return and there have been no reconciliation efforts.<sup>69</sup>

In addition to the conflicts with the PYD, there exist inter-tribal conflicts in many of the post-ISIS areas. During its rule, ISIS played tribes and tribal leaders off one another resulting in deadly battles between them. In the absence of a proper legal system, tribes began to revenge crimes committed against them in extrajudicial manners.<sup>70</sup> Without proper reconciliation efforts, these tribal conflicts could further magnify and undermine the social cohesion in many of the post-ISIS territories.

#### e. Rehabilitation of Physical and Social Infrastructure

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[the-pkks-fateful-choice-in-northern-syria.pdf](#). The PYD's (and in turn PKK) monopoly of power in the DAA has led to conflicts with other Kurdish political parties and Arabs in post-ISIS territories. Interview with Qamishli resident. Yet, some interviewees noted that most people in post-ISIS territories following the years of conflict have become hyper-pragmatic and are indifferent to the PYD's monopoly of power. Rather, they are merely seeking a body to stabilize their areas and provide services.

<sup>66</sup> In the Raqqa Civil Council, for example, there were only two Kurds – Leila Mustafa and Omar Alloush. Earlier this year, Omar was killed by an unknown assailant. There is speculation that he was killed by an ISIS operative.

<sup>67</sup> Kurds, on the other hand, have many different organizations and parties. Yet only supporters of the PYD are given any real power. Interview with implementer and researcher.

<sup>68</sup> Interview with implementer. ISIS has claimed responsibility for three major terrorist attacks in PYD-held areas in recent years: a wedding in Hasaka in 2016 killing over 20 people (Bethan McKernan, "Isis suicide attack on Kurdish wedding kills 22 in northwest Syria", *Independent*, 4 October 2016. Available from <https://www.independent.co.uk/news/world/middle-east/isis-suicide-attack-syria-kurdish-wedding-death-toll-war-a7343861.html>); a truck bomb in Qamishli killing over 40 people ("Syria: Deadly IS blast rocks Kurdish city of Qamishli", *BBC News*, 27 July 2016. Available from <http://www.bbc.com/news/world-middle-east-36902604>); and an explosive car attack in the industrial area of Qamishli. All three attacks were reportedly conducted by IDPs who were part of ISIS sleeper cells. Interview with Kurdish researcher.

<sup>69</sup> Interview with researcher.

<sup>70</sup> Interview with Kurdish researcher.

Both Hasaka and Qamishli did not see significant destruction due to the lack of fighting in both regions. While the physical and social infrastructure in both areas remain largely intact, service provision has been negatively impacted by the ongoing conflict.<sup>71</sup> Raqqa, on the other hand, has seen complete destruction. The Americans have spent millions of dollars to rebuild the physical infrastructure, but have made only minor progress given the total obliteration of the city.<sup>72</sup>

The PYD administration is work on rehabilitating the areas under its control, yet it has focused more on the Rojava areas at the expense of the post-ISIS areas. It has similarly focused more on the cities rather than the countryside (rif). Manbij, which has seen lesser physical damage, has had some rehabilitation. The Syrian Democratic Council – the governing body there – has focused on rehabilitating the bridges and public roads. Yet residents have had to fix their homes and properties at their own expense.<sup>73</sup>

Socially, children have been the most impacted, particularly those living in post-ISIS areas. Due to the lack of schooling under ISIS control, many children were forced to work at an early age and grow before their time. Parents would sometimes marry their sons off at an early age to distract them from ISIS propaganda. Yet ISIS left deep emotional and psychological scars which has not yet been addressed in any meaningful way.<sup>74</sup> To counter the impacts of ISIS, Manbij residents have focused on education and opening new schools and especially kindergartens.<sup>75</sup> Yet countering the impacts of ISIS will require tremendous resources and social programs over a long period of time.

## **Opposition-Held Areas**

### **I. General Overview**

During the analysis period from 2015 to the present, the armed opposition experienced massive territorial losses. Major parts of Ghouta (rif Damascus) fell throughout the research period with the last remaining territories of Douma, Hasaka and the mid-section finally falling in mid-2018.<sup>76</sup> East Aleppo fell in 2017 following a large-scale military campaign by Russia and the Syrian government, and the last remaining opposition-held parts of northern Homs (Rastan, Houla

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<sup>71</sup> Hasaka and Qamishli receive their electricity through Manbij and specifically the Tishreen Dam. ISIS has destroyed parts of the dam and Turkey reduced the water in the dam following the PYD takeover of the region. This has negatively impacted both the flow of electricity and gas to the Rojava areas. Interview with researcher.

<sup>72</sup> Interview with researcher. Due to the lack of infrastructure and services, only 10-20% of Raqqa's residents have returned to the province. The vast majority of residents remain in camps or displaced in other parts of Syria.

