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State-civil society relations in Syria : EU good governance assistance in an authoritarian state

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State-Civil Society Relations in Syria

EU Good Governance Assistance in an Authoritarian State

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I. Abstract

The European Union's (EU) good governance policies consider civil society an actor promoting development as well as political accountability of governments, thus contributing to the democratisation of political systems. By means of its European Neighbourhood Policy (ENP), the EU promotes good governance in its relations and cooperation with neighbouring countries to the East and the South, including Syria. The cooperation in the domain of good governance has not been successful in the southern neighbouring countries, although some governments have allowed civil society to become more active. Indeed, authoritarianism prevailed in the whole Arab region until recently. This study argues that the EU's good governance policy is based on questionable assumptions with respect to the nature of civil society, as well as the willingness of state and civil society to cooperate. Syria, as an extreme case of authoritarianism, is taken as an example. The connotation attached by the EU to civil society in Syria is normative and overlooks its complexity and the character of its relations with the state.

Whilst grounded on a discussion of theoretical notions and paradigms regarding civil society and state-society relations, this study is primarily policy-oriented. The study analyses state civil society relations under the authoritarian Assad regime, focussing primarily 2006 to 2010. This period corresponds to the 10th Five Year Plan of the Syrian government. As part of its socio-economic reform, the Syrian government aimed at strengthening the role of civil society organisations (CSOs). While the Syrian government and the EU, as well as the United Nations (UN), committed themselves to good governance in cooperation agreements, in practice good governance had no priority. The Syrian government blocked any reform perceived as a threat to its power position. For its part, the EU gave priority to security and stability at its borders over promoting democratisation, human rights and the rule of law in Syria. Unlike under his father's rule, Syrian President Bashar al-Assad had a different approach towards civil society organisations. His regime continued to repress human rights and pro-democracy groups as well as other potential opponents, but permitted the activities of certain CSOs, because of political and/or socio-economic reasons. It allowed civil society initiatives by regime supporters, such as development organisations initiated by the President's wife and crony entrepreneurs, as well as other groups the regime tried to co-opt, such as a number of religious, mainly Islamic, charity organisations. Within the context of intergovernmental and multilateral cooperation, the Syrian regime could select and control activities in the domain of good governance, including possible involvement in its implementation by Syrian CSOs, which were not perceived as a threat to the

regime’s power. In fact, this support may have even contributed to the resilience of this authoritarian regime.

II. Summary in Dutch

De Europese Unie (EU) bevordert door middel van haar Europees nabuurschapsbeleid goed bestuur in haar betrekkingen en in de samenwerking met de buurlanden in het oosten en het zuiden, waaronder Syrië. Het maatschappelijk middenveld beschouwt de EU daarbij als een actor die ontwikkeling alsook politieke verantwoordingsplicht van de regeringen bevordert, en daarmee bijdraagt aan de democratisering van politieke stelsels. De samenwerking op het gebied van goed bestuur is bij de zuidelijke buurlanden niet succesvol gebleken, hoewel sommige regeringen het maatschappelijk middenveld hebben toegestaan activiteiten te ontplooien. Deze studie stelt dat het beleid voor goed bestuur van de EU gebaseerd is op twijfelachtige aannames met betrekking tot de aard van het maatschappelijk middenveld, alsook de bereidheid van de staat en de maatschappij om samen te werken. De Arabische regio werd tot voor kort gedomineerd door autoriteir bestuur. Syrië, een extreem geval van autoritarisme, wordt als voorbeeld genomen. De betekenis die de EU geeft aan het maatschappelijk middenveld in Syrië is normatief en gaat voorbij aan haar complexiteit en aan het karakter van haar relaties met de staat.

Hoewel het onderzoek op een bespreking van theoretische begrippen en paradigma's steunt met betrekking tot het maatschappelijk middenveld en de relaties tussen staat en maatschappij, is deze studie in de eerste plaats beleidsgericht. De studie analyseert de verhouding tussen staat en maatschappij onder het autoritaire Assad bewind; in het bijzonder gedurende de periode 2006 en 2010. Deze periode komt overeen met het 10de vijfjarenplan van de Syrische regering. Als onderdeel van de sociaaleconomische hervormingen, zette de Syrische regering zich in op het versterken van de rol van maatschappelijke organisaties. Terwijl de Syrische regering en de EU evenals de Verenigde Naties (VN), zich committeerden aan een beleid voor goed bestuur in samenwerkingsovereenkomsten, had in de praktijk goed bestuur geen prioriteit. De Syrische regering blokkeerde elke hervorming die zij beschouwde als een bedreiging voor haar machtspositie. De EU gaf van haar kant prioriteit aan veiligheid en stabiliteit aan haar grenzen, in plaats van het bevorderen van democratisering, mensenrechten en de rechtsstaat in Syrië. In tegenstelling tot het bewind van zijn vader had de Syrische

president Bashar al-Assad een andere benadering tot maatschappelijke organisaties. Hoewel zijn bewind voortging met het onderdrukken van mensenrechten en pro-democratie groepen alsmede van andere potentiële tegenstanders, gaf het echter bepaalde maatschappelijke organisaties om politieke en/of sociaal en economische redenen ruimte voor hun activiteiten. Het stond maatschappelijk initiatieven van regime aanhangers toe, zoals door de vrouw van de president geïnitieerde ontwikkelingsorganisaties en van aan het regime gelieerde ondernemers, evenals activiteiten van andere groepen die het regime aan zich probeerde te binden, zoals een aantal religieuze (vooral islamitische) liefdadigheidsorganisaties. Het Syrische regime kon binnen de kaders van de intergouvernementele en multilaterale samenwerking activiteiten selecteren en controleren op het gebied van goed bestuur; waaronder inbegrepen mogelijke betrokkenheid bij de uitvoering ervan door Syrische maatschappelijke organisaties die niet werden gezien als een bedreiging voor de macht van het bewind. In feite kan deze steun ook hebben bijgedragen aan de veerkracht van dit autoritaire regime.

III. Map

Source: http://commons.wikimedia.org/wiki/File:Un-syria.png?uselang=nl.

IV. Acknowledgements

The idea of doing this study developed in 2007. At the time until August 2009 I was working as a policy officer at the Royal Netherlands Embassy in Damascus, where I was responsible for immigration matters as well human rights issues, and for supporting activities promoting good governance. This study is the outcome of a process of studying, writing and re writing which took place between 2008 and 2013. Many people have been of a help during this process.

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This study does not reflect in any way the position of the Dutch Ministry of Foreign Affairs. All errors and omissions are my own.

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V. Glossary

AIDOS	Italian Association for Women in Development
AKDN	Aga Khan Development Network
AOHR	Arab Organisations for Human Rights
ASP	Arab Socialist Party
BGFK	"Berliner Gesellschaft zur Forderung der Kurdologie"
CBO	Community Based Organisation
CDF	Committees for the Defence of Democratic Freedom and Human Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
CSP	Country Strategy Papers
DAC	Development Assistance Committee
EC	European Commission
EIDHR	European Instrument for Democracy and Human Rights
EMHRN	Euro-Mediterranean Human Rights Network
EMP	European Mediterranean Partnership
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EU	European Union
FIRDOS	Fund for Integrated Rural Development
GONGO	Government-operated non-governmental organisation
GWU	General Women's Union
HRAS	Human Rights Association of Syria
HRBA	Human Rights Based Approach
IFIAS	Institute for International Assistance and Solidarity
INGO	International non-governmental organisation
MAWRED	Modernising and Activating Women's Role in Economic Development
MDG	Millennium Development Goals
MEDA	Mesures d'Accompagnement, French for accompanying measures. MEDA is the financial instrument of the Euro-Mediterranean partnership
MOSAL	Ministry of Social Affairs and Labour
MOU	Memorandum of Understanding
NADWR	National Association for Developing Women's Roles
NGO	Non-governmental organisation
NIP	National Indicative Plan
NOHR	National Organisation for Human Rights
NPF	National Progressive Front
NSA	Non-state actors
OECD	Organisation for Economic Cooperation and Development
PKK	Kurdistan Workers' Party

PYD	Democratic Union Party (Syria)
SARC	Syrian Arab Red Crescent
SCFA	Syrian Commission for Family Affairs
SCM	Syrian Centre for Media and Freedom of Expression
SEA	Syrian Environmental Association
SEPS	Syrian Environment Protection Society
SEYA	Syrian Young Entreprenuers Association
SFPA	Syrian Family Planning Association
SHRIL	Syrian Human Rights Link
SIS	Social Initiative Society
SPC	State Planning Commission
SSNP	Syrian Social Nationalist Party
SWL	Syrian Women's League
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees, also known as the UN Refugee Agency
UNICEF	United Nations Children's Fund
VBI	Village Business Incubator

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1. Introduction

1.1 Background

Since the 1980s, civil society has played an important role in transforming into democracies the authoritarian political systems in Latin America, Eastern Europe and a number of countries in other regions.[1] Already prior to this period, scholars and development practitioners considered civil society as an important player in promoting participatory forms of development. The involvement of local stakeholders such as civil society organisations (CSOs) has come to be seen as a tool to get the government to listen and adhere to the needs of its citizens. Participation is considered to be an important element of good governance by international aid donors and development organisations. The latter use the term civil society, specifically since the 1990s, in almost any document and discussion about development where good governance, increasingly interpreted as democratic governance, has been identified both as a precondition as well as part of development. The notion of development itself has also transformed from promoting socio-economic growth into the much more inclusive concept of sustainable development. The central aim of European Uunion (EU) development cooperation is, as formulated in the European Consensus on Development, the eradication of poverty in the context of sustainable development. Sustainable development includes good governance, human rights, and political, economic, social and environmental aspects. For the EU, sustainable development incorporates the pursuit of the United Nations (UN) Millennium Development Goals (MDGs).[2] Within aid programmes of major donors, such as the ones by the UN and the EU, through the European Commission (EC), strengthening of civil society has become a mainstream activity, often as part of promoting good governance. Democratisation of political systems has come to be seen as a core element and condition for successful development. This increased importance coincides with a broadened view of democracy. As Keane indicates, democracy is much more than just the existence of parliamentary elections and a multi-party-system. Indeed, democracy is seen as a never-ending process of apportioning and publicly monitoring the exercise of power by citizens within polities marked by the

[1] Kopecky and Mudde, 2003: 1.

[2] European Union, 2005: 2. The eight MDGs are to: eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce the mortality of children; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability and develop a global partnership for development.

institutionally distinct - but always mediated - realms of civil society and government institutions.[3]

The civil society argument in good governance policies – the donor's democratic transitions model – is a simplification of a complex and not fully comprehensive and consistent set of arguments regarding what civil society is and does. These democracy assistance programmes are based on a concept about how democratic transitions take place, which owes much to a selective use of theory and has little to do with evidence. Democratisation is interpreted as a three-phase process: liberalisation, the transition itself accomplished through the holding of multi-party elections and consolidation: a protracted process of strengthening institutions and deepening democratic culture.[4] Civil society plays an important role in these phases. According to Ottaway, with a few adjustments, this model is considered applicable to any country: "[t]he idea that there are virtually no conditions that preclude the possibility of democratization has become an article of faith among democracy promoters."[5] The model has its origins in Western liberal and liberal-democratic thinking. Promoting good governance, in the view of Western donors and multilateral aid agencies, is instrumental in achieving the transition towards democracy, as well as in firmly rooting it as a political model. The concept good governance can refer both to improving administrative as well as political good governance. It is based on the political view that good governance is best assured if the economies of these countries are integrated in the capitalist world economic system and that the societies are governed under a democratic pluralist model of state-society relations respecting human rights. The state would be contained through a system of checks and balances, such as an independent judiciary, a democratically elected parliament, a constitution protecting the civil and political rights of citizens, free media as well as a vibrant civil society. A core element of this political approach to good governance is strengthening the role of civil society, the creation of independent media and the establishment of a multi-party system.

Initially, the focus in good governance programmes was on transforming state institutions and holding parliamentary elections. The popularity of civil society as aid target increased due to the fact that cooperation with aid recipient governments did not result in much progress in the field of good governance. Thomas Carothers notes that "[t]his experience prompted democracy promoters to turn to civil society assistance both as a way of stimulating external pressures for

[3] Keane, 2009: 2.
[4] Ottoway, 2003: 12.
[5] Ibid., 13.

reform on stagnant state institutions as well as an alternative, more accessible and welcoming target for aid than state institutions."[6] Civil society became seen as a key agent in both development as well as democratisation. The expected ability of civil society to enhance the accountability of governments refers to its presumed capacity to ensure that public officials are answerable for their behaviour and that those who ask for accountability have the authority to demand answers and if necessary to enforce accountability.[7] The presence of a vibrant civil society is therefore seen both as a goal in itself as well as aiding good governance. Civil society has become central within the conceptual framework of good governance because of its perceived capability to act as a watchdog and even a counter-force to the government. Supporting civil society has become to be seen as a way to pressure governments to reform institutions as part of policies to increase political accountability. Involvement by governments of civil society in policy-making and implementation is considered a sign of willingness to be accountable, which in turn is considered a step towards democratisation of the political system.

The EU is of the opinion that ownership of strategies by the partner countries is the key to the success of development policies and that wide-ranging participation of all segments of society must be encouraged to the highest possible degree. Since the EU development policy statement of 2000 on ownership of development processes by the population, the participation of economic and social stakeholders and the representation of civil society are principles put forward by the EU. The November 2000 Council/Commission Joint Statement on development policy states that: "[o]wnership of their strategies by the partner countries is the key to the success of development policies. With that in mind, the most wide-ranging participation of all segments of society should be encouraged in order to create conditions for greater equity, for the participation of the poorest in the fruits of growth and for the strengthening of the democratic system."[8] Furthermore, paragraph 38 of the Joint Statement points out that: "[t]he contribution made by a broad spectrum of participants from civil society to Community policy is already recognised in the framework of the new partnership with the ACP countries. Implementation of an approach that encourages greater participation by non-governmental organisations (NGOs), economic operators, social partners and the private sector must be encouraged in the context of the Union's relations with the rest of the world."[9] In this connection and referring to the principles presented in the White Paper on European Governance, the following is mentioned regarding

[6] Carothers, 1999: 208.
[7] Peruzzotti, 2006: 45 and 46.
[8] EC, 2000: Without a page number.
[9] Ibid.

cooperation with civil society: "[t]he organisations which make up civil society mobilise people and support, for instance, those suffering from exclusion or discrimination. […] Non-Governmental organisations play an important role at the global level in development policy. They often act as an early warning system for the direction of the political debate. […] The Commission will improve the dialogue with governmental and non-governmental actors in third countries when developing policy proposals with an international dimension."[10] The EU, like the intergovernmental aid agencies such as United Nations Development Programme (UNDP), considers civil society an important actor promoting good governance. Referring to article 9.3 of the Cotonou Partnership Agreement with the ACP countries, in its communication of 2003, a description of good governance is given: "[i]n a context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purpose of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of the rule of law in the management of resources and capacity building for elaborating and implementing measures aiming in particular to preventing and combating corruption."[11] As part of its external relations, the EU tries to promote good governance in the neighbouring Eastern and Southern countries. Properly governed countries, which in the context of the EU signify democratically governed, would contribute to the stability and prosperity of their neighbours and thus are of great importance for the EU. The EU uses political dialogue, assistance and positive conditionality[12] as its main instruments in promoting good governance. In its 2006 Communication on Governance in the European Consensus on Development, the European Commission indicates that:

- The EU's approach is based on a broad definition of governance, which it perceives as a process of long-term change, based on universal objectives and principles and common aspirations that must inform the main functions of government, all areas of state intervention and the interaction of public institutions and citizens. Democratic governance affirms the rights of all citizens, both men and women, and cannot therefore be reduced simply to tackling corruption;

[10] EC, 2002: 4. Reference is made to COM, 2001: 428 final.
[11] EC, 2003a: Par. (5) 4.
[12] Positive conditionality means the offering of encouragements or 'carrots' to partner countries in order to stimulate behavior, policies and/or activities as wished by the EU. Negative conditionality denotes the imposing of sanctions or the threat of such in order to stimulate behaviour, policies and/ or activities desired by the EU.

- Democratic governance must be approached holistically, taking account of all its dimensions (political, economic, social, cultural, environmental, etc.). The processes of democratic governance will be supported more effectively by dialogue than by sanctions and conditions;

- Ownership of reforms by partner countries and a dialogue-based approach, encompassing capacity-building support and the prevention of state fragility, will bolster the processes of democratic governance and help legitimise institutions in the eyes of citizens.[13]

The EU assumes that neighbouring countries are interested in cooperation because it would give them privileged access to the EU market, generate investments as well as aid and in some cases even the perspective of becoming part of the EU. The EU expects that policies of socio-economic reform would lead to or be accompanied by political reform. The good governance policy of the EU is mainly promoted through governmental channels as part of a broader bilateral cooperation agreement. The European Neighbourhood, the target area of the European Neighbourhood Policy (ENP), includes Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, the Republic of Moldova, Morocco, the Occupied Palestinian Territories, Syria, Tunisia and Ukraine. In addition to the European Neighbourhood Policy Instrument (ENPI), the EU also uses a thematic financial instrument, the European Instrument for Democracy and Human Rights (EIDHR), with which it aims to give direct support to civil society. The EU uses as a concretisation of civil society the notion of Non-State Actors (NSA). "The term NSA is used to describe a range of organisations that bring together the principal, existing or emerging, structures of the society outside the government and public administration. NSAs are created voluntary by citizens, their aim being to promote an issue or an interest, either general or specific. They are independent of the state and can be profit or non-profit-making organisations. The following are examples of NSAs: Non-Governmental Organisations/Community Based Organisations (NGO/CBO) and their representative platforms in different sectors, social partners (trade unions, employers' associations), private sector associations and business organisations, associations of churches and confessional movements, universities, cultural associations, media."[14] In the context of the development process the NSAs are non-profit-making organisations. In this Communication on development,

[13] EC, 2006: 20.
[14] EC, 2002: 5.

the business sector is covered only with regard to its participation in the development dialogue and policy implementation. Moreover, these organisations are either operational or advocates.[15] With respect to the question what civil society does or is expected to do, the EU places CSOs and other mostly non-state actors as the most crucial participants in playing an important role in governance and accountability. They play a crucial role in addressing the problem of political legitimacy. In its Communication on Governance in the European Consensus on Development, the Commission argues that "[m]any developing countries need a lasting solution to the gap between the lawfulness of the state's institutions and their legitimacy in the eyes of the citizens. Whereas democratic lawfulness depends on free elections, legitimacy hinges above all the government's capacity to keep its election promises and meet citizens' needs. In this context, the internal processes of dialogue and interaction between the different stakeholders in partner countries are crucial. The EU is backing the gradual establishment of participatory approaches by governments when they design their development strategies. Promoting the active involvement of a broad range of civil society stakeholders (associations, grassroots organisations, non-governmental organisations, media, employers and trade unions), political movements and institutions representing citizens (parliaments, local and decentralised authorities) applies the principles of democratic governance and favours the viability of reform programmes."[16] The EU gives two sets of reasons why civil society is important: according to the EU, the CSOs contribute to ownership of development strategies by all beneficiaries and in particular, they are helpful in reaching people more efficiently. Furthermore, civil society is important, because according to the EU, it plays a vital role as promoter of democracy, social justice and human rights. The EU not only uses the concept civil society in a descriptive sense but attributes to it clear normative traits. Civil society is considered as good, both from a social point of view: contributor to civility and social cohesion, as well as from a political point of view: promoter of respect for human rights, democracy and rule of law: "[t]he EC wants to strengthen the role of CSOs in order to contribute to the ownership of development strategies by all beneficiaries and in particular, in order to better reach people living in poverty, facilitate the establishment of joint development strategies between CSOs, governmental authorities at all levels (national, regional and local) and private partners, enhance respect and observance of

[15] Ibid.
[16] EC, 2006: 8.

human rights and fundamental freedom, support the consolidation of democracy and rule of law and finally, contribute to a greater sense of citizenship."[17]

The EU's view on civil society as a core development actor, including in the field of promoting good governance, is directly linked to its vision on state-society relations. The latter vision is based on two assumptions: firstly, "[…] that a state, in order to be legitimate, should be eventually controlled and governed by the people and accountable to the people. A further assumption is that successful development depends on stronger relations between the state and broad segments of empowered citizens. A push for better governance may therefore come from engaged citizens and groups that are able to duly articulate their demands to the state."[18] The EU recognises that the first assumption can be problematic in the case of authoritarian regimes. Not all countries are ready to accept that "[n]on-state actors (NSAs) play a role in making proposals and as a watchdog, in particular on policies that may be politically sensitive (this may be the case with reforms of the rule of law, but it can also touch upon social, economic, environmental and cultural reforms). As a consequence, the EC tries to work with civil society in order to either reinforce democratic and participatory approaches, or to reduce barriers, which prevent the involvement of NSAs in rather, closed political systems. The weak capacity of NSAs is also an important constraint faced by the European Commission [EC] Delegations in a number of countries. It is not always easy to enter into dialogue and support financially small organisations if they are not endowed with a minimum of capacity."[19] Although, more Southern Mediterranean Arab neighbouring countries of the EU have introduced democratic characteristics in their governance, including multi-party elections, less restricted media, as well as a growth of CSOs, in many cases authoritarianism, still prevails. The Arab world, at least until the end of 2010, is a clear example. In retrospect, several researchers concluded that promoting good governance by the EU as part of the cooperation with ENP countries in the Southern Mediterranean has been by and large unsuccessful. Börzel notes that the countries where the EU influence on governance seems most limited are those countries facing the biggest problems of bad governance.[20] Van Hüllen concludes in her study on EU democracy promotion in the Mediterranean that the degree of political liberalisation is more relevant for the implementation of political dialogue and democracy assistance than

[17] Interview 15: EC Damascus Delegation Official. 29 March 2009. Written answers to a questionnaire.
[18] Ibid.
[19] Interview 15: EC Damascus Delegation Official. 29 March 2009. Written answers to a questionnaire.
[20] Börzel, 2009: 38.

interdependence and statehood.[21] The Arab region where most of the Southern ENP partner countries come from, was until recently considered a region in which the call for good governance by the citizens remained weak, especially when compared to Eastern Europe and Latin America. Donor interventions for strengthening formal institutions of governance often have limited impact and also often lacked the political will to promote growth and poverty reduction, fight corruption and protect human rights. Discussing the results of promoting good governance in the Arab World, Salem indicates on the basis of the UNDP Arab Human Development Reports that "[i]n the past two decades the international and foreign donor community has emphasized good governance as a key element of development assistance. This supply-side approach to democratic assistance has improved some elements of governance and responsiveness, strengthening civil society and enabling more meaningful elections. On the demand side, there has been a strong push for democratization from civil society and opposition parties. However none of the incumbent regimes has made a commitment to real democratization. Political reforms are made grudgingly, partly as a concession to Western pressure and partly as a way to let off steam internally. Without clear domestic demand for such measures, the impact of this assistance remains limited."[22] The current uprising of Arab people against the authoritarian regimes in the Arab world may well become a turning point. While the changing political environment in many Southern ENP countries may open perspectives for improvements in governance, there is also a need to reflect on the question of the effectiveness of EU good governance policies for the last two decades. A part of the comments on the effectiveness of the good governance policy relates to the consistency with which the EU pursued its good governance policies. Tocci and Cassarino argue that the EU undermined the credibility of its good governance policies at the civil society level by granting its financial support either to pro-government groups or at the very most to liberal opposition groups.[23] According to Tocci and Cassarino, on the one hand, donors like the EU want to cooperate with NGOs led by professionals able to develop and implement projects with knowledge of international languages, accounting and reporting techniques.[24] On the other hand, Western donors tend to focus on advocacy organisations that promote their views on state-society relations.[25] The first category of CSOs consists of organisations that are pro-government, government-initiated or recognised entities active on issues, which do not pose a

[21] Hüllen, 2009: 16.
[22] Salem, 2010: 3.
[23] Tocci and Cassarino, 2011: 7.
[24] Ottaway, 2003: 13.
[25] Hawthorne, 2005: 102 and 103.

security threat. The second category of CSOs might have a more problematic relationship with authoritarian governments. The government might distrust them or even forbid them to be active. The EU might also undermine the credibility of its good governance policies at the civil society level by using double standards in case of questioning government repression of opponents. The EU expressed criticism and condemnation, mostly verbally, when liberal groups or personalities were harassed by authoritarian regimes of its Southern Mediterranean neighbours and remained silent when others were persecuted by these authoritarian regimes. Furthermore, the EU side-lined increasingly the good governance agenda and gave priority to issues like migration management and reinforced control of the EU external borders.[26] Providing cooperation in these domains helped authoritarian regimes to gain strategic leverage and weakened the EU's capacity to exert credible pressure regarding democratisation and observance of human rights.[27] Some critics go as far as arguing that: "[…] the EU allowed Arab governments to avoid implementing any serious political reforms in the interests of ensuring their cooperation in security and intelligence-sharing."[28] Moreover, as Skov Madsen notes, "[a] split among EU member states between a pro-dialogue group and a pro-democratization group. [...] One camp prioritizes development and a pro poverty first approach, whereas the other prioritizes human rights and democracy, emphasizing the use of conditionality [...] Consequently, most leadership in the region, including the Syrian, exploit the division within the EU to pressure for a stability-security approach and marginalize democracy and human rights."[29]

Given the above, there is reason to question EU's policies not only on theoretical and empirical grounds but also regarding the intentions of the EU when pursuing good governance policies as part of its cooperation with (semi)-authoritarian regimes. The EU aims to strengthen its relations with neighbouring countries because it considers a politically stable and prosperous neighbourhood in its interest for security and economic reasons. As indicated, the EU is of the opinion that sustainable development is best secured in the long run if states are governed in a democratic manner: guarantee the people's involvement in decision making about and implementation of developmental activities. In the short run, the EU might nevertheless want to invest in its relations with its neighbours, even with an authoritarian regime, because cooperation is beneficial for economic or security reasons. The latter includes fighting terrorism,

[26] Tocci and Cassarino, 2011: 7.
[27] Ibid., 5.
[28] Hollis, 2012: 93. Hollis refers among others to Fernández and Youngs (eds): The Euro-Mediterranean Partnership.
[29] Skov Madsen, 2009: 4.

or combating illegal migration. As noted by Burnell, this may explain the relatively tolerant attitudes of the West towards certain illiberal regimes, including (semi)-authoritarian ones.[30] However, in order to justify cooperating with (semi)-authoritarian states for internal political reasons, EU political leaders might need to present proof of the partner (semi)-authoritarian state's willingness to invest in democratizing their political system and respecting human rights. Good governance is part of the so-called cooperation package promoted by the EU, therefore partner countries have to express willingness to develop activities in this domain in for instance their national development plans. Reference to universal values and furtherance of democracy can provide a justification for the EU not only to exert pressure on regimes to change their policies, but also to protect its short term interests. Wallerstein calls this approach *European universalism* and considers it as a new means of justification for the Western political, economic, military and cultural domination,[31] according to Said much like the Orientalist mode in the 18th and 19th century that provided an ideological cover for pursuing self-interest in the form of imperialism.[32] The purpose of Wallerstein's comment is not to discredit these universal values, but to underline the importance of remaining critical about all justifications for 'intervention' by the powerful.[33]

The study attempts first of all to identify and discuss assumptions, regarding civil society's role in promoting good governance, on which the intergovernmental aid and donor policies are based. Secondly, the study looks at the effectiveness of these policies in the context of state-society relations in one specific authoritarian state, namely Syria. It analyses structural issues in the state-society relations that could frustrate the effectiveness of donor support for democratisation of the political system of authoritarian states.

1.2 Research Problem

Western aid donors, such as EU and multilateral development organisations such as UNDP, seem to be too optimistic and restrictive in treating civil society as a pro-democracy force, as well as too optimistic in their view that state and civil society are willing to consider each other partners regarding promoting democratic governance. This optimism and selectivity is reflected in their cooperation programmes with third countries, especially if the government of such

[30] Burnell, 2004: 108.
[31] Wallerstein, 2006: 74 and 75.
[32] Said, 1993: 70.
[33] Wallerstein, 2006: 79.

countries is authoritarian or semi-authoritarian. The cooperation itself is based on and legitimised by cooperation agreements, which are considered to be an indicator of ownership. The latter might be wishful thinking and even bizarre in the case of governments which ultimately base their power on the barrel of a gun. The good governance assistance offered by Western donors and multilateral organisations to governments is based on the assumption that these regimes are willing to democratise their political system. "The assistance offered to them is based on the assumption that they have already gone through the formal transition of holding break through multi-party elections and now have governments that will accept further democratization."[34] Moreover, democracy promoters are willing to assume readiness of authoritarian regimes to democratise solely on the basis of government intentions, even if no steps have been taken to bring about democratic political decision-making. In reality, these regimes lack the political will and interest to democratise and anti-democratic tendencies prevail, such as parliaments dominated by government party. This model for democratisation programmes is questionable because it does not take into consideration the potential resilience of regimes; the fact that a large part of society might prefer authoritarianism above democracy, as well as that the democracy promoters, while stressing the virtue or necessity of broad participation, might in fact be a small group within civil society.[35] Authoritarian regimes might even allow civil society to be active, although within constraints and only in certain sectors. These democracy support programmes, through projects based on cooperation agreements, put little pressure on governments and are considered less invasive to the sovereignty of the recipient country. Ottaway calls these programmes low end democratisation programmes. More importantly democracy promoters, by using this model, lack the will to address the real problem, namely the uneven distribution of power. As a consequence, these democracy programmes face less risk for backlash by the recipient country. The consequence is failure to address the structural conditions of state-society relations, which impede democratic transformation.[36] It might thus be argued that the current low-end democratisation programmes actually contribute to the continuation of authoritarian regimes. These programmes may also contribute to intended positive change in the sense of political liberalisation. Nevertheless, they fall short of democracy. The high-end politics of democratization; putting diplomatic and other pressures on authoritarian regimes to democratise; might however, be costly and have repercussions for the

[34] Ottaway, 2003: 197.
[35] Ibid., 13.
[36] Ibid., 199. Ottaway sums up some of these conditions in the case of semi-authoritarian states: shallowness of transition; polarisation of society; incomplete process of state formation; asymmetric mechanisms for power generation; absence of embedded democratic elite and the fallout from semi-authoritarianism.

EU. Here democracy-promoting countries might face dilemmas in the process of democratisation. The focus of this study is on how well the EU good governance policy addresses the challenges posed by authoritarian states and in particular in Syria. What are the assumptions on which the EU good governance policies are based and are there deep-rooted issues in these states explaining their authoritarian resilience? As indicated, the EU good governance policy believes civil society is, apart from a provider of goods and services to vulnerable groups in society, also a force promoting democratic governance. Furthermore, the EU presupposes that state and society are willing to consider each other as partners in development. Both EU assumptions are debatable when referring to on-going discussions in social sciences.

Civil Society as a Pro-democracy Force

Regarding the concept of civil society, it is important to note that, while the EU and other policy-makers embrace it as an agent of development and democratisation, the theoretical underpinnings of what civil society is and does, remain debatable among social scientists. While descriptively there is some agreement on what civil society is, there remains an ongoing debate on what civil society does. With respect to the attempts to define civil society, White indicates: "[c]ommon to most current uses of the term is that of an intermediate associational realm between the state and family populated by organizations, which are separate from the state, enjoy autonomy in relation to the state and are formed voluntary by members of society to protect or extend their interests or values."[37] A further restriction often used is that civil society is the realm of private voluntary association not only separate from the state but also from the market. In the market, relations are based on private interest; however, civil society deals with other social relations not merely based on private interest. Based on this characteristic, UNDP calls civil society the Third Sector. Civil society consists of a wide range of organisations with different characteristics in terms of aims, activities, scope, organisational structure and relation with the state. This becomes clear by differentiating categories of civil society actors. For example, Kaldor makes a distinction between four distinct categories of civil society actors: social movements, NGOs, social organisations and nationalist and religious groups.[38] Similar to Al Azm's view, a distinction can be made between traditional associations, often community

[37] White, 2004: 10.
[38] Kaldor, 2003: 12.

and/or faith-based organisations; and modern organisations, often professional in nature ones such as unions.[39]

Political associations, especially political parties, are most often excluded from civil society. The argument is that the aim of political parties is to gain political power, while civil society provides goods, services or advocates certain issues for the public interests, or the interests of specific groups in society. However, the distinction between civil associations and political associations is a blurred one. The activities of certain civil associations, such as advocacy for a sound environment, a public health system, human rights and in addition - if religious organisations are included in the definition of civil society - for the application of Sharia Law, do have political consequences. Moreover, there can be close linkages between certain CSOs and political parties. For instance, there might be ties between Christian parties and certain relief and social service organisations; a similar observation can be made for ties between socialist parties and certain CSOs or the relations of certain Islamist parties, for instance Hamas, and relief organisations.

If one looks at what civil society is supposed to do in relation to good governance, a normative element is most likely included in the definition of civil society; it is "[a] dense network of civil associations, which is said to promote stability and effectiveness of democratic polity through both the effects of associations on citizens' habits of the heart and the ability of associations to mobilize citizens on behalf of public causes."[40] There is a certain tension between these two reasons why civil society is important for democratisation. Foley and Edwards analyse these arguments, which they see as two separate lines of thinking which fit into the different contexts to which they have been applied.[41] The 'habits of the heart' argument refers to civil society proponents, such as Putnam, who emphasises the ability of associational life to foster civility in the actions of citizens. This argument postulates the positive effects of association for governance and refers to the apparent capacity of civil society to mobilise people for public causes. It focuses on what civil society is supposed to do, namely socialise participants into norms of generalised reciprocity and trust, which its most well-known proponent Putnam calls *social capital*, and develop networks of civic engagement; "[s]ocial capital refers to connections among individuals-social networks and the norms of reciprocity and trustworthiness that arise from them. In that sense social capital is closely related to what some have called civic virtue.

[39] Interview 16: Sadiq Al Azm. 7 June 2009.
[40] Foley and Edwards, 1996: 38.
[41] Ibid., 43.

The difference is that 'social capital' calls attention to the fact that civic virtue is most powerful when embedded in a dense network of reciprocal social relations."[42] The positive effect on governance is maximal if these networks of association cut across social cleavages in order to promote cooperation.[43] Putnam separates civil society from political society; he considers association as the most important element of the strength of civil society. However, as Foley and Edwards argue, social movement organisations, grassroots interest groups and grassroots political associations are more likely to produce an activated citizenry than choral societies or bird-watching societies.[44] Establishing these horizontal links between CSOs may be more difficult if the society is compartmentalised along ethnical, religious and tribal lines. Moreover, it can be a lengthy process. In this respect, Ottaway warns that Putnam's concept of social capital "[h]as been transformed to denote not a culture of trust and cooperation which developed over centuries, but something that could be quickly created by funding NGOs and training them in the techniques of lobbying the government, administrating funds and reporting to donors."[45]

The second argument focuses on political mobilised social actors autonomous and outside the customary political associations. This argument considers civil society as a promoter of democracy, social justice and human rights, and is tied in this way to the notion that civil society can act as a counterforce or a watchdog of the state. This argument seems too optimistic about civil society's capacity to act as a pro-democracy force. Ottaway indicates that civil society might reflect social pluralism in terms of religion and ethnicity, however still not be democratic. In other words, civil society just reflects old or traditional social divisions. Thus, the presence of a vibrant civil society might be a sign of political liberalisation but it does not necessary mean democratisation; all kinds of ideas pop up, including undemocratic ones.[46] Glasius also stresses that civil society is not necessary a pro-democracy force: there might also be "[...] self-interested, narrow-minded and fanatical manifestations of social interaction from civil society."[47] Foley and Edwards, in commenting Putnam's view of civil society as networks of civic engagement, refer to the real, often sharp conflicts among groups in civil society. Conflicts can even spill over to violence and civil disruption.[48] Hawthorne, in analysing civil society in the Arab world, notes that civil society might be dominated by apolitical, pro-government or even illiberal

[42] Putnam, 2000: 19.
[43] Foley and Edwards, 1996: 41.
[44] Foley and Edwards, 1996: 49.
[45] Ottoway, 2003: 12.
[46] Ibid., 19.
[47] Glasius, 2002: 5.
[48] Foley and Edwards, 1996: 40.

organisations.[49] Foley and Edwards conclude that both lines of thinking tend to marginalise political parties. Both arguments on what civil society does, seem to be generalisations of what specific parts of civil society do in a particular context.

It is questionable whether there is something like *the* civil society at all. Already Hegel indicates that civil society consists of various elements, not necessary in harmony with one another or having the same interests. It can thus be questioned whether by definition civil society works for the general interest. This also means that parts of civil society may differ in their relation with the state. Some parts may be recognised by the state; others might be illegal and/or considered political opponents. Some may advocate views in support of governmental policies; others may differ. The former can be seen as part of the social basis of the regime; the latter might form part of the social base of the opposition. The extent to which civil society reflects the views of the hegemonic group in society is debatable. Marxists consider the social groups that are in control of the means of production as dominant i.e. the bourgeoisie; other scholars identify some non-economic factors that play a role in the relative power of groups. Thus, there is reason to question the normative vision of the EU that civil society as a whole is a pro-democracy force. Parts of it may be supportive to promoting democratisation of the political system and other parts may be supportive in keeping the status quo of an authoritarian system, or even actively support it. Most likely, a large part of civil society has no direct links with political society; they just provide services. An analysis of country-specific situations, in which civil society plays a pro-democracy role, questions the normative framework of the liberal thinking on civil society. Kopecky and Hawthorne refer also to the limited concept of civil society, an overly optimistic view of civil society as a pro-democracy force, and an incorrect view of the relations between civil society and the state.[50]

Boyte, when discussing civic driven change, focuses on characteristics of the civic agency, as an individual as well as collective action dimension, which is not necessary confined only to civil society.[51] Fowler and Biekart, referring to the revolutionary developments in 2011 in Egypt and Tunisia, similarly comment that civic action is not confined to one sector, namely civil society,

[49] Hawthorne, 2005: 92-96.

[50] Kopecky and Mudde, 2003: 1. Kopecky indicates in the case of Eastern Europe that civil society had shown power in opposing communist regimes across that region and played an important role in the transition. Civil society was however, not the only key factor in the downfall of the communist regimes. Kopecky refers to long-term structural socio-economic failures, as well as Gorbachev's policies of glasnost and perestroika. Moreover, with the exception of Poland, opposition movements remained relatively small and weak until the last moments of communist rule. Hawthorne. 2005.

[51] Boyte, 2008: 119-137.

but stems from people in all walks of life who have had similar experiences.[52] Civic agency is defined as "[t]he capacity not only to direct one's life and shape one's environment but also to collaborate with others across differences to address common challenges and to make a common world."[53] Civic agency is considered an attribute of citizenship, namely an attitude of active citizenship based on norms and values to do public work. This active citizenship often begins with concrete issues close to home. The idea of civic driven change, as developed by Fowler, Biekart and others, is normative.[54] This attitude can deepen democracy, the thick democracy, horizontally towards common rights and responsibilities and vertically towards the state. In fact, it is a form of cultural change, which needs time if civic action has to bring about structural and transformative changes. NGOs and civil society at large can play a role in deepening civic engagement. The notion of civic-driven change evokes the same comment as the one with respect to Putnam's view on what civil society does, namely that it does not clarify why it should be linked to democratisation. It is based on the assumption that civic refers to people acting as citizens with rights and obligations to states and to states with duties as guarantee of rights. Civic might however be interpreted in a descriptive sense as civilian, being non-military. If interpreted this way, civic-driven change can also fall short of democratisation and restrict itself to collective action in order to improve living conditions without necessarily challenging the authoritarian character of regimes.

In sum, one may conclude that civil society is a widely diverse range of social organisations of which its members might not a priori be inclined to support democratisation of the political system.

Good Governance and the Role of Civil Society

The concept of good governance was introduced in development thinking in the late 1980s and early 1990s. The debate on the importance of good governance was framed especially by the World Bank, the Organisation for Economic Cooperation and Development (OECD) and the UNDP. Analysis of the reasons of failures in development programmes,[55] including structural

[52] Fowler and Biekart, 2011: 16.
[53] Boyte, 2008: 122.
[54] Fowler and Biekart, 2008: 22.
[55] Börzel, 2009: 6. Besides the SAPs, the idea of the minimum state was questioned. This kind of state was not able to provide the necessary framework for functioning markets nor the basic public services needed by especially the poorest groups in society.

adjustment programmes, led to a growing attention for governance problems. How to get the institutions right became the issue.

Governance is defined by the major intergovernmental development organisations, such as the World Bank, as the "[…] use of political authority and exercise of control in society in relation to the management of its resources for social and economic development."[56] As noted by Leftwich, the concept of governance is in its most extensive form wider than government and refers to political and crucially economic relations and rules by which the productive and distributive life of a society is governed. Thus, in its broadest meaning, governance has to do with the system of political and social relations: the regime.[57] Good governance is a more normative concept. The normative aspect becomes explicit if one looks into the kind of system of political and social relations the World Bank and other (inter)governmental aid agencies are aiming at, namely a market-led economy and a liberal or social democracy. Two approaches can be discerned in literature.[58] The first approach, which is more political, presupposes such a regime and focuses on issues like respect for human rights, rule of law, participation and democracy. Here more attention is given to the role of societal actors in the political process as well as the criterion of political accountability. It explicitly means, as Leftwich indicates, "[…] a state enjoying legitimacy and authority, derived from a democratic mandate and built on the traditional liberal notion of a clear separation of legislative, executive and judiciary powers. [...] It presupposes a pluralist polity with a freely and regularly elected representative legislative, with the capacity at least to influence and check executive power."[59] The second and most limited approach associates good governance with creating a sound administrative and regulatory framework. The focus is on the state and on issues like sound financial management and the fight against corruption. This approach uses criteria like efficiency and effectiveness, and can be considered a technocratic one. The focus of the assistance by the World Bank is on improving the public administration.[60]

[56] Ibid., 8. See also Leftwich, 1994: 370.
[57] Leftwich, 1994: 371.
[58] Börzel, 2009: 2 and 3.
[59] Leftwich, 1994: 371.
[60] Ibid., 372. The focus is on four areas of public administration in general and public sector management more specifically: accountability (holding officials responsible for their behaviour); a legal framework for development (structure of rules and laws which provide clarity, predictability and stability for the private sector; conflict resolution through independent judicial system); information; transparency (open government to enhance accountability, limit corruption; stimulate consultation between government and private interests).

No one, as Leftwich indicates, can have problems with the more limited form of good governance (the administrative good governance) aimed at an efficient, independent, accountable and open public service. This is in the interest of developing countries. As in 2007 the UN Secretariat indicated in a discussion note on governance for the Millennium Development Goals: "[p]eople want the state and its public administration to act as a social and economic promoter, capable of ensuring equitable distribution of and access to opportunities (political, economic, social and cultural). They also look at the state for sustainable management of resources, the fostering of dynamic partnerships with civil society and the private sector, enhancing social responsibility and ensuring broad participation of citizens in decision-making and monitoring public service performance."[61]

The Organisation for Economic Cooperation and Development (OECD) introduced a more political element into good governance thinking. Compared to the initial approach of the World Bank, the OECD gave much more attention to linkages between good governance and political principles such as participation, human rights and democratisation.[62] These political notions were not only seen as prerequisites for development, but also as values in their own right.[63] Initially the UNDP followed the technocratic World Bank line to good governance, with a focus on economic processes and administrative efficiency. However, in 2002 it adopted a broader approach to good governance and included political aspects. It introduced the term democratic governance.

A similar development, as Börzel notes, can be seen in the EU's policy development regarding good governance. Initially the EU seems to restrict good governance to proper functioning state administrations and separated this from the essential political elements of democracy, human rights and rule of law. Later, the EU, (the EC as the responsible body for the implementation of the EU's development and aid policies) considered strengthening the roles of civil society, the media and multi-party democracy as a precondition for the proper delivery of public services and sustained economic growth and thus of development. From 2001, for the EU, promoting a democratic environment became a goal in itself and one that included the strengthening of civil society.[64] As indicated in sub-chapter 1.1, the importance of civil society was underlined in the EU Joint statement on EC Development Policy of 2000. Reference was made to the presumed

[61] UNS, 2007: 24.
[62] UN Economic and social council, 2006: 4 and 7.
[63] Börzel, 2009: 8.
[64] Börzel, 2009: 12 and 13.

capacity of civil society to reach people. In this way, civil society contributes to people's ownership of development strategies. Ever since, the importance of civil society for good governance has been stressed in a context in which sustainability of development became linked to a political system guaranteeing human rights, democratic principles and rule of law. Involvement of civil society in development was not only considered important from the perspective of ownership but also as promoter of democracy, social justice and human rights. In the EC Communication of 2006 on Governance in the European Consensus on Development, good governance is equal to democratic governance. In promoting democratic governance civil society plays an important role as partner, but also as counterforce to the state. The EU's view on civil society as a broad range of non-state actors clearly has a normative connotation when defining it as a pro-democracy force.

This importance attached to democratic governance by international development actors as UNDP and by the EU as a major donor, is reflected in their intervention strategies, whose main areas are: support for democratisation, promoting protection of human rights, reinforcement of the rule of law, enhancement of the role of civil society, reform of public administration and anti-corruption, and decentralisation and local government reform.[65] While the government continues to be seen by major international aid providers and donors as the most crucial institution for improving the lives of people, civil society is considered an important agent in promoting effective and accountable government institutions. At the same time, the presence of such democratic institutions is considered a precondition for a vibrant civil society. Civil society has become both an object as well an instrument of political engineering by international aid donors.

A civil society analytical framework for analysing good governance policies as well as for developing good governance strategies could be one differentiating between different types of goals and channels. Börzel distinguishes between goals that focus on establishing the preconditions for good governance, including a civil society allowed to promote democratic governance, and goals that focus on strengthening the governance capacity of the state, including through involving CSOs in the implementation of policies. The former goal is explicitly political; the latter aims at increasing the efficiency and effectiveness of governance. External actors, at least in theory, also have the option to channel their assistance through the government or through non-state actors or civil society.

[65] UNDP, 2005: 8.

Figure 1: Analytical Framework for Good Governance

	GOALS	
CHANNEL	Democratic Governance	Effective Governance
Intergovernmental	1. Focus is on the state establishing a public sphere in which interests can be articulated/aggregated	2. Governance through strengthening the government and the administration
Transnational	3. Empower non-state actors (NSAs) in making public policies in order to improve democratic quality of decision making processes	4. See above but at same time: Including NSAs in implementation (efficiency and acceptance) or building, strengthening NSAs that can help better implement policies

Source: Based on
Börzel, 2009: 4. "Transformative power in Europe. The EU promotion of good governance in areas of limited statehood".

The analytical framework of Börzel corresponds to a more general distinction made in relation to governance reform, namely between 'supply side' approaches and 'demand side' approaches. The supply side approach resembles the concept of effective governance (Börzel[66]) or developmental governance (Carothers[67]) and is based on the implicit assumption that governments are led by people whose central concern is to develop their country. It is assumed that there is a genuine interest by these people in ensuring effective provision of the public goods upon which development depends.[68] In the supply approach the focus of donors is on how to assist these governments to supply the required changes and overcome hindrances in order to accomplish this goal. Favoured instruments by foreign supporters to provide assistance have been restructuring and training programs as well as budget support, technical assistance for public financial management and associated policy monitoring and dialogue.[69] Demand side

[66] Börzel, 2009: Without a page number.
[67] Carothers. 2009: Without a page number.
[68] Booth, 2012: 8.
[69] Ibid., 9.

approaches which correspond with the aim of establishing democratic governance (Börzel[70]) or political governance (Carothers[71]), focus on the political dimensions of governance. Proponents express serious doubts about the commitment of governments to a development vision and to probity in public policy.[72] It is argued that: "[b]etter governance and the effective provision of public goods are only likely to arise when empowered citizens and mobilized civil societies begin to 'hold governments to account."[73] The implicit assumption here is that citizens of poor countries desire and are able to hold their rulers and public servants accountable for their performance as providers of public goods.[74] Moreover, Booth comments that both distinctions are based on a principal-agent perspective; be it the government or voters, parliaments and civil societies. Booth however questions these views because neither political leaders nor ordinary citizens can be automatically counted on as developmental principles.[75] Booth also questions the argument that rent seeking and neo-patrimonialism are inherently bad for development. He refers to countries like Indonesia, Malaysia and South Korea with strong neopatrimonial elements in their political systems during their most rapid years of growth, but with forms of centralized economic rents management supporting a long term developmental vision. Here the economic elite had the disposition and capacity to use rents productively to create economic growth rather than obtaining the largest parts from the rent in short terms.[76] Moreover, more attention could be given to local problem solving and 'local reforms': it is "[…] about addressing the collective action problems that stakeholders face in specific local contexts. Solutions are likely to involve local reformers coming together in new ways to deal with specific bottlenecks, to the extent that national policy regimes permit."[77] In an authoritarian context this bottom-up approach might provide possibilities for more involvement of people in local decision taking to the extent that such a development is not considered by authoritarian regimes to undermine their power. However, there is no valid argument to state that such support is a step towards democratisation of the political system, since civil and political rights of citizens remain very much restricted.

[70] Börzel, 2009: Without a page number.
[71] Carothers, 2009: Without a page number.
[72] Booth, 2012: 9.
[73] Ibid.
[74] Ibid.
[75] Ibid., 92.
[76] Ibid., 25.
[77] Ibid., 94.

Depending of the goals, external actors may use different combinations of instruments[78] that provide different forms of influence on the recipient country. Conditionality can be used in a positive and negative way: positive conditionality is through encouragements such as aid; negative conditionality refers to sanctions.

Table 1: Instruments and Mechanisms for Good Governance Promotion

Instrument	Mechanism of influence
Assistance	Capacity and institution building
Conditionality	Manipulation of cost-benefit calculations
Political dialogue	Social learning and persuasion

Source: Börzel, 2009: 5. "Transformative power in Europe. The EU promotion of good governance in areas of limited statehood".

Blair makes a similar distinction when he examines ways in which donors have sought to strengthen civil society in developing countries and democratise state-society relations.[79] According to Blair, in the context of development cooperation donors have two basic approaches in supporting civil society to strengthen democracy: the system reform approach or the sector approach. The system reform approach, aiming at democratic governance, can be pursued where "[d]onors can focus on the enabling environment or rules of the game for civil society by working to improve the conditions in which it can function effectively."[80] The sector approach, focused on improving effective governance, might be pursued where donors can work within a given civil environment by supporting specific CSOs. The first approach means improving the policy environment for CSOs (including NGOs); the second one entails supporting specific organisations directly. When the first strategy is possible it may allow international donors to assist both governments in political reform as well as to directly support non-state actors, including pro-democracy and human rights groups, pushing their governments to open up the political system. Logically speaking, Blair mentions, the system reform approach precedes the sector approach; "[t]he conditions propitious for civil society should be in place

[78] Börzel, 2009: 5.
[79] Blair, 1997: 27.
[80] Ibid., 26.

before it can function most effectively."[81] Nonetheless, international donors tend to follow the sector approach in certain circumstances, even when the conditions aimed at in the system reform approach are not in place. For pragmatic and strategic reasons, international donors like USAID, the UN and the EU support specific CSOs despite a weak civil society environment in the country concerned. The need for cooperation, as well as the proposed activities, is presented in a functionalist manner, for example as strengthening and improvement of technical capacities of governance. Blair provides three categories of reasons for this approach, which may seem at a first glance illogical.

Realism: Donors are confronted with authoritarian regimes lacking interest in the democratisation of political decision-making processes. Furthermore, donors encounter a controlled civil society often forbidden to be involved in advocacy work, especially in the field of democracy and human rights.

Functionalism: Donors, as Blair explains, "[…] tended to think apolitically, operating primarily within the context of a technology transfer model of development, in which economic growth was the main goal and donors focused mainly on projects rather than policy."[82] The focus on thinking technically or bureaucratically might be functional in the sense that it helps to hide politically sensitive issues related to presumed partnerships between governments, civil society and the private sector. Is this a partnership that is transparent and open for everyone? Is there willingness to accept fundamental changes in state-society power relations by those in power?

Strategy: Blair notes that USAID and other donors have thought politically in devising their aid strategies. It was reasoned that the sector approach might be a transforming approach in itself; "[a] way to improve an inauspicious enabling environment, on the basis that some civil society activity could itself lead to a better environment for civil society. This approach might be labeled trickle-up strategy."[83] Liberal Western development thinking, the agenda which dominates the work of international governmental development agencies, gives way to the idea that capacity building of CSOs in the field of socio-economic development might make these organisations more vocal and will lead to more advocacy activities. The liberal idea is that these interest groups will lobby for and or ally themselves to democratic opposition groups trying to democratise the political system.

[81] Blair, 1997: 26
[82] Ibid., 27.
[83] Ibid.

As indicated by Fowler, "[i]n the short run, strengthening civil society is as likely to increase social tensions as to reduce them because more voices are better able to stake their claim to public resources and policies."[84] The preoccupation of policy-makers and aid providers with governance in development thinking has led to a number of critical remarks questioning assumptions and linkages. The convergence, which has been suggested by policy makers and academics between democracy support and development assistance, is today under discussion. A main reason is that good governance has for too long been considered from a mere technological perspective, as an issue of getting the institutions right. Authors like Carothers, Booth, Grindle and Levy make inter alia the point that politics do matter. Moreover, democratic governance as a precondition for development is questioned by development practitioners, as indicated by Carothers and quoted by Levy. It may be out of concern for the instability democracy may engender in fragile states or out of self-interest, but many developmentalists are of the opinion that "[a] sustained dose of authoritarian rule was necessary to get a poor country on a developmental track."[85] The analysis of success stories of late developing states as in South Korea, Malaysia, Indonesia, Vietnam, China and Brazil, are examples where the take-off in terms of sustained economic growth started during an authoritarian phase of governance. However, there are other cases like India, where authoritarian rule does not play a role. It is important to note that the states were not merely authoritarian or democratic. More importantly, these states are characterised by "[b]oth the political will and the bureaucratic competence to establish a developmental moment in a competitively hostile international environment."[86] Leftwich calls these effective states. Weber and other political scientists understood that conditions for such a state includes fundamental elements for which few of the least developed countries (and also few others) qualify even before questions of accountability and responsiveness come into the picture. "First, the state must have a monopoly on the legitimate use of force (there can be no private armies); second, the fundamental rules of the political game – the institutions of rule – must be considered to be legitimate by the people who live in and under it; and, third, the state must have the infrastructural capacity for its own writ to run the length and breadth of the country."[87] Grindle and others have also pointed out that much good governance research and advocacy is a-historical. The history of the developed countries shows that these often already had

[84] Fowler, 1998: 8.
[85] Levy, 2010: 27.
[86] Leftwich, 1994: 373.
[87] Ibid., 20.

considerable economic development long before they had fully institutionalized democracies, professional bureaucracies, and rules for corporate governance, modern financial institutions and extensive social welfare services. They also question the general imperative of getting the institutions right on which good governance is based. Economic growth can take off without prior widespread institutional reform, although some institutional reform, such as the emergence of private property rights, might be necessary or more important than other innovations.[88] A more historic analysis of patterns of development makes evident that besides the necessary administrative capacity for development, the role of politics and the state is paramount.[89]

Grindle mentions another problematic aspect of good governance to development, namely that the good governance agenda is vast and covers virtually all aspects of the public sector. Many of the poorest countries of the world have, almost by definition, weak institutions – not only in terms of management but also with respect to available resources. Moreover, the legitimacy of the governments of these countries is often questionable and their leadership might be corrupt, deeply divided and incompetent.[90]

Another critique is that the good governance agenda, largely defined by the international community and embraced by domestic reformers, is based on policies and practices of what works in advanced capitalist democracies. As Booth indicates, current good governance policies are not evidence–based, but rather they reflect what ministers and parliaments in donor countries will support. Instead of copying best practices one has to develop approaches that best fit. The latter implies, according to the African Power and Politics Programme: "[a] real commitment to working with the grain, meaning building on existing institutional arrangements that have recognisable benefits. […] a shift from direct support to facilitating local problem-solving."[91] In other words, external donors and aid providers should base their decisions and policy dialogue on a thorough understanding of the prevailing institutional arrangements. It is a call for understanding the local situation and for support to those local arrangements that work. Moreover, it is a call to base assistance on what citizens of a specific country find acceptable even though it may conform to less than perfect standards. Grindle favours good enough governance on condition of minimal acceptable government performance and civil society

[88] Grindle, 2004: 531. Grindle is referring to research by Dani Rodrik (2003), Ha-Joon Chang (2000) as well as Arthur Goldsmith (2004).
[89] Leftwich, 1994: 373.
[90] Grindle, 2004: 525 and 526.
[91] Booth, 2011: 1 of 5.

engagement in such a way that it does not hinder economic and political development and permits poverty reduction.[92] Good enough also means an approach based on a local or country-specific assessment and a careful step-by-step approach following identified priorities. What might be essential and what are desirable aspects of governance? A distinction should be made between those reforms, which are encouraged and pursued because they are good for governance and those, which are particularly relevant for poverty reduction.[93]

Levy, while agreeing that institutions and politics matter for development, stresses the importance of a more nuanced approach than simply calling for good governance.[94] In his view, a distinction should be made between the specific development trajectories countries are on and what he calls big-G and small-g; "[b]etween strengthening national-level institutions and a focussed effort to foster participation in and oversight of the provisions of public services by stakeholders with strong, unambiguous incentives to achieve good results."[95] Levy argues that while opportunities for effective big-G are often difficult to find or to implement, such as judicial reform to achieve a well and independently functioning judiciary, there are many opportunities for small-g. Levy considers small-g reform as an alternative in the context of state-led trajectories, which are often run by authoritarian states. "Small-g reforms offer an alternative and potentially tractable entry point. Such initiatives take the government at its word that its goal is development. In some settings, moreover, small-g reform proposals may work with the grain of a bottom-up, participatory ideological discourse. Their gist is to make citizens better informed, more fully engaged and firmer in their expectation when it comes to the government's provision of vital public services. In the short run, the development benefits can be profound. [...] Viewed from a longer-run perspective, the potential impact may be broader still. Initiatives such as these give people voice in their dealings with government officials, thereby encouraging the shift from subject to citizens."[96] Levy also mentions the case of countries where patronage politics, clientelism and related corruption are always and everywhere part of the underbelly of the political process. These are often low-income countries with weak institutions but with competitive politics. In such a case, perhaps referring to Grindle's a just-enough-governance trajectory, might be appropriate. In such a context, at least initially, the chances for strengthening big-G are likely to be limited. Here one could focus on the creation of islands of

[92] Grindle, 2004: 526.
[93] Grindle, 2004: 534.
[94] Levy, 2010: 30.
[95] Ibid.
[96] Ibid., 32.

effective collective administration within a wider context of weak governance through small-g programmes.[97]

As indicated above, the technocratic approach to good governance focused on getting the institutions right while the political approach to good governance aims to ensure that preconditions for good governance are met. However, in the latter case it is not only about having the right structures with checks and balances but also about culture. The system or structure functions well if people have confidence in it and people gain confidence in the system if it works well. In the words of Patrick Chabal, a democratic mentality means a political culture in which individuals trust the mechanisms of the democratic system of representation. Moreover, it needs "[a] political culture in which there is widespread acceptance of democratic norms of accountability."[98] Democracy, both in terms of structure as well as culture, is a long-term process, as the political history of Europe makes clear. It is, as Chabal mentions, "[…] the end result of a long and complex political process and not the outcome of conscious policy decisions taken at a particular point in time to establish a better political order."[99] The latter is an additional argument for a small-g approach, creating at the local level islands of effective collective administration based on democratic systems of representation, which in turn increase the trust of people in these mechanisms and institutions.

At the end of the 1980s and the onset of the 1990s, there was in development thinking and policy development a process of converging development and democracy support. This led to the concept of good governance, which is mostly interpreted as getting the institutions right. This technological view on good governance has been questioned, leading to a reappraisal of the role of the state and politics. At the same time, the assumption of democratic governance (with its inclusion of liberal democratic notions such as free elections, division of state powers and rule of law) as a precondition for development is also scrutinised. Authoritarian states might be, at least in the initial stages, effective in promoting development. However, such states' socio-economic policies may become more effective if they are legitimised by a firm political mandate guaranteed by free and fair elections. The effectiveness of these policies may also be increased by the existence of independent, impartial courts capable of settling differences and conflicting interests between the state and private partners, or among private partners.

[97] Ibid., 32 and 33.
[98] Chabal, 1998: 298.
[99] Ibid., 299.

If thinking about good governance priorities becomes more strategic then it is inherently also more political. In such cases, policy makers may be confronted with conflicting priorities, between promoting democracy and development. Moreover, development (like democracy) promoters should be humble regarding the ability of external intervention to hasten the pace of social change.

State-Civil Society Partnership

As indicated earlier, promoting good governance has become a major theme in development thinking. The interpretation of what the aim of good governance should be has shifted from improving administrative and institutional capacities, i.e. effective governance, to ensuring democratic governance. In the first approach, civil society's role is primarily to support governments in implementing their policies. In the democratic governance approach, the aim is to empower CSOs and broader non-state actors in the creation of public policies, which improve the democratic quality of the decision-making processes. Here civil society's role may have effect on the power relation between state and society. The political approach to good governance[100] has led to an academic debate. The convergence between democracy support and development assistance is a current topic of discussion. While respect for human rights and democracy can be regarded as an universal value in its own right, the political view, that these notions are prerequisites for proper delivering of public services and sustained economic growth, thus development, is questioned.[101] Good governance has been presented by aid providers and donors for too long as a mere technical question of getting the institutions right. However, politics and the state do matter in development.[102] The political intentions of the ruling elite of countries as well as the competence of state bureaucracies to develop and implement policies make some states more effective than others in pursuing development. In order to stay in power, ruling elites might often feel obliged to act in response to powerful interests in society; a development, which in the long run might even be detrimental to their ruling. Good governance support has not only been considered a technical issue too long but the approach has also been a-historical. Moreover, the good governance agenda is too vast[103] and donor-

[100] Academics and aid providers agree on the importance for development that the efficiency and effectiveness of administrative governance has increased. This is the limited interpretation of good governance as well as of accountability.
[101] Carothers, 1999: Without a page number; Levy, 2010: Without a page number.
[102] Leftwich, 1994: Without a page number; Grindle, 2004: Without a page number.
[103] Grindle, 2004: Without a page number.

driven[104]; it deals with almost all aspects of development in a context of receiving countries often with weak institutional and political capacities. There is a call for a more realistic and pragmatic approach, which must be based on existing functioning institutional arrangements and needs to facilitate local problem solving instead of striving for good governance. In this new desired approach, preference is given to good enough governance[105], or just enough governance, or small-g governance.[106] Such different views also directs more attention to the cultural dimension of good governance, namely that people should develop trust in the governing bodies.[107]

Furthermore, it can be argued that the view of the EU and intergovernmental aid organisations like UNDP on state-civil society relations is normative and based on liberal thinking. The concept of civil society used by the EU, in the context of its cooperation and democratisation policies, is closely linked to a specific form of state[108], namely a liberal-democratic one guaranteeing individual rights whereby through an elected representative parliamentary system the rulers are accountable to the ruled. The EU assumes that the recipient state and civil society have an interest to cooperate in the domain of development, including in the sphere of good governance. Moreover, it is assumed that civil society has the capacity and vision to work for the public interest. It is also assumed that the state acts as a neutral force; its role is seen as supervisory and if necessary, one that reconciles conflicting interests. In case there are deficiencies in the capacities of state and/or civil society to strengthen governance, it is dealt with in a functionalist manner that is seen as a matter of strengthening these capacities through technical cooperation. The EU's assumed cooperation agreements with third countries, that these governments seek partnerships with civil society in order to promote development, are questionable. This functionalist view on state-society relations hides the reality that in some of the recipient countries civil society is severely controlled by the state, including through state-corporatist arrangements. Moreover, parts of civil society might be distrusted by the ruling elite and considered as a possible threat to its position of power. The academic discussion on state-society relations in the context of authoritarian regimes also proves that the state might use its relations with parts of civil society to strengthen its power basis.[109] The ruling elite might foster patriarchal and clientelist relations between different communities and the state, including its

[104] Booth, 2011: Without a page number.
[105] Grindle, 2004: Without a page number.
[106] Levy, 2010: Without a page number.
[107] Chabal, 1998: Without a page number.
[108] Kaldor, 2003: Without a page number; Ottaway, 2003: Without a page number.
[109] Heydemann, 2007: Without a page number; Pratt, 2007: Without a page number.

CSOs, in order to create state-corporatist arrangements, whereby certain organisations are nominated as representatives of civil society. It can also create government-operated non-governmental organisations (GONGOs) as counterparts to international donors and aid agencies in the domain of development.

The liberal view also assumes that the emergence of civil society is linked to the development of a capitalist economy. Two different comments can be made with respect to this presumed connection. With the introduction of modern forms of production emerged the professional organisations, labour unions and NGOs. Some scholars view this as the starting point of civil society. Others however indicate that even prior to the establishment of a market economy based on private capital; there was already a civil society. Thus, the modern sector of civil society emerged parallel to more traditional community-based organisations. In the latter, primordial relations are still strong. Donors such as the EU and intergovernmental organisations like UNDP use a broad definition of civil society. According to the author, both categories of CSOs as well as their relations with the state should be taken into account to assess whether civil society can be considered a pro-democracy force.

Secondly is the liberal expectation that the privatisation of the economy will lead to a new class of entrepreneurs who seek to get political influence through the creation of pro-democracy groups and political parties, and who will push for democratisation. This argument is disputable because it is detached from the analysis of the state-society relations within a specific country. An analysis of the characteristics of the new entrepreneurial groups might question the argument that they, in order to protect their interests, will push for democratisation of the political system. It may well be that, in the case of an authoritarian political system, those social groups which most profit from the privatisation of the economy originate from, or are closely linked to, the ruling elite. They have an interest in keeping the political status quo because it serves best their interests. Moreover, in general it can be argued that the commercial interests of most entrepreneurs are not served with enduring political unrest and insecurity. The privatisation of the economy however, might threaten the positions of other social layers in society, whose interest might have been served under a more state-controlled economic system. The social base of a government may shift. Such a development will not only alienate these social layers from the government but also weaken the position of their representatives within the ruling elite.

In short, the idea of partnership between state and civil society is disputable for a number of reasons. Firstly, civil society is no homogenous force. If there is any cooperation with the state, then it is collaboration between the state and certain sections of civil society. Secondly, the idea of partnership suggests equality of state and civil society, with both working for the public interest. However, the state might be an instrument in the hands of powerful societal groups or be an interest group in itself having an autonomous powerbase. Thus, the dominant paradigm of liberal democrats on cooperation between the state as a neutral actor and of state and civil society cooperating in order to attain a shared goal can be questioned.

1.3 The Case of Syria

The content and effectiveness of the EU good governance policies is further examined in one of the above-mentioned authoritarian states, namely the Syrian Arab Republic. Syria has a specific kind of authoritarian system, that is to say, an authoritarian socialist populist state. A single party dominates such states and society is tied to the state through party controlled corporatist organisations, while remaining dissidents continue to be subjected to repression.[110] In the case of Syria, the Baath party was de jure the leading political party. In practice, the army and the security apparatus form the dominant force in the regime. The latter context presents extremely difficult conditions for the international donor community aiming to promote good governance, for these states have almost total control over society. The public space for activities of civil society is very limited because it forms a potential challenge for an authoritarian regime such as the Syrian one. Under President Bashar al-Assad, the regime differentiated its approach towards civil society. While the regime continued to closely monitor civil society and oppress any activity it considered as a threat for its position, it allowed more civil society organisations active in charity as well as socio-economic development.

Syria is one of the partner countries under the ENP. During the research period for this PhD, the EU was the most important foreign donor in Syria. The aid volume to the country is modest compared to other Southern Mediterranean countries, since the envisaged association agreement between the EU and Syria has not yet been ratified. Furthermore, the aid volume per capita has been modest compared to most of the other Southern Mediterranean countries, with the exception of Algeria and Egypt, both receiving similar per capita aid amounts. Table 2 below indicates EU commitments; it does not include funding available under regional and thematic

[110] Pratt, 2007: 3.

programs as well as European Investment Bank loans. Depending on the period and country, the actual spending may differ.

Table 2: Committed Bilateral EU Aid to Southern Mediterranean Countries (in million euros) under MEDA and ENPI Programs

	Algeria	**Egypt**	**Jordan**	**Lebanon**	**Morocco**	**Syria**	**Tunisia**
1995 – 1999	164	685	257	182	664	98	428
2000 – 2006	338	596	314	127	907	189	518
2007 – 2010	184	558	265	187	654	130	300
Total	**684**	**1.839**	**836**	**496**	**2.225**	**417**	**1.246**
Population 2010 in millions	37	78	6,5	4,3	31,6	21,5	10,6
Aid per capita	**18,49**	**23,58**	**128,62**	**115,35**	**70,42**	**19,40**	**117,55**

Source: EC, 2013: Without a page number. EU aid figures (Egypt, Jordan, etc.) http://ec.europe.eu/europeaid/where/neighbourhood/country-cooperation/Algeria UNDESA, 2013: Without a page number. Population figures: UNDESA http://esa.un.org/undp/wpp/Excel-Data/population.htm.