<sup>73</sup> Interview with Manbij resident.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> Martin Patience, "Syria war: Fall of Eastern Ghouta pivotal moment for Assad", *BBC News*, 13 April 2018. Available from <http://www.bbc.com/news/world-middle-east-43631838>.

and Talbisah) fell in May 2018 following a Russian-brokered deal.<sup>77</sup> Turkey conquered territory from both ISIS (Jarablus, al-Bab) and the PYD (Afrin) through multiple military campaigns.<sup>78</sup> While these territories' governance and service provision are being tightly controlled by Turkey, they are militarily supported by rebel groups. Along with the Turkish-held territories, the southern territories of Daraa and Quneitra remain the most stable opposition-held areas under the influence of multiple nation-states, including most notably Jordan and the United States.<sup>79</sup>

With the Syrian government's recapture of strategic sections of opposition-controlled Syria, Idlib has increasingly become the heart of the uprising in the north of the country and the dynamic center of the armed opposition. Governance and service delivery is controlled by multiple armed and civilian actors with shifting zones of influence and continuous battles for territorial control.

#### a. Actors

Actors, both local and international, vary depending on the area within the opposition-held territories. Daraa and Quneitra are controlled militarily mostly by the Southern Front and to a lesser extent, the Khalid bin Walid brigade.<sup>80</sup> Service provision and local governance are controlled by civilian structures (local councils, provincial councils and directorates) with support from international implementers and local NGOs.

Jarablus, al-Bab and Afrin are controlled militarily by both the Turkish military and various Free Syrian Army factions. Service provision and local governance is under the direct influence and control of Turkey with the support of local actors, international implementers and NGOs.

The northwest of Syria is controlled militarily by various armed factions including most notably Jabhat Tahrir Suriya (JTS)<sup>81</sup> and Hayat Tahrir al Sham (HTS)<sup>82</sup>. Service delivery and local

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<sup>77</sup> "Rebels agree withdrawal deal for enclave near Syria's Homs", *Reuters*, 2 May 2018. Available from <https://www.reuters.com/article/us-mideast-crisis-syria-homs/rebels-agree-withdrawal-deal-for-enclave-near-syrias-homs-idUSKBN1I329Y>.

<sup>78</sup> "Turkey 'ends' Euphrates Shield campaign in Syria", *BBC News*, 30 March 2017. Available from <http://www.bbc.com/news/world-middle-east-39439593>. Anne Barnard and Carlotta Gall, "Syrian Rebels, Backed by Turkey, Seize Control of Afrin", *NY Times*, 18 March 2018. Available from <https://www.nytimes.com/2018/03/18/world/middleeast/afrin-turkey-syria.html>.

<sup>79</sup> Israel is playing an expanding role in the south.

<sup>80</sup> Khalid bin Walid is an ISIS offshoot and located almost exclusively in Quneitra. The US has a military base in Jordan, 45 km away from the Syrian border. This base serves as a strategic launching base for military action in Syria. Interview with researcher.

<sup>81</sup> Jabhat Tahrir Suriya (JTS) is comprised of Ahrar al Sham, Nour al-Din al-Zenki and Falaq al Rahman.

<sup>82</sup> Hayat Tahrir al Sham (HTS) is comprised almost exclusively of Jabhat al-Nusra with minor participation of Jund al-Aqsa. From mid 2016 to early 2017 prior to becoming HTS, Jabhat al-Nusra renamed itself as Jabhat Fatah al-Sham (JFS) after it renounced its prior allegiance to al-Qaeda. "Al-Nusra Front cuts ties with al-Qaida and renames itself", *The Guardian*, 28 July 2016. Available from <https://www.theguardian.com/world/2016/jul/28/al-qaida-syria-nusra-split-terror-network>.

governance is controlled by armed, civilian and international actors. Local councils and directorates play a fundamental role in service delivery in large parts of the northwest as do local and international organizations that finance most of the service delivery in the northwest.

Starting 2016, the Syrian Interim Government (SIG) set up ministries and directorates inside of Syria and developed stronger links with local and provincial councils through the ministry of local administration. Yet as an affront to the SIG, HTS formed the Syrian Salvation Government (SSG) in 2017 comprised of approximately 11 ministries and directorates.<sup>83</sup> The SSG has declared itself the only legitimate government in northwest Syria but has faced many challenges, including lack of international funding and support.<sup>84</sup> SIG bodies continue to operate in northwest Syria in spite of the threats posed by the Syrian Salvation Government.

#### b. Governance

There are multiple governance structures in opposition-held Syria. Governance is primarily controlled by armed groups, civilian structures and even NGOs with varying zones of international influence/control. The most notable governance structures in opposition-held Syria are local administrative councils (“LACs”). City and town level LACs have filled the service and governance void left by the Syrian government. LACs normally have executive offices focused on relief and municipal services where they organize relief distribution and service provision. Following the start of the Syrian uprising, LACs had their roots in local activist collectives (local coordinating committees). Donors later pushed LACs to standardize and were subsequently folded under provincial councils<sup>85</sup> and the Syrian Interim Government.<sup>86</sup> Over the years, LACs have mainly partnered with organizations for funding, project development, implementation and management.

Established September 2015, Ahrar al Sham developed the Service Administration Commission (“SAC”) with the goal of being the connective tissue of local governance by coordinating and complementing Idlib’s LACs and providing a broad range of its own support and service projects including road repairs, regulation of public property, maintenance of civil registries and relief for IDPs. In reality, though, the SAC failed to gain support and was not able

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<sup>83</sup> “Syria opposition groups form new government in Idlib”, *Middle East Monitor*, 3 November 2017. Available from <https://www.middleeastmonitor.com/20171103-syria-opposition-groups-form-new-government-in-idlib/>. While the Syrian Salvation Government denies any ties to armed groups, it is common knowledge that the SSG is an offshoot of HTS.

<sup>84</sup> Interview with researcher.

<sup>85</sup> While provincial councils were initially formed in 2013, they did not take a more active role until 2015. Due to lack of donor funding and support, provincial councils have played a smaller role than local councils. While in theory, provincial councils should play a coordination role between the LACs and provide financial and administrative support, in practice they have acted as organizations with limited oversight and control over the LACs. Interview with international researcher.

<sup>86</sup> Sam Heller, “Keeping the Lights on in Rebel Idlib: Local Governance, Services, and the Competition for Legitimacy among Islamist Armed Groups” (The Century Foundation, 29 November 2016). Available from <https://tcf.org/content/report/keeping-lights-rebel-idlib/>.

to play a prominent role.<sup>87</sup>

In addition, the Public Service Administration (“PSA”) was established by Jabhat Fatah al-Sham in Aleppo in 2013 and subsequently expanded into Idlib in 2015 to control service provision and fill service gaps. The PSA operated key infrastructure around Aleppo City and Idlib including the Suleiman al Halabi water station and sections of the electrical grid. It developed an electricity directorate, water directorate and service office in southern Idlib. It operated bakeries in Khan Sheikhoun and had courts and Islamic Police.<sup>88</sup>

In Idlib City, Jaysh al-Fatah (Army of Conquest)<sup>89</sup> agreed to establish the Idlib Administration under its Shura Council starting the summer 2015. The Idlib Administration functions like a large local council and comprises directorates responsible for education, telecommunications, health and municipal services in addition to operating the faculties of Idlib University. Due to the lack of a real civilian administration independent from the factional tug-of-war as well as the lack of donor support, the Idlib Administration was greatly weakened.<sup>90</sup>

Most recently, HTS formed the Syrian Salvation Government (“SSG”).<sup>91</sup> Comprised of nearly one dozen ministries and directorates, the SSG attempts to parallel the structures of the SIG and gain a foothold into the LACs through areas of mutual interest, containment, infiltration or even exclusion.<sup>92</sup>

In southern Syria (Daraa and Quneitra), local councils are the main governance bodies. Until recently, the Daraa provincial council was excluded from donor support leaving a relatively flat hierarchical structure. Only recently have donors started funding both the provincial councils and directorates in the south, thereby building up the governance structures.<sup>93</sup>

In the Euphrates Shield areas, Turkey plays a fundamental role in governance and institutional building.<sup>94</sup> Jarablus, for example, is under the direct supervision of Gaziantep in

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<sup>87</sup> *Id.* The SAC is no longer active. Interview with international researcher.

<sup>88</sup> *Id.*

<sup>89</sup> Jaysh al-Fatah is a coalition of Idlib’s Islamist factions.

<sup>90</sup> The Idlib Administration was absorbed by HTS’s Civil Administration for Services and then the Syrian Salvation Government. Interview with international researcher.

<sup>91</sup> Prior to the formation of the SSG, HTS formed the Civil Administration for Services which was responsible for providing social services in HTS territories and focused on providing the most important services of electricity and water. In areas where HTS did not control the municipal offices, the Civil Administration either directly coordinated with the established service structures or independently provided the necessary services. Ayman al Dassouky, “The Role of Jihadi Movements in Syrian Local Governance: A Case Study of Hay’at Tahrir al-Sham (HTS) in Idlib” (Omran for Strategic Studies, 14 July 2017). Available from <http://en.omrandirasat.org/publications/papers/the-role-of-jihadi-movements-in-syrian-local-governance.html>.

<sup>92</sup> Exclusion occurs in areas where HTS exercises complete control of a territory such as Harem and Darkoush. There, HTS terminated the LAC operations and replaced it with its own structures. *Id.*

<sup>93</sup> Interview with international researcher.

<sup>94</sup> For example, after securing Jarablus from ISIS control, Turkey reportedly appointed a new local council undermining the council in exile. Following protests, a new council was formed in

southern Turkey.<sup>95</sup> Turkey has replicated similar governance models as other rebel-held areas with the LAC running the district and providing public services including humanitarian aid, infrastructure renovation, healthcare, sanitation, education, justice and local security.<sup>96</sup> Rebel groups still play a big role in maintaining security.