In its 10th Five-Year Plan (2006-2010), the Syrian government announced far-reaching reforms aimed at transforming the economy into a social market economy. The UN and the EC, as well as bilateral European partners and international non-governmental organisations (INGOs) such as the Aga Khan Development Network, found justifications for support in the Five Year Plan, because the latter was considered a sign of ownership of the development strategies promoted by them. The EU for instance, is of the opinion that "[d]eveloping countries have the primary responsibility for creating an enabling domestic environment for mobilising their own resources, including conducting coherent and effective policies."[111] Promoting good governance is an important element in the 10th Five Year Plan. In this regard, an important role was designed for civil society, not only as provider of important services and goods for development, but also as promoters of efficiency and accountability by the governmental agencies. Thus, strengthening the role of civil society has become an important goal to achieve, which is also one of the intended outcomes of the United Nations Development Assistance Framework (UNDAF).

[111] EU, 2005: 3; Par. 4.1: 14.

UNDAF is the cooperation strategy on which the UN and Syria agree. The cooperation between the international community and Syria is based on the assumption that the process of the envisaged socio-economic reforms should be accompanied by political changes, which should lead to democracy. This is also indicated in the Five Year Plan. The EU, especially through the EC, was willing to invest in democratic governance initiatives to be implemented by the UN as part of the UNDAF.

The cooperation between Syria and the UN in the domain of good governance for the period 2006-2010, as agreed upon in the UNDAF, is based on a number of assumptions, such as the presence of a conducive political and social environment; an effective separation of power; and the development and implementation of a new NGO law. In the period 2006-2010, none of the assumed institutional reforms took place:

- The regime has made clear during the implementation of the 10th Five Year Plan that political reform is no priority;
- Syria remained governed under the emergency law;
- CSOs active in areas considered by the regime as sensitive remain strictly controlled and might face repression. Advocacy organisations are for the most part not allowed to register. Human rights groups are banned. Pro-democracy activists risk to be arrested;
- Although it announced several times that it would do so, the regime has not published a new law on CSOs, in order to make it easier for these associations to register, start activities and acquire funding.

Nevertheless, a few developments took place, which indicate that the state in the period 2006-2010 is allowing civil society to become more active in the domain of relief and development;

- The regime allowed more CSOs to be registered and start activities in the field of charity, development and even in advocacy, especially regarding health and environment issues. The most important organisations were started by people, who are part of, or very close to the regime and especially the First Lady. Some of them are consulted by the regime on policy matters;

- The regime remained very reserved in allowing INGOs to start activities in Syria with the exception of providing assistance to Iraqi refugees. However, even in the latter case, the operations and activities of these organisations are strictly defined and controlled;

- The regime has consulted some CSOs when preparing for the 11th Five Year Plan.

In the case of Syria, it is refutable if the political liberalisation, which international aid providers and donors predicted, could have been the beginning of a process leading to democratisation. It might also have been a deliberate attempt of the regime to take advantage of the opportunities provided by the economic cooperation, while making some cosmetic changes that do not threaten the power position of the regime.

Syria is considered to be an extreme case of a common pattern, in which an authoritarian state, through different tools, attempts to use civil society for its own ends to stay in power. The authoritarian state will give space to those organisations aiding to attain its core goal and will oppress those organisations and activities considered to be a threat to its power position. This is the context in which the EU and the international community in general, decided to support the Syrian government in its expressed aim to transform its economy in a market led one and to democratise its political system. Can democracy support offered by the EU as part of cooperation agreements with the Syrian regime be effective?

1.4 Relevance

Whilst grounded on a discussion of theoretical notions and paradigms regarding civil society and state-society relations, this study is policy-oriented. It has both theoretical as well as policy relevance.

Theoretical Relevance

As indicated in subchapter 1.2, there are several elements in the EU vision of democracy promotion through strengthening of civil society, which can be questioned from a theoretical point of view. The concept civil society is a problematic one. As will be discussed in Chapter 2, a multitude of definitions of sometimes contradictory or even excluding definitions are given by scholars and development practitioners. The civil society argument, as part of an approach to bring politics back into development thinking, is still a valid answer. Firstly, because civil society

is an abstract concept used to describe a multitude of non-governmental organisations, which to a certain extent have some characteristics in common. As Van Rooy notes, it is an observable reality[112]; Civil society refers to people who have organised themselves in a voluntary manner around issues which go beyond the mere private interest. The different manifestations of civil society, both in organisational form, conflicting interests and different relations with the state, is part of this observable, albeit confusing, reality. Secondly, a broad approach to civil society increases awareness of the existence of other forces in civil society, in addition to pro-democracy advocacy groups, which can contribute to democratisation, as well as groups, which act in support to authoritarian forms of state-society relations. Such an approach also draws attention to other formations within civil society apart from NGOs, which can for instance be agents of democratisation, or to the contrary, might support authoritarian forms of governance. The relation between state and civil society is presented in good governance policies as being "[…] distinct and neatly bounded. States are authoritarian; civil societies are the potential carriers of democratic reform once they have acquired the capacities to play this role. [...] The boundary between the state and society is highly porous, and these roles much more ambiguous. [...] Regimes have worked to capture civil societies, insulate them from the effects of democracy promotion programs, and exploit them to reinforce rather than challenge authoritarian systems of rule."[113] However, parts of civil society might also find allies among the ruling elite willing to protect or foster their interests.[114] The extent to which groups within civil society are willing and able to play a role as a pro-democracy force has to be studied within the concrete context of state-society relations of specific countries.

The concept of civil society has also theoretical relevance, since policy makers and politicians, to pursue certain aims, use it. As such, civil society is also a political reality. It is important, as it will be discussed in Chapter 2, to understand the language of civil society because the functions attributed to civil society reflect views of governments and aid providers on state-society relations. Donors, such as the EU, present the cooperation between the state and civil society in the domain of promoting accountability in functionalist terms, as if it is a shared goal. The EU as well as other multilateral donors and aid providers, assume the willingness of the state to allow civil society to promote political accountability of governmental agencies. However, the latter

[112] Rooy, 1998: 30.
[113] Heydemann and Leenders, 2011: 4.
[114] Interview 9B: Local staff member of an international organisation. 5 May 2010. "Islamic civil society is flourishing. The conservatives have infiltrated the Ministry of Religious Affairs. They try to impose an Islamic way of life on society."

activity could lead to a shift in power between the state and society, which is detrimental to the position of the ruling elite. It is therefore questionable whether the authoritarian regimes are willing to allow civil society to play such a role. The EU uses the concept of civil society as a descriptive category with normative traits. As a descriptive category as understood by the EU, the concept of civil society covers a very broad range of organisations, both modern and traditional; these can be charity organisations, development organisations and advocacy organisations, run by professionals or volunteers. The normative aspect is the EU's view of civil society as a potential pro-democracy force. The EU seems to generalise the explicit aim of democracy advocacy by a specific category of CSOs, namely human rights and pro-democracy groups, to the whole of civil society. Analysing the characteristics of civil society using Syria as an example, investigates this normative view. Liberal economic and political thinking influences the good governance policies, which in turn are based on an interpretation of the development of state society relations in the Western world from an agrarian society towards an industrialised one. The expectation that a market-led economic development will require or lead to political liberalisation of authoritarian political regimes is doubtful. The capitalist economic development in countries like the People's Republic of China, the People's Republic of Vietnam and also non-socialist authoritarian regimes in the past, such as in South Korea and in Chile under General Pinochet, show that capitalist economic development will not automatically lead to democracy, nor that a democratic political system is a prerequisite for rapid economic growth. The new entrepreneurs will not necessarily be or become porters of democracy. These entrepreneurs often originate from and/or have strong ties to the authoritarian state. Moreover, these entrepreneurs often support civil society initiatives run by CSOs with close links to the ruling elite. Directly or indirectly, these entrepreneurs contribute to the resilience of authoritarian regimes.

Policy Relevance

The policy relevance of this study is primarily to expose the possible tension between a policy and the reality, or the context in which the policy is implemented. Policies are based on assumptions; these assumptions might be based on the context in which the policy is conceived. This study focuses on the assumptions made by the EU on the nature and role of civil society as well as on the nature of state-civil society relations. Studying state-civil society relations in Syria, an extreme case of a strict authoritarian state, is an advantage because of its

comparative extremity that can underscore and present in a pronounced manner general processes and dilemmas of good government promotion in authoritarian settings. The case of Syria shows that civil society is a complex phenomenon with both traditional and modern characteristics. The relation between the state and parts of civil society differ, depending on the kind of activities performed by civil society, as well as on the relationship between leading figures in the civil society with the regime. While in general the Syrian state, due to its authoritarian nature restricts civil society's activities, the state differentiates the implementation of its policies towards different CSOs. Some CSOs obtain more public space from the regime for political and/or socio-economic reasons in order to implement activities, including through the use of foreign funding. In such an authoritarian context, foreign donors might decide to invest in activities of CSOs that help improve the position of vulnerable and/or disadvantaged groups in society such as women, children, elderly, handicapped, as well as local communities in poverty-stricken areas. The donors expect that, in the long run, such trickle-up approach contributes to democratisation processes in authoritarian contexts, because these disadvantaged groups are empowered at the local level. A counter argument is that authoritarian regimes, such as the Syrian one, control which CSOs may become partners in cooperation programmes co-financed by foreign donors. As a result, authoritarian regimes are capable of transforming and developing parts of civil society into an instrument to strengthen their position. This questions the role of civil society in the promotion of democracy assumed by the aid donors and implies that donor support to good governance programmes, within the framework of cooperation with authoritarian states, can help to upgrade authoritarian regimes. Thus, democracy promoters face the dilemma that working through governmental channels might help to strengthen the position of vulnerable groups in society, without at the same time, contributing to a structural change in state-society relations.

1.5 Objective and Questions

The EU aims to strengthen civil society as part of its good governance cooperation strategy with third countries in order to promote democratisation. Can such a strategy be effective in the case of an authoritarian government? The research objective of this study is to show that the EU good governance policy, with respect to the role of civil society, is based on assumptions, which can be questioned from both a theoretical as well as empirical point of view, analysing state-society relations with the use of Syria, a specific authoritarian state as a concrete example. This study uses a case study, which will be discussed further in the following subchapter, and Syria

as an extreme example of a common pattern of an authoritarian state, is the object of the study. The focus is on civil society, given the central role provided to it in the good governance programmes of major international donors, in particular the EU and major intergovernmental aid providers, specifically the UNDP. This case study focuses not so much on the implementation of specific programmes or projects meant to strengthen or support civil society as a pro-democracy force, but on the assumptions regarding civil society and state-civil society relations on which these programmes are based. The aim is to discuss the earlier mentioned assumptions as hypotheses in the case of a specific authoritarian state, in this case Syria. The hypotheses are: civil society is a pro-democracy force and state and civil society actors are willing to consider each other as partners in socio-economic development.

These hypotheses are queried by:

- The characteristics of civil society in Syria in the light of the theoretical discussion on the concept civil society as well state-civil society relations and the EU policies and programmes of democracy promoters are incompatible;

- The nature of the relations between political society – the government and the contending social forces – and civil society in Syria are not amenable to Western liberal or liberal democratic contentions on democracy as applied by the EU policies on good governance.

This analysis helps to address the main research question, namely: how and to what extent the EU good governance support in Syria, in particular with respect to civil society, addresses obstacles to democratisation?

The research aims to answer the following sub-questions:

1. What is the efficacy, the goals and channels of the EU to support civil society in Syria?

2. What are political and structural obstacles that confronted EU civil society efforts in promoting democratic accountability in Syria?

The research strategy is to focus on those problems linked to the position of civil society in relation to the Syrian regime, which democracy assistance has addressed or tried to address, as well as underlying, structural, issues that are overlooked or ignored. The study will not

evaluate the impact of specific programmes and projects. After all, the latter does not reveal much about the impact on democracy. Furthermore, these programmes and projects may have attained the intended outputs. However, if the broader political context did not change, the impact of the project might be limited or none existent. The study restricts itself to those activities financed by or intended to be financed by the EU through the EC and mainly to be implemented by the UNDP. The study leaves out analysis of political pressure as well as the effectiveness of diplomacy. The research, while analysing state-society relations in Syria under the Assad regime, will pay a close attention to the period 2006-2010. This latter period is of special interest given the EU and Syrian intention to increase cooperation on good governance and civil society promotion. This period 2006-2010 is when the 10th Five Year Plan of the Syrian government was implemented. For external donors and aid providers, the 10th Five Year Plan provided an opening for democratic governance assistance, since the Syrian government clearly stated it wanted to make progress in this domain. In the Five Year Plan, the Syrian government announced its intention to foster the role of civil society, not only to contribute to the envisaged socio-economic reform, but also to enhance the efficiency and accountability of governmental agencies. It is this plan the EU as well as the UN embraced in order to support the Syrian government with its implementation.

1.6 Method

This research is based on the case study method, which is useful in situations where it is desired to cover contextual conditions believing that they are highly pertinent to the subject researched.[115] As indicated, the aim of the study is explanatory, namely to identify and weigh factors which influence how and to what extent the EU good governance support, in particular with respect to civil society, addresses obstacles to democratisation.

A case study method has an advantage over other research methods when *how*, *why* and even *what* questions are "[…] being asked about a contemporary set of events over which the investigator has little or no control. [...] The goal will be to expand and generalise theories and not to enumerate frequencies."[116] The latter would be the case in an experimental setting in which much more control is possible over different variables. In a case study, contextual conditions are observed because the latter may be highly pertinent to the phenomenon of the

[115] Yin, 2003: 13.
[116] Ibid., 9 and 10.

subject of the study. In a case study, the researcher deals with many (complex) variables of possible interest and their relations, as well as with many sources of evidence. Moreover, a case study uses previously developed theoretical propositions, such as a broad definition of civil society in this study, which defines data collection and analysis. In short, a case study is not only a research design but also a comprehensive research strategy.[117]

This case study is a single one; it is not based on a comparative approach or method. By means of a thorough analysis of a specific situation, that of Syria, it aims to deepen the understanding how and to what extent the EU good governance support, in particular with respect to civil society, address obstacles to democratisation.[118] Analysing the case of Syria, characterised by an extreme authoritarian regime controlling civil society, exposes the weakness of the assumptions on which the EU cooperation policies are based in the field of good governance. These policies derive from certain assumptions: the idea of civil society as a pro-democracy force, the idea that economic liberalisation requires or goes together with democratisation and on a policy level, the assumption that partner states are ready to democratise the political system. Thus, the main applications of the case study as a method in this research is to describe an intervention, namely donor and more specifically EU's support to strengthen Syrian civil society and the real-life context in which it occurred: the state-society relations in Syria. This case study is a descriptive one and has an exploratory character[119] because little research has been done into the nature and characteristics of civil society in Syria. The purpose is, by means of a state-society analysis and a theoretical reflection on the concept civil society as well the relations between state and society, to show that the apparent assumptions on which the EU good governance policies are based should be questioned. The outcomes of the study might be of use in order to assess possible assumptions on which donor interventions in the domain of good governance are based in the case of other authoritarian states.

Qualitative Research

[117] Yin, 2003: 13 and 14.
[118] Ibid., 15. Yin differentiates between 5 types of applications: 1) to explain the presumed causal links in real-life interventions that are too complex for the survey or experimental strategy; 2) to describe an intervention and the real-life context in which it occurs; 3) to illustrate certain topics within an evaluation in a descriptive mode; 4) to explore these situations in which the intervention being evaluated has no clear, single set of outcomes; 5) the case study may be a meta-evaluation – a study of an evaluation study. This case study has the second type of application.
[119] Hakim, 1987: 61.

Case studies can include and even be limited to quantitative research, but can also be based on qualitative as well as quantitative evidence.[120] This case study is predominantly based on qualitative evidence, although it also contains quantitative elements such as the mapping of CSOs in Syria. The qualitative aspect of the research contains two elements. Firstly, on theoretical grounds it identifies and subsequently questions the assumptions on which donor good governance policies promoting democratisation in authoritarian states through civil society support are based. Secondly, it confronts these assumptions with the specific characteristics of state-society relations in Syria in which donor good governance policies are implemented.

Sources and Methods of Data Collection

Primary data consists of reports from EU and UNDP, as well as consultants on associations in Syria, reports of local and international human rights organisations, information on websites of local associations and international organisations active in Syria, as well as questionnaires and interviews. Civil society in Syria has been partially mapped based on often scattered information collected by the EC, UNDP, the British Council and consultants in regards to different categories of CSOs such as charity, social services as well as advocacy organisations, registered and unregistered organisations. Secondary data collection is done through library research, internet research and comprising books, articles and reports dealing with the nature of the state in Syria; the character of its political and economic regime; the character of social, regional, ethnic and sectarian divides; as well as the history and the character of civil society. The secondary data collection also includes studies on the good governance policies of the EU and other multilateral organisations.

Primary data has been among others, collected through questionnaires filled out by respondents and by interviews using the questionnaires. According to Selltiz, Jahoda, Deutsch and Cook: "[i]n an interview, since the interviewer and the person interviewed are both present as the questions are asked and answered, there is opportunity for greater flexibility in eliciting information: in addition, the interviewer has the opportunity to observe both the subject and the total situation to which he is responding."[121] On the other hand, filling in questionnaires is less

[120] Yin, 2003: 15.
[121] Selltiz, Jahoda, Deutsch and Cook, 1971: 238.

expensive than interviewing, easier to administer, uniformity is ensured, anonymity can be guaranteed and there is less pressure for an immediate response.[122]

In this study, the possibilities for primary data collection on civil society and state civil society relations were restricted by the authoritarian character of the Syrian regime, which made it difficult to freely collect and discuss information on these issues. Files of the responsible Ministry of Social Affairs and Labor (MOSAL) on registered CSOs are not public. As EC and also the UN experienced when they asked for information on the registered CSOs and their activities, the information provided by MOSAL was incomplete and very limited. Even if contact details of registered CSOs were to be available, it is doubtful that representatives of such organisations would have been willing, without prior consent of MOSAL, to discuss their relation with the government, the possibility and ways of influencing governmental policies as well as the eventual need for foreign support for civil society development. Given the political sensitiveness of these issues, it is doubtful MOSAL would give permission for such research. Even if this would be the case, it is doubtful the respondents would be in a position to talk freely. Thus, instead of focusing on registered CSOs itself, the author choose to collect information on the character of civil society in Syria and its relations with the Syrian government in a more indirect manner, through his contacts with a broad range of resource persons having information on these issues. The researcher worked in the period August 2004 until August 2009 as first secretary of the Netherlands Embassy in Damascus with specific responsibilities for immigration, refugee, human rights and civil society issues, including support to CSOs active in the domain of socio-economic development. As part of his work, he developed a broad network of contacts among international and local organisations, both governmental and non-governmental, as well as among social and political scientists and analysts, civil society and human rights activists. In May 2010 he made a follow-up visit to Syria during which he interviewed some of his previous connections.

Questions regarding civil society and its relation with the regime were embedded by the interviewer, in his position as embassy representative, in requests for information and views on specific aspects of the human rights situation in Syria (such as women's rights and situation of human rights activists) and/or activities of civil society for which support was needed. This qualitative research method was used in order to better understand the specific characteristics of Syrian civil society and its relation with the state. It is a form of indirect observation: "[t]he

[122] Ibid., 238 and 239.

observer does not actually perceive given social phenomena but depends upon persons who have directly observed or experienced these to reconstruct them for him."[123] It uses focused interviews, since "[t]he hypothetically significant elements, patterns, processes and total structure of this situation have been provisionally analysed by the social scientist."[124]

The interviews were conducted using a list of open questions (see Annex 1) and were semi-structured. The use of open questions in the semi-structured interviews allowed the researcher to repeat the question if the reply is not to the point and/or change the wording of the question if necessary. The questionnaire is used during the interview as a list of topics and aspects of a question to cover. As indicated by Selltiz and others: "[t]his list of topics or aspects is derived from his formulation of the research problem, from his analysis of the situation or experience in which the respondent has participated, and from hypothesis based on psychological or sociological theory. This list constitutes a framework of topics to be covered, but the manner in which questions are asked and their timing is left largely to the interviewer's discretion."[125] The semi- or partially structured interviews are with persons having knowledge of the situation of civil society in Syria, either because they are active in civil society and/or have knowledge about state civil society relations. On request, key respondents were asked to fill in the questionnaires to obtain a complete list of answers and to be able to compare answers. These respondents have been explicitly informed about the nature of the questionnaires as part of a research on state civil society relations in Syria. These respondents are three Syrian human rights activists and one Syrian political analyst. The Delegation of the EC and UNDP-Syria were asked to fill in a separate questionnaire which focused more on their motivation to support civil society and their activities to strengthen the capacity of CSOs in Syria (see Annex 2).

As indicated by Selltiz and others, "questioning is particularly suited in order to obtain information about what a person, knows, believes or expects, feels or wants, intends or does or has done, and about his explanations or reasons for any of the preceding."[126] The aim of the questioning is to query the earlier mentioned hypothesis, namely a) civil society is a pro-democracy force and b) state and civil society are willing to consider each other as partners in socio-economic development. The types of questions posed aimed mainly at ascertaining facts and views mentioned in primary and secondary sources about the character of civil society in

[123] Sjoberg and Nett, 1968: 187.
[124] Selltiz, Jahoda, Deutsch and Cook, 1971: 264.
[125] Selltiz, Jahoda, Deutsch and Cook, 1971: 264.
[126] Ibid., 243.

Syria and its relations to the state as well as the effectiveness and feasibility of donor support to civil society as a tool for democratization. Based on this analysis, the main research question is how and to what extent the EU good governance support, in particular with respect to civil society, addresses obstacles to democratization? Depending on the background of the interviewee, the semi-structured interviews focused either more on the characteristics of civil society or more on the nature of the relations between political society and civil society.

In total 27 persons were questioned either through filling out a questionnaire or through a semi-structured interview. The choice of respondents can be explained by the following reasons: they have been approached either because of their knowledge of state-society relations in Syria and the situation and composition of civil society in Syria, or because they implement civil society support programmes, or they were active in those sectors of civil society which aimed at promoting accountability of the government. Interviews were held during the period mid-2007 and May 2010 with 25 respondents. Four out of 6 respondents who filled out a form have also been interviewed. The respondents can be roughly divided into five categories; a) representatives of international governmental or NGOs (9 persons of which two of international NGOs); Syrian human rights activists (6 persons); political analysts (6 persons); Civil society organisation representatives (5 persons) and one Syrian government official. The category CSO representatives refer to registered organisations including one GONGO. The category of political analysts includes some known regime opponents. In total 21 out of 27 respondents are quoted in the study. Given the sensitive nature of this investigation, the reporting of the results of the background interviews is done on an anonymous basis. Only to the kind of organisation the person is working for is referred to.

1.7 Organisation of the Thesis

This introduction has given the background of the study, the research problem, objectives and hypothesis, as well as research questions. Chapter 2 elaborates on the concepts of civil society, NGOs as well as state. A distinction is made between the descriptive and normative notion of civil society. The concept of civil society is linked to the debate on democratisation and development. The second chapter explores the different views on the role of civil society and relates them to different visions on state-society relations. Chapter 3 describes and analyses the main characteristics of the Syrian state. What kind of relationship developed between the Syrian state and society under the rule of the Ba'ath party? Answers to this question will help

understand the position and the characteristics of civil society in Syria, the main subject of this study. Chapter 4 analyses contending social forces in Syrian society; the main ones are the pro-democracy groups, the political Islam and the Kurdish opposition. The chapter discusses also the ties between contending social forces and parts of civil society. The focus of Chapter 5 is on civil society in Syria. The aim is to understand the history, the size as well as the character of civil society in Syria in the context of the broader state-society relations. In Chapter 6, the focus is on the EU policy in the domain of good governance as well as the cooperation between Syria and the EU in this domain. What has been the outcome of this cooperation with respect to the role and involvement of CSOs in promoting good governance? Chapter 7 summarises the findings and conclusions and in the epilogue, the nature of the ongoing struggle for Syria, which started with widespread protests against the Syrian regime, is briefly discussed.

2. Concepts and Analytical Framework

As argued described in the first chapter, the EU policy of strengthening the role of civil society in development is based on two questionable assumptions. The first one considers civil society as a pro-democracy force. The second one is the premise that state and civil society are willing to consider each other as partners in development. This chapter will examine these assumptions more in depth from a theoretical point of view.

The civil society discourse shows that at times several contesting meanings are attributed to civil society. Depending on the relations with the state, civil society is assigned different roles. Moreover, civil society is presented as a network of organisations seemingly having the same interests, while in reality there might be competing views and interests among parts of civil society depending on their relations with the state and the society. Since the civil society discourse is rooted in Western, mainly European history, the broader international validity is open for discussion.

The aim of this chapter is to discuss the concepts of civil society and the state in their relationship in a theoretical perspective. The concept civil society focuses on what the roots of the civil society discourse are, what civil society is, what civil society does or is supposed to do, as well as how it relates to the general concepts of state and society. Regarding the concept of 'state' the focus is on the origin of the modern state as well as what the main views on the modern state are, its nature and its characteristics. In the context of the developing world, some prudence seems appropriate in applying these concepts. By doing so, we can provide concluding remarks about the EU assumptions regarding civil society as a pro-democracy force, as well as the presumed willingness of state and civil society to consider each other as partner in development.

2.1 Conceptualising Civil Society

Since the 1980s, the concept civil society has gained significance in social and political science. The reality that forces, other than those controlling the market or the state, could shape or reshape social, economic and political relations in and between societies had been neglected prior to this period. The activities of dissidents against the authoritarian states in Latin America at the time and especially the fall of communism in Eastern Europe, gave the concept of civil society importance in academic as well as governmental and non-governmental policy-making

circles, which led to its re-emergence in political theory. The idea of civil society originates in Western, mainly European, political philosophy and is closely linked to developing state-society relations in the context of societies transforming from feudal and agrarian towards industrialised and capitalist society. In this process, as a consequence of changed state-society relations, states acquired new roles.[1]

If society is defined as the whole of social relations of a community of people living in a certain geographical area, then the state is seen as dealing with the political relations between people; the private sector with the economic relations and the civil society with social relations that are not solely based on private interests. The concept civil society, as we will discuss, is used in a variety of ways for a variety of purposes, functioning as a pragmatic rather than theoretical notion. Often, civil society is defined by indicating what it is not: it is neither the state nor the market.[2] Or as White indicates, "[i]t is often used loosely to mean either society as opposed to the state or, more precisely, as an intermediate sphere of social organisation or association between the basic units of society – families and firms – and the state."[3] While being part of the private sector, civil society is mostly considered as functioning not for profit. Moreover, civil society is often described as a space or zone of voluntary associative life beyond the family, but separated from state and market.[4] Most contemporary scholars seem to agree on the essential characteristics of civil society as formulated by Diamond: "[c]ivil society is the realm of organised social life that is open, voluntary, (largely) self-generating, at least partially self-supporting, autonomous from the state and bound by a legal order or a set of shared rules. It is distinct from society in general in that it involves citizens acting collectively in a public sphere to express their interests, passions, preferences and ideas, to exchange information, to achieve collective goals, to make demands on the state, to improve the structure and functioning of the state and to hold state officials accountable."[5] This might be considered as the ideal type of civil society; however the reality is more complex. White suggests distinguishing between civil society in its ideal form, which embodies qualities such as separation and autonomy from the state as well as its voluntary character of associating, and civil society in the empirical world with associations, which embody these principles in varying degrees.[6] In practice, the empirical and normative

[1] Bruyn, 2005: Appendix B. 26; Salam, 2002: 2.
[2] Salam, 2002: 3.
[3] White, 2004: 8.
[4] Hawthorne, 2005: 82.
[5] Diamond, 1999: 221; Salam, 2002: 68; Gilbraith, 2005: 2.
[6] White, 2004: 11.

ideas are combined in discussing the role of civil society related to social transformation and development. Edwards formulates the complexity of the concept as follows: "[c]ivil society is simultaneously a goal to aim for, a means to achieve it and a framework for engaging with each other about ends and means."[7] Glasius indicates that a middle ground between these two conceptions could be to consider civil society as an empirical category with normative traits.[8]

Origins of Normative Connotations of Civil Society

As Glasius notes[9], the normative traits attributed to civil society reflect a number of different and sometimes contradictory connotations and functions, stemming from the diverse Western intellectual history. They include: civil society as social capital, civil society as citizens active in public affairs, civil society as nonviolent, civil society as fostering public debate and civil society as counter-hegemony. These normative traits can also be negative such as the uncivil society and civil society protecting the interests of dominant social groups. The concept civil society, defined in a more precise manner, originates from the 18th century Scottish Enlightenment.[10] Political philosophers Hume and Locke see their society developing towards communities of people living together among whom interest, generates the most important social bonds, rather than kinship or ethnicity.[11] In their view, each individual is free by nature; however, in order for them to live peacefully together, each individual should give up some of their own liberty to ensure the liberty of others. This could be considered a kind of social contract, i.e. the civil society, based upon laws under which the individuals voluntarily placed themselves. In this case, the people with the task of ensuring the social contract entrust the state.[12] Ferguson used the concept of civil society to stress that men, at that time excluding women, need to take interest in the government of their society and not only focus on accumulating wealth and other activities of self-interest. In his opinion, civil society referred to the interaction between social groups in a non-violent way.[13] Both Locke and Ferguson associate civil society with social cooperation between people based on rational self-interest; an attitude they consider present in all human societies.[14] While Locke stresses the political aspect of civil society[15], Ferguson

[7] Edwards, 2005: 6.
[8] Glasius, 2002: 4.
[9] Ibid., 2010: 1.
[10] Thomson, 1997: 1.
[11] Ibid.
[12] Rooy, 1998: 9; Locke, 2005: 256 and 257 Paragraph 96; Hume, 2005: 325-331.
[13] Glasius, 2002: 1.
[14] Layton, 2006: 3.
[15] Locke, 2005: 256-258.

emphasises the social and cultural aspect. Locke attributes to civil society the characteristic of non-violent ways of conflict resolution. Ferguson focuses more on the attitude of groups of people who become active in public affairs for a common good, rather than solely following their self-interest.[16] Both refer to an attitude of civility, that is, a willingness to cooperate with others. In the 19th century, the economy, as a sphere of human relations and activity, grew in importance and the direct influence or grip of the state, as well as the groups controlling it reduced. Civil society was considered a good force able to protect the individual against the power of the state. As De Tocqueville argued when studying 19th century US social relations, civil society enables individuals to enact their rights, even against the state. In his opinion, civil society acts as a protective filter for the individual.[17] The meaning of watchdog or counterforce to the state was ascribed to civil society. This perceived attribute is closely related to a broader debate on state-society relations, which is central to liberal and liberal- democratic thinking. The question of how to ensure the sovereignty of the state but protect the rights of individuals has been at the core of debates among political philosophers like Locke and James Mill. They focus on the risks of absolutist power, which would be represented by the state and government. The ruler could develop into someone who does not work for the general interest and could use his authority to foster private interests. Here, Locke makes a distinction between the state and the government. Those people ruling the state remain accountable to the people. In the end, the sovereignty remains with the people, who hold the power to select their rulers, as well as the ability to control the activities of the rulers through election of delegates in a parliament. Consequently, not only the government but also the state itself is premised on the utility to achieve the goals for which they are created. The focus is on the need to establish political institutions and regulations, giving the individual the right to elect and to be elected as political leaders. As viewed by Locke, whose notion of the state becomes a core element of European Liberalism, "[t]he state exists to safeguard rights and liberties of citizens who are ultimately the best judges of their own interests. Accordingly, the state must be restricted in scope and constrained, in order to ensure the maximum of freedom of every citizen."[18] Montesquieu goes a step further by developing a system of checks and balances, the *trias politica*, where state power should be shared by a number of institutions: the executive (the monarch), the legislative

[16] Varty, 2007: 36 and 37. Quote from A. Ferguson: "An Essay on the history of civil society." (Ed. Famina Oz-Salzberger, 1995: 207). "It is' reserved for man to consult, to persuade, to oppose, to kindle in the society of his fellow-creatures, and to lose the sense of his personal interest or safety, in the ardour of his friendships and oppositions'."

[17] Chandhoke, 1995: 151.

[18] Held, 1983: 13; Mill, 2005: 441.

(the parliament) and the judiciary (independent courts). These three authorities are supposed to remain balanced, each exercising a check on the other two. Montesquieu's expectation was that such a division of authority would lead to moderate, rational legislation and would promote and secure freedom.[19] While the idea of a parliamentary democracy opened the door for individual citizens to elect or to be elected, it did not provide a satisfactory answer with respect to the protection of individual rights and liberties. How is it possible to protect such rights against arbitrary and self-interested interventions by the state and/or against opinions and interests of the political majority? This was the core issue for John Stuart Mills, an 18th century British philosopher. He believed social and political interference in the lives of individual citizens is only allowed when the individual liberty of one person could harm the other.[20] The independent judiciary has to protect the rights of citizens in relation to the state as well as in relation to other citizens. As Kaldor writes[21], the concept of civil society in modern Western political thought is closely related to the coming to existence of a specific kind of state, namely one that guarantees individual rights and is based on a type of social contract between rulers and ruled. In this line of reasoning, civil society and state are so closely interlinked that they are in unity: "[a] civil society was a society where individuals come together to make a social contract and the outcome of that contract is expressed in the rule of law and the existence of a state, which is also subject to law."[22] As indicated, the issue of accountability of the state to the people is central in ensuring that at the end the sovereignty stays in the hands of the people and not the rulers. The state's accountability is a core concept in today's development policies and cooperation on good governance. Accountability, in the words of Peruzzotti, refers to: "[…] an institutional framework of authorization of political power which ensures the responsiveness and accountability of those authorized agents."[23] It is connected to the ability to ensure that public officials are answerable for their behaviour; they are forced to inform and explain their decision-making with the possibility of sanctioned for those decisions. Furthermore, those who ask for accountability have the authority to demand answers and if necessary to enforce it. Peruzzotti makes a distinction between two complementary forms of accountability: legal and political. The first refers to a "set of institutional mechanisms aimed at ensuring that the actions of public officials are legally and constitutionally framed."[24] Elements of such systems are separation of powers, recognition of

[19] Schulze, 1996: 75.
[20] Held, 1983: 18.
[21] Kaldor, 2003: 7.
[22] Ibid.
[23] Peruzzotti, 2006: 45.
[24] Ibid.

fundamental rights and a system of checks and balances, all meant to curb arbitrariness of state power. The second form of accountability refers to responsiveness of governmental policies to preferences of the electorate; thus, citizens have the means through elections to punish an unresponsive or irresponsible government.[25] In the context of a broad view on democracy, political accountability of the state is not only ensured by the electoral process, but through a process of continued monitoring. Hence, civil society could play an important role as watchdog or even as counterforce. In this regard, civil society could play a role in fostering the public debate, an attribute tied to the earlier mentioned connotation of civil society as an entity of citizens active in public affairs. Civil society is seen as equal to the public sphere or space, in which through media and in other ways citizens exchange views and formulate proposals for the public interest.