### c. Human Rights/Gender Rights

Many of the non-state armed groups have committed a host of human rights violations in opposition-held areas. In 2017, Human Rights Watch reported that HTS – the dominant group in Idlib province – engaged in the arbitrary detention of civilians and local activists, the interference with humanitarian aid delivery and the targeting of religious minorities through car bombings<sup>97</sup>

Other non-state actors, including Jaysh al-Islam in rif Damascus among others, have launched indiscriminate mortar and other artillery strikes from areas under their control into government-controlled territories, killing civilians in Aleppo, Damascus, Idlib and Latakia and destroying civilian infrastructure.<sup>98</sup>

Women are similarly facing challenges and restrictions on their freedoms by extremist groups. Al-Nusra, for example, has enforced its interpretation of Sharia (Islamic Law) by requiring women and girls to wear headscarves and abayas and threatening to punish those who do not comply.<sup>99</sup> In some areas in Idlib City, Jabhat al-Nusra banned women from working outside their homes and limited their participation in public life.<sup>100</sup> Women in Ghouta have reported harassment by men in their professional lives.<sup>101</sup>

Yet women’s roles and responsibilities in opposition-held areas have also expanded due

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March 2017 after consultations with rebels, Turkish officials, the Aleppo Provincial Council, the SIG and influential figures. Haid Haid, “Post-ISIS Governance in Jarablus: A Turkish-led Strategy”, Middle East and North Africa Programme (Chatham House, September 2017).

Available from

<https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-09-26-post-isis-governance-jarablus-haid.pdf>.

<sup>95</sup> Turkey liberated Jarablus from ISIS control in August 2016. *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> In March 2017, HTS claimed responsibility for two explosions in the Bab al-Saghir cemetery, a well-known Shia pilgrimage site in Damascus, killing 44 civilians. Human Rights Watch, “Syria: Events of 2017”. Available from <https://www.hrw.org/world-report/2018/country-chapters/syria>.

<sup>98</sup> Human Rights Watch, “Syria: Events of 2016”. Available from <https://www.hrw.org/world-report/2017/country-chapters/syria>.

<sup>99</sup> Human Rights Watch, “Syria: Extremists Restricting Women’s Rights” (13 January 2014). Available from <https://www.hrw.org/news/2014/01/13/syria-extremists-restricting-womens-rights>.

<sup>100</sup> *Id.*

<sup>101</sup> “A female doctor in east Ghouta challenging patriarchy – video”, *The Guardian*, 8 March 2018. Available from <https://www.theguardian.com/world/video/2018/mar/08/a-female-doctor-in-east-ghouta-committed-to-challenging-the-patriarchy-even-in-war-video>.

to the decreasing number of working-age men.<sup>102</sup> As of 2017, it was estimated that women were the decision-makers and breadwinners in almost one of three households as opposed to 12-17% of households in 2015.<sup>103</sup>

Women still lack representation in governance and service bodies in opposition-held Syria and are better (yet not sufficiently) represented in NGOs operating in opposition-held Syria.<sup>104</sup>

## II. Policy Overview

### a. Displacement and Voluntary Return

Opposition-held Syria has seen some of the highest levels of displacement and the greatest population movements. So-called evacuation deals have resulted in forced displacements of hundreds of thousands of people from rif Damascus, east Aleppo, Homs and Damascus to northern Syria (Idlib and Jarablus, primarily).<sup>105</sup> Idlib province alone houses approximately 2.65 million people, half of whom are IDPs.<sup>106</sup> In late 2017/early 2018, over 200,000 people were displaced from Idlib following massive Syrian government airstrikes and

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<sup>102</sup> Due to the ongoing conflict, many men have been forced to fight, flee or have been killed or severely injured, leaving them unable to work.

<sup>103</sup> Daniel Hilton, "The Shifting Role of Women in Syria's Economy", *Syria Deeply*, 22 December 2017. Available from <https://www.newsdeeply.com/syria/articles/2017/12/22/the-shifting-role-of-women-in-syrias-economy>. Compared to the 4.4% of women-led households in 2009, there has been more than a 20% increase. Yet female-led households remain below that of male-headed households

<sup>104</sup> While the exact number of women in local councils is unknown, they make up no more than 5% of local councils as technical and elected members with only 17% of LACs having women. Most of the women in LACs are present in the women and family affairs offices in the LAC. Interview with local council expert.

<sup>105</sup> Some of those displaced subsequently left Syria and sought refuge in neighboring countries like Turkey. In many towns and cities, the local council, local organizations and even community members developed safe houses to house IDPs for a few days until they could find more permanent housing. In Atareb, for example, there are three centers that serve as safe houses. These centers are used during emergency situations like the Aleppo and Ghouta displacements. In addition, many families housed IDPs in their own homes and local organizations provided IDPs with assistance to restart their lives. During the massive Idlib displacement in late 2017/early 2018, less services were provided to IDPs and families were less willing to house IDPs given the high likelihood that they themselves might be subsequently displaced. Interview with local activist.

<sup>106</sup> OCHA (03 January 2018) *Turkey / Syria: Recent Developments in North-western Syria*.

Available from [https://reliefweb.int/sites/reliefweb.int/files/resources/latest\\_developments\\_in\\_north\\_western\\_syria\\_20180103.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/latest_developments_in_north_western_syria_20180103.pdf).

fighting between HTS and Zenki/Ahrar al-Sham.<sup>107</sup> Many had been displaced more than once and more than half were children.<sup>108</sup> The displacement was one of the largest movements of the seven-year conflict, with more than 7,000 people being displaced on average every single day (four times more people displaced than the last phases of the Aleppo offensive).<sup>109</sup>

Due to the tremendous IDP movements in the northwest, housing (and even camps) have run low and many families are forced to live in high risk areas where government and Russian aerial bombings is frequent.<sup>110</sup> Indeed, many IDPs have sought to live in Turkish-held areas like Jarablus and more recently Afrin due to the increased security and lack of government/Russian bombing. As a consequence, rent in Jarablus has sky-rocketed, precluding many families from residing there.<sup>111</sup>

Following the Euphrates Shield operations, there was a high number of voluntary returns of Syrians living in Turkey to Jarablus and al-Bab.<sup>112</sup> There was a much smaller number of returnees from Syrians residing in Europe. Idlib residents residing in Turkey also returned in much smaller numbers following the creation of de-escalation zones given the lack of security and the presence of jihadist groups in the northwest.<sup>113</sup>

In southern Syria, IDP movement is more limited due to the complete isolation of the region from the rest of the country as well as the sealed borders with Jordan.<sup>114</sup> The de-escalation zones helped stabilize the region allowing for some voluntary return. Yet Human Rights Watch reported that since 2014 and especially from 2016-2017 (following the de-escalation agreement), Jordan has been summarily deporting Syrian refugees without giving them a meaningful chance to challenge their removal.<sup>115</sup> In the first five months of 2017, Jordanian authorities deported about 400 registered Syrian refugees per month in addition to about 300 unorganized returns of

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<sup>107</sup> Aron Lund, "Turkey, Assad offensives bring new displacement crisis in Syria", *IRIN* (Stockholm, 23 January 2018). Available from <https://www.irinnews.org/analysis/2018/01/23/turkey-assad-offensives-bring-new-displacement-crisis-syria>.

<sup>108</sup> *Id.*

<sup>109</sup> Save the Children (17 January 2018) *More Than 110,000 Syrian Children Forced From Their Homes By Fighting in New Wave of Mass Displacement*. Available from <https://www.savethechildren.net/article/more-110000-syrian-children-forced-their-homes-fighting-new-wave-mass-displacement>.

<sup>110</sup> Interview with local council expert.

<sup>111</sup> Interview with local activist.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> Interview with implementer. Camps have been set up on both sides of the border.

<sup>115</sup> Human Rights Watch (October 2017) *I Have No Idea Why They Sent Us Back: Jordanian Deportations and Expulsions of Syrian Refugees*. Available from [https://www.hrw.org/sites/default/files/report\\_pdf/jordan1017\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/jordan1017_web.pdf).

registered refugees that appeared to be voluntary.<sup>116</sup> Another 500 returned with little known about the circumstances of their return.<sup>117</sup>

#### b. Service Delivery

Opposition-held Syria remains the most fragmented of regions in Syria with multiple service providers operating either in isolation or in parallel with other bodies. In Idlib alone, there have been at least seven bodies that provided service delivery since 2015: the Civilian Services Administration of Jaysh al-Fateh, the Committee for Services Management of Ahrar al-Sham, the General Administration of HTS (which later folded into the Syrian Salvation Government), the SIG's service offices, the local administrative councils (156 in Idlib province) and NGOs/civil society organizations.<sup>118</sup> In early November 2017, the Syrian Salvation Government ("SSG") was formed by HTS to monopolize authority in northwestern Syria.<sup>119</sup> Yet it has failed to do so due to the lack of donor and local support for HTS governance.<sup>120</sup> SSG's presence has indeed weakened service delivery due to the exodus of both international and local organizations willing to work in Idlib.<sup>121</sup>

The Syrian Government and Russian aerial bombings have been the main obstacle to predictable and sustainable civil life in opposition-held Syria.<sup>122</sup> The gaps and failures in civilian service provision has created an opening for armed groups to meet civilian needs and earn

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<sup>116</sup> *Id.* Refugees increasingly choose "voluntary" return after the head of the household has been deported.

<sup>117</sup> *Id.*

<sup>118</sup> Ayman al Dassouky, "The Role of Jihadi Movements in Syrian Local Governance: A Case Study of Hay'at Tahrir al-Sham (HTS) in Idlib" (Omran for Strategic Studies, 14 July 2017). Available from <http://en.omrandirasat.org/publications/papers/the-role-of-jihadi-movements-in-syrian-local-governance.html>.

<sup>119</sup> Following its formation, the SSG provided the SIG – established by the Etilaf in 2013 – a 72-hour ultimatum to cease all operations. The SIG ignored the ultimatum and continues to operate in Idlib at a high risk to itself. "HTS-backed civil authority moves against rivals in latest power grab in northwest Syria", *Syria: direct*, 13 December 2017. Available from <http://syriadirect.org/news/hts-backed-civil-authority-moves-against-rivals-in-latest-power-grab-in-northwest-syria/>.

<sup>120</sup> Interview with researcher. A number of communities have risen up in opposition to both HTS and the SSG including Maarat Numan, Harano, Darat Azza, Abzimo, Maarat Masreen, Jarjanaz and Areeha.

<sup>121</sup> DFID pulled its funding from the education directorate in Idlib due to fears that the education directorate was compromised and partly coopted by the SSG. Humanitarian work has also been weakened due to HTS's interference with organizations and requirement that it be provided a percentage of the aid. As fear that international support for services may stop, parts of northwestern Syria have started to charge residents a fee for services. Some LACs have also created for-profit projects like playgrounds and soccer fields. Interview with local activist.