The above-mentioned normative meanings of civil society have retained their importance in today's civil society discourse. However, the liberal vision is not beyond question. It presupposes that civil society, as the embodiment of private initiative, has the capacity and a vision of working for the public interest and not only for private and specific group interests. In this way, the negative side of self-interest and egoistic actions of profit seeking individuals has been largely overlooked. This is considered by critics of the Liberal view on civil society an expression of an uncivil society. Civil society might be protecting the interests of specific groups, instead of working for the public interest. Scholars in the 19th century such as Hegel and Marx were concerned about the negative social consequences of the developing capitalist economy and society. Hegel considered civil society as a much broader entity than the economy alone. He indicated that civil society consists of various elements that are not necessarily in harmony, or have the same identity. In Hegel's "Philosophy of Right"[26], these self-interested actions could undermine the sense of communal feeling and responsibility and become a source or force of destruction of civil society. In fact, Hegel calls for creating a counter balance against this development, which leaves the individual with little protection against state or the tyranny of the mob. Paradoxically, he argues that through mediating institutions, the state should provide home to people who had lost their ties with traditional support structures of communal life based on traditional norms and values.[27] The individual can act through these intermediate institutions with the state in order to protect their interest. These intermediate institutions, which Hegel

[25] Ibid., 45 and 46.
[26] Hegel, 2005: 392-397.
[27] Chandhoke, 1995: 120 and 121.

considers as part of civil society, consist of two categories, namely public authorities, such as courts, welfare agencies and the police which guarantee individual rights as well as associations, based on class and occupation which regulate and modify actions of individuals. By and large, Hegel's model has the characteristics of state corporatism, *avant la lettre*. Given the fact that civil society is very diverse in nature and that the different components might have opposite interests, he sees a need for supervision from the state to liberate civil society from disorder and corruption.[28] Marx sees civil society as an area of injustice, conflict and disorder, which he considers the result of the economic organisation of that society. The state however, reflects these conflicts of society and is thus part of the problem. The state "[i]s a product of society at a particular stage of development; it is the admission that this society has involved itself in insoluble self-contradiction and is left into irreconcilable antagonisms, which it is powerless to exercise. But in order that these antagonisms, classes with conflicting economic interests, shall not consume themselves and society in fruitless struggle, a power, apparently standing above society, has become necessary to moderate the conflict and keep it within the bounds of order; and this power, arisen out of society, but placing itself above it and increasingly alienating itself from it, is the state."[29] He shares Hegel's concern about the incivility of civil society and the need to restructure it. While Hegel is concerned with the stability of civil society being threatened by the poor and alienated masses of workers, Marx is primarily concerned by the situation of the workers themselves. The workers, according to Marx, are deprived of their means of production by the capitalist social relations and thus by forces in civil society itself, while at the same time their labour force is the basis of the wealth of the bourgeoisie.[30]

Gramsci, a 20th century politician and philosopher, is probably the most influential thinker with respect to civil society and its relation with the state. He argues that the state exercises its power in different forms and at different locations. The political power of the state (political society) is located where the coercive institutions of the state are located: in prisons, the judicial system, the armed forces and the police. However, the state has also ideological power. It is in civil society, through institutions in civil society, such as educational, cultural, religious ones, that the state enforces in a subtler and less visible way its control or hegemony over society. "Every state is ethical in as much as one of its most important functions is to raise the great mass of the population to a particular cultural and moral level, a level (or type) which corresponds to the

[28] Abdelraham, 2000: 24.
[29] Marx, 1973: 18.
[30] Ibid., 105-123 on capital accumulation and the creation of an industrial reserve army.

needs of the productive forces for development, and hence to the interests of the ruling classes. The school as a positive educative function and the courts as a repressive and negative educative function are the most important State activities in this sense: but, in reality, a multitude of other so-called private initiatives and activities tend to the same end - initiatives and activities which form the apparatus of the political and cultural hegemony of the ruling classes."[31]

It is in civil society that the state finds acceptance and legitimacy for its policies and programmes. Legitimacy is much more than the passive acceptance of the power of the state. In fact, it is the creation of a state of mind of the individual in such a manner that it precludes open confrontation with the state and its apparatus.[32] Through acquiring legitimacy, the state and thus the ruling groups, guarantee themselves a social base, which facilitates an imposition on society in the form of hegemony. Civil society is the locus where different social classes and social groups express particular interests. Civil society is both the arena where the state strives to forge its legitimacy as well as a terrain of contestation. In Gramsci's vision, social classes and groups are kept together by a hegemonic ideology; this is the basic function of providing leadership. Hegemony means that the ruling group can rule with the consent of subordinated classes and social groups. This consent can be gained in two ways: by indoctrination through myriads of educational, religious and associational institutions and by co-optation, i.e. by giving economic concessions in order to ensure loyalty of subordinated groups.[33] In Gramsci's view, similar to that of Marx, to a large extent civil society reflects the visions of the hegemonic groups. For Marx, in describing civil society, the economics is the determining principle. For Gramsci however, it is the economic plus the ideological aspects that are important. He considers civil society to be cultural institutions, which on one hand could be instrumental to ruling groups (the bourgeois) by imposing their hegemony, but on the other, be a threat to these groups if civil society tries to change the social relations.[34] Gramsci envisions this as a process of negotiation. Civil society is thus also a terrain of contestation, where subaltern classes can challenge state power.

While early liberal thinkers and Marx see civil society primarily as the terrain of economic relations, Hegel broadens it to the whole of social relations. The liberal theorists regard civil society as the sphere of rights, individualism, property and the market. Marx and Gramsci

[31] Gramsci, 1999: 526.
[32] Chandhoke, 1995: 148-150.
[33] Abdelrahman, 2000: 25 and 26.
[34] Glasius, 2002: 2.

recognise civil society's potential but consider it primarily as the essence of modern inhumanity, a place of unrestrained self-interest. Both liberal as well as other authors consider civil society as having the potential to contest the state and even be an uncivil society. Hegel, Marx and Gramsci all indicate that civil society should be controlled, guided and provided with good leadership[35], however, according to each, for different purposes. Some of the notions on civil society play an important role in contemporary debate on its characteristics, such as civil society as an interaction between social groups in a non-violent manner, as a positive force, but also civil society as an arena of competing interests, as well as a domain where the legitimacy of the rulers is forged and/or contested.

2.1.1 Civil Society Today: Contested Meanings

As indicated, the EU has chosen a broad definition of civil society, which includes both modern as well as traditional forms of civil society. According to White, such an approach has an advantage "[r]ather than to solve the problem of clarity it may make more practical sense to adopt an approach which comes to terms with its breadth. The main idea which is common to most current uses of the term is that of an intermediate associational realm between state and family populated by organisations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntary by members of society to protect or extend their interests or values."[36] While this may be true, there are nevertheless some problems linked to the use of the concept civil society, which deserve special attention.

Given the specific context of the West, mainly Europe, in which the origins of the civil society discourse are located, the question arises if the concept has broader international validity. It is important to keep in mind that, the above-mentioned political philosophers analysed the concept of civil society in a specific historical context, in which capitalism replaced feudalism.[37] Much of the discussion about civil society is focused on the presumed link with the development of capitalist modes of production in the West. Some authors, such as Gellner and Seligman argue that the emergence of a market economy is a precondition for the development of civil society.[38]

[35] Chandhoke, 1995: 156 and 157.
[36] White, 2004: 10.
[37] Bruyn, 2005: Appendix B. 2.
[38] Seligman, 1997: 501, 503 and 505. Seligman argues that regarding civil society the notion of the autonomous individual is central. He links the idea of individualism to the development of market economies. He warns against the liberal use of the concept civil society. He refers to a refusal to recognize that voluntary organisations can also be uncivil and based on primordial and ascriptive principles of membership. Moreover, institutionalization of social

However, in other societies in the past or in the present, where capitalism was/is not yet the dominant form of production, there are also people who organise themselves in associations by interest. As a means of survival, cooperation between individuals as a social strategy can be found in all societies under different circumstances. People organise themselves on the basis of rational self-interest. There is evidence that the development of a market economy facilitates at least certain forms of civil society. Development of market economy needs the establishment of a legal system, which guarantees and protects the interests of investors and entrepreneurs, and might facilitate the establishment of business associations. However, these circumstances do not mean in themselves that other civil and political rights are protected or respected. Furthermore, the development of a market economy is not in itself a sufficient condition for the growth of a vibrant civil society, nor for democratisation. The case of communist-led countries such as the People's Republic of China as well as Vietnam is illustrative in this regard.

The aspect of voluntariness of participation or non-coerced collective action[39] as some say can be problematic in the less formal organisations. While membership of formally constituted civil society groups is a matter of free choice, this is less obvious in the case of faith or clan-based associations as well as in the case of mass organisations controlled by political parties.[40] If primordial relations in societies are still very strong, the social pressure on individuals to participate in religious or clan-based organisations can be very strong. The same can be said about mass organisations linked to the ruling party in the case of authoritarian regimes. Even if membership is not compulsory, there can be a lot of pressure on individuals to participate in these mass organisations, for instance in order to increase career opportunities.

The aspect civil can relate both to citizens or the public in general, as well as to being civilised. The problem with a broad definition, as Ottaway denotes, is that it can cover both human rights groups and terrorist groups.[41] The concept civil is mostly used in a normative manner. The focus in this line of thinking is on the aspect of civility; thus on values and norms.[42] It has to do with moderate behaviour based on internalised norms and values and giving precedence to the common good. The goal of social action is to work for such a society based on mutual trust,

movements implies in one or other way a role for the state and its legal, and coercive, apparatus (Gellner. 1994: 211). Civil society "is a society in which polity and economy are distinct, where polity is instrumental but can and does check extremes of individual interest, but where the state in turn is checked by institutions with an economic base; it relies on economic growth which, by requiring cognitive growth, makes ideological monopoly impossible."

[39] LSE, 2004: 1.

[40] Ottaway, 2008: 168.

[41] Ottaway, 2008: 167.

[42] Rooy, 1998: 12-15.

tolerance and cooperation. Civility is often correlated to the use of non-violent means to achieve goals. Civil society is the reflection of this normative goal; civil society equals good society. Voluntary action is regarded in this context also as an aspect of civility. The importance attached to voluntary action of citizens is partly a critique on and an answer to the presumed decline in social cohesion in Western, especially United States society, as a consequence of too much privatisation and individualism. Civility is interpreted as sharing positive values. Emphasis is given to the ability of associational life to foster civility in actions of citizens. Reference is made to a spirit of community, volunteerism and association, which can be mobilised in society. CSOs are seen both as generators of this spirit, as well as the result of this spirit. This social glue of society, called social capital in the words of its most important proponent Putnam, is described as "[t]he strength of family responsibilities, community voluntarism, selflessness, public or civic spirit."[43] However, this idea could be questioned if the normative traits of civil society are conceived only in terms of "[…] public spiritedness, social trust, non-violence and tolerance."[44] There might also be "[…] self-interested, narrow-minded, violent and fanatical manifestations of social interaction from civil society."[45] Should groups with extremist ideas be considered as part of civil society, such as certain Islamist groups? In terms of functions of civil society, a number of Islamist organisations have been very effective in delivering services to citizens. These organisations are in some cases linked to Islamist political parties and movements, which although adhering to democratic parliamentarian rules, aim to establish an Islamic state and are in its attitudes and statements intolerant towards secular groups and other religious denominations. Gilbraith summarises this discussion as follows: "[t]he question essentially is whether to include as legitimate actors within civil society all those organisations that adhere to the rules of the game or whether to exclude those that seek to change the rules when they have gained sufficient power."[46] Another issue is whether traditional or primordial based organisations should be considered part of civil society? Are community based NGOs part of civil society, or expressions of traditional kinship among families and tribe (*asabiye*) in a modern associational dress?[47]

Although civil society can be described as diverse organisational forms that exist outside the state and the market, this does not imply that civil society is completely autonomous from the

[43] Ibid., 13.
[44] Glasius, 2002: 5.
[45] Ibid.
[46] Glasius, 2005: 5.
[47] Salam, 2002: 15. *Asabiya* refers to social solidarity in the context of a tribe or clan.

state. The state defines the legal space in which civil society is allowed to operate: specifically, state-society power relations affect the space in which civil society can operate. Governments try at times to influence NGOs that work in a particular field, by establishing GONGOs to promote governmental policies. Aside from overt repression in authoritarian states, governments have many possibilities to control civil society. By requesting the registration of CSOs the state can monitor and model civil society. Giving or denying access to government funding might be another way to influence the activities of CSOs. This has led to a wide perception that government funding would make CSOs vulnerable to government pressure. On the other hand, development and humanitarian relief organisations need substantial resources to run operational programmes[48] that also work in the interest of governments.

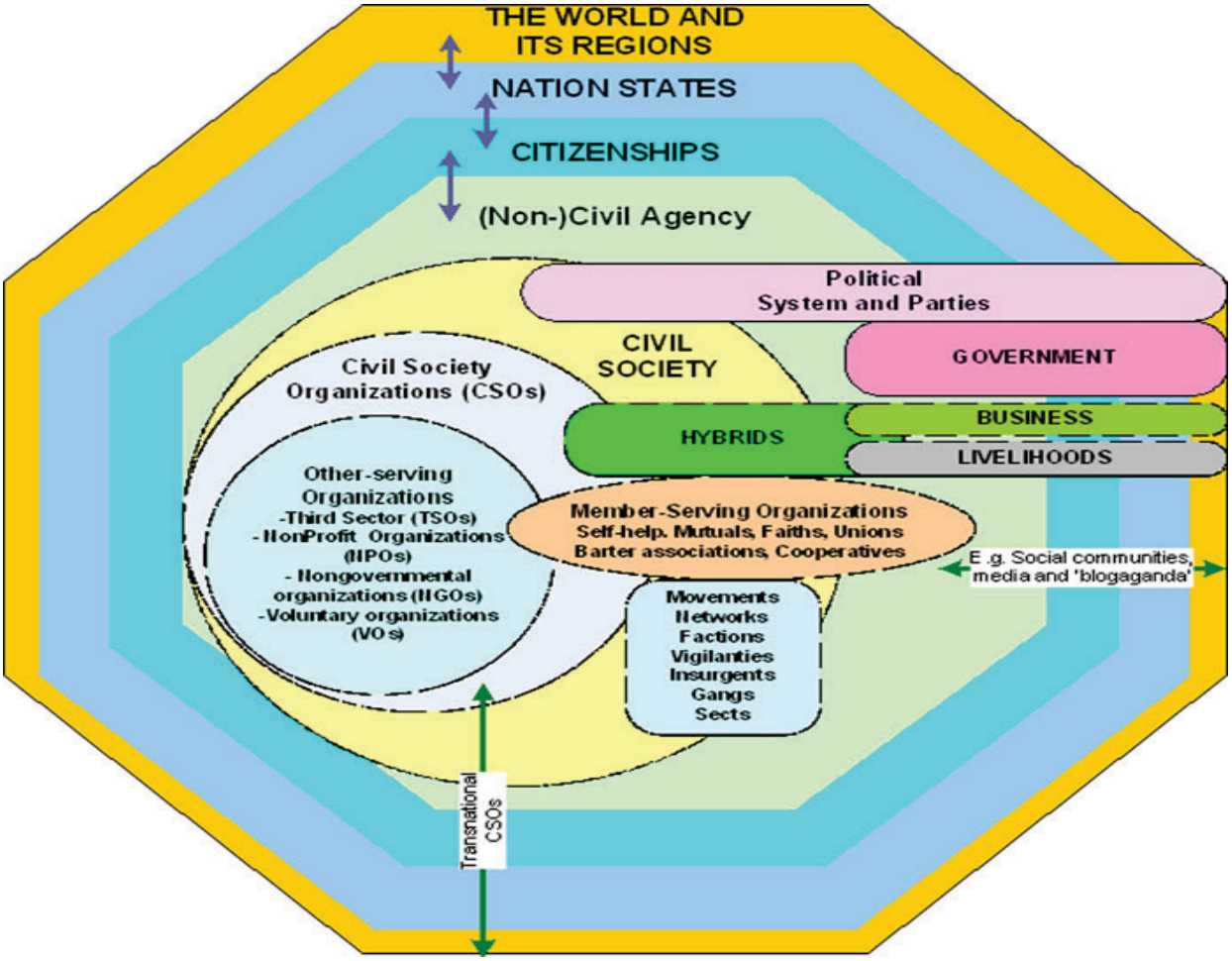
For analytical purposes, a distinction can be made between civil and political society. However, in practice, this distinction is blurred. While political parties seek direct political power because their aim is to govern, the political role of civil society is indirect. CSOs might seek to influence in an indirect way political decisions.[49] Civil society is seen by governments and intergovernmental and non-governmental aid providers as being dedicated to ensure and increase participation in decision-making of citizens, especially the most vulnerable and/or deprived groups in society. Moreover, as we will discuss, assistance by external donors may have the implicit or explicit goal to promote democratisation of the system of decision-making in states. In this sense civil society is clearly a political category.

Fowler provides an analytical framework for civil society research in which he situates civil society in relation to other actors, both at the national and international level. The framework is useful because it shows the complexity of relationships between state and society, including civil society at different levels. In his framework civil society is a political category and construct. The core of the framework is the relationship between a nation-state, citizenship and civic agency. The framework is built around the view that the attitude of active citizenship based on norms and values to do public work (civic agency) is not restricted to the domain of civil society itself. The domain of civil society consists of institutions, organisations and individuals. CSO is a container concept of which many types of organisations can form a part of, including NGOs. Social behaviour may however also be characterised by non-civic agency: “corruption, market collusion and cartels, discrimination, xenophobic exclusion, denial of rights, abuse of office,

[48] Willets, 2006: 6.
[49] Ottaway, 2008: 169.

intolerant fundamentalism, vigilantism, insurgency and so on."[50] Both forms of social behaviour have influence on how states developed. However political systems, ruling elites and contending social forces as well as the governance itself by the state and its apparatus determine also the space for associational life.

Figure 2: Fowler's Analytical Framework



Source: Fowler, 2012: 13. "Measuring civil society: perspectives on Afro-Centrism".

2.1.2 Civil Society and Democratisation

Some of the earlier mentioned normative connotations or traits are implicitly or explicitly mentioned by donors as justifications for support to civil society as part of pro-democracy projects or programmes. A commonly accepted version of the civil society argument is to define

[50] Fowler, 2012: 9.

civil society as a dense network of civil associations, which is said to promote stability and effectiveness of democratic polity through both effects of associations on citizen's habits and hearts and the ability of associations to mobilise citizens on behalf of public causes.[51]

The concept of civil society gains increased attention after the end of the Cold War. Democracy promoters are supportive of civil society, in the role which some advocacy organisations played during the political transformations in Latin America and Easter Europe, because these organisations gave people a voice. The reason to provide such support is predominantly pragmatic. This kind of support is easily acceptable for recipient governments than support to political parties. The latter could be seen as interference in internal affairs. As already discussed, there are also some theoretical arguments linking civil society to democracy, which can be perceived as problematic. Foley and Edwards discern two versions of the civil society argument linked to promoting democracy.[52] The first version focuses on the capacity of civil society to socialise participants into the "norms of generalized reciprocity and trust."[53] In the context of the development discourse, this argument translates into meaning that CSOs contribute to ownership of development strategies by all beneficiaries. Thus, civil society helps to increase participation of people and contribute to a sense of citizenship. The second line of argumentation linking civil society to democratic governance, stresses the civil society's independence of the state, for which reason civil society is capable to energise resistance to a tyrannical regime.[54] The civic dimension in promoting development gains importance in development thinking. Civil society is expected to play a key role in promoting democratic governance. Fowler notes that donors attribute the following significant functions to civil society:

- Provide space for the mobilisation, articulation and pursuit of interests by individuals and groups;
- Provide the institutional means for mediating between conflicting interests and social values;
- Give expression and direction to social, religious and cultural needs;
- Limit the inherent tendency of governments to expand their control;

[51] Foley and Edwards, 1996: 38.
[52] Ibid., 39.
[53] Ibid., 41.
[54] Ibid., 39.

- Nurture the values of citizenship required for democracy in a modern nation-state.[55]

However, as Fowler observes, "[t]oo seldom is the point made that civil society is a messy arena of competing claims and interests between groups that do not necessarily like each other, as well as a place for mediation and collaboration."[56] Moreover, as indicated, civil society is not necessarily a pro-democracy force. It can also be dominated by apolitical, pro-government organisations, or even liberal organisations, that fulfill roles other than democratisation.[57] Civil society can be dominated by traditional, non-formal organisations based on primordial relations. A third normative notion of civil society linked to democratic governance is that civil society fosters public debate. As Glasius notes, this view relates to: "[c]ivil society is synonymous with the public sphere. In this context, through the media and venues of public debate such as town hall meetings, citizens debate with proposals for the public good, and through these deliberations better policy proposals are formulated, which inform formal politics."[58] Fowler considers civil society as the location from where legitimacy must be obtained if one is to talk of a democratic political system. Civil society is needed because of democratic deficiencies. It assumes citizen participation in social processes as well as a strong consciousness of being a citizen. Fowler considers civil society as a sphere where interest groups turn themselves into political parties, competing with the ruling elite.[59] This however presupposes that the ruling elite allows for a public space where an exchange of views can freely take place, in which dissident views can be expressed without repercussion. It assumes also that CSOs can have access to policy makers in order to exchange views. All three arguments are often combined in assistance programs for democratic governance. Civil society is tied in this manner to values such as democracy, civil and political liberties and to the idea of civility, which implies pluralism and tolerance.[60] Civil society, in this respect, involves citizens acting collectively in the public sphere where they express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state and hold state officials accountable.[61] These normative connotations are somewhat problematic and seem to depend on the specific context from which

[55] Fowler, 1998: 8.
[56] Ibid.
[57] Hawthorne, 2005: 92-96.
[58] Glasius, 2010: 1 and 2.
[59] Jensen and Miszlivetz, 2005: 5. Quote of A. Fowler: strengthening civil society in transition economies; from concept to strategy: mapping an exit in a Maze of Mirrors." (1996).
[60] Salam, 2002: 3.
[61] Ibid. Quoting Larry Diamond (*Rethinking civil society. Toward democratic consolidation*. Journal of Democracy 5, no. 3, July 1994, 4-17.)

they derive. The link between civil society and democratisation is thus not self-evident from a theoretical point of view.

2.1.3 Forms of Civil Society

As mentioned, the difference between society at large and civil society is that the latter represents organised social life. Civil society can have many different forms. A main distinction is between traditional and modern civil society.[62] According to Ottaway, "[m]odern civil society, defined as a set of NGOs, has clear boundaries that separate it from the family and indeed from the rest of society as well as from the state. The expression 'members of civil society' does not refer to all citizens; rather to a small number of people who belong and very often work for such NGOs. Traditional civil society has no such clear boundaries, but fades into the larger society at one extreme and non-state forms of political authority on the other."[63] Sadiq al Azm makes a similar distinction between *mudjatama'a madani* and *mudjatama'a ahli* in the Arab context, which can best be translated with the German terms of *Gesellschaft* versus *Gemeinschaft*. *Gesellschaft* contains modern forms of civil society while *Gemeinschaft* contains traditional ones. The association of people in traditional civil society is based on primordial relations ascribed to it, "[y]ou are part of it, if you like it or not - while the modern forms of association are more based on individual choice, including profession based organisations."[64] In many developing countries, traditional forms of civil society are still prevailing, even in industrialised countries.[65] Based on a broad definition of civil society including both modern and traditional forms, different categories of civil society actors can be discerned. Kaldor for instance, differentiates between four distinct types of civil society actors: social movements, NGOs, social organisations and nationalist and/or religious groups.[66] The goals and methods used by CSOs to mobilise people differ substantially. In analysing Arab civil society, Hawthorne clarifies this distinction. She discerns five sectors: faith based (mostly Islamic) organisations whose common objective is upholding and propagating the faith through the provision of charitable and social services; non-governmental service organisations providing services to the public such as loans, education, vocational training and other community services on a not-for-profit basis; membership-based professional organisations such as labour unions and professional

[62] Ottaway, 2008: 167-182.
[63] Ibid., 173.
[64] Interview 16: Sadiq Al Azm. 7 June 2009.
[65] Ottaway, 2008: 171.
[66] Kaldor, 2003: 12.

syndicates, chambers of commerce and the like; associations, whose main purpose is to foster solidarity and companionship such as mutual aid associations but that also serve as forums for socialising, conducting business and discussing politics within certain limits; and pro-democracy associations seeking democratic change through promotion of human rights and spreading of democratic concepts.[67]

2.1.4 Civil Society Organisations and NGOs

Prior to the civil society discourse between development scholars and practitioner, traceable back to about twenty years ago, NGOs are seen as the most important non-market and non-state development actors, the Third Sector. The growing importance development and democracy practitioners attach to the political aspects of development, expressed through the notions of good or democratic governance, as well as through the MDGs, led to an increased attention given to other non-market and non-state actors. Given the context of intergovernmental cooperation, the aim was to promote an enabling environment for participation of citizens in development planning and implementation. In addition to NGOs, this opened donor space for "[…] other entities such as faith-based groups, trade unions and professional associations, which were recognised as member-based constituencies of organised civil society with a developmental contribution to make."[68] In response to the framework of development cooperation, governments started to equate NGOs with CSOs. The latter were considered as valuable when supplementing or taking over state social development efforts. Governments remained however suspicious of non-service political functions, such as advocacy.[69] This resulted in what Ottaway called low end democratisation programs,[70] with activities and involvement of organisations not considered by the regime as a security threat. This approach to governance did not challenge structural problems in state-society relations such as an uneven distribution of power. As indicated, non-governmental organisations are often put on a par with civil society. An example of such a definition is the one given by Hudock: "NGOs are those organisations outside the realm of government and distinct from business community."[71] This is a narrow view of what civil society is, since it excludes a broad spectrum of organised forms of social life such as faith based groups, unions but also social movements.

[67] Hawthorne, 2005: 85-89.
[68] Fowler and Biekart, 2011: 10.
[69] Ibid.
[70] Ottaway, 2003: 198.
[71] Hudock, 1999: 1.

Another equally narrow view on civil society is to consider CSOs as a sub-category of NGOs. For example, Blair defines a civil society organisation as being an NGO when one of its primary purposes is to influence public policy. Thus, in his opinion all CSOs are NGOs, but not all NGOs are CSOs.[72] However, many CSOs do not aim to advocate for a point of view, but solely provide charity. In the context of this research, NGOs are a specific type of CSOs; in this view, as expressed by the UNDP, CSOs cover a broad spectrum of organised social life. UNDP considers NGOs as being an important part of CSOs[73], next to other forms of organised social life. Most commonly, NGOs are understood as non-governmental, non-profit organisations with a professional staff active in the field of advocacy and/or providing services for a public goal. From this perspective NGOs are one of the civil society actors. Others question this view, especially if the NGOs are dependent on government funding to a large extent. Dependency on government funding might make these NGOs conform to donor policies. Van Rooy concludes "[t]he distinction between NGO and CSO is important because the policy and power implications are different. Rightly or wrongly, NGOs are often described in service-delivery roles, whereas CSOs are depicted as political agents."[74] Some intergovernmental organisations, like the EU, use the notion of NSA instead of CSOs. The notion of NSA, as used by the EU, is broader in meaning than CSOs; it also includes the private commercial sector. In most documents however, the EU stands by the concept CSOs.

Confusing NGOs with Civil Society?

Fowler's analytical framework[75], an onion model, portraits both the complexity of civil society itself as well as the complex relations between civil society and other organized groups of people in the context of states and the world. The model shows that civil society is not the whole of society; society is the entire web of social institutions. Civil society is part of it.[76] The model also visualizes that within civil society, CSOs form the broader category and NGOs are a subcategory. Differences between NGOs and civil society can be discerned in organisational forms as well as in attributed roles. The World Bank defines the organisational form of NGOs as follows: NGOs are professional, intermediary and non-profit organisations. As the World Bank

[72] Blair, 1997: 24 and 25.
[73] UNDP, 2001: 1. Civil society in the view of UNDP constitutes a third sector, existing alongside and interacting with the state and profit-seeking firms. As UNDP rightly indicates "civil society is in practice an arena of both collaboration and contention whose configurations may vary according to national settings and history."
[74] Rooy, 1998: 35.
[75] Fowler, 2012: 13.
[76] Ottaway, 2008: 167.

indicates, NGOs are often considered intermediary organisations, which mean they do not directly work with, or include the target group whose interests and values they represent. Such organisations could focus on advocacy, including research for this purpose.[77] Finally, NGOs are legal entities. This aspect is important because NGOs can only be active if there is a specific legal environment, which allows them to operate; i.e. the state allows them to operate within the framework of certain regulations. It is likely that the World Bank does not mention this element since it is an intergovernmental organisation and therefore considers self-evident that NGOs have to be recognised by the state before they can function. Furthermore, intergovernmental organisations, such as the UN, can operate in different countries only within the limits of the cooperation agreements with the host government. In a country like Syria, there are a number of recognised and operational CSOs but only a few NGOs. The professional aspect mentioned in the World Bank definition of NGOs differentiates them from other legally operating CSOs. Charity organisations for instance, can be legal entities but are not necessarily NGOs if they work without professional staff. Grassroots organisations are CSOs but not necessary NGOs. If they are recognised and have a paid staff, it might be considered a NGO.

Donors and policy makers, governmental as well as non-governmental, often attribute different roles to NGOs and CSOs. They sometimes reduce the concept civil society to NGOs when supporting specific organisations and activities. NGOs are often described in service delivering roles, whereas CSOs are depicted as political agents.[78] Therefore, it is important to make a correct distinction between NGOs and CSOs because policy and power implications are different. As Robinson indicates, "[t]he developmental emphasis on institution-building and participatory development focuses attention on NGOs and local membership organisations, whereas a concern with democratization highlights the more political role played by civic organizations, such as trade unions, professional bodies and groups representing women, students and youth. The former emphasizes the role of civil society in service provision and programme implementation, whereas the latter addresses the contribution of civic organizations to the process of democratization and in holding governments to account for their policies and actions."[79] However, the reality is far more complex. Organisations may play both roles simultaneously and even in a contradictory manner.[80] CSOs such as trade unions and women and youth organisations can be effective partners in developmental initiatives, but are incapable

[77] World Bank, 2005: 3.
[78] Rooy, 1998: 35.
[79] Ibid.
[80] Ibid., 36.

to play a role as a pro-democracy force. The latter could be the case in the context of authoritarian regimes controlling these CSOs. NGOs on the other hand, can be involved in developmental initiatives, which help target groups to organize themselves in such a way that they affect existing power relations, thus become a potential threat to the ruling elite. State society relations determine to a large extent the political space for CSOs, including NGOs, to act as political agents.

Governments, international governmental and non-governmental organisations, as well as civil society itself, often have different and on occasion opposing views with respect to the role of civil society. For that reason, it is important to analyse 'the language' of civil society. International aid organisations influence to a large extent the perception of what civil society is, because they determine which organisations are eligible for assistance, or should be consulted, when preparing an assistance strategy. Thus in practice, donors' civil society is an entity which is very different from the society at large or from the definition of civil society as the realm of voluntary organisations between the family and the state.[81] Moreover, recipient governments also try to influence the definition of civil society by imposing registration requirements. In this way, they can prevent establishment of organisations, which are considered as opposing and a possible threat to the ruling elite. In practice, donors mostly do not provide assistance to informal organisations. The translation of democracy assistance into concrete activities by aid agencies also raises questions. Donors, due to their own requirements and orientations, focus on those entities to which assistance could be provided easily. These entities are often urban based with minimal reach over the countryside, professional NGOs "without roots in the traditional society and the culture of their countries and highly dependent on outside funding."[82] While these organisations and their staff may be very committed pro-democracy activists, it raises questions about their capacity to influence their society. Since the 90s, it has become clear that the high expectations with respect to civil society's capacity to contribute to democratisation have not materialised. Authoritarian state prevailed not only in the Arab world, but it was also assessed that the role of civil society had been modest with respect to democratisation in large parts of Eastern Europe, especially in former Soviet Republics of Central Asia and in Russia. Moreover, post-democratic states in Eastern Europe, most notably in the Balkans and the former Soviet Union, also showed undemocratic governance. This led to academic reflections on the value of conventional analysis on democratisation and civil society.

[81] Ottaway, 2008: 170.
[82] Ottaway, 2008: 180 and 181.

Kopecky argues that the high expectations and disappointments with civil society in post-communist Europe are misplaced. He names two reasons: one, the limited conception of civil society and second, the assessment of a vibrant civil society in terms of the numerical strength and organisational density of CSOs alone.[83] Amy Hawthorne, focusing on Western assistance programs designed to foster civil society as a pro-democracy force in the Arab World, also asks for realistic expectations both in terms of output as well as time. Moreover, in reflecting on US civil society aid, she points out that these programs have fundamental shortcomings not only in the way they were implemented but specifically because the "[a]id was based on a flawed vision of civil society, its weakness, and its role in democratisation."[84] Hawthorne refers to the reduction of civil society by the United States to those groups, which it considers politically acceptable – service NGOs and certain pro-democracy groups – in many cases, groups with not much political influence or deep roots within the society. Strengthening civil society with the aim of increasing political influence focuses on increasing the professionalism of these organisations. However, as Hawthorne observes, there is no "[…] proven direct link between stellar accounting procedures and staff management and influence as an agent of democratic change in an authoritarian setting."[85] Moreover, there is the problem of lack of autonomy of civil society groups due to restrictive legal frameworks and repressive measures. Fostering closer cooperation between NGOs and the government has no demonstrable effect on improving the environment for civil society. In fact, much of the disappointment of Western democracy promoters might be based on an incorrect view of civil society and its relation with the state. Civil society is put on par with pro-democracy groups.[86] This view ignores the fact that civil society often overwhelmingly consists of service NGOs and charities, as well as that many of these organisations do not aim to challenge the government.