<sup>122</sup> The conflict in Syria has led to a tremendous brain drain of both technocrats and professionals who are best equipped to run institutions. Interview with international researcher.

popular support.<sup>123</sup> Yet despite the large number of both civilian and armed actors, there remain massive gaps in service provision and a lack of a regulatory framework to oversee and coordinate service provision in opposition-held territories.

In northwestern Syria (Aleppo, Idlib and parts of Hama) and Ghouta, health, education, water and waste management are subpar with constant breaks in services. Due to the lack of local resources, funding for services is primarily provided by donors. Yet changing donor priorities, lack of donor coordination and the ongoing conflict (aerial bombardments and factional warfare) has prevented sustainable service delivery.<sup>124</sup> While the Syrian government provides a few hours of electricity a day, residents have come to rely on generators for electricity provision for the remainder of the day. Generators are similarly used to push water from the local wells, requiring a great deal of fuel.<sup>125</sup> The need for fuel and generators for nearly every service from running bakeries to medical centers to the provision of electricity and water has proven very costly and created a large war industry.<sup>126</sup>

In southern Syria, service provision is comparatively better than other opposition-held areas. While it is unclear whether services have improved due to the de-escalation agreement, services have improved over the years with the increased influx of international development aid.<sup>127</sup> While fragmented, services remain better coordinated than the north. Due to the social makeup of the south as well as Jordan's tight control of the border, fewer actors exist in the south. Despite that, the health sector is crowded with multiple organizations providing financial and organizational support with little coordination. The education sector remains weaker than the north due to the lack of international support and funding.<sup>128</sup> Like many other areas, electricity comes from the government-held areas for a few hours a day. Generators and solar panels provide additional electricity.<sup>129</sup> Water comes from the Jordanian border and electricity networks as well as wells recently dug up by implementers and organizations to provide additional water.<sup>130</sup>

In the Euphrates Shield areas, Turkey divided service delivery to 2 phases – the initial emergency response phase and the restoration of services and stability phase.<sup>131</sup> Following the capture of Jarablus, Turkey focused on providing urgent assistance such as food and drinking water as well as demining so residents could return to their home. Subsequently, Turkey sought to restore essential services. It has supplied free electricity through a three-kilometer

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<sup>123</sup> *Id.*

<sup>124</sup> Interview with local activist.

<sup>125</sup> Fuel costs have generally been provided by donors. *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> Interview with implementer.

<sup>128</sup> Only starting in 2018, the DFID-funded program – Manahil – started providing support to the directorates in Daraa and Quneitra. Interview with implementer.

<sup>129</sup> Both generators and solar panels were provided by US-funded programs to the LACs and schools in the south. *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> Haid Haid, "Post-ISIS Governance in Jarablus: A Turkish-led Strategy", Middle East and North Africa Programme (Chatham House, September 2017). Available from <https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-09-26-post-isis-governance-jarablus-haid.pdf>.

underground power cable connecting Gaziantep to Jarablus and provided drinking water, rebuilt the bakery, established a hospital, renovated schools and created playgrounds for children.<sup>132</sup> While the return of services have drastically improved life in Jarablus and the other Euphrates Shield areas, those services are directly tied to Turkey leaving them unsustainable and insufficient to service the entire area.<sup>133</sup>

### c. Legal Framework and Institutional Reform

Unsurprisingly, opposition-held Syria has no overriding legal structure or application of laws. Some areas rely on uncodified versions of Islamic law, others rely on the Unified Arab Code and others rely on Syrian state law.<sup>134</sup> Similarly, most courts lack formal compliance mechanisms to enforce their rulings. Rather, compliance is haphazard and often tied to the ruling armed group in the area.<sup>135</sup>

In most of northwestern Syria, only Sharia courts exist that apply uncodified versions of Islamic Law or merely rely on jihadists-turned-judges who rule arbitrarily without direct reference to any legal code.<sup>136</sup> These courts lack clear procedures and due process, and judgments are enforced by the Islamist brigade in power.<sup>137</sup> Atareb, though, serves as a unique case study. There, the court is completely civilian, relies on the Unified Arab Code and judgments are enforced by the Free Police (rather than an armed brigade).<sup>138</sup> Yet, as with most of opposition-held Syria, if a resident is unsatisfied with a legal ruling in Atareb, he could always seek a judgment from another court applying different laws.

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<sup>132</sup> *Id.*

<sup>133</sup> Residents of Jarablus complain that there has been more focus on the city at the expense of the countryside. *Id.*

<sup>134</sup> Interview with local activist. The Unified Arab Code is a set of legal codes endorsed by the Arab League between 1988 and 1996 and is based on a relatively strict interpretation of Islamic law. It has never been applied except following the Syrian uprising. Maxwell Martin, "Lawyers, Guns, and Mujahideen: Inside Syria's sharia court system", *Foreign Policy*, 30 October 2014. Available from <http://foreignpolicy.com/2014/10/30/lawyers-guns-and-mujahideen/>.