The intergovernmental discourse on civil society, covering often opposing interests, is presented in functionalist language on civil society strengthening and democratising. This discourse can be found in policy documents as well as in cooperation agreements between aid-receiving states and international donors. The aim of civil society strengthening mentioned in these cooperation agreements is to arrive at a stage of democratic governance characterised by pluralism. The functionalist language conceals different and even clashing interests of state and civil society as well as among groups in the civil society itself. It also disguises inequalities in terms of power

[83] Kopecky and Mudde, 2003: 2.
[84] Hawthorne, 2005: 102.
[85] Ibid., 103.
[86] Hawthorne, 2005: 102 and 103.

and means to attain goals between the state and civil society as well as among groups in civil society itself. It might be in the interest of cooperation partners to hide their intentions in neutral wordings. How to arrive at a situation of democratic governance is less clear. Should it go through strengthened cooperation between state, civil society and the private sector and prioritizing development and poverty alleviation first, or are respect for human rights and democracy conditional for future cooperation? Regarding these political requirements, Jensen and Mislivetz refer to the corruption of the concept by different players, mostly authorities, governments, transnational organisations and politicians, in "[…] whose interest on the one hand it is to keep the politically correct discourse moving ahead creating the impression of openness and readiness for change; but whose interest de facto lies somewhere else (if not in the complete opposite direction)."[87]

Another alienating aspect of the civil society discourse, as Seckinelgin points out, is that the normative or aspirational aspect of the concept of civil society has been de-linked in theoretical discussions and policy implementations from the specific, i.e. Western, context out of which it develops. He uses the metaphor analysis to indicate that the kind of civil society development donors' support, such as the World Bank, is a reflection of a specific type of social relations between state, market and civil society these donors want to establish in developing countries. The analysis concludes that institutions, like the World Bank, attempt to "[…] realign social relations within developing countries parallel to the Western Liberal model of social arrangements between state, market and the third sector."[88] The metaphor of civil society "[…] is referring to a particular form of civil society where governments are reluctant to take part in the social realm and is identifiable with the particular associational life in which individuated people need to re-establish social links."[89] As a consequence, Western donors target with their assistance those organisational forms, which reflect an organisational understanding of civil life resembling that of the West.[90] These organisations are however, not necessary the ones which are well rooted in the local society. Hawthorne makes a similar observation in her analysis of Western assistance to civil society in Arab countries: Western understanding of civil society "[i]s simultaneously too broad and too narrow."[91] The West has a too broad understanding because of unrealistic expectations that civil society is a democratic and democratizing force. The overly

[87] Jensen and Miszlivetz, 2005: 3.
[88] Seckinelgin, 2002: Abstract.
[89] Ibid., 14.
[90] Seckinelgin, 2002: 11.
[91] Hawthorne, 2005: 97.

narrow understanding refers to the focus of the West on non-profit organisations and public interest groups that resemble Western organisations.[92] Western governmental aid donors tend to focus on those parts of civil society, which seem to best fit their views on how state society relations should develop and in addition are able to fulfill all the technical, financial and administrative requirements linked to the funding offer of donors. The latter administrative aspect refers to the requirement that the organisation has to have a legal status, it should be audible and have the ability to implement and monitor projects based on donor requirements.[93] In practice, these are registered, professionally led NGOs. This limited focus contains the risk to exclude other potential partners, which could contribute directly or indirectly to the democratisation of decision-making processes. Charity organisations could be supported to develop into organisations, which play a role in advocating interests of deprived groups in society. Women, children and consumer rights organisations also play an increasing role participating in decision-making. Western donors appear too optimistic about the pro-democracy potential of civil society. Firstly, because only a small portion of civil society is actively involved in human rights and democracy related issues. Secondly, in the context of authoritarian states such organisations are repressed. However, under certain circumstances, pro-democracy elements of civil society can play a role in a broader coalition of forces, which includes political parties.

The EU attributes normative connotations to the concept CSO. Reference is made to the capacity of CSOs to organize people, which is considered as a sign of ownership of development strategies and the presumed capacity of CSOs to promote democracy, social justice and human rights. As will be pointed out in Chapter 6, the EU in practice cooperates with NGO type of organisations able to fulfill all kinds of legal and administrative criteria. In the context of Syria, with a heavily controlled civil society, this meant that EU's non-governmental implementing partners, in the context of the cooperation agreement with the Syrian government, were GONGOs. The EU uses the concept *Non State Actors* in order to describe a broad range of organisations active as civil society. It attributes characteristics like independence of the state, created voluntary by citizens with the aim to promote an issue and as far as the development sector is concerned, these organisations are not for profit. As we will elaborate in the coming chapters, the normative arguments used by the EU are in contradiction to using it to

[92] Ibid., 97 and 98.
[93] Ottaway, 2008: 169 and 170.

justify its cooperation with civil society and the kind of organisations closely linked to the government with which the EU works in Syria.

2.1.5 Relevance of the Concept Civil Society in Development Cooperation Context

Both from a theoretical as well as policy point of view, the concept civil society, given the multitude of definitions and the normative aspects, might not be a useful concept after all. From a theoretical perspective, obviously, there is a lot of conceptual confusion. In practice, according to their interests and views on state-society relations, aid donors, governmental as well as non-governmental and recipient governments, determine which CSOs can receive funding. For reasons described, most of the funding for development related initiatives has gone through registered, non-governmental organisations. The civil society discourse by policy makers has meant to bring political issues to the development thinking, in the sense that civil society was expected to contribute to the democratisation of political systems. This idea has been tied to rethinking development assistance programmes since the mid-90s because of persistence of poverty in the developing world. In the view of the OECD/Development Assistance Committee (DAC) the principle of ownership of national development strategies implied that development "[p]rogrammes need to be based on agreement and commitment from developing country partners, through their own national goals and locally owned strategies. Ownership would also imply, in the view of the DAC, that development goals do not only reflect the preferences of developing country governments, but are the outcome of civil society involvement."[94]

The selective arguments used by these pro-democracy policy makers and donors have been the presumed capacity of civil society to increase participation of citizens and the presumed capacity to increase the accountability of governments. This has led to an official donor aid conditionality towards CSOs, which in turn has prompted to large extent a-political outcomes in the context of intergovernmental development cooperation. Preference has been given to Official Development Assistance support for CSOs to service delivery and public accountability functions, instead of supporting initiatives, which contribute to civic activism. Moreover, civil society has been expected to act as a willing partner of the government and eventually

[94] Hout, 2007: 17.

compensate the anomalies of market and the state.[95] Civil society was not expected to question structural factors leading to unequal power relations.[96]

The civil society argument, as part of an approach to bring politics back into development thinking, is still a valid answer. Firstly, because civil society is an abstract concept used to describe a multitude of non-governmental organisations, which to a certain extent have some characteristics in common. As Van Rooy notes, it is an observable reality.[97] The core of this observable reality is that civil society refers to people who have organised themselves to strive in a voluntary manner for issues, which go beyond the mere private interest. The different manifestations of civil society both in organisational form, conflicting interests and different relations with the state, is part of this observable albeit confusing reality. Secondly, a broad approach to civil society increases awareness of the existence of other forces in civil society in addition to pro-democracy advocacy groups that can contribute to democratisation, as well as groups, which act in support to authoritarian forms of state-society relations. Such an approach also increases the attention towards other formations within civil society, which can be agents of democratisation apart from NGOs. The extent to which groups within civil society are willing and able to play a role as pro-democracy force has to be studied within the concrete context of state-society relations of specific countries.

2.2 Conceptualising the State

As indicated in paragraph 2.1, the views on civil society and its role are rooted in Western history of political philosophy and are closely related to views on the state. This conceptualization of state society relations is in the framework of development thinking and programming uncritically exported to other regions. However the history and context of state society relations in these countries differs substantially. The next paragraphs will discuss from a theoretical and comparative angle the concept of state, its origins, characteristics as well as its relation to society.

The origin of states is linked to the need of people living in a certain geographical area to create or impose a social order to regulate their social relations and protect their interests against

[95] Fowler and Biekart, 2011: 11.
[96] Ibid., 4.
[97] Rooy, 1998: 30.

internal or external threats.[98] States serve two basic interests, namely (re)distributing goods and providing safety. While there are several theories on the origin of the state, the two most common are: the state is enforced by a group of people on others and the state is the outcome of consent between people.[99] As Sicher indicates, none of these theories provides in itself a sufficient explanation for the existence of a social order; nevertheless, there are important elements to bear in mind, which might be seen as necessary, but not sufficient, conditions for the continuation of social order.[100] A supplementary motivation besides mutuality of interests or value consensus between people for the coming to existence of states might be the feeling of being part of a community. A strong communal feeling may be an additional reason why people are willing to surrender some individual autonomy to a central ruling authority. A specific form of communal feeling is that of belonging to the same nation. Gellner indicated that nation is not a static concept; it is a process of group formation and maintenance in which on the one hand will, voluntary adherence and identification, loyalty, solidarity play a role and on the other hand fear, coercion and compulsion.[101] Some factors can facilitate the process of nation building such as living in the same territory and speaking the same language. Other factors may play a role in bringing about social cohesion or division such as religion, ethnicity and clan. In any case, there should be an agreement based on a desire to live together. In addition, a nation is not the same as a race. All modern nations are ethnically mixed.[102] A core notion when talking about a nation is a shared culture of people. Culture can be considered as the whole of ideas, signs and associations and ways of behaving and communication shared by a group of people. If this shared culture is accompanied by loyalty and solidarity, translated in the recognition of certain mutual rights and duties vis-à-vis each other, we might speak of a nation.[103] Schulze formulates the concept of nation as follows: "[a] nation can be seen as an extended community with a peculiar sense of kinship, sustained by an awareness of the sacrifices it has made in the past and sacrifices the nation is prepared to make in the future. A nation is thus a state of mind. Nations are founded on national awareness."[104] The conditions that tend to generate feelings of

[98] Sicher, 1991: 3 and 4.
[99] Cohen, 1968: 22-28. Cohen discerns the coercion or force theory, the consent or interest theory and the value consensus theory of social order. See also Sicher, 1981: 132. A specific form of value consensus theory is the divine theory where a religion provides a holistic view of the world that contains a political ideology and a social contract. Another form of value consensus theory is the patriarchal theory. This theory explains the state's authority as the simple extension of that of the traditional clan or tribal chiefs.
[100] Sicher, 1991: 131.
[101] Gellner, 1983: 53.
[102] Schulze, 1996: 97 and 98.
[103] Gellner, 1983: 6 and 7.
[104] Schulze, 1996: 97 and 98.

nationality are most often the same as those that urge the formation of the state. Having said this, Sicher stipulates that the sentiments are not identical. Not all groups of people with a strong feeling of nationality seek political unification. Besides, existing as a nation does not inevitably mean living under the same state, as the example of the Kurds shows. The other way around can also happen; people without a strong sense of nationality derived from common ethnicity, language, religion, culture, historical circumstance and other factors that bring people together, may nevertheless be inclined to create a state. A reason may simply be the need for security, which a central political authority can provide, perhaps in preventing inter-communal strife.[105] Basic characteristics of a state are that there is a specific land area with which the political community identifies itself and over which it has gained control. In addition, the political community has given the state the monopoly to use force. It can deeply affect the life of citizens. States impose rules and values with the aim of ensuring social and political stability. However, states can also act as agents of social and political change. The absolutist role of the state can also be extended for instance, in collecting taxes, defining crime, punishing disobedience, controlling education, etc. The notion of the state is generally understood as government acting through a specific type of organisation: "[a] body of persons authorised to make and to enforce rules binding on everyone who comes under their jurisdiction, to settle disputes arising between them, to organise their defence against external enemies and to impose taxes or other economic contributions upon them, not to mention the multifarious new functions, which the state has undertaken in the present century."[106]

The state is thus the most important institution of political society. Society can contain societal organisations that act as extensions or partners of the state while other societal organisations may have different, even conflicting, values and goals than the state and its social alliances. These contending social forces influence the effectiveness and efficiency of state actions. These societal organisations, both partners as well as opponents, can become so influential that the state has to take account of the interests of these groups. State-society relations can deeply influence the outcome of policies of the state as well as interventions of donors.

Contemporary Traditions in State Theory

In Western political theory on the modern state, two traditions or approaches can be discerned. The first approach looks at the character of rule of the state or the nature of its output. The

[105] Sicher, 1991: 135 and 136.
[106] Mair, 1977: 12.

political reasoning of Marx is the basis of this approach. The second approach focuses on how the state operates. This line of thinking is rooted in the work of Weber. Both theoretical approaches on the modern state provide analytical tools for the analysis of states. However, analysis of state development in non-Western context shows certain limitations of using the above-mentioned approaches, which originate from a specific historical context.

Focus on the Nature of the State

The Marxist approach is based on the idea that relations between citizens cannot be seen separate from their economic position. Basically, individuals do not have an equal position in society. Marx divided society based on the position of people in economic classes. The criteria he used were to be or not to be in control over the means to produce capital. Those individuals controlling the means of production can impose themselves on other persons only in position to sell their labour force. The state is not considered as a neutral entity but instead as an instrument in the hands of the owners of the means of production to protect and foster their interests.[107] The state is regarded as a superstructure that develops on the foundations of economic and social relations.[108] In his earlier work, Marx discussed the relationship between class and state and the extent to which people in control of the state were able to use their position as an independent source of power. He introduced the notion of relative autonomy of the state, on which he did not build on in his later works. Analysing the rise to power of Louis Napoleon Bonaparte in France during 1848-1852, he focused on the way power accumulated in the hands of vast state institutions, such as the executive, at the expense of civil society and the political representatives of the political class. He was of the opinion that the state could retain a degree of power independent of the bourgeoisie, i.e., the dominant class.[109] Marx considered the state institutions on the one hand as a parasitic body on civil society but on the other hand, as an autonomous source of power. The state can have this autonomy over society because the process of political decision making is often a complex one, involving different social forces. In the end however, the state remains dependent on society, especially on the groups that control and own the productive process. The state continues to be dependent on the economic resources that economic organisations create: a situation which becomes manifest in times of

[107] Marx, 1973: 20.
[108] Held, 1983: 28.
[109] Marx, 1973: 178 and 179; Leftwich, 1993: 56.

economic crisis. Thus, the overall policies of the state must be in line with those of the traders and manufacturers.[110]

Focus on the Operational Aspects of the State

This line of thinking on the state has been influenced by ideas of Weber, who examined the way the modern state operates. Central in his thinking on the modern state, is the character of the authority of the modern state and the role of the state bureaucracy. The modern state differs from the patrimonial authority, which he found in some pre-capitalist societies, where a "[…] chief rules through his personal administration and military staff."[111] Subsequently, bureaucracy in the modern state is fundamentally different from patrimonial bureaucracies: "[m]odern bureaucracy is distinguished by a characteristic which makes its inescapability much more absolute than theirs, namely rational, technical specialisation and training."[112] "Just as so-called progress towards capitalism has been the unequivocal criterion of economic modernisation since the Middle Ages, so the equally unequivocal criterion for the modernization of the state has been progress towards a bureaucratic officialdom based on recruitment, salary, pension, promotion, professional training, firmly established areas of responsibility, the keeping of files, hierarchical structures of superiority and subordination."[113]

The modern state emerged first in Europe during the transformation from agrarian to industrial states. Then the core role and function of the modern state was "[…] to promote, organize and protect and sustain this economic and social transformation to industrialism and beyond into the post-industrial era."[114] According to Weber, the major characteristic of modern society and capitalism is bureaucratic rationalisation. He considered the state bureaucracy as the most superior form of organisation in society.[115] He recognised that state officials could acquire considerable power as a consequence of their expertise and access to (confidential) information. This situation can create certain autonomy of the state. According to Weber, the bureaucratic state, together with parliamentary government and a party system, would provide the best obstacle to usurpation of state power by officials.[116] This view is at the core of the ideal typical definition of the modern state, characterized by "[…] a set of political apparatus, distinct

[110] Held, 1983: 27 and 28; Marx, 1973: 179.
[111] Leftwich, 1993: 56.
[112] Weber, 1994: 156.
[113] Ibid., 145 and 146.
[114] Leftwich, 2008: 215.
[115] Aron, 1967: 219 and 220.
[116] Held, 1983: 38.

from both rulers and ruled, with supreme jurisdiction over a demarcated area, backed by a claim to monopoly of coercive power and enjoying legitimacy as a result of a minimum level of supporter loyalty from their citizens."[117] In the Weberian sense, a bureaucracy has several structural traits. It is a permanent organisation in which many individuals co-operate, each performing a specialised function. He considers the impersonality and thus the performance of a specific role, as essential to the nature of the bureaucracy. Every bureaucrat works according to established rules and on the basis of a fixed remuneration. This means, the bureaucracy must have resources of its own to maintain the organisation. Apart from the specialised activities of the state, the centralised character of the administration is connected to the development of the modern state. Weber links the need to centralise to the size of the territories, the number of inhabitants, growth in complexity and size of the administrative tasks. This leads to a specialisation and professionalisation of tasks, founded on a legal authority. He uses the term bureaucracy to describe complex organisations. As Gellner emphasizes, these functions or tasks represent a specialisation, which makes the state as organisation distinct from other organisations. The state constitutes one highly unique and important elaboration of the social division of labour. However, not every specialisation makes a state; the state is the specialisation and concentration of order maintenance. The state, in Gellner's terms, is an institution or set of institutions particularly concerned with the enforcement of order. "The state exists where specialised order-enforcing agencies, such as police forces and courts, have separated out of the rest of social life. They are the state."[118]

The ideas of Marx and/or Weber are reflected in the work of more recent theorists on the state. Offe is of the opinion that although the state has to act to demands of the capitalist system, it has also to take into account demands of other social forces.[119] The state and groups in power can feel the need to take these social pressures into consideration because neglecting them might undermine their power position. Access to the state by different social forces can be accommodated by the creation of state linked institutions in which the policy debate with the government can take place. States should not just be seen as arenas of contending social forces, according to Skocpol, but as sets of organisations claiming control over territories and people-organisations with resources of money, people, violence and expertise at their disposal. Moreover, Skocpol was of the impression that the question of state capacity to take autonomous

[117] Leftwich, 2008: 214. Leftwich refers to Held, McGrew, Goldblatt and Peraton, 1995: 45.
[118] Gellner, 1983: 4.
[119] Abdelrahman, 2000: 18.

actions should be studied more in depth. Autonomous actions should be understood as coherent actions, not simply reflecting social demands, "[…] pursuing lines of policy making not reducible to class, interest group or majoritarian demands."[120] Finally, Skocpol raised attention for the indirect effects of state structures and actions on patterns of politics. States matter in this respect "[…] because their organisational configurations, along with their overall patterns of activity, affect political culture, encourage some kind of group formation and collective political actions (but not others), and make possible the raising of certain political issues (but not others)."[121] In short, state-society relations cannot be explained as a simple reflection of dominant interests in society.

State and Political Society

The modern state deals with the whole of political relations between people. The state is however, not necessarily equal to political society; political society is broader. It includes all those institutions and actors that participate or try to influence political decision-making, including political parties, political leaders but also CSOs. Sicher defines the state as: "[…] the corporate structure, coextensive with a political society, which is the locus of supreme political authority, and which can command an effective force monopoly to answer compliance with its decisions."[122] White, in his definition of the state, includes the institutions of the state, which relate the state to society and vice versa. The state, in the modern sense is the apparatus "[o]f administrative, judicial, legislative and military organizations, and political society which refers to a range of institutions and actors which mediate and channel the relationships between civil society and the state. Two crucial elements of political society are political parties and political leaders, which can act to strengthen or weaken the democratic or authoritarian potential of a given configuration of civil society."[123]

The state, central in political society, formally defines the public space in which groups in society can be active. The political system determines the extent to which the governor is accountable to the governed and therefore indicates if and to what extent, the ruled have influence on the choice of the rulers, the aims to be achieved by the rulers and the policies/methods used to

[120] Skocpol, 2008: 110.
[121] Ibid., 111. She refers to T. Skocpol, 1985. 'Bringing the state back in: Strategies of analysis in current research,' in P. Evans, D. Rueschemeyer & T. Skocpol, eds., "Bringing the State Back In". Cambridge.
[122] Sicher, 1991: 9.
[123] White, 2004: 12. The quote is from Stepan. Rethinking military politics: Brazil and the Southern Cone; 1988: 3 and 4.

reach these aims. Two ideal typical political systems can be discerned: the authoritarian and the democratic political system. In an authoritarian political system, the governor determines in extremes on his own the way society is ruled, which organisations have to be created for this purpose and to which areas of societal relations his ruling extends. The government (i.e., the ruler) is the state; the sovereignty is with the state and thus with the absolute ruler. In a democratic political system on the other hand, it is the governed, who themselves decide in the end how and if necessary by whom, by what kind of organisations, for which aims and with what kind of methods they are to be governed. The governor and those who work for him remain accountable to the governed; therefore the sovereignty remains with the people.

While Marx based power relations between people and thus their capability to control the state on their economic position, other authors such as Weber, differentiated with respect to sources of power, which as a result affecting the nature of the state. As already indicated, as Marx used it, the term *class* is one-dimensional and refers only to the repartition of economic chances. The term *social class*[124] is broader; it not only contains the economic division of chances but also the (often related but not in a deterministic way) social one. The issue of distribution of power is more complex and broader than only the economic dimension. Marx's analysis, important in itself, does not provide a sufficient answer to the question why certain groups of people are in power and others not. Power relations are multidimensional[125], other factors such as status, education, occupational position, caste, religion, ethnicity, age and gender also play a role in determining social relations and the relative power position of the individual or group. Thus a combination of economic, social and cultural and in specific cases even other characteristics, are perhaps helpful in describing different social groups in a society as well as their relative power position. In Weber's opinion, status groups, political parties and nation states are at least as significant. Furthermore, sentiments of group solidarity, ethnic community, power prestige or nationalism are vital to the creation of political power in the modern age.[126]

[124] Elias, 1971: 160 and 161.
[125] Elias, 1971: 159.
[126] Held, 1983: 38.

2.2.1 State-Civil Society Relations

Three theoretical frameworks can be discerned within the theory as well as policy frameworks, regarding the role of civil society in the broader context of state-society relations: a functionalist, a corporatist and a pluralist approach.[127]

The functionalist approach regards society as made up of the whole of interdependent organisations. The focus is on the functions civil society performs, or can perform, in the development of society. The primary importance of civil society is found in its ability to perform certain tasks and its specific knowledge and capacities of importance for the development process of society. The role of civil society is described in apolitical terms as a carrier of expertise, contributing to the quality of governments' decisions. Strengthening civil society's capacities is also described in terms of increasing expertise, skills, efficiency, etc.

In the pluralist point of view, there are many centres of power involved in an endless process of political bargaining. Civil society consists of numerous groups representing different interests such as business organisations, labour unions, parties, ethnic groups, religious organisations, professional associations, student organisations, advocacy groups, etc.[128] These groups do not have equal access to resources, but many groups have some advantage which can be used to make a political impact. There are ample competing interests, thus it is difficult to determine what the public or general interest is. Political outcomes are often the result of mediating and adjudicating by the government and ultimately its executive.[129] Promoting good governance aims to establish a process of political bargaining through a democratic approach. The requirements for democratic pluralism are: a government system based on a transparent decision-making process, a system based on procedures allowing expression of diverse opinions to decision-makers and accountability by the decision-makers for the decisions taken. Pluralism envisions an autonomous civil society with multiple, competitive groups. Adherents of pluralism assume that interest associations develop free from state interference and that civil society is free to express its interests. The state's role is considered to be one of an observer and impartial referee, enforcing rules that protect individual liberties, such as freedom of expression.[130] Public policy is seen as the outcome of a process of bargaining and pressure of organised groups. Held noted that pluralism is a political model, which might be helpful to

[127] The three theoretical frameworks are based on Willets, 2006 a: 6-11.
[128] Held, 1983: 40.
[129] Held, 1983: 40.
[130] Kubicek, 2000: 13.

describe state-society relations in Western liberal democracies with a capitalist economy.[131] As indicated, this political model has become combined with the promotion of a market economy, the dominant model of the official aid system. This pluralist view has had its critics. The most important being that although there might be many power centres, this in itself does not mean that governments deal with them equally. Much depends on the relative power position of the interest group. Moreover, governments' flexibility to act in ways interest groups might want is restricted by economic requirements. More specifically, the interests of the private sector have to be protected because they are sources of capital accumulation and the most important contributor to economic growth and job creation.

The idea of pluralism is often contrasted with that of corporatism. Corporatism is a concept describing the state's efforts to penetrate and control civil society. Corporatist arrangements can be found in welfare states with a parliamentary democracy of the advanced capitalist model as well as in more authoritarian states. The function as well as form of corporatism however differs completely. Kubicek defines corporatism as: "[a] non-representative form of interest representation in which officially sanctioned groups have guaranteed access to the process of policy formation and implementation but are subject from control from above."[132] In this sense, the function of corporatism is interest representation and is one form of interest representation among several different ones, pluralism being the most identifiable.[133] Depending on the form of corporatism, the role of the state differs substantially. The corporatism of the welfare state refers to the negotiation and consultation process, which takes place in an institutionalised manner between representatives of independent workers and employers organisations and/or the state about policy formulation and implementation. This process contributes to social stability and facilitates the expansion of public policy. Here the state negotiates with interest groups, provides licenses and incorporates them in the policy-making process.[134] This form of corporatism is called societal corporatism or neo-corporatism. The neo-corporatist approach to civil society is based on the belief that, the government, in close cooperation with different interest groups including civil society, should rule society. The government would profit from the support of members of the different interest groups. In return, the government would protect their essential concerns. There is a link to functionalism, in the sense that corporatism is based on functional representation. Yet corporatism, unlike functionalism, acknowledges conflicts because of

[131] Held, 1983: 41.
[132] Kubicek, 2000: 20.
[133] Migdal, 2001: 207.
[134] Migdal, 2001: 208.

opposing interests. The government is seen as the focal point for the political resolution of conflicts. The assumption in good governance policies of partnerships and dialogue between government, civil society and private interests fits in this approach of state civil society relations.

In authoritarian states, a different form of corporatism can be discerned called state corporatism.[135] Interest groups are dependent on and penetrated by the state. The state creates, structures and guides social life. In case of single-party rule, the link between state and CSOs is made to a large extent by mass organisations tied to the party. Independent associations are forbidden, or at least subject to strict regulations, controlling their goals, activities, funding, foreign contacts and membership. Stefan, quoted by Kubicek, argues that: "[t]he degree of coercion and capacity to maintain corporatist institutions depends heavily on state resources, which ultimately give the state the means to buy off potential opposition."[136] Political theorists consider state corporatism related mostly to policies of the groups in power to exercise social control over society, preventing the mobilisation of social forces from below, which could threaten the existing order. In practice, state corporatist arrangements are found under fascist and/or authoritarian regimes.[137]

In what way has the above-mentioned conceptualisation of the state and state society relations been of influence on the EU good governance policies? Western thinking on state and state society relations has an impact on the assumptions on which EU democracy promotion policies are based in two ways: firstly, the idea that a state in order to be legitimate should be governed by and accountable to its people; secondly, the notion that successful developments requires strong relations between the state and broad segments of empowered citizens. Civil society is expected to play an important role in both attaining accountability of the state as well as in empowerment of citizens. It is expected of the state to be an impartial referee, framed by a system of checks and balances, enforcing rules and protecting individual liberties while being solicited by different interest groups seeking resources and support. However, whether the state is in fact impartial is, especially in Marxist tradition, questionable. The state might be an instrument in the hands of powerful societal elites to foster their interests and the state might also become an autonomous power base for certain state officials. Relations between state and groups in society might not have pluralist but instead have state corporatist characteristics. The EUs good governance policy ignores structural conditions in state society relations, which will

[135] Kubicek, 2000: 21.
[136] Ibid., 25.
[137] Abdelrahman, 2000: 40.

make it very difficult to transit from authoritarian state society relations towards a liberal democratic system. The EUs good governance policy, as part of development cooperation with third countries, focuses on improvement of operational aspects of the functioning of the state. It assumes political will of partner countries, governments as well as societal forces, to work towards democratisation of the political system. Furthermore, this policy prescribes a state-society model, closely linked to the history of the development of Western nation states with market led economies, to other regions where state and nation formation is based on different dynamics.

2.2.2 State and State-Society Relations in the Developing World

Since the 1950s, especially since the beginning of the 1970s, the new states of the developing countries became object of study. The concepts of Marx and Weber on the state, presuppose advanced or advancing capitalist societies, in which the state and its bureaucratic apparatus are embedded. In most of these new states, there were neither strong state traditions, nor advancing capitalist systems. The borders were carved out by colonial powers, and the institutional structures and bureaucratic cultures were often created and imposed by these powers. The societies of these states were largely pre-capitalist in nature; there was virtually no entrepreneurial class. This meant that the role of the post-colonial state in the economy and in promoting economic development became substantive. The framework for understanding change at macro level – the configuration of institutional transformations in an entire society – in the 1960s and 1970s, were a dichotomy like modern versus traditional sectors and centre versus periphery.[138] The state was regarded, both in Western as well as Communist development models, as part of the centre from which modern values and procedures were spread into the traditional sector or periphery of society and thus a driving force behind social and political change. However, the developmental records of these new states remained meagre at least until the 1990s. Theoretical explanations were sought in external constraints and hostile influences of the world capitalist system and in internal factors, especially regarding the character of third world states. In his theory of the soft state, Myrdal explained the slow pace of Indian development at the end of the 1960s. He indicated that dominant classes shaped the state into an instrument that merely regulates and dispenses patronage.[139] Myrdal has a clearly society-centred approach. Others followed a much more state-centred approach and focussed

[138] Migdal, 2001: 198.
[139] Leftwich, 1993: 58.

on the bureaucratic military apparatus, which the post-colonial state inherited from its predecessor and which controlled and subordinated the indigenous social classes.[140] This apparatus, which was initially imposed from abroad, expanded after independence in order to promote socio-economic development. The state apparatus enjoyed some autonomy due to its control over means of production and/or ability to act as mediator between competing interests of social groups.

The provenance of the modern state and its institutions in the developing countries differed from those of the Western world. As indicated, in the West the modern state emerged in the course of the significant transformation from agrarian to industrial society with its ideal typical characteristics of public institutions, sovereignty and hegemony, formal monopoly of violence and impartial bureaucracy. These modern states perform a crucial role in establishing institutional apparatus for the enhancement, management and maintenance of economic transformation and growth, whether market-oriented or state-planned. Most of the developing countries owe their existence, borders and institutional set up from the colonial era. The institutions of rule in the colonial period were mainly meant to control the area and to extract resources for the benefit of the colonial powers. These purposes shaped the kind of institutions of rule, as Leftwich argues, which in turn formed the foundations of the states after independence. This particular institutional setup, which depends considerably on deals between colonial rulers and local (traditional) powers, is a context in which patterns of patronage and patron-client relations are so pervasive, that it had a negative influence on the development of institutions from the modern state within these states.[141] Even though many countries establish formal democratic political institutions and allow for broadened possibilities to express political and civil rights, democracy has not consolidated. In fact, the institutions and enlarged sphere of civil and political rights formed a facade behind which authoritarian power relations continue to exist. Political decision-making remains to a large extent an opaque process due to structural problems. Many of these problems relate to the characteristics of state-society relations in developing countries. These countries face many structural problems such as weak democratic institutions, authoritarian traditions, socio-economic problems, ethic and/or religious conflicts, etc.[142] Most of the new states of decolonized Africa but also in other regions, were states without a nation. The borders of these new states were mostly decided upon by former colonial powers.

[140] Ibid., 60 and 61. Leftwich refers to the views of authors such as Alavi and O'Donnell on the post-colonial state.
[141] Ibid., 2008: 218-221.
[142] Ottaway, 2003: 4.

The boundaries between community and state often did not coincide. The loyalty of people is based on primordial relations. Hyden notes, for contemporary Africa, that lineage orientation survives "[w]hether in politics or in the market place, it manifests itself through enduring bonds of family ties, restructuring of kinship relations, patron-client networks, and other forms of primary reciprocities founded upon affective and oftentimes highly moral criteria."[143] As a consequence, this community-centered orientation affects politics in Africa and possibly elsewhere in two ways. There is a tendency to rely on informal rather than on formal institutions as well as to disrespect formal rules associated with a higher authority such as the state. Important is that when the new nationalist leaders took charge of the state, they did it not as a "[…] corporative class, but as representatives of different ethnic group interests."[144] As a consequence, the state became an arena where conflicting interests had to be resolved. In this respect the state was weak, because it acted in response to society. Moreover, it is a society in transition, from a predominantly rural and community-based one into an industrialised and service-oriented urban society. The rural and community-based societies are often characterised by patriarchal relations. Patriarchal relations continue to exist next to relations based on other criteria such as education level or occupation. These patriarchal relations are often combined with primordial relations between people. The latter's relations are based on criteria of trust and solidarity. In practice, this is often membership of a territorial or kinship collective.[145] Patriarchal structures or relations can be described as follows: the dominance of the father (the Patriarch) is the centre around which the national as well as the natural family are organised. The relations between father and child, rulers and rules, are vertical. The same vertical relations exist between men and women. The Patriarch's will is in all settings absolute. Rule is based on forced consensus.[146] In the context of state-society relations' discourse, Weber calls this kind of ruling patrimonial. He describes patrimonial rule as traditional domination supported by an administration and a military force that are entirely personal instruments of the master (the Patriarch). Given the male domination in most of the traditional societies, the patrimonial rule has patriarchal characteristics. Leftwich noted that behind the facade of constitutionalism, "[t]here was a spreading pattern of clientelism and corruption which radiated out from the rulers and their cliques and which infected all levels and arenas of society."[147] This combination of a concentration of political power, systematic clientelism and particularistic use

[143] Hyden, 2006: 55.
[144] Ibid., 56.
[145] Layton, 2006: 33.
[146] Sater, 2007: 14-16.
[147] Leftwich, 1993: 64.

of state resources on the one hand and the legal-rational domination of citizens by the institutions of the modern state on the other hand, is called neo-patrimonialism. This is a combination of two ideal types of domination described by Weber, namely patrimonial (a subtype of traditional domination) and legal-rational bureaucratic domination.[148] Hyden remarks, in relation to the African context, despite the disappearance of patrimonial systems, the norms associated with such systems survived among the leaders of the new nation states. The new element is that patrimonialism is backed by state resources of the modern state or by external donors. Moreover, individuals with state power were able to accumulate private wealth by virtue of their public office.[149] Hisham Sharabi developed a framework for state-centred state-society relations for the Arab world. He calls the modern state in the Arab world neo-patriarchal.[150] In a modern state with patriarchal relations in society (the neo-patriarchal states) the citizens are not only arbitrarily deprived of some of their basic rights; they are in fact virtual prisoners of the state. A characteristic of neo-patriarchal systems and structures is the system of patronage, for example the distribution of favours and protection. The patriarchal element, aside from the authoritarian aspect, is that the legitimacy of the leader is also based on his will and ability to care for his family or subjects. The Patriarch claims knowing what his family or subjects want. The patriarchal element is a cultural and at the same time socio-political phenomenon. Traditional patterns of gender relations and the typical forms of the exercise of power and authority within the family have produced patriarchal patterns of political authority. Some authors, explaining the persistence of the authoritarian character of the state in the Arab world, link patriarchal relations with the introduction of a modern and powerful state apparatus imported from Europe. Nonetheless, also in Europe patriarchal relations between rulers and ruled continued to exist when modern states come into existence.[151] A core feature of neo-patriarchal relations between state and society, as Sharabi indicates, consists of the distribution of favours and protection. Mediation is the central function of the patronage system, which "[…] secures the protection and material interests of the individual and the groups, including the lowest members of the group, strengthens the latter's sense of identity and cohesion."[152] The stability of this system is based on the fact that everyone involved in it gains: the supplicant, the one who bestows favours, as well as the go-in-between. The patron-client relationship while it is reciprocal, it is at the time unequal because the patron has control of, or access to, resources

[148] Soest, 2010: 2.
[149] Hyden, 2006: 96.
[150] Waterbury, 1994: 31. See also Sater, 2007: 15.
[151] Schulze, 1996: 89. The author refers to developments in the German states of Brandenburg and Prussia.
[152] Sater, 2007: 15.

and opportunities, which he provides in return for loyalty, support, votes and respect.[153] Seeking mediation through the use of a go-in-between in order to get something done is not new, nor typical for Arab societies, although this practice, known as *wasta*, is traditionally strong within them.[154] However, if these patronage relations replace or severely undermine decision-making by state bureaucracy on the basis of the rule of law, it can render justice questionable and inefficiency inevitable. The citizens do not see state bureaucracies as impartial. There is an absence of democratic accountability. The consequence is that individual rights are not protected by the state and the interests of the powerful and the rich are favoured. As Leftwich notes, "[t]he rules defining the institutions of patronage are entirely at odds with the rules underpinning the modern state."[155] A state basing its relations with society on a patronage system and not the rule of law is an instrument in the hands of the power elite to maintain individuals and groups in society in a dependency relation. In such a context, the state does not provide individuals or groups of people either with justice nor protection. In addition, to the above-mentioned problem of public institutions under private control of the ruling elite, many states in the developing world face problems in establishing their hegemony and in maintaining sovereignty within their borders. At the local, regional and even national level, there might be powerful leaders or bosses such as clan, tribal and religious leaders but also entrepreneurs. Moreover, the legitimacy of the state, as Leftwich indicates, can be challenged by various groups of ethnic, religious, cultural or regional nature that do not want to be part of it, or by political adversaries who do not accept the regime.[156] While the institutions of the new state had penetrated everyday life of citizens of the new states, only few of them could be considered effective and efficient in implementing their development policies. Migdal assumed that the latter was only possible if the state was able to impose a tremendous social control on its citizens. In practice, the state was confronted with other social organisations, applying different rules in parts of society. State leaders might feel obliged in order to ensure political stability and their

[153] Leftwich, 2008: 221.