<sup>135</sup> As a consequence, armed groups are often deemed above the law since there is no impartial third party to enforce court rulings. While the Free Police exist in parts of opposition-held Syria, they lack enforcement mechanisms like arms to enforce the rule of law. Interview with local activist.

<sup>136</sup> Interview with local researcher.

<sup>137</sup> In areas controlled by Ahrar, the Committee for Services Management created civilian courts that used the Unified Arab Code. Many of those courts no longer exist following the military defeat of Ahrar in many parts of northwestern Syria. In areas controlled by Zenki, there are civilian, Sharia and military courts. Only the civilian courts rely on the United Arab Code. In areas controlled by Jaysh al-Fateh and now HTS, HTS created Sharia courts that either rely on uncodified Islamic law or on the complete discretion of the Shariyeen (the de facto judges). Interview with local activist and researcher.

<sup>138</sup> The court is overseen by the local council rather than any armed group. Interview with local activist.

In Euphrates Shield areas under Turkish control, the newly-established courts apply Syrian state law.<sup>139</sup> These courts have clear procedures and laws that are enforced by the Turkish-trained police force as well as the local armed factions.

Unlike the north, there is only one civilian court in opposition-held southern Syria based in Nawa with a branch in the eastern countryside.<sup>140</sup> The court is well-respected and has built a cooperative agreement with the armed groups to enforce its judgments. Indeed, the court was able to successfully reach an agreement with these groups to transfer cases from ad hoc detention centers to its jurisdiction.<sup>141</sup> The court uses the Unified Arab Code and employs real judges and lawyers. Armed groups even provide the court with a percentage of the tariffs raised at checkpoints.<sup>142</sup> In addition to the court, residents in the south heavily rely on informal mediation done by notables and tribal leaders.<sup>143</sup>

As noted above, institutions in opposition-held Syria are generally a continuation of Syrian state institutions with the most prominent institution being local councils.<sup>144</sup> Yet due to the many actors involved, governance of these institutions varies from one area to the next. While many institutions have drastically evolved over the years with the infusion of donor support, there remain many institutional gaps. Many governance and services institutions in opposition-held Syria no longer exist including directorates and service bodies due to the lack of funding and technical expertise as well as the ongoing conflict that has precluded institutions from operating. Both health and education are the sectors with the most developed institutions while agriculture and services have the least developed institutions.<sup>145</sup>

#### d. Reconciliation and Social Cohesion

Overall, the opposition-held parts of Syria do not face much social tension. Yet due to the protracted conflict that has limited job opportunities and resources, tensions have arisen between locals and IDPs. In Idlib alone, half of the 2.65 million residents are IDPs. While residents

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<sup>139</sup> Initially, there was opposition by some Islamist-backed groups to the application of Syrian state law. Interview with local researcher. Prior to the Turkish-established courts, ISIS had their own legal system that relied on uncodified Islamic law with discretion given to the judges to pass judgments without reference to any legal or religious code.

<sup>140</sup> Interview with local researcher.

<sup>141</sup> *Id.*

<sup>142</sup> Interview with implementer.

<sup>143</sup> Informal mediation is sometimes preferred to the court as notables tend to have more weight and influence over armed groups and are easier to access. Interview with local researcher.

<sup>144</sup> Local and provincial councils are the most prominent institutions. Interview with international researcher.

<sup>145</sup> This has to do with the large amounts of donor support to health and education as opposed to agriculture and services. Most donors view agriculture within the humanitarian and livelihood lens, providing short-term and unsustainable project-based funding. Similarly, many donors and organizations do not provide support for services. Interview with governance expert.

have been very welcoming to IDPs over the years, there have been cases of tension by locals who view IDPs as taking a disproportionate amount of the limited humanitarian assistance and jobs. Locals have also expressed fear that the Syrian government and Russia are more likely to bomb areas where IDPs live.<sup>146</sup> These individualized conflicts between IDPs and locals are further exasperated by the armed groups that are continuing their factional conflicts even after displacement.<sup>147</sup>

Another source of tension in the northwest is the lack of IDP representation in local governance structures. LACs are almost exclusively run by locals without any IDP representation. At most, an LAC may have an office for IDPs, yet IDPs are not integrated into the LAC in any meaningful way and are not involved in the governance of the areas of displacement.<sup>148</sup> IDPs are generally limited to representative councils that represent the day-to-day concerns of the displaced communities. Yet these councils are ad hoc and lack international support.<sup>149</sup>

In Euphrates Shield areas, ISIS spent considerable resources on spreading its ideology to youth prior to its defeat. The majority of children only had ISIS religious education and teenagers did not have other opportunities to further their education. Similarly, jobs were limited, forcing many males to find employment with ISIS.<sup>150</sup> While ISIS has subsequently been defeated in these areas, there is still fear that ISIS sleeper cells exist. In addition, there have not been meaningful counter-radicalization strategies developed to address ISIS's ideology, leaving youth particularly vulnerable to radical groups and further violence.<sup>151</sup> The Euphrates Shield areas also face tensions between the cities and countryside. The majority of resources have been spent on the city centers at the expense of the countryside, resulting in tensions and divisions.<sup>152</sup> Without addressing these two major issues, the Euphrates Shield areas may face further social divisions and conflicts in the coming years.

#### e. Rehabilitation of Physical and Social Infrastructure

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<sup>146</sup> This was seen following the Ghouta evacuation. Following the relocation of Ghouta families to Idlib, the Syrian government/Russia bombed the areas of relocation, killing Ghouta IDPs and locals. Interview with local council expert.

<sup>147</sup> After Jaysh al-Islam and Falaq al-Rahman were displaced from Ghouta to the northwest, they joined other Islamist groups in the north and began fighting one another there. *Id.*

<sup>148</sup> Interview with local researcher.

<sup>149</sup> Interview with local activist. The lack of representation is especially problematic as it is unclear whether many of the displaced communities will be able to return to their areas of origin following the evacuation deals with the Syrian Government. Interview with local council expert.

<sup>150</sup> Haid Haid, "Post-ISIS Governance in Jarablus: A Turkish-led Strategy", Middle East and North Africa Programme (Chatham House, September 2017). Available from <https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-09-26-post-isis-governance-jarablus-haid.pdf>.

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

Opposition-held areas have faced some of the most egregious damage to their physical and social infrastructure. Due to years of Syrian government and Russian airstrikes, much of the physical infrastructure in opposition-held areas have either been partly or entirely destroyed. Over the years, donors and implementers have spent millions of dollars to rehabilitate the physical infrastructure in opposition-held Syria with most of the money being spent on electricity, water and direct services.<sup>153</sup> Yet due to the ongoing conflict and the severity of destruction, the rehabilitation efforts have been mere drops in the bucket.

Organizations have started to build underground facilities to protect them from the constant bombardment. For example, the Syrian American Medical Society (SAMS) has built multiple medical clinics underground in opposition-held Syria. Other organizations have built underground schools and even playgrounds.<sup>154</sup> A few organizations have helped rehabilitate major roads and at least one organization provides small stipends to fund the partial rehabilitation of homes.<sup>155</sup> In addition to donor support, residents are also forced to finance the rehabilitation of their own properties. Many residents of opposition-held Syria have financed the partial rehabilitation of their homes so they can live there.<sup>156</sup>

In the Euphrates Shield areas, ISIS destroyed most of the physical infrastructure prior to its military defeat. ISIS destroyed the city's central water tank and dismantled the production equipment from the bakery. It also destroyed many of the education and medical facilities during its reign. In stabilizing these areas, Turkey has focused on short-term solutions rather than more sustainable development. The physical infrastructure has not been built up and in some circumstances, Turkey has relied on its own infrastructure to meet the immediate needs of residents.<sup>157</sup> In addition, Turkey has focused on building up the city centers at the expense of the countryside. As a result, there remain constant power cuts and the majority of the villages in the Euphrates Shield areas do not have access to electricity. Water pumps are limited and fail to provide the entire district with drinkable water. There was a bread crisis for a long period and the quality of bread remains poor. Turkey's Ministry of Health funds and runs the hospital in Jarablus yet it only covers 60% of the demand and basic education remains unavailable in rural areas.<sup>158</sup>

Socially, opposition-held Syria has faced a major brain drain with many professionals leaving to more stable areas within Syria or leaving Syria entirely.<sup>159</sup> Due to the lack of qualified personnel, healthcare and education have drastically declined. The conflict has also negatively

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<sup>153</sup> Interview with local activist.

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> As noted above, Turkey provided free electricity to Jarablus via a 3-kilometer underground power cable from Gaziantep. Haid Haid, "Post-ISIS Governance in Jarablus: A Turkish-led Strategy", Middle East and North Africa Programme (Chatham House, September 2017).

Available from

<https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-09-26-post-isis-governance-jarablus-haid.pdf>.

<sup>158</sup> *Id.*

<sup>159</sup> Interview with local activist.

impacted students access to education and willingness to continue their education. Many students stopped their education entirely for years due to the lack of security, the presence of extremist groups that forced youth to attend their Sharia courses rather than schools, or the altogether lack of functional institutions. Others left school due to the need to work or the lack of international recognition of their degrees.<sup>160</sup>

While schools have been set up to support IDPs and dropouts, there remain a large percentage of school dropouts with many youth joining armed groups to receive salaries and humanitarian support. Many others have been negatively impacted by ISIS and other extremist groups' ideologies. Overall, there has been an increase in violent tendencies among the youth that may pose a problem for decades to come in the absence of counter-radicalization strategies to engage with children and adolescents.<sup>161</sup>

Further, the social fabric of opposition-held Syria has been nearly completely destroyed due to the large IDP movements and the ongoing conflict that has destroyed the physical infrastructure of these areas and prevented any meaningful stability for over seven years.<sup>162</sup>

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<sup>160</sup> *Id.*

<sup>161</sup> Haid Haid, "Post-ISIS Governance in Jarablus: A Turkish-led Strategy", Middle East and North Africa Programme (Chatham House, September 2017). Available from <https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-09-26-post-isis-governance-jarablus-haid.pdf>.

<sup>162</sup> Interview with local council expert.