[154] Cunningham and Sarayrah, 1993: 1 and 2. "*Wasata*, or *wasta*, means the middle, and is associated with the verb yatawassat, to steer conflicting parties toward a middle point, or compromise. Wasta refers to both the act and the person who mediates and intercedes. [...] The wasta seeks to achieve that which is assumed to be otherwise unattainable by the supplicant. In recent years, wasta as intercession has become prominent, particularly in seeking benefits from the government… Family is the traditional basis for intervening to resolve a dispute or to seek a benefit, and family loyalty remains the foundation of the wasta system in the contemporary Middle East. […] Other significant loyalties on which one may draw for wasta services include members of small ethnic or religious groups, political parties, or social clubs. […] However, blood relations constitute the underlying basis for loyalty, and wasta services are an important demonstration of this loyalty, strengthening family ties."

[155] Leftwich, 2008: 221.

[156] Ibid., 222.

own survival to accommodate potential contending forces in or outside the state. The state both at the level of central executive leadership, the leadership of state agencies as well as state officials at regional and local level, used different techniques to control potential power centres: "[c]o-optation, steering disproportionate amounts of state resources to them, absorption into the state organisation, intimidations and more."[157] In circumstances of fragmented social control, state leaders but also state representatives at regional and local levels, not only accommodate potential competing power centres, but also make deals with less powerful leaders of social organisations by using state resources in exchange of social stability. In the long run, this process may have unintended outcomes for the ruling elite: "[t]he bureaus of the state may become little more than the arenas for accommodations with other organizations. Their tentacles may be captured by those with very different rules and principles from those expressed in the state's legal code, and state resources may be used to strengthen the very forces they aimed to eliminate."[158]

As we will elaborate in the next chapter, the Syrian state and its relations with Syrian society are characterised by structural problems. The Syrian state was a state without a nation and in need of an identity. It was the outcome of decisions made in the 1920s by France and the UK to split up the Ottoman Empire in spheres of influence. The French colonial state was mainly an instrument of repression controlling Syrian society by divide and rule, using mistrust between ethnic and religious groups. The democratic facade created by the French at the time of independence soon collapsed as a consequence of power struggles between different sections of Syrian society. The authoritarian regime, which emerged at the beginning of the 1970s out of this struggle for power, was characterised on the one hand by its use of state institutions in a legal bureaucratic manner and if felt necessary through repression in order to penetrate and control society and on the other hand by shaping clientelist relations with powerful representatives from society by using informal, primordial and patriarchal ties. The Syrian authoritarian regime can thus be clearly considered as neo-patrimonial. This system, established by Hafez al-Assad in the 1970s has successfully overcome strong resistance from contending societal forces, not only by repression but also by its ability to reshape its relations with groups in Syrian society. The Syrian regime showed authoritarian resilience.

[157] Migdal, 1988: 263 and 264.
[158] Migdal, 1988: 265 and 266.

2.2.3 Authoritarian Resilience

Groups controlling an authoritarian state might also need some legitimacy, or at least acceptance to justify their hegemony over society in order to remain in power. In an authoritarian context, ruling groups use several instruments in order to legitimise their hegemony. The most visible form is the use of force or threatening to use force. Order and security forces are given unrestrained powers by referring to internal or external enemies trying to undermine the safety of the society and thus the lives of ordinary citizens. A more sophisticated method to discipline their subjects that authoritarian regimes have at their disposal is a constant surveillance control. Wiktorowicz calls this constant surveillance the management of collective action.[159] This disciplinary power is derived from the capacity of the state bureaucracy to partition space into controllable units, which can be regulated and administered. By dictating when and where individuals are present and even their relations with one another, the state enhances its social control. The fact that individuals are constantly observed maintains disciplined individuals in their subjection.[160] The state bureaucracy can create specialised units charged with this task. Through these less visible bureaucratic practices, regimes can limit the scope of participation and activity of civil society. As pointed out, the sole use of force might be counterproductive to discipline their subjects in the long run because of the opposition it generates. Another way, as indicated above, is through the creation of corporatist organisations controlled by the state: hence, the state guides and structures social life. These corporatist organisations are one of the channels through which the ruling elites spread their vision or ideology legitimising their ruling.[161] In order to ensure the continuation of their ruling, it is important for the ruling elites that groups in society not only accept being dominated but that the dominated contribute to and participate in their domination, i.e. they believe in the validity of the authoritarian regime.[162] The ruling groups present their ruling as being of the best interest of the general public. Pratt calls this process the spread or creation of the culture of authoritarianism[163], or in the words of Gramsci, the legitimacy of coercion. Gramsci points to the "[s]eemingly autonomous institutions such as schools, media, social associations and practices such as ideological representations, which not only reflect but construct state power."[164] Thus, the ruling groups aim to get consent for their ruling through spreading their ideology via a myriad

[159] Wiktorowicz, 2001: 19.
[160] Wiktorowicz, 2001: 20 and 21.
[161] Pratt, 2007: 11.
[162] Ibid., 10.
[163] Ibid., 9.
[164] Chandhoke, 1995: 55.

of educational, religious and associational institutions.[165] Ruling elites may try to broaden their social basis by taking into account the interests and tendencies of subordinated groups. This policy of co-optation can for instance be done through economic policies such as accommodating private entrepreneurs, or by subsidising basic goods and services of importance, specifically for lower income groups. Co-optation can also be created by allowing political participation of some social forces, only if they do not challenge the hegemony of the ruling elite in return for certain advantages provided by the state. A specific form of ensuring co-optation is the use of clientelist practices such as the patronage system described earlier**.** Personal relations between rulers and the ruled are used by the former to get loyalty, for example votes, and by the latter to get privileges, goods and services and forms of protection. Co-optation and clientelism can also occur in democratic political systems. These clientelist relations can take a specific form if they are embedded in patriarchal structures or relations.

It can be argued that state-society power relations are not one-dimensional, but have need to be interpreted by taking into account different interests within the ruling elite as well as other social forces in society. Depending on these interests and concrete issues, there might be partnership between parts of civil society and the ruling elite as well as confrontation between parts of civil society and the ruling elite. Thus, there might be convergence of interests between parts of civil society and groups within the ruling elite on the need for social and economic modernisation and divergence on the issue of opening up of the political system to other social forces and restoration of civil and political liberties of citizens. These ties may also explain why authoritarian political systems can be persistent. This issue is also of relevance in the context of this study. The question why civil society as a democratisation force remains weak in the Arab World brings attention to the relation between civil society and the state. Some scholars interpret the weakness of the civil society as a democratisation force in the Arab World primarily as the outcome of repression by the state. Others stress that the persistence of authoritarianism might be explained with the support provided by parts of society for the authoritarian state. In order to answer the above-mentioned question, it requires giving more attention to the existence of uncivil society, as well as the capacity of authoritarian states to adapt. In the Arab world, authoritarianism has maintained itself until the on-going revolt since 2010, despite the spread of market-led economic development, the growing number of CSOs as well as foreign support to civil society groups. While elsewhere in the world CSOs manage to play an important role in democratisation of the political system, this is not the case in the Arab World. What is the

[165] Abdelrahman, 2000: 26.

reason for this exceptionalism? Arguments used to explain exceptionalism focus on culture, religion and historical factors in a context where rapid social changes take place due to accelerated population growth, inability of governments to keep up with promises to deliver services and social protection to its citizens as well as repression of political opposition.[166] Some authors stress the ability of authoritarian regimes to upgrade, renew and innovate their authoritarian ruling not only by threat of or use of force, but also by broadening or renewing consensus for their ruling among broad layers of population, including new layers such as an emerging entrepreneurial class. Heydemann describes the process of how regimes in the Arab world have dealt with pressures for political change and economic liberalisation. They develop strategies to contain and manage pressures for democratisation and in addition, explore opportunities which economic liberalisation might provide. They also understand that authoritarian governance might profit from administrative reforms; "[a]uthoritarian upgrading consists in other words, not in shutting down and closing off Arab societies from globalization and other forces of political, economic, and social change. Nor is it simply based on the willingness of Arab governments to repress opponents. Instead authoritarian upgrading involves reconfiguring authoritarian governance to accommodate and manage changing political, economic, and social conditions."[167] Authoritarian upgrading is the result of authoritarian learning by regimes from one another. Heydemann notes in this regard that China became a model of particular interest for Arab governments exploring ways to improve economic performance without losing political control.[168] Moreover, instead of presenting state-society and state-society power relations as a dichotomy, one should see the relationship in a more fluid manner. In this respect, the regime is not necessarily the sole source of authoritarianism and coercion. Parts of civil society might actually legitimise authoritarianism. Pratt in her study on democracy and authoritarianism in the Arab World argues that important parts of civil society supported the project of the authoritarian state modernizing society. Pratt sees it as a process, in which depending on the circumstances at a certain place in time, the support among people for authoritarian ruling can grow or decline. Authoritarianism is seen as a dynamic process. According to Pratt, authoritarianism is not only determined by the type of regime and the nature of political relations, but also by the complex of social relations, rooted in class, gender as well as in religious and ethnic differences.[169] Moreover, the regime is not necessary a unity. The

[166] Salamé, 1994: 2 and 19.
[167] Heydemann, 2007: 1.
[168] Heydemann, 2007: 2.
[169] Pratt, 2007: 2.

regime can consist of groups or factions each attempting to impose their own views. They might try to make alliances with other groups in society. Groups and individuals in society, such as religious and tribal leaders, or entrepreneurs, might try to link up with the ruling elite in order to foster their personal and/or communal interests. Thus, the boundaries between the state and society can become blurred. The regime might also act as counterforce against authoritarianism in society. Contending social forces might try to impose themselves on the whole of society. Minorities in society might seek protection from the state, even though the state is authoritarian. In fact, authoritarianism of the state is deemed necessary by these groups in order to receive the necessary protection against authoritarian projects of the dominant majority in society.

In short, the geographic and historical origin of the concept of civil society is rooted in Western, mainly European context. The context, in which civil society with its different normative meanings develops, is one in which agrarian societies transforms into industrialised, feudal and absolutist states reshape into modern bureaucratic, guaranteeing individual rights. Good judgment should be exercised in making any generalisations based on the Western experience, about the role civil society could play in the development of non-Western societies.

While the concept of civil society is contested with regard to what civil society does or is supposed to do, civil society in its different forms can be considered as an empirical reality. The main functions attributed to civil society by scholars, policy makers and activists reflect different aspects and perceptions of this reality. There is no single civil society position or interest. Linking civil society explicitly to one of the mentioned moral or normative connotations contains a double risk. Such a step might suggest that civil society has a single unified interest or position on certain issues. Moreover, such approach could reduce civil society to a restricted group of organised people, with the risk of losing sight of the broader, complex social reality. Therefore, civil society cannot be considered by definition a pro-democracy force, although in concrete situations there may be groups within civil society striving for democratisation. The relations between civil and political society are blurred. Civil society can consist both of non-political organisations, as well as of organisations supporting democratic or authoritarian state society relations. Under an authoritarian regime, state-society relations are unequal in terms of power generating means. Contingent on the view of authoritarian rulers of the specific CSO, these can be oppressed, controlled and/or supported. Support by authoritarian regimes to CSOs might contribute to a limited political opening but does not necessarily translate into support for democratisation. This support can also be part of a strategy by authoritarian regimes to

consolidate authoritarian rule, by tying parts of civil society to the regime through corporatist structures and/or patriarchal as well as clientelist relations. Willingness from state and civil society to become partners in development cannot be assumed. Firstly, no single position and/or interest are shared by the whole of civil society. However, there exists a possibility for the state and certain CSOs to partner on specific issues. Secondly, especially in the context of authoritarian regimes, state-society power relations are very unequal. As a consequence, authoritarian states might simply select or create CSOs to perform certain tasks thus ensuring the status quo of the ruling party.

The theoretical discussion and western conceptualisation of civil society still has strong bearing on how the EU formulates its democratization policy. As this study explains, the EU's view on the role of civil society in promoting good governance is rooted in western political and philosophical thinking. The EU's view on civil society as a prodemocracy force is clearly normative, because it adds on to ideas about a democratic state: in a civil society, the citizens are for instance, actively involved in public debates and civil society is a counter-hegemonic force. The idea of state civil society partnerships refers to a specific kind of state: acting as a neutral mediating agent, guaranteeing individual rights and is based on a kind of social contract between ruler and the ruled. In fact, this notion reflects the model of western state-society relations based on a separation of powers, recognizing fundamental rights of citizens and a system of checks and balances. As indicated in this chapter, the character of states as well as of state-society relations in non-western states differ substantially from the ideal typical western liberal and liberal democratic notions. States are often authoritarian, even in the case of having formal democratic institutions, and provide instruments for rulers to accumulate wealth. State-society relations, as we will argue in the case of Syria, have often neo-patrimonial characteristics.

3. State and Ideology in Syria

In the previous chapter, characteristics of the modern state as well as of state society relations in developing countries were analysed in comparison to views on the state and state-society relations in the western world. The state and state-society relations in many developing countries have neo-patrimonial and/or neo-patriarchal features. State power is concentrated in few hands. The ruling elite protect its position on the one hand by repression and on the other hand by legal rational domination. Citizens are deprived as a consequence of this system of basic rights. The ruling elite use state resources for fostering private interests. Clientelism, as well as patronage, is instrumental in protecting the power position of the ruling elite. In many cases the latter has been able to legitimise its (authoritarian) ruling by taking into account interests of different societal groups.

With these comparative notions in mind, this chapter will focus on the characteristics of the Syrian state and its relations with society. Understanding the Syrian state, alongside with the kind of relationships that developed between the state and society under the rule of the Ba'ath party, will help clarify the position and the characteristics of civil society in Syria. The chapter will start with a description of state-society relations both prior to and in the first period after independence of Syria (subchapter 3.1). Subchapter 3.2 analyses state-society relations under the current regime. What are the social and institutional pillars on which the regime has based its power? Knowledge of these pillars – the structural foundations of authoritarianism – helps explain the persisting authoritarian rule in Syria. What are the policies and ideologies used by the regime to strengthen its legitimacy? Finally, the chapter ends with a brief summary and conclusions.

3.1 Pre-Ba'ath State-society Relations in Syria

From 1516 onward, what is today the Syrian Arab Republic was part of the vast Ottoman Empire. Prior to 1914, the whole area that stretched from the Taurus Mountains of Turkey in the north to Egypt and the Arabian Desert in the south and from the Mediterranean Sea in the West to Mesopotamia in the East was referred to as Syria or *Bilad as Sham* (The country of Damascus). Present-day Lebanon, Israel, the Palestine territories, Jordan, Western Iraq and

southern Turkey[1] were all part of this expansive area. Syria was not linked to any specific national sentiment and what sentiment did exist was pan-Arab. Present-day Syria came into existence at the end of World War I after the fall of the Ottoman Empire.

During the time of the Ottoman Empire, the area of today's Syria was almost an entirely rural society with the exception of two large urban centres, Damascus and Aleppo. Both cities were major trading centres while Damascus also served as the most important administrative centre for the whole Ottoman region of Syria. Most of the urban notables in Syria had studied in Istanbul, the Ottoman capital, and only these privileged people were given government jobs in the Ottoman administration.[2] Between the state and kin groups, there was only a thin layer of traditional civil society: "[*a*]*wqaf* (Islamic charity organisations), sufi-orders and guilds organised the urban quarters while in limited rural areas like the Kalamoun mountains and the Damascus Ghouta village associations managed water works."[3] Traditional civil society was at that time fragmented and rudimentary. These organisations had some social influence but no political clout. They never established power-sharing arrangements with the Ottoman sultan and his bureaucracy in a parliament.[4] There were no powerful independent corporate groups such as estates of aristocratic classes and free cities, or a separate church.[5] Only in the 19th century did a private landed class emerge from the ranks of Syria's urban, privileged Ottoman administrators. This aristocratic class of urban landowners was characterised by their rapidly growing estates and related incomes.[6]

On 10 June 1916, the emir of Mecca, Sharif Hoessein Bin Ali, called for an Arab uprising against the Ottoman rulers. The Arab revolt opposed the interests of the aforementioned rich landowners, but moreover was considered by many of them to be an upheaval against Islam. The sultan (the sovereign) was considered the defender of the Islamic faith. Nonetheless, other notables from the Syrian cities saw the 'revolt of the desert' led by Prince Faisal, son of the emir and a Hashemite ruler, as a dream come true, sensing the opportunity to establish an Arab

[1] Kaplan, 1993: 1-5. In July of 1938, the Turkish Army entered the Hatay, a 2000 square mile area where Arabs and Armenians once slightly outnumbered Turks, lived. Subsequently the Turkish government annexed the region. The French, who held the Mandate for Syria, did not protest and the occupied population could not. As a result many fled the region.
[2] Moubayed, 1999: 11.
[3] Hinnebusch, 1995: 216.
[4] Ibid.
[5] Ibid.
[6] Moubayed, 1999: 11.

state.[7] Faisal received support from the British who were at war with Germany and its allies, which included the Ottoman Empire. Arab forces entered Damascus in October 1918 and soon after; Faisal was installed as king of Syria and Palestine. However, in 1916 the United Kingdom and France already had decided, known as the Sykes-Picot agreement (named after two politicians involved in the negotiations) that Syria and Lebanon would be under French control. This was confirmed at the conference of the League of Nations in San Remo in 1920. The French sent their army and defeated King Faisal's weak forces at the battle of Mayasaloun in July 1920.[8] Faisal fled and thus ended the Hashemite control over Syria.

The Syrian urban notables who stayed behind became the vanguard of Syrian independence over the twenty-six years that France remained in Syria.[9] Furthermore, the Syrian identity started to unfold during this period. As Moubayed indicates, prior to this period "[n]obody in geographic Syria labeled themselves as Syrian. […] The locals simply labeled themselves as Arabs."[10] During the French Mandate period, the French tried to weaken the Sunni political elites' strife for independence by promoting communal identity, even going to the extent of dividing the country into separate states along religious and regional lines (Damascus, Aleppo, the Alawis and the Druze).[11] As a result, the Alawis, Druzes and other minorities answered only to the French: they paid lower taxes than the majority Sunnis and receiving larger development subsidies from the French, although this can be partly explained by the fact that most of these communities lived in more backward areas. Moreover, the French encouraged the recruitment of Alawis, Druzes, Kurds and Circassins into their occupation force, the Troupes Spéciales du Levant. The military became a popular career choice for poor rural Alawis.[12]

The French oppressed Syrian groups opposing the French occupation such as the majority Sunni Arabs and the Druze.[13] Ultimately, pressure from Syrian nationalist groups as well as from the British prevented implementation of French policies to split Syria into separate states; as a result, the French departed from Syria in April 1946. As in most countries in the Middle East,

[7] Ibid., 12.
[8] Ibid., 19.
[9] Moubayed, 1999: 28.
[10] Ibid., 29.
[11] Reissner, 1980: 5.
[12] Kaplan, 1993: 2 of 5. See also van Dam, 1979: 4.
[13] Moubayed, 1999: 49-58. In fact, Druze chieftain Atrash attacking French occupation forces sparked the Great Syrian Revolt of June 1925. The revolt spread subsequently to the Ghutta district. The French tried to prevent the revolt from spreading further by severely repressing the population and arresting its leaders. The revolt took serious forms in the cities of Hama and Damascus and could only be put down by very harsh means. Hundreds of Syrians were killed.

political power in the newly independent Syrian state passed into the hands of ruling families and educated elites who had the social position and political skills to govern during the transfer of power.[14] In Syria, the wealthy Sunni urban elite, who not only controlled trade but also had acquired large rural estates, dominated the political scene. Their interests lay on preserving the existing social fabric and distribution of wealth. They tried to curtail the autonomy and influence of the Alawi and the Druze. Sunnis, people from urban centres (Damascus and Aleppo) and people from the more well-to-do classes and conservative political parties occupied the senior and most powerful positions in government. Members of religious minorities and people from rural areas were heavily underrepresented in important positions. The parliamentary system, which was established during the French mandate period, was initially dominated by the above-mentioned upper class in a political party called the National Bloc (*al-kutla al-wataniya*); political leaders of this group were, to a large extent, representatives of important extended families, who generated supporters through clientelist relations. The role of the politicians was expected to represent them as well as take care of their individual interests. While during the Ottoman area the upper class acted as mediators between the population and the imposed authorities, after independence the upper class used the existing social structure to access the parliament as well as key positions in the government.[15]

The parliamentary system provided the opportunity for other levels in society to organise themselves in order to promote and protect their interests. Especially in the urban context, during the last phase of the Ottoman period and throughout the French Mandate, there had developed somewhat of a modern or new middle class, separate from the traditional higher middle class of city-dwelling traders and craftsmen. This evolved beside an already vast existent urban lower middle class of small shopkeepers and workers. Although from the socio-economic point of view, a layer of higher government officials was growing such as academics, doctors, lawyers and educated military officers, many of these people were themselves part of extended families of the upper class. Others, however, including an emerging group of skilled workers in the new industries, were part of this new middle class, but had no connections to members of the families of the upper class. A modern secular education system in Syria contributed to this development of this new middle class in the 1930s and 1940s; although the increase in schools had little to do with the state and far more to do with Christian and Muslim private initiatives. The

[14] Hourani, 1991: 403.

[15] Reissner, 1980: 29. In the feudal Ottoman society these influential middle-men, with their powerbase in influential extended families of which they were the leader, were called *Za'im* (*Zu'ama* in plural). They mediated between their clients and the state.

number of state-created schools grew quickly only after independence.[16] The bottom social layer of the society consisted of the rural poor, often living under feudal relations with the rich landowners.

It was this new middle class that started to articulate itself in political terms by creating new parties such as the Syrian National Party (Al hizb as suri al-qawmi) led by Antoun Saada in the 1930s as well as the Liga for National Action, and the Ba'ath party and the Muslim Brotherhood a decade later. These parties, with the exception of the Muslim Brotherhood, were secular. The basic ideas of these middle class parties were nationalistic (including the ideology of a Greater Syria) and aimed at ending feudal relations and socio-economic backwardness as well as promoting social justice. The Muslim Brotherhood wanted to achieve these goals in the name of Islam.[17]

In 1947, for the first time parliamentary elections took place; voters directly elected their candidate. Another first in the 1947 elections was the participation of parties, which appealed to their supporters based on a shared interest, programme or ideology. This stood in stark contrast to the older parties that had garnered their support from voters through patron-client relationships between powerful people and those who depended on them. Instead, the 1947 elections showed the growing political importance of the middle class.[18] While the upper class-dominated parties lost seats in the parliament, they remained in control by forming alliances with independent candidates. Nevertheless, these elections showed the growing importance of other layers of Syria's population and of the political parties representing their interests, such as the Communist parties and the Muslim Brotherhood. The latter party secured three seats in the parliament[19], while the Ba'ath party failed to win a seat. In subsequent elections, the Ba'ath party would nevertheless prove to be an important party despite the lack of authority it had in the parliament or politics in 1947.

3.2 State-society Relations under Ba'ath Party Rule

The situation changed dramatically when the Ba'ath party gained control over the state apparatus through a military coup in March 1963. Members of Islamic minorities (especially

[16] Ibid., 34, 56 and 57.
[17] Ibid., 36 and 39.
[18] Reissner, 1980: 182.
[19] Ibid., 188.

Alawi, followed by Druze and Ismaeli) and people from the rural areas (especially the Lattakia region) were relatively over-represented in the principal power institutions. Political life became dominated by persons from the low middle class and progressive political parties.[20] The strength of the Ba'ath party message was that it combined pan-Arab ideologies with the struggle for land reform. The national revolution of the Ba'ath party thus became a social one, too. Those who profited from the land reform were the small- and medium-sized farmers who benefited significantly from the redistribution of land.[21] The first years of Ba'ath party rule were characterised by a deficit of political legitimacy, deep internal division based on personal ambition as well as regional clan affiliations and religious and ideological splits. In 1966, a military faction within the Ba'ath party, led by Hafez al-Assad and Salah Jedid, pushed aside the party's historic political leaders, both Michel Aflaq and Salah al-Din Bitar. In November 1970, the then Defence Minister Hafez al-Assad staged a successful coup (the Corrective Movement: *al Haraka al Tashihiyya*), which marked the military's supremacy over the party.[22] Hafez al-Assad thereupon ruled the country for nearly 30 years until his death in June 2000. Under his rule, the Syrian state evolved into a politically stable and strong institution as well as an influential regional power. Kaplan concludes, "[c]onsidering that Damascus saw twenty-one changes of government in the twenty-four years preceding his coup, Assad's permanence is impressive. It is still more impressive when one realises that he belongs to Syria's most hated ethnic group - the group that has historically been suspected by other Syrians of sympathising with the French, the Christians and even the Jews."[23]

Syrian society changed profoundly during the rule of Hafez al-Assad due to factors as industrialisation, a national education system, mass media, modern communication systems, internal and international migration and occupational mobility. However, primordial relations still played an important role in Syria. The identities of individuals as well as their loyalties were to a large extent determined by a combination of the extended family and the ethnic, tribal and religious social network to which they belonged. These networks, especially the extended family, acted in the past and, to a lesser extent continue today to act as safety nets: providing work, trade networks and marriage partners as well as assistance to the elderly and the vulnerable.[24] These networks play(ed) an important intermediary role between the individual and

[20] Dam, 1979: 76.
[21] Wieland, 2006: 106.
[22] International Crisis Group, 2004: 2.
[23] Kaplan, 1993: 4 of 5.
[24] Reissner, 1980: 23.

the society at large. Although the modern state created institutions through which social support to the citizens is provided, the primordial networks based on family, clan, ethnic and religious allegiance still perform an important function, including in obtaining access to state services. These primordial relations have played an important role in Syria's power structure in the past and also today, even though the power basis of ruling elites has changed.

Bashar al-Assad inherited the political system, developed during the long rule of his father Hafez, when the latter passed away 10 June 2000. All major political components of the regime agreed on Bashar al-Assad as the successor. After amendment of the constitution to allow the election of a president younger than 40 years old, Bashar al-Assad, at the time 34 years old, was sworn in as the new president of Syria on 17 July 2000.[25] In order to understand the character of the Syrian state as well as state-society relations, we will analyse the social, institutional and ideological pillars of the regime.

Tight Personal, Clan and Sectarian Links

Besides the authoritarian nature of the regime, it is also highly personalised. Hafez al-Assad is still omnipresent through posters and statues even 11 years after his death in 2000. Although less dominant and stern looking than his father, Bashar's face is also exhibited everywhere: on huge billboards, on posters in shops and as sun screens for car windows.[26] Between the deaths of his elder brother Basil due to a car accident in 1994, until the passing away of his father Hafez in June 2000, Bashar al-Assad as the new president was carefully orchestrated. The second son Bashar, decided to study medicine in order to enter a learned profession, which reflects a traditional pattern in occupational choices in Semitic families. In 1992, he went to London to follow a postgraduate training in ophthalmology after he finalised his medical studies in Syria and fulfilled his military service as an army doctor. The course of Bashar's life changed dramatically with the death of his brother Basil.[27] The military and security apparatus of Syria were the first to support Bashar in his rise to power. Secondly, his father Hafez al-Assad sought to promote Bashar as a reformer to the Syrian public, someone capable of leading Syria into the 21st century. Finally, Hafez al-Assad familiarised his son with the substantive dimension of his

[25] Wieland, 2006: 12.
[26] Leverett, 2005: 61.
[27] Leverett, 2005: 59 and 60.

future role.[28] The highly personalised process of succession meant that Bashar al-Assad had to take into account the interests of those who facilitated his rise to power.

Van Dam explains the stability of the political system in Syria since 1970 as the consequence of the sectarian and regional homogeneity of the political power elite controlling a highly reliable and effective security apparatus (also in terms of repression). The instability in the previous 25 years is presented as the outcome of much more sectarian, regional and tribal factionalism in the political elite, including in the Ba'ath party itself; the greater the diversity in factions, the greater the chance for political instability.[29] Contrary to the official ideology of the Ba'ath party of nationalism and pan-Arabism, the reality on the ground is that the sectarian, regional and tribal ties, thus the primordial links, have constituted an inseparable and integral part of the power structure of the Syrian regime. Van Dam concludes that: "[w]ithout their well organised sectarian, regional and tribally based networks within the Syrian armed forces, the security services and other power institutions, the Ba'athists who have ruled Syria since 1963 would not have been able to survive so long. Exploiting sectarian, regional and tribal ties was simply a matter of pure and elementary power politics."[30] Although rulers opted for idealistic and pragmatic reasons to broaden the social basis of the regime, "[t]he strategically and politically most sensitive positions in the armed forces, security services and other power institutions remain the prerogative of members of the Alawi community, with only a few exceptions."[31] The backbone of the regime, however, remained the Assad family, the Qualbiya tribe from which the family stems and the Alawi community.[32] At the top of the power elite, this picture is evident. It is not only the President but the Assad family who is in charge of the country, with Maher (the younger brother of the President) in charge of the elite Republican guard and until his death in 2012, Bashar's brother-in-law, Asef Shawkat – previously head of the military intelligence – serving as deputy chief-of-staff of the armed forces. Even the Assad family is linked through marriages with Sunni families. The President himself married Asma Al Ahkras, a member of a Sunni family from Homs. Asef Shawkat is also from a Sunni tribe from the border area with Lebanon near Tartus.[33] It is thus too simplistic, as Salwa Ismail indicates, to refer to the Syrian regime as one of Alawi rule. Instead, Alawi dominance is in the security sector. Moreover, there

[28] Ibid., 60-65.
[29] Dam, 1979: 136-137.
[30] Ibid., 137.
[31] Ibid., 143.
[32] Leverrier, 2011: 2 of 7.
[33] Leverrier, 2011: 2 of 7.

is a civilian decision taking group in which Sunni, especially Damascene, are well represented; "[t]he military sectarian power configuration is tied to a particular economic order that rests on alliances and exchanges with certain socio-economic forces. These in turn broaden the ruling coalition and bring in strata that have a vested interest in the continuation of the ruling elite's monopoly over state power."[34] One should thus take note of the political-economic alliances and the shifts within them that support the regime and outline the features of the wider confederation of the regime's social basis. Haddad, in describing the politics of private sector development in Syria, indicates that the economic policies of the Bashar al-Assad regime privilege a small group of individuals associated in one way or another with the regime, either through familial ties or through public or governmental positions of posts in the military and security services. Haddad concludes that: "Syria has a private sector that is not private at all since most assets are owned by individuals who occupy state positions. Hence, an opposition develops between the interests of the new bourgeoisie (including the state bourgeoisie) and others in the business community who comprise the true private sector."[35] Importantly, unlike his father Hafez al-Assad, Bashar does not have absolute authority, for "[i]t would be wrong to see the Syrian regime, or Syrian security, as a tightly-knit, well oiled, hierarchical machine- particularly Syrian security […] The right hand of security does not know what the left hand is doing. Bashar has to reach consensus, negotiate, bargain and manipulate the system. Implementation regarding domestic issues is a serious problem in Syria. He is fighting against systematic, institutional, bureaucratic and cultural inertia that seriously retards any reform progress. There's also an array of Faustian bargains erected under his father, i.e., unswerving loyalty in return for casting a blind eye toward personal enrichment and corruption, that sometimes has the regime sincerely saying and wanting to do one thing, while actions by important groups connected to the regime, or actually in the regime, do something quite contrary to this. There's really not much Bashar can do about it without undercutting his support base, especially in a threatening regional environment."[36] Furthermore, an even more far-reaching observation is made by Haidara Abboud, suggests that corruption is used as a political strategy in Syria: "[m]any Syrians believe that corruption is intentionally allowed to spread through all segments of society, in public and private institutions, in CSOs and even in religious institutions as a political strategy to prevent the emergence of a credible and respected opposition to the current regime. [...] As long as a person does not talk about politics, his or her corruption practices are overlooked. But,

[34] Ismail, 2009: 14-15.
[35] Haddad, 2009: 31-32.
[36] Lesch, 2007: "Syria Comment." Joshua Landis blog. 13 November 2007.

when anyone makes politically sensitive protests or moves, the corruption file can be opened to the public and the individual sent to prison."[37] The ruling elite consists to a large extent of people who through personal, family and clan ties are linked to each other as the description above on the power relations in Syria stresses. The regime acts as a representative of group interests. Firstly, these interests are those of the Assad family and of persons linked to the family by marriage and blood bonds. Secondly, the ruling elite in Syria has dominated society through repression as well as by using formal and informal channels. The regime established clientelist relations with representatives of social groups in society through the provision of benefits in return for political support or other services. As a result, corruption became institutionalised. Clientelism can be considered as an important instrument ensuring support to the rulers next to the institutional pillars on which the regime based its power.

3.2.1 The Institutional Pillars of the Syrian Regime

The Syrian regime organised its control over the Syrian society around four pillars: the army and the security apparatus, the Ba'ath party, the Ba'ath people's organisations and the legal framework.

The Army and the Security Apparatus

As noted earlier, the Ba'ath party was first brought to power in 1963 by army officers active within it. However, as indicated by Kaplan (and also Van Dam), more important than the ideology of the Ba'ath party was the ethnic make-up of the corps of officers now in control, "[…] because of the assiduous French recruitment of minorities- especially Alawis- into the Troupes Spéciales du Levant, the Alawi's had, without anyone's noticing, gradually taken over the military from within. Though Alawi's constituted just 12 percent of the Syrian population, they now dominated the corps of young officers."[38] It was a group of Ba'athists with sectarian, regional and tribal ties within the Syrian armed forces, the security services and other power institutions, that succeeded in ruling Syria since 1963. While the 1963 military coup involved Ba'athist as well as Nasserist and independent unionist officers, the consolidation of power after

[37] Abboud, 2010: 1 of 3.

[38] Kaplan, 1993: 4 of 5. Van Dam, 1979; Landis, 2012: 1. Referring to Batatu, 1981: 341. "[I]t is estimated that, due to their over recruitment by the French Mandate authorities, Alawis already by the mid-1950s constituted some 65% of all noncommissioned officers in the Syrian military". Ibid., 2. Landis indicates that "under the Asads, loyalty became the ultimate qualification for advancement into the upper ranks of the security forces. They packed sensitive posts with loyal Alawis and Ba'athists." Landis refers inter alia to the security services as well as the foreign service.

the coup was done at the expense of the latter two – who were in many cases officers with a Sunni background. In 1963 the Ba'ath party Alawi military officers managed, through a number of purges and recruitment of new officers, to secure the control of key positions in the army as well as in the Ba'ath military committee.[39] In other cases, manipulating the sectarian loyalties of their men undermined the authority of Sunni military commanders. Nevertheless, some Sunni officers as well as officers from non-Alawi communities were posted in high military positions. Such appointments helped to counter the impression that mainly members of specific religious communities occupied key positions in the army. Holding a high position, however, did not imply that these officers had independent power.[40] Sectarian practices as a means of strengthening the power position within the army of individuals and groups were important, but such practices could also be questioned if they became too open because these practices defied the Ba'ath party ideology. Such a situation could be exploited by opponents, who might have personal ambitions to gain power and did the same without speaking openly about it.[41]

In general, it can be concluded that Alawi Ba'ath party military officers control (although not exclusively) key positions in the military and especially the security apparatus. Even so, personal and political loyalties remained also important. Lt. General Mustafa Tlass, the son of a minor Sunni notable, is a good example of one of the few non-Alawi senior military officers belonging to the inner circle of the regime. Since 1960, Tlass was a close friend of Hafez al-Assad. His loyalty (exemplified during the crushing of the upheaval led by the Sunni Muslim Brothers) was rewarded with the post of Minister of Defence in 1972, Deputy Commander in Chief of the Syrian Army and Deputy prime minister for military affairs. Tlass also played an important role in paving the way for Bashar al-Assad's presidency.[42] He kept the position of Minister of Defense until 2004; thus, for 36 years.

In 2006 an estimated military in active service was around 300,000 of which 200,000 were the ground forces, 100,000 the air forces and 7,600 as naval force. The reserve force consists of about 354,000 men (up to an age of 45 years).[43] Besides the protection of the Syrian territory, a number of specialised units within the army were designed with specific tasks related to guaranteeing internal security, cooperating and liaising with the military wings of foreign political

[39] Dam, 1979: 34-61.
[40] Ibid., 37.
[41] Ibid., 39-40.
[42] Middle East Intelligence Report, 2000: 3 of 4.
[43] EIU, 2006: 18. Based on 'The Military Balance' published by the International Institute for Strategic Studies.

movements supported by Syria and protecting the president and his family. As far as is known, many of these special units are headed by Alawi military officers. Most likely, the most crucial units, the military intelligence and the Republican Guard, are headed by family members of President Bashar al-Assad. The Republican Guard has the primary mission of protecting the regime and is charged with controlling the Damascus area.[44] The military security does not simply gather operational and strategic intelligence relevant to the armed forces. It has an important mission relating to internal security as well. This organisation is regarded as highly influential within Syria's intelligence/security network and seems to be involved, in unconventional warfare.[45]

A myriad of security/intelligence services with overlapping missions gather intelligence on opponents of the Assad regime as well as take action against them, such as the state security services, the political security service, the military security service and the air force security service. Tens of thousands of people are working for these security services. Each organisation has its own detention cells and interrogation centres and is, at least formally, directly responsible to the president and his closest advisors.[46]

Besides the army and security forces the regime uses criminal gangs, *Shabiha*, to intimidate political opponents, to accumulate personnel wealth and to ensure its own survival at all costs. The notion is possibly derived from *ashbaah* (ghosts), because the shabiha operate outside the law. According to Saleh, in the late 70s after Syria intervened in Lebanon in 1976 and smuggling from Lebanon to Syria increased, the term *shabiha* was used more often. At that time the term was used in a narrow sense and referred to bands of young Alawite males from coastal regions with links to families of the ruling elite (al-Assad, Makhlouf, Deeb family). These men made their living from smuggling and imposing taxes. In the beginning of the 1980s, the regime used the Shabiha to crush the upheaval against its ruling. Rifaat al-Assad, Hafez al-Assad's younger brother, led the paramilitary force called the Defense brigades, who were above the law and funded by the state. A feature of these Shabiha is the patriarchal relations combined with ties of kinship that bind the bosses of these paramilitary groups with an autocratic president, also a boss.[47]

[44] Jane's security forces and foreign forces. Syria. 2002: 2 of 8.
[45] Ibid., 3 of 8.
[46] Ibid., 2 of 8.
[47] Saleh, 2012: 2 and 3.

The Ba'ath Party

During the 1950s and the 1960s, the Ba'ath party was already an authentic political party with some success in parliamentary elections. The Ba'ath party is an organisation that aspired – at least on paper - to reunite the Arab nation. *Ba'ath* means rebirth; the Ba'ath party was to bring about the rebirth of the Arab nation. The party was active in Syria and Iraq but also in some other countries in the Near East, as well as other parts of the Arab world. The organisation aspired to Arab unity on the basis of socialism and nationalism.[48] In the beginning, the party was hardly a mass movement. It originally appealed to low middle class intellectuals and ethnic religious minorities that felt marginalised. Many of these middle class intellectuals were students with a rural background[49], and the ethnic and religious minorities were, in the case of Syria, Druze, Christians and principally Alawi, as International Crisis Group indicates.[50] In the early 1950s as George points out, the membership totaled only some 4,500 people, including the at that time a high school student in Lattakia Hafez al-Assad, and Abdul Halim Khaddam later to become the country's vice president.[51] When in 1952 the Ba'ath party merged with the Arab Socialist Party (ASP) of Akram al Hawrani, a lawyer from the city of Hama, it received its first mass peasant constituency.[52] The party gained even more support and power when it supported Gamal Nasser in his revolution against the monarchy in Egypt. The subsequent union of Syria and Egypt in 1958 soon led to discontent in Syria, because the Syrian elites felt marginalised. The Ba'ath party had been dissolved under the union but in 1959 it stayed active through a clandestine military committee founded by officers. They were however rightist military, which led in September 1961 to a military coup. This gave way to a secessionist regime, backed by Jordan and Saudi Arabia and rich urban Syrian notables. Finally, in 1962, the Ba'ath party was re-established. When in 1963 the Ba'ath party gained power in Syria, it was not through elections but as a result of a military coup. In the night of March 7 to 8 in 1963, military officers of the military Committee of the Ba'ath party, in alliance with other leftist officers, seized control

[48] ICG, 2004: 1.
[49] George, 2003: 66.
[50] ICG, 2004: 1.
[51] George, 2003: 66.
[52] Ibid. Akram al Hawrani is the father of Fida Hawrani, who on the 1st of December 2007 was chosen as a chairperson of the National Council of the Damascus Declaration. Fida Hawrani was arrested shortly afterwards together with 12 other leading figures of the National Council. She was released on 16 June 2010 after serving a three years prison sentence. She had been sentenced by the first Damascus criminal court based on charges of publishing false or exaggerated news with the aim to weaken the spirit of the nation, belonging to a secret society with a view of changing the structure of the state's political and economic structure, as well as of awakening sectarian strife and undermining the prestige of the state, according to Articles 285, 286, 306 and 307 of the Syrian Penal Code.

over the state through a coup. Subsequent power struggles in the Ba'ath party led to another coup in November 1970 through which the faction of Hafez al-Assad took control over the state and the Ba'ath party. The Ba'ath party stopped being an autonomous political force[53] and changed into an instrument to mobilise support for the ruling elite while at the same time act as a watchdog over society, using its monopoly on every level of Syrian society to represent Syrian people. As a young party, Ba'athits leaders had foreseen the Ba'ath as a vanguard party, where members would be carefully scrutinised. But, under Hafez al-Assad, the party changed into a mass organisation because, as George indicates, the criteria for party membership had been less strict.[54] Zisser mentions that on the basis of a report published for the sixth Ba'ath Party Congress, held in June 2000 immediately after Hafez al-Assad's death, "[…] the membership of the party was 1,409,580 of whom 406,047 were full members (Adw Amil) - the highest category of membership, followed by trial member (Murshshah) and supportive membership (Nasir)."[55] The latter were aged between 14 and 17 years old. In May 2005, there was an estimated number of 1,8 million party members. As the numbers show, compared to 1971 when there were 65,398 members, the party developed into a large organisation.[56] There is, however no possibility for independent verification of these figures and the regime might inflate them. As indicated, membership of the Ba'ath party is also an important asset for upward occupational mobility in the government apparatus. Zisser points out that the Ba'ath party has absolute hegemony in many social sectors. "For example, 998 of the 1.307 sitting judges in Syria were members, and apparently most of the intellectuals in the country were at the service of the party: 56 percent of the lectures at the University of Damascus were party members, as were 54 percent at the University of Aleppo, 79 percent at Tishreen university of Lattakia and 81 percent at the Al Ba'ath university in Homs."[57]

The constitution of 1973 reflects the dominant role of the Ba'ath party in both the state and society. It describes the Syrian Arab Republic as a democratic socialist People's Republic led by the Ba'ath party. This party is not only the ruling party but it developed into, as Zisser indicates, an "[i]ndispensable instrument used by the regime to maintain its hold over the state. The party also serves as an important foundation upon which the regime rests its legitimacy, since the

[53] Ibid., 64-70.
[54] George, 2003: 71.
[55] Zisser, 2006: 96.
[56] Ibid.; George, 2003: 71.
[57] Zisser, 2006: 97. Footnote 34: Al Nahar (Beirut), 16 June 2000; Al Hayat (London), 17 June 2000.

Ba'ath became the flag bearer and guardian of the walls of Arabism in the country."[58] The Syrian constitution of 1973, Article 8, grants the Ba'ath party the role of a leading party in society and the state; "[e]xtensions of the Ba'ath party are to be found throughout the state. These branches, departments and cells facilitate the spread of the party's message to all parts of the country. Every four years, the party branches elect delegates to the party congress, which in turn elects the members of the party's two bodies: the Central Committee (al-Lajna al Markaziyya) consisting of 90 members and the Regional Command (al-Qiyada al-Qutriyya). Until 2005 the Regional Command had 21 members; today it has 14 members including the president. The Regional Command is the party's supreme body and thus the most powerful institution in Syria. This status is reflected in the method by which the president is elected. The Regional Command of the Ba'ath party, recommends the presidential candidate; the candidate is then brought to the People's Assembly for approval and, with the granting of approval, a national referendum is held. The party is headed by a secretary general, a post held today by Bashar al-Assad."[59] Largely symbolic nowadays, a National Command still exists as coordination council throughout the Arab world. In the philosophy of Ba'ath, an Arab state is seen as a region for the Arab nation as a whole.

By presidential decree, the majority of seats in parliament are reserved for the Ba'ath party and its allied parties within the National Progressive Front (NPF). The NPF consists of 10 parties including the Ba'ath party. Only the Ba'ath party is allowed to be represented by offices at local level and in the army. For the 2007 parliamentarian elections, 163 seats out of 250 were reserved for the NPF, of which 130 were allocated to the Ba'ath party. The Ba'ath party has thus an inbuilt majority in parliament. In the 2007 elections, 169 seats were won by the NPF. The remaining seats were contested among non-party independent candidates.[60] Democracy Reporting International, an international NGO monitoring elections, made the following additional observations: "[r]eportedly genuine opposition politicians were prevented from running elections at all. The provision in the Constitution which states that half of the members of the parliament should be worker or farmer, led apparently to situations in which candidates have been declared belonging to these occupational categories while this was not the case."[61] Among the non-party candidates nominated in the Syrian parliament are some businessmen as well as Imams. The latter might be interpreted as a reflection of the growing conservative Islamic mood

[58] Ibid., 96.
[59] Zisser, 2006: 96. See also US Library of congress, 1987: 1-3.
[60] DRI, 2008: Annex 1. 13.
[61] Ibid., 2.

in Syrian society on the one hand and on the other hand, as an attempt by the regime to co-opt Muslim leaders by allowing them to take positions in the governmental structure. It is also a reflection of a growing influence of Islam on political decision-making. In the 2007 parliamentary elections, the number of Islamic leaders in parliament rose from 1 to 3 representatives.[62] A substantial increase, although in total numbers their presence remains modest. It was also not a new occurrence that Islamic religious leaders were present in parliament. Between 1919 and 1954, the number of Imams (*ulama*) in different parliaments was between 1 to 2 representatives.[63]

The political and electoral system created by the Syrian regime "[…] not only prevents any serious political opposition challenge against the regime through elections, but also blocks any possibility for a party or a candidate to gain enough support to be considered an officially legitimate opposition force."[64] In June 2005, the 10th Ba'ath party congress took place. The main outcome of the congress was the confirmation of Bashar al-Assad as leader of the party as well as that the position of the party as constitutionally leading and governing party of Syria. The position of the Ba'ath party in the government was also reinforced by the decision that the prime minister as well as the speaker of the parliament should be member of the Regional Command, the highest institutional body of the party. A striking development was also that representatives of security forces have taken over the positions in the Regional Command at the expense of the minister of defence and the chief staff of the armed forces. The congress announced a new law on political parties; a law which has not been presented until today. Another recommendation was that the Emergency Law should be reviewed in order to reduce the role of secret services in matters effecting everyday life of citizens."[65] As a consequence of the ongoing popular revolt since March 2011, the state of emergency has been lifted, although in practice this has not changed arbitrariness of conduct of security services towards perceived regime opponents. In 2011 a political party law has been enacted that, for the first time in 48 years, allows opposition parties to be established. In October 2011 the president established a committee to formulate a new constitution.[66] The constitutional referendum of February 2012 approved the new

[62] US Department of State, 2007: 2 of 5.
[63] Reissner, 1980: 77.
[64] DRI, 2008: 3.
[65] Haddad, 2005:1 of 4.
[66] Moubayed, 2011: 342. The only banned parties are ethnic and Islamic ones. The new political party's law allows new parties to set up their own media. All parties, including the Ba'ath Party, have to apply from scratch. As of 11 October 2011, parties have applied and only one authorized by December. The only party with large membership, funding and structure is the Ba'ath Party.

constitution. As a consequence, Article 8 of the constitution, which states that the Ba'ath party leads the state and society, was removed.

Ba'ath People's Organisations

Through its People's Organisations Bureau, the Ba'ath Party administers a number of popular organisations including its own militia, which is called the People's Army. Other organisations established and controlled by the Ba'ath Party are the Revolutionary Youth Organisation, Union of Students, Women's Organisation, Peasant Federation and General Federation of Trade Unions. Each organisation is supervised by Ba'ath Party officials and it has the monopoly of representation of these groups at local, regional and national level, including in the People's Assembly (the parliament). These organisations spread the Ba'ath ideology, recruit new members for the party and extend services to various social groups. Indoctrination already starts with membership in the Vanguards, an organisation for grade school boys and girls.[67]

After the 1980s, professional organisations were likewise brought under the control of the Ba'ath party. Before 1980, the Bar association and several other professional associations (for example, associations for engineers and doctors) remained formally independent from the regime. These organisations played an important role in the non-violent opposition at the end of the 1970s, requesting an independent judiciary, a democracy, lifting the emergency law, freedom of expression and association. In response, the government dissolved these organisations, arrested hundreds of leaders and activists and replaced the associations by government controlled committees. The government established a legal framework through which these organisations were brought under the control of the Ba'ath party.[68] Chapter 5 will discuss more in depth the nature of some of the people's organisations as part of a description of civil society in Syria.

The Legal Framework

After gaining control over the state, the ruling elite in Syria restructured the state apparatus in such a way that it became an instrument of control and repression, with the aim of protecting the regime's interests. As a consequence the civil and political rights of Syrian citizens became severely restricted. At the same, time the regime used the legal framework to legitimise its

[67] US Library of congress, 1987: 3. See also George, 2003: 74-77.
[68] George, 2003: 103-105.

control. The following elements of the legal framework restrict the civil and political rights of Syrian citizens.

The Constitution of 1973

In principle, the Syrian constitution guarantees the main political, civil and social rights, although predominance is given, as indicated, to the Ba'ath party. The constitution affirms the principle of the separation of legislative, executive and judicial powers, and the independence of each of these powers. The Constitution attributes however, a leading role to the Ba'ath party in the process of political decision-making as well as in representing the Syrian people.

In practice, these powers are inter-linked and are dominated by the executive power. The executive power is controlled by the security services, which have major influence on the decisions of the branches of government as well as on the life of ordinary citizens due to the Emergency law and related decrees.[69] The President heads the executive branch, manages the dominant party and is a member of the highest court, whose members he appoints. Furthermore, the President, as indicated before, is not directly appointed but proposed by the Ba'ath party and approved by the Ba'ath party-dominated parliament.

Several articles of the Constitution also indicate the Syrian economy as a state-planned socialist economy. The latter situation has been altered substantially during recent years since the government accelerated the implementation of policies to transform the economy into a capitalist one.

The Emergency Law

After 9 March 1963, since the Ba'ath party gained control over the state, Syria is ruled under a state of emergency, which gives the president of the country additional powers and allows significant restrictions of political rights, such as freedom of expression and association.[70] In practice, the Emergency Law provides nearly unrestricted powers to the army and security services. Art 4 of Legislative Decree no. 51 of 22 December 1962 of the Emergency Law, states for example that the Military Governor (the President) may "[…] impose restrictions on the freedom of persons in terms of holding meetings, residence, transport, movements and detaining suspects or people threatening public security [and]monitoring all types of letters,

[69] NOHR-S, 2007: 5.
[70] DRI, 2008: 1-2.

phone calls, newspapers, bulletins, books, drawings, publications, broadcasts, and all forms of expression, propaganda, and advertisements prior to publication."[71] Article 4 of the above-mentioned decree also sanctions preventive arrests. Suspects may be detained without charge or trial for prolonged periods. There is no legal redress against arrests under the Emergency Law.[72]

Under the Emergency Law and related decrees, the security services have far-reaching powers to act against alleged opponents, arrest them and keep them in *incommunicado* detention for weeks or months. Harsh treatment and torture are common practices in these detention centres. Alleged political opponents are tried by regular courts, by military courts and by the State Security Court, a special court created under the Emergency Law. Verdicts are not the outcome of a fair trial but are political decisions. Particularly in the State Security Court, as well as the field military courts minimum standards of fair trial are not met.

In addition to arresting opponents, the security services try to keep pressurising potential opponents by frequently summoning them to their offices, requesting information about their activities; by contacting family members and neighbours; pressurising clients or employers; imposing travel bans; and at times by beating up opponents and using other forms of harassment. Different security services might focus on the same alleged regime opponent at the same time, or one after the other.[73] The whole atmosphere is highly intimidating and is meant to discourage people from openly criticising and organise themselves against the regime, as well as to socially isolate them. The pressure of the services is also meant to see if potential opponents can be blackmailed. In case the latter is effective these persons might become instrumental for collecting information on activities of people in CSOs and opposition movements. Every citizen who has contact with an alleged opponent risks becoming an object of inquiry; the mere accusation of such contact is often also a pretext to bribe people.

Until 2011, the Syrian authorities have consistently claimed that a state of emergency is required because of the conflict with Israel as well as in recent years due to the political and other pressures, especially by the US. This pressure has been used by the Syrian regime as an argument that the West aims at regime change in Syria and thus the state of emergency should

[71] NOHR-S, 2007: 111.
[72] Ibid.
[73] For details of the practices of persecution and harassments of alleged opponents, including the situation of human rights groups see: Human Rights Watch, 2007: Without a page number.

be upheld. Regime critics in Syria itself are in this context accused of spreading false information with the aim of undermining the spirit of the nation. Under the pressure of the on-going demonstrations calling for freedom, the President announced in April 2011 the lifting of the state of emergency, the closure of the State Security Court and the right of citizens to demonstrate peacefully.[74] Security services continue with violent actions against mainly peaceful protestors, arresting probably tens of thousands of people and killing thousands.

The Syrian regime can also use the pretext of fighting terrorism as a justification for violating human rights, especially in the context of fighting Islamist opposition (e.g. Muslim Brotherhood since the 1970s) and persons with a 'fundamentalist' Islamic profile, accused of wanting to found an organisation, aimed at changing the nature of the Syrian society and its state. The mere accusation of being in possession of books or CDs of religious leaders, encouraging activities of *takfiri* groups[75] can be a reason for preventive arrests, including of their family members and friends). There is no rule of law in Syria. The police and security services can act with impunity. While the Syrian constitution provides for an independent judiciary - a precondition for establishing rule of law - the judiciary is under control of the regime, as we will discuss more in detail in the next paragraph. In sharp contrast to the reality on the ground, in 2006 the Syrian government presented its 10th Five Year Plan its vision for Syria in 2025 to "[…] complete the establishment of the democratic, mature, up-to-date society that is built on the basis of constitution and rule of law, political pluralism, and respect for human rights."[76]

A Judiciary Controlled by the Executive

As indicated, the President approves the nomination of judges working in the higher level of the judiciary. Not surprisingly, most of the judges are Ba'ath party members.[77] In 1980, after professional associations protested against the lack of freedom, the Bar Association was brought under control of the Ba'ath party. Lawyers have to be registered at the Bar Association and risk suspension or lose their registration if they are suspected of acting against the interests of the regime.

[74] Middle East Online, 2011: 1 of 1.
[75] Oxford Bibliographies Online, 2011:1 of 2. *Wahhabism*. The practice of takfir ideology is often associated with Wahhabism. In the practice of takfir ideology anyone in disagreement with one's interpretation of religion is declared to be a kafir (unbeliever) who must be fought in jihad (as holy war), thus representing a particularly intolerant interpretation of Islam.
[76] SPC, 2006: Chapter 3, 1.
[77] US Department of State, 2012: 9.

Under the Emergency Law, military courts could try civilians if they were accused of disturbing the public order, creating an illegal organisation, or if they insulted the state institutions or the President. A High State Security Court had been established on the basis of provisions under the Emergency Law. This court does not guarantee basic rights of the accused. The right of access to legal assistance is very restricted. Lawyers normally do not get approval to see clients prior to the court session. The court procedure itself was very superficial; it mostly contains a session in which the president of the court confronts the accused with the report of security services and poses a few questions. In a second session, the defence has the possibility to submit a written plea. In a third and final session, the president of the court reads out the verdict.

Special Decrees Enacted under the Emergency Law

A number of decrees have been imposed to bring associations under control of the regime. Decree number 49 of 1980 explicitly prohibits membership or activities for the Muslim Brotherhood. Membership can be punished with the death penalty. Under President Bashar al-Assad the imposed death penalty in some individual cases has been changed to a 12-year prison sentence. These decrees and their consequences will be discussed in Chapter 5, when dealing with the legal framework governing associations and NGOs.

3.2.2 Sources of Regime Legitimacy

It is apparently difficult to talk about legitimacy of a regime if the society over which it ruled has no freedom of expression or association, nor is able to choose its leaders through fair and democratic elections. Nevertheless, the regime has a social base, as described previously, which is broader than the sectarian groups it comprises. This social base may however change, for instance if the patron client-relationship between the regime and certain social groups comes under pressure. Such a situation may become the case in the current revolt since the regime has problems in providing safety and security to the silent majority. Until the uprising against the Syrian regime since March 2011, the following aspects or sources of legitimacy have been mentioned: the ability of the regime to ensure safety and political stability, the secular character of the regime, the provision of social security and economic opportunities and pan-Arabism.

The Ability of the Regime to Ensure Safety and Political Stability

As indicated before, between 1946 and 1970, the Syrian state and society were confronted with large-scale political instability due to ineffective governments unable to promote socio-economic development. Moreover, the armed upheaval of Islamist groups at the end of the 1970s, the ensuing insecurity and the subsequent repression by the regime, traumatised Syrian society. The fact that the regime provided safety – albeit by repressing anyone considered a potential opponent – should not be underestimated. Both Syria's minorities and many of its Sunnis worry about Sunni radicalism promoting a state and society based on Islamic foundations. Furthermore, many Syrians are concerned about the continuing unrest in the region and the threat it poses to the lives of ordinary citizens in neighbouring countries such as Iraq, Lebanon and the Palestinian territories. With the many Iraqi refugees in Syria fleeing sectarian violence, individual persecution and general lack of security, Syrians are reminded of the risk of a sudden collapse of the existing political system. The regime uses fear harboured by many Syrians about sectarian strife, religious extremism and tribalism in their society to legitimise its authoritarian rule. A significant number of Syrians prefer to live under enlightened dictatorship that promises safety and stability instead of a democracy, which might once again contribute to political instability and fear among minority and secular communities because their rights and way of life might come under attack from fundamentalists and radical extremists. The regime exploits these fears and uses them to justify their continued authoritarian rule. That might be a reason why at least until the beginning of 2011, many Syrians seemed to accept the president's words that democracy is not a goal in itself; it is an instrument for development and prosperity and needs careful preparation and the appropriate circumstances.[78] At least not until the successful popular revolts in Tunisia and Egypt, many Syrians did not believe in the possibility of changing the regime in Syria, especially not by non-violent means.

The Secular Character of the Regime

In the Arab world, secularism has a different history and connotation than in the Western context. In the latter context, secularism is especially part of social development and personal experiences. Yet, in the Arab world, secularism has a more ideological meaning and was used by ruling elites to legitimise their ruling. In the case of Syria, as Wieland explains, secularism is less the result of the socialist Ba'ath Party ideology and more the outcome of Alawi influence on regime policies: "[i]t was not primarily a (western) ideology -socialism- but a very traditional player -a religious group- that favoured social liberalism on account of their religious teachings

[78] SANA, 2007: 7 of 15. See also Landis, 2007: 1 of 3.

implemented it, and has maintained it up to today in spite of opposition."[79] The Syrian constitution provides for freedom of religion to the many religious denominations in Syria. There is no official state religion, however the constitution requires the President to be Muslim and stipulates that Islamic jurisprudence is a principal source of legislation. The constitution acknowledges the separation of religious institutions and the state. However, the government routinely intervened and controlled religious groups up to and including the highest Sunni religious authority, the grand-mufti, who is appointed by the government. Intervention in religious life by the state can be seen in guidelines of the Ministry of Awkaf (religious endowments) stipulating government positions on certain political issues such as the war in Iraq and the Palestine issue, to be included in the sermons of imams. Furthermore, all religions and religious orders must register with the government, which monitors fundraising and required permits for all meetings by religious groups, except for worship. The Ministry for Awkaf is the government organ in charge of these activities.[80] The regime allows religious institutions, Christian as well as Islamic, to operate and to provide a social framework for the lives of their followers. The social activities of religious organisations are allowed and supported as long as they do not challenge the existing political order.

Although the regime is secular in its nature, society is not. The strength of the secular ideology of the Ba'ath party is that it could be used by the ruling elite in legitimising their hegemony over a very fragmented society along ethnic and religious lines. The secular character of the state provides protection to religious minorities as well as secular citizens against pressures from religious groups, especially Islamists, threatening to impose themselves on society and limit civil liberties. In practice however, the regime exploited primordial relations as well as pan-Arab sentiments to impose itself on society.

Social relations between people are to a large extent determined within the framework of the religious communities in which they live. Major aspects governing the personal lives of individuals – Muslims as well as Christians – such as marriage, divorce, inheritance and the position of women is determined by the Personal Status Law, based on Sharia. In July 2006, a new personal status Law for Catholics went into effect, giving Catholics their own laws for adoption, inheritance and guardianship. Regardless of religion, however, child custody laws for

[79] Wieland, 2006: 90.
[80] US Department of state, 2007 a: 8 of 15.

all children remain based on Sharia.[81] The Personal Status law contains a number of provisions based on traditional Islamic family law that discriminates against women, such as in the case of divorce. The implication of this situation is that the personal lives of individuals, especially women, can be deeply affected by the existing legal framework, which in turn reflects the importance of primordial relations in society, including the unequal relations between men and women.

Secularism in Syria has developed into a balancing act of an Alawite dominated regime trying to stay in power. Already under Hafez al-Assad, the regime felt obliged to co-opt conservative Sunni Muslims by allowing Islam to be me more visible in social life and by regime activities such as the setting up of Quranic schools in the name of the regime or the granting of permission for social activities of Islamic foundations. Thus the institutional formal laicism – the separation of church and state - went in the case of Syria not parallel with social secularism[82]; to the contrary.

The Provision of Social Security and Economic Opportunities

Especially in its first period in power, the Ba'ath party drew much of its ideology from the Soviet states. The land reform, the state-controlled economy, the leading role of the Ba'ath party but also the provision of basic services and goods by the state clearly refer to this socialist legacy. As discussed earlier, the socio-economic policies of the Ba'ath party-led government resulted in a substantial improvement of the lives of the impoverished rural predominantly Sunni population through land redistribution and guaranteeing fixed prices for a number of agricultural crops such as cotton and wheat. The system of subsidised consumer goods such as heating oil, petrol, bread, cooking oil, sugar and rice helped as well in guaranteeing basic needs of the poorer sections of the population. Free education and health care through government institutions also led to improvement of the standards of living of large sections of the population. Industrialisation policies of the government based on import substitution and state-owned factories created jobs as well as provided additional goods for the local market. The expansive government administration as well as government agencies in many areas also provided jobs and income.

Ba'ath party membership was also an avenue for individuals to gain access to privileges distributed by the state. Membership of the Ba'ath party as a sign of loyalty to the state became

[81] US Department of state, 2007 a: 8 of 15.
[82] Wieland, 2006: 91.

as well an instrument of access for individual Syrians to higher positions in the state apparatus and privileges related to it. Seemingly modest salaries in the higher echelons of the government structure are topped up by many state-provided benefits, including housing made available by the state, electricity, water and heating oil bills paid by the state, free treatment in special government hospitals, cars and petrol made available by the state and so on. These advantages – to which hundreds of thousands of Syrians have access – depend on loyalty to the state. This dependency relationship between the ruling elite and other layers of the society is a complex one. The elite must secure the loyalty of these officials in ministries, state related agencies, the army and the security services for its survival and unrestricted access to the state's resources. Much of Syria's middle class has developed under the umbrella of the state, dominated by the Ba'ath party, the army and security services. The reverse is also true: namely, that the privileged status of certain layers of the vast state apparatus depends on the survival of the regime. The legitimacy of the regime was both based on its willingness to use brutal force if necessary for survival, "[…] but importantly the regime also coalesced around itself an array of constituents by offering economic opportunities, co-opting segments of the population via patronage and channeling social forces through a corporatist system involving the creation of popular organisations, professional associations and unions."[83] The regime was in this way able to bring into it non-Alawis, while keeping Alawis in key positions in the armed forces and security services: "[n]on-Alawi constituencies and social forces were promoted and co-opted, including other minorities (Druze, Christians, Isma'ilis) for whom Alawi control meant protection from Sunni dominance, and rural Sunnis who had traditionally been excluded from economic and political power."[84] In the 1960s, as Zisser indicates, socio-economic reasons played an important role in the emergence of the Ba'ath party and the Assad dynasty. These events, like the current ongoing upheaval, involved a coalition of peripheral forces. In the 1960s, the Alawis led these forces, although other social groups that came from the periphery also joined. It was a struggle to gain access to power and take over the centre.[85] The socio-economic policies during the first decennia Hafez al Assad's rule – as part of Baath socialist policies – were characterised by nationalisation of industries, the creation of state enterprises, land reform (confiscation of properties of the large landowners and creation of state co-operative farms), as well as subsidising basic consumer goods. In the beginning of the 1990s he embarked on policies encouraging domestic and foreign private investors through generous fiscal initiatives

[83] IGC, 2004: 2.
[84] Ibid., 3.
[85] Zisser, 2011: 2 of 8.

(Investment Law 10 of May 1991). These policies of economic liberalisation (*infitah*) were especially favourable for the Sunni urban economic and commercial elite dominating the private sector of the Syrian economy as well as for high state officials and members of the presidential family starting businesses, often through their children (the *awlad al-mas'ulin*; the children of the powerful).[86] The latter, as Landis suggests, was a deliberate policy of the regime to keep control over the economy by the Assad family. A key figure profiting from the regime's control over the economy is the President's cousin, Rami Makhlouf, who assumed a majority stake in many major enterprises and holding companies. These politics of economic liberalisation contributed to growing income disparities between layers of the Syrian population and an explosion of corruption.[87]

Pan-Arabism

The Ba'ath party's ideology – at least in theory – focused on reuniting the Arab nation. A core element of the Ba'ath party's ideology is pan-Arabism: an idea that the Arab nation is a culturally homogenous people, divided over different states as a consequence of colonial policies. Pan-Arabism strives to unite the Arab people in one state. Attempts have been made by ruling elites in different states to unite or merge their states. In some cases this actually took place, such as with Syria and Egypt, although it ultimately failed. Arab nationalism in practice remained a facade, behind which there were many different intentions and persuasions that were partly working against each other. The main problem remains defining what is actually meant by, or included in, an Arab nation. Is it the intention of the individual who wants to belong to the nation or not (subjectivity), or is the nation based on origin and lineage (objectivity)?[88] In Arab nationalist ideology, the latter view is dominant. Speaking Arabic is considered a corner stone of the common identity as is the Islam. This is however also a source of controversy. While the Quran is the source of the Arab language and a dominant element of Arab culture, there are also many non-Islamic communities in the Arab-speaking world. The reverse is also true; in the Arab states there are Islamic communities, such as Kurds, who have their own language and do not consider themselves Arabs. In practice, it is the feeling of common community (*assabiya*) that matters. Although this feeling differs from region to region and may occasionally become stronger or weaker, it is present in the Arab world and thus also from the political point of view, is an important element to the Arab nation as well as the rulers in the different Arab states. This

[86] IGC, 2004: 3.
[87] Landis, 2012: 5 of 10.
[88] Wieland, 2006: 96 and 97.

feeling of *assabiya* is used by them and others as a political tool. Minorities such as the Kurds and the Assyrians are uncomfortable with the Syrian Arab Republic; the presumed Arab character of the Syrian nation, as expressed in the name of the Syrian country. This identity issue, which is discussed more in detail in the next chapter, not only affects relations between the Syrian regime and notably the Kurds, but is also a source of controversy among opposition groups, as we see today. The rights of minorities are a fundamental issue for the future of the people in Syria.

Besides the ideology of pan-Arabism, many Syrians have family ties with people in neighbouring countries and therefore are concerned with developments in countries such as Iraq, Palestine territories, Jordan, Lebanon and Egypt. Although not necessary sharing the views and policies of the Syrian government, there is a strong involvement among Syrians with developments in the region and the plight of its people. The solidarity with the Iraqis as well as with the Palestinians, as shown once again at the end of 2008 (the war between Israel and Hamas and the plight of the people in Gaza) clearly shows this involvement. Also during the last war in Lebanon in 2006, Syrians hosted almost 200,000 Lebanese refugees. Much of the assistance to Iraqi refugees was given by local Syrian faith-based organisations. Regime support is also a political tool as can be seen clearly in the case of the strife for a Palestinian state. Syria has positioned itself as an advocate for the Palestinian cause. This is not pure rhetoric; Syria has more than 400,000 Palestinian refugees as of today. Since 1948 Syria, in cooperation with the UN, has given generous support to these refugees who fled to the country. The Palestinians enjoy almost equal rights with native Syrians, which enables them to work (even in the government administration), study and own property.[89] Former refugee camps have developed into urban quarters of cities. The official point of view is that Palestinians are guests awaiting their return to Palestine.

A *Greater Syria*, although it is not an official idea or position of the government, the idea still has some support in Syrian society. A Greater Syria refers to the former Ottoman province of Syria, based on historical developments. During the French Mandate period, Syrian nationalist politicians expressed the desire of establishing a Greater Syria, in which Transjordan, Palestine, Lebanon and Syria belonged together. They even tried to incorporate this goal in the constitution for an independent Syria. The French however, revoked the including of the

[89] Palestinians do not have the right to vote.

proposal in the constitution, which the Syrian nationalists reluctantly accepted.[90] Nevertheless, there is a popular movement in Syria as well as in Lebanon, which endeavours for a Greater Syria. This is one of the goals of the Syrian Social Nationalist Party (SSNP), a party active in both countries. By a presidential decree on 4 May 2006, the SSNP was granted participation in Syria and has now become part of the NPF.[91]

In sum, by means of its control over the state apparatus, especially the security forces, the ruling elite gained an autonomous powerbase with which it could ensure access to the country's resources and foreign assistance. The Syrian regime has been able to deeply penetrate society through the state apparatus and the structures of the dominant party. The Syrian regime's ruling has neo-patrimonial characteristics. Regime power is concentrated in the hands of few, using state resources in order to foster private interests. On the one hand, the regime dominates society in a legal rational manner through state institutions. On the other hand the Syrian regime established clientelist relations with representatives of different groups in society. The latter relations between the regime as patron and different, each other sometimes competing, societal groups as clients are patriarchal in nature and uneven in power. These formal and informal structures enable the regime to control society as well as create channels for upward mobility and other privileges for those citizens loyal to the regime. The mass organisations linked to the ruling Ba'ath Party function as state-corporatist structures through which group interests can be protected in exchange for loyalty. In practice, the structures function predominantly as control instruments and as instruments for individual interest enhancement. These popular organisations are considered by the regime to be representatives of civil society. The regime also aims to pull in traditional civil society through clientelist practices. The Syrian regime's stability is thus not only the result of mere repression. The regime has a strong social and political base, which accepts the authoritarian rule. The loyalty to the regime in its first phase depended on its ability to provide socio-economic security to low income groups and to provide safety. The regime tried to broaden its social base by co-opting economic and social elites by means of giving them access to socio-economic and other advantages, as well as by spreading its ideology through state controlled institutions. While the regime's ideology is one of pan-Arabism, in practice sectarian, regional and tribal ties form part of the regime's power structure. Social elites, such as tribal and religious leaders, continue to be considered by the ruling elite privileged contacts, intermediaries and representatives of civil society. In this way, the regime

[90] Reissner, 1980: 6.
[91] Ministerie van Buitenlandse Zaken, 2007: 10D. The Arab name is *Hizb Al'Kawmi Al Suri Al-Ijtima'i*.

reproduces the traditional system of primordial loyalties and relations and incorporates them in its authoritarian political system. As indicated in the first chapter, the EU good governance assistance is based on the assumption that the partner state is willing to democratise its political system. One element of the good governance cooperation is the readiness of the partner state to create conditions in which civil society cannot only contribute to socio-economic development but also promote efficiency and accountability of government agencies. Given the characteristics of the Syrian state and its relations with society, the above-mentioned assumption should be questioned.

4. Contending Social Forces

Discussing state-society relations implies understanding the variety of social forces in society in addition to those supporting the ruling elite, which may also be considered a challenge to the regime. As Landis indicates, the strength of the al-Assad's rule is relative. It can only be measured in relation to the opposition.[1] Thus, the aim of this chapter is to analyse the contending social forces in Syrian society as well as the social and political issues they strive for. Contending social forces mean those individuals and groups in Syrian society questioning the legitimacy of the regime, i.e. the political opposition. Apart from the Ba'ath Party and the parties cooperating under its leadership in the NPF, all other parties were considered illegal by the regime during the period 2006-2010. Art. 8 of the 1973 Constitution states that "[t]he leading party in the society and the state is the Socialist Arab Ba'ath party. It leads a patriotic and progressive front seeking to unify the resources of the people's masses and place them in the service of the Arab nation's goals."[2] The political opposition questions, by its very existence, the constitution-based leadership of the Ba'ath Party.

In the Syrian context, contending social forces can be divided into three categories, which in practice are interlinked in some cases:

- Faith-based opposition: Islamist parties and groups fall under this category. The most important Islamist parties and groups in Syria are the Muslim Brotherhood, the Islamic Liberation Party and Salafist groups. The latter two strive for an Islamic state;

- Ethnicity-based opposition: Kurdish parties form the main category. However, also Assyrians have founded their own political parties along ethnic lines, such as the case of the Assyrian Democratic Organisation;

- The secular opposition: except for some small leftist parties, like the Communist Action Party, the other parties and groups can be considered to be a part of the liberal democratic opposition. Most of the latter have become party to the Damascus Declaration for Democratic National Change.

Within the political opposition, the political parties seem to be the weakest. As Landis and Pace note, "[t]he combination of security pressures and lack of internal democracy have rendered the

[1] Landis, 2012: 2 of 10.
[2] Constitution Syrian Arab Republic, 1973: 2 of 15.

parties brittle and prone to splintering. State agents easily infiltrate parties, foment internal discord and form breakaway parties with disaffected members [...] With the exception of the Kurdish parties, whose members are resoundingly nationalist; none have planted roots in society."[3] The active membership of these parties is small. While the political parties aim at gaining power - or at least control the power of the rulers - CSOs aim at fostering the interests of their participants. The tie between the opposition and civil society is the people organising themselves around social, economic and cultural issues. Depending on the issues, such development might be considered as a potential threat by the regime, especially if on the side, extra allegiances are established with opposition parties and movements. Intentionally or not, the activities of these groups and activists might support a political project threatening the position of the regime. Such people and organisations might be considered by the government as a potential threat, especially if they ally themselves formally or informally to political opposition movements and parties, providing the opposition with a broad social network. The government may perceive these groups as a threat to its position and/or security, if these groups get support from abroad or have outside contacts. In subchapters 4.2 until 4.4, these contending forces will be further discussed. Subchapter 4.5 looks into foreign pressures on the Syrian regime.

Any political reform in Syria would have to deal with is the question of the social, cultural and ethnic configuration of the society. That discussion, dealt with in the next subchapter, centres on the perceived national identity of the Syrian state and society. Two issues play a central role: Arabism and Islam.

4.1 Multiple and Competing Identities

Syrian society is complex, consisting of different ethnic and religious groups that settled historically not only within the boundaries of present-day Syria, but also in neighbouring countries. Syria has an estimated 19.4 million inhabitants in 2007[4] compared to about 12 million in 1990. Syria's population has doubled in 25 years and the growth rate has averaged 2,7% a year over the last five years. This places continuous pressure on the country's infrastructure and resources. Some 75% of the population is under the age of 35, with more than 40% under the

[3] Landis and Pace, 2006: 50.

[4] Central Bureau of Statistics, 2008. The press statement indicated that the counting did include neither the Syrians living abroad nor the Iraqi's in Syria.

age of 15.[5] Syria is rapidly urbanising – around 55% of the population[6] lives in cities.[7] Besides the capital Damascus, major urban centres include the cities of Aleppo, Lattakia and Homs. Cities like Damascus and Aleppo each host several million inhabitants. Smaller cities such as Deir e Zor, Hassakeh, Quamishli, Raqqa, Idlib, Daraa, Sweida, Tartus and Hama are also confronted with rapid population growth.[8]

Reliable statistics about the religious and ethnic composition of Syria's population do not exist.[9] The population, including more than 400,000 Palestinian refugees, is estimated to be over 90% Arabs. Arabic is the official and most widely spoken language in Syria. The Kurds, linguistically an Indo-European people, constitute the largest ethnic minority, making up some 9% of the population. Most Kurds live in the Northeast of Syria and many of them still speak the Kurdish language. Sizeable Kurdish communities have settled in most large Syrian cities, often in search of jobs and income and are in many cases, much like the until 2011 stateless Kurds, working in the informal sector.[10] Syria also has a sizeable Armenian community, which fled the atrocities of the early 20th century in what is now Turkey. Unlike the Kurdish community in Syria, the Armenians have full rights to teach, speak, write and publish in their language. Since 2003, a large number of Iraqi refugees have fled to Syria and settled in the main cities, especially Damascus. In 2007, according to Syrian authorities, there are an estimated 1,5 million Iraqis staying in Syria. Among the 180,000 refugees registered by UNHCR in Syria in late 2007, about

[5] Economist Intelligence Unit, 2008: 8.
[6] EC Delegation Damascus, 2009: 7.
[7] Economist Intelligence Unit, 2008: 9.
[8] EC Delegation Damascus, 2009: 34. There are some important demographic factors underlying this process of rapid urban development, which deserve special mention:

- Population growth: growing at an annual rate of over 2.3%;
- Rural-to-urban migration within the borders of the provinces and increasingly towards Damascus, Aleppo, Homs and other main cities;
- Internal population displacement resulting from the Israeli occupation of Syrian lands;
- International migration and influx of refugees, mostly Palestinian, Lebanese and Iraqi.

[9] George, 2003: 3. The last census was in 1962; the results have been questioned especially with respect to the government's decision not to recognize the Syrian nationality of a large number of Kurdish citizens. This group is today between an estimated 200,000 – 300,000 persons and does not enjoy the same civil rights as other Syrians. A few of the stateless Kurds are registered in the alien administration of the governorate of Hassakeh as alien (*ajanib*) and have a special identity card. Others, the *maktoumeen*, are non-registered. Although President Bashar has promised to look into the issue of stateless Kurds in Syria on several occasions, no decision has been taken. Only in 2011 after the upheaval against his regime started, the President gave instructions to give the Syrian nationality to those Kurds registered at the Aliens Office in Hassakeh.
[10] Refugees International, 2006: 5. In April 2011, President Bashar al-Assad granted Syrian nationality to persons registered as 'foreigners' in Hassakeh, the Northeast region where most of the Kurds in Syria live. This decision, which positively affects the position of a part of the stateless Kurds in Syria, is widely seen as an attempt to stop the growing unrest and protest among this ethnic minority in Syria. The President has promised to deal with this issue over the years.

half indicate they are Sunni, one third Christian and the others are mainly Shia. At the end of 2011 the estimated number of Iraqi refugees in Syria is 1 million, of which 107,000 receive assistance from UNHCR.[11]

Syria's population is approximately 90% Muslim and 10% Christian. Three quarters of the Muslims are Sunni; the rest are divided among other Muslim groups, mainly Alawi (about 10% of the population), Druze, Ismaeli and Shia. The Christians belong to various orthodox and catholic churches. Each of Syria's sects and religions was – and, as Robert Kaplan describes in an article on Syria's identity crises, remain – concentrated in specific geographic areas. "In the centre was Damascus, which together with the cities of Homs and Hama, constituted the heartland of the Sunni Arab majority. In the South was Jabal Druze (Druze Mountain) where a remote community of heterodox Muslims lived who are resistant to Damascene rule and had close ties across the border with Transjordan. In the north was Aleppo, a cosmopolitan bazaar and trading centre containing large numbers of Kurds, Arab Christians, Armenians, Circassians[12] and Jews, all of whom felt allegiance more to Mosul and Baghdad (both now in Iraq) than to Damascus. And in the west, contiguous to Lebanon, was the mountain stronghold of the coastal region of Lattakia, dominated by the Alawis."[13] While the Sunnis are the largest religious group, this fact should not be given too much weight because it is a very heterogeneous group both in ethnic as well as in socio-political respect: "Arabs, Kurds, tribes, sedentary farmers and often small owners, the urban bourgeoisie, middle class and urban poor."[14]

Since 1961, the Syrian state is called the Syrian Arab Republic. According to Art 1 of the 1973 constitution, it is a democratic, popular, socialist and sovereign state. The people living in Syria are considered to form part of the Arab nation. Although the state is considered secular, Article 3 of the Constitution refers to Islam, in relation to the President: the religion of the President should be Islam; and Islamic jurisprudence is a main source of legislation.[15] The authorities introduce Syrian identity as Arab and Islamic. Secondary level education books in Syria only focus on Arab history and the Islamic character of the Arab identity. However, Syrian society in ethnic terms consists of Arabs and a number of non-Arab minorities such as Kurds, Assyrians,

[11] UNHCR, 2012: 1 of 7.
[12] Ababsa, Roussel and Al-Dbiyat, 2007: 71. The Circassians, originally from the Caucasus, arrived in Syria between 1907 and 1911 as part of the Ottoman Army and became refugees after the empire fell apart.
[13] Kaplan, Robert D., 1993: 2 of 5.
[14] Ghazzal, Dupret and Courbage, 2007: 27.
[15] Constitution Syrian Arab Republic, 1973: 2 of 15.

Armenians, Turkmen, Circassians and a small number of Jews. In particular the Kurds, the largest ethnic minority, are confronted with discriminatory measures; they are not allowed to teach in their official language, not even in private schools, nor are they permitted to publish in Kurdish.

While Syrian society in religious terms is predominantly Islamic, it has a substantial Christian minority. Both the Islamic majority as well as the Christian minority consists of many different denominations. While the Muslims in Syria are dominated by the Sunni interpretation of Islam, there are Ismaili, Druze, Alawi and Twelver Shia. In the past, the latter Islamic minorities faced persecution from the Sunnis. The Kurds are mostly Sunnis, although there are also Kurds who belong to the Yezidis.[16] There are a substantial number of Christian churches present in Syria, Orthodox as well as Catholic. Christian communities belong to the oldest inhabitants of the country and the region, long before the conquest of the region by Arabs coming from the Arab peninsula. Christian minorities are allowed to have their religious services in their own language as well as teach these languages in their private schools.

There is respectively a big gap between the view presented by the regime on Syria's society (Arab and Islamic) and the reality (multi-ethic and multi-religious). In the words of Yasseen Haj Saleeh, "Arabism is part of Syria and not the other way round and Islam is part of Syria and not the other way round."[17] While the regime's ideology is secular and pan-Arabic, its actual political conduct is different. As discussed in Chapter 3, the authoritarian regime in Syria is community-based, like in many other countries in the Middle East. The identity of its citizens is predominantly linked to their ethnic and religious communities. In the case of Syria, people from the Alawi minority form the core of the regime. The state is not neutral with regard to different interest groups in society. The state is an instrument for the ruling elite to protect their position of power. Through policies of co-optation, the regime created client-patron relations with the leadership of tribal, ethnic or religious communities as well as other groups in society. In this way the regime enlarges its social basis in return for political stability. This reality is however hidden and even denied by the regime, by imposing its pan-Arab ideology as a major pillar of legitimacy. This ideology is carried out through the Ba'ath party and the people's organisations, the education system and the regime-controlled media. Authoritarianism is a necessity for the survival of this kind of regime as well as for those people and groups that have tied their fate to

[16] Their belief consists of a mixture of Kurdish beliefs and Sunni Islam.
[17] Saleh, 2006: 3 of 9.

the regime through their leaders; in other words: "[...] groups that closely identify with tyrannical regimes will stand to lose a lot if these change, while other groups bear all sorts of grudges."[18] As a consequence of this contradiction between ideology and practices of the regime, it is understandable Salamé concludes that the nationalist project under the Ba'ath party has failed.[19] What remained is authoritarianism in a secular state. If secularism as a practice and ideology crumbles down, then the chances of a confrontation between communities will increase. With the growing visibility of Islam in the public sphere, this chance seems even more likely. In Syria, Landis and Pace note that there already is an on-going cultural war between Islamists and Liberals. It is a confrontation that goes to a certain extent also along class lines; "[a] culture of greater liberalism is growing among Syria's upper and middle classes even though it remains in competition with Islamism, which predominates among the lower middle classes."[20] While Liberalism can be translated as seeking expression of individual civil and political rights and thus a potential for a pro-democracy civil society movement in Syria, it should be clear that it is confronted with powerful obstacles, which to a certain extent profit from each other. On the one hand there is the authoritarian state, controlling society through the Ba'ath party and the security services, but on the other hand there are the influential leaders of a community, or clan (*asabiya*) based society. The battle for human rights and democracy in the Arab world is according to Salamé on two fronts, which fits the Syrian profile: "[o]n the one hand, it is the common struggle against dictatorships and on the other, the necessity of keeping communities from confining individuals within them."[21] Hence, creating space for a culture of human rights is above all creating an independent judiciary system, as well as having and implementing laws, which protect the rights of individuals against the state, but also against other social forces, such as powerful economic and social groups.

While on the surface Syrian society appeared calm in the period 2006-2010, in reality people did not have many possibilities to express themselves and there was a constant threat of repression. Although the number of political detainees decreased substantially in the first years of Bashar's presidency, since 2005 it has dramatically increased. By 2011, the number of arbitrarily detained people was estimated between 2,500 and 3,000.[22] Based on the available yet incomplete data on political prisoners provided by the Syrian Human Rights Information

[18] Ibid., 5 of 9.
[19] Salamé, 1994: 8.
[20] Landis and Pace, 2006: 65.
[21] Salamé, 1994: 10.
[22] Shril, 2011: 3.

Link, an initiative of human rights activist and lawyer Razan Zaitouneh, there are three categories of people, who are according to the ruling elite, considered a threat:

- Islamists: The overwhelming number of persons arrested is suspects accused at aiming to change the political and socio-economic nature of the state. Within this category, three groups can be discerned: those accused to be part of the Muslim brotherhood, those accused to be member of the Islamic Liberation Party and those considered to be Salafist. The last category is the majority. All of these persons are Sunnis and suspected of aspiring to create a state based on the Islam;

- Kurds: Although all Kurdish political parties are banned, almost all Kurds are accused of being members of the Kurdistan Workers' Party (PKK) or the Syrian wing, the Democratic Union Party (PYD). They are also accused of secessionist activities;

- Individuals actively striving for a secular Syrian state on a democratic basis: These people are often accused of spreading false information and of undermining the morale of the nation, thus providing support to hostile (that is, Western) states. Most of these people have signed the Damascus Declaration.

A detailed outline of political prisoners and the presumed reason for detention in the period 2007-2010 can be found in Annex 3.

4.2 The Islamist Opposition

In the Arab World, the Muslim Brotherhood and the Jihadists (groups like Al Qa'aida and Hizb al Tahrir) represent the two main Sunni Islamist streams today. Ideologically, there are not many frictions. They share the same orthodox interpretation of Islam. They compete for mass support and state power but follow different strategies. The Muslim Brotherhood groups focus on changing the Arab World; the jihadist focus on the far enemy, that is the West (including the United States) and Israel. The Brotherhood groups, as Rubin indicates, are tactically flexible while the jihadists focus on armed struggle. "The Brotherhood groups view revolution as a long term process, which involves, among other things, providing social services to build mass support; educating and indoctrinating young people through institutions, participating in elections; compromising at times with Arab governments and showing restraint to avoid

repression; allying temporarily with non-Islamist groups."[23] The latter does not exclude the use of violence in order to achieve goals. According to experts on Islam[24], the main stream Sunni Islam interpretation in Syria is orthodox, also known as Salafists, but does not seek confrontation with the political authorities as long as the authorities are broadly Islamic and not foreign or non-Muslim. These Muslims reject violent political activism and they reject the practice of *takfir*, declaring other Muslims to be apostates. According to Mohammad Habash, (director of the Centre for Islamic Studies, grandson-in-law of the previous Mufti of Damascus, Ahmed Kuftaro[25] and a non-party related member of the Syrian parliament) most practising Muslims have conservative views on state-society relations and relations with other religious communities. The number of radical Muslims, those willing to establish an Islamic state by force if necessary, is very small. According to Habash, for conservatives, "[...] Islamic law is based on the Koran and the verified sayings and doings (the Sunnah) of the Prophet Mohammad, as they are unanimously viewed by respected scholars. Thus conservatives reject democracy, because it subjects the will of God to popular opinion. For them, the ultimate authority within a society is God's revelation to the people."[26] However, moderates or reformists among the Muslims supporting socio-economic modernisation, allow for the individual to make their choices (a position of importance especially for women) and do not see democracy and Islamic teachings as contradictory: "[a]s for attitudes toward non-Muslims (or non-practising Muslims, for that matter), conservatives believe that the coming of Islam abrogated all other religions, while reformists believe that Islam completes other religions, but does not invalidate or disprove them. […] However, conservatives do not support the violence against non-Muslims. On the contrary, the jurisprudential traditions of Islamic conservatism obligate Muslims to be just in their treatment of non-Muslims. Thus conservatives and reformists agree that the right of others should be observed and preserved."[27]

The Syrian regime has a complicated relationship with the Islamic religious Sunni majority. The core of the regime consists of people belonging to the Alawi, an Islamic minority considered heretic by many Sunnis. The fact that the President has to be a Muslim is another complication for the Alawi dominated regime. Alawi as a religious minority "must try to conform to the

[23] Rubin, 2010: 10.
[24] See: website Syria Comment. In three articles the character of Sunni Islam is described: A) David Commins "The difference between Wahhabis and Muslim Brothers" 8 May 2007; B) Itzchak Weisman "Sufism and Salafism in Syria" 11 May 2007; C) Anonymous "Ashári Islam predominates in Syria" 20 May 2007. Downloaded 21 November 2010.
[25] Wieland, 2006: 111.
[26] Habash, 2005: 1 of 2.
[27] Ibid.

common outlines of Muslim orthodoxy to rule. Hafez al-Assad tried to eliminate this article in the 1973 constitution, but there were big demonstrations and violence; he relented leaving it in. Realising that he could not convert Syrians to liberalism, he spent considerable energy trying to convert Alawis into mainstream Muslims."[28] He received in this respect support from the Shia High Council led by Iranian Musa Sadr after the 1970 coup, which brought al-Assad to power, confirming that Alawis are Muslims.[29] Moderate Sunni Imams allied to the regime, such as Habash, declared that Alawis should be considered Muslims.

The improved relations between the regime and the Sunni religious establishment also created stronger relations between the predominantly Sunni business elite and the religious elite. Pierret and Selvik, referring to the potency of the *ulama*-merchant nexus, noted that all main lists of independent candidates in Damascus were composed of a majority of businessmen accompanied by a religious figure; "Muhammad Hamshu, a nouveau riche Sunni and crony of the Assad family, and Abd al-Salam Rajih, dean of the Kuftaro Academy's shari'a faculty, came on to with about 80,000 votes each. Their list received significant public support from the local religious elite, its businessmen having built several large mosques in recent years and provided generous financing of religious associations."[30] The fact that the regime invests in its relationship with the Sunni religious elite, as Pierret and Selvik[31] explain in their study on private welfare, Islamic charities and the rise of the Zayd movement, has not made religious leaders automatically pro-regime supporters. In 1994, the leader of the Zayd movement returned from asylum in Saudi Arabia and re-established the Zayd movement in Syria, which became a dominant player in the private charity sector in Damascus and beyond. The popularity of its religious leaders among Damascene merchants is very helpful in attracting funding from the private sector. According to Pierret and Selvik, the social base of the Jana'ad Zayd is much broader than that of the regime friendly networks, such as the one of Kuftaro. The case of the Zayd movement might be considered an indication of the limits of an authoritarian upgrading. In any case, attempts by the regime for authoritarian upgrading through an extended role of civil society in the case of Islamic associations are less safe than through state-sponsored NGOs. While there are no indications that these associations played a role in political mobilisation and socialisation in recent years until 2011, the success of these charities and their ability to attract people and financial resources make them a political factor. A similar observation might be

[28] Landis, 2006: Without a page number.
[29] Wieland, 2006: 147.
[30] Pierret and Selvik, 2009: 600 and 601.
[31] Ibid., 595-614.

made about the success of the Sunni religious women network of the Qubaysi.[32] Thus, as noted by Pierret and Selvik, the political space opened by the regime for more civil society activities seemed to have as unintended consequence; some of the Islamic organisations through their social capital (*ulama*, i.e. religious leaders) were able to generate followers and funding, enabling them to keep some political distance from the regime and not to engage with it in a patron-client relation. For "[t]he most popular *ulama* can count on myriad highly devoted small and middle businessmen whose aggregate capital resources are impressive and whose constant support guarantees stable incomes and popular autonomy. [...] The most efficient private welfare providers, in other words, are those over whom the government has the least political control."[33]

As mentioned in Chapter 2, the latter development may indicate that policies of the Syrian regime to ensure political stability, may have had unintended consequences. Practices to accommodate possible contending Islamic forces, may have led to a strengthened position of the latter as can be seen in the case of certain conservative Sunni imams, like al-Bouti.[34] The regime's apparent tolerance towards activities of certain radical Islamists calling for a Jihad against the US-led invasion of Iraq may also have had unintended consequences, such as local Jihadi's with combat experience returning to Syria willing to fight the Assad regime.

Muslim Brotherhood

Historically, the Syrian branch of the Muslim Brotherhood has been the main Islamist party in Syria. The Muslim Brotherhood has its roots in social and religious activities (see Chapter 5). After independence, the Muslim Brotherhood participated in parliamentary elections as a political party. The social base of the party is the small and middle-scale merchants. In 1950, the Syrian parliament accepted Islam as the religion of the head of the state and a provision was included in the constitution that Islamic law is the main source (*al masdar al ra'isi*) for legislation.[35] The coming to power of a secular and Alawi dominated Ba'ath Party in 1963 led in 1964 to a first insurgency in Hama. The Muslim Brotherhood was banned but it managed to continue its activities. Its resistance against the regime culminated in 1976 in a new insurgency,

[32] The Syrian Islamic Women's Network was established by Shaykha Munira Qubaysi. It has developed into a large network of Sunni Islamic women groups giving social guidance to women based on Islam. The network is also very active in education and has established private schools.
[33] Pierret and Selvik, 2009: 605 and 610.
[34] Al-Bouti was killed in March 2013 in a bomb attack at the al-Iman mosque in Damascus.
[35] Rabil, 2010: 75.

which developed into a civil war (especially in Hama and Aleppo) against the regime. Only by using extreme brutal force and repression the regime managed to crush the rebellion. The fact that Hafez al Assad had apparently co-opted the Sunni Damascene bourgeoisie is also regarded as a factor of importance, explaining why the upheaval did not spread to Damascus.[36] Another element that might explain why the upheaval did not succeed overthrowing the regime, is that the group which led the uprisings belonged to the radical camp of the Islamists[37], a minority among the Islamists.

In the years following the outburst, the regime tried to fragment the support to the Muslim Brotherhood by arresting and/or eliminating suspected radicals and co-opting moderates. Moreover, membership of the Muslim Brotherhood could be punished with the death sentence (Presidential Decree 49 of 1981); in practice, the mere accusation of membership leads to 12 years detention. As a result, many Muslim Brothers fled the country. The regime also closed down some Islamic associations, which were considered as places of political mobilisation. In the 1980s, severe restrictions were imposed on most Islamic activities, except on state-sponsored networks, like the Kuftaro Foundation. On the other hand, the regime invested in improving relations with the Sunni Islamic establishment and making the government more acceptable for pious Muslims. Even more so, Hafez al-Assad as well his son Bashar present themselves as guardians of moderate Islam. Through presidential amnesties during the 1990s, around 6,000 Muslim Brothers were released; also under the presidency of his son Bashar, several hundreds of former Muslim Brotherhood members have been released but the regime has not changed its position towards the Muslim Brotherhood. Amnesties were given to returnees of the Muslim Brotherhood, if they promised not to be politically active and if the Brotherhood condemns its past policies. While an unknown number of former Muslim Brothers returned under the amnesty, according to human rights organisations several returnees have nonetheless been arrested upon arrival in Syria, as well as family members of some Muslim Brothers visiting Syria. In other ways, the Syrian regime has made it difficult for the Muslim Brothers to regain ground in Syria. In addition to repression, it co-opted moderate leaders and allowed radicals to preach as long as it is instrumental to advancing the regime's interests. At the same time, the regime has to consider the tide of religious Islamic conservatism in society,

[36] Ibid., 73. According to Rabil, a factor that also played a role was the fact that Hafez al-Assad had reached some kind of understanding with the Damascene merchant bourgeoisie, apparently by somehow softening his socialist policies. Pierret and Selvik (2009: 600) make a similar observation arguing that the Islamic uprising revealed deep differences between the regime and different cities.

[37] Weisman, 2007: Without page number.

in order to keep Sunni religious leaders at their side. Religion has become part of the strategy of the ruling Ba'ath Party in Syria in order to ensure its survival in power. The regime makes a distinction between political Islam and the conservative Muslims.[38] The regime has relaxed its grip on religious life, after a period of repression in the 1980s in which it forbade any expression of religious identity outside the mosques. The visibility of Islam in society has grown. Muslims want to show off their Islamic identity, even more so than a couple of decennia ago. Given the fact that 90% of Syrians are Muslim and three quarters of the Muslims are Sunni, the Sunni identity is felt more among the people. The official Islamic institutions in Syria, but also in other "[…] Arab countries, have been content to leave the political sphere to the governments, extending their influence on the social sphere instead."[39] Potentially, the Islamists represent the most powerful alternative to the regime. Even though they are not allowed to organise themselves in political parties, they are influential. Moderate Islamists are already present as independent candidates in the Ba'ath party controlled parliament. Moreover, as Ottaway and Hamzawy mention, they do not need to participate in legal politics to survive for "[t]hey can concentrate on da'wa (proselytizing) and fostering society to live according to the rules of Islam."[40] Finally, the regime (also for its own internal security) has to take a strong stance regarding the Israeli occupation of the Syrian Golan Heights, as well as of the Palestinian territory and the United States-led occupation of Iraq. Its strong stance towards these issues was helpful in gaining support among the Syrian population, including among those Islamists who function publicly in Syria. The regime maintains its position that Arabs have the right to resist foreign occupation, a point of view which gives the regime some legitimacy and which the regime uses in turn to justify its support to Islamist and other Palestinian groups and to Hizballah, as well as for its rejection of the United States-led invasion in Iraq.

The Muslim Brotherhood in exile has changed its approach towards political change. In the 1970s and 1980s, its discourse centred on the argument that the Syrian state had been taken over by a heretical Alawi minority.[41] The Brotherhood changed its policy in 2001, at the time of the Damascus Spring; under the new leadership of Bashar al-Assad, the Syrian regime seemed to be willing to work towards political liberalisation. The political leadership of the Syrian Muslim Brotherhood in exile reformulated its political strategy and issued a statement. The main objective became a modern pluralist state in which the rule of law is supreme. The conflict

[38] Ziadeh, 2007: Without a page number.
[39] Brown, Hamzawy and Ottaway, 2006: 6.
[40] Ottaway and Hamzawy, 2009: 3.
[41] George, 2003: 92.

between secular Arab nationalism and Islamism was considered to be no more of relevance. The Syrian Muslim Brotherhood has shown both in the past as well as at present political pragmatism, even to the extent that it was willing to embrace socialism.[42] "Nowadays, the Muslim Brotherhood, not only in Syria but in almost all authoritarian states, has discovered popular issues, most of which are commonly associated with Western-style democracy. They converge with the secularist opposition movements on four key issues: the call for human rights, emphasis on encompassing humanist elements in Islam, respect for an ideological and political pluralism and the guarantee of freedom of speech."[43] In 2005, the Muslim Brotherhood also embraced the views of a broad coalition of the pro-democracy opposition in Syria calling upon the government for a peaceful process of change based on dialogue and on the principles of the Damascus Declaration for Democratic National Change. The leadership did not call anymore for the establishment of an Islamic state, but adhered instead to principles of parliamentary democracy. The Syrian regime considered this policy change a ruse: trying to make use of the political developments in Syria.[44] The external political context at that moment was one in which the pressure on the Syrian regime mounted and the regime was isolated internationally due to accusations of being implicated in the murder of the Lebanese prime minister Hariri. The pressure became even tenser when the Syrian Vice President Khaddam defected and accused the regime of having murdered Hariri. The pragmatism of the Muslim Brotherhood made them acceptable to the opposition in Syria, however with some doubts given the Brotherhoods past position. The decision of the Muslim Brotherhood to cooperate with Khaddam divided the opposition. The opposition realised that the regime might try to exploit the fear of radical Islamists even to the extent that it "[h]as sometimes actively supported the Islamists because they wanted them as a visible danger to the secular opposition: 'Just look, this is the danger. Either you have us or you get them'."[45] Among religious minorities, but also among secular Muslims there is a genuine feeling that the intolerance and violence of religiously motivated extremists can only be controlled by state repression. Dictatorship under these circumstances is preferred above religious intolerance, violence and instability, which could be a plausible outcome if Jihad groups gain strength. Moreover, religious minorities are afraid that with a parliamentary democracy conservative Sunnis would acquire power and start to introduce measures. With respect to the Alawi minority, Landis argues that: "[…] no Alawi will allow the

[42] Rabil, 2010: 74. The party renamed itself Islamic Socialist Front when it was temporarily forbidden at the end of the 1940s.
[43] Wieland, 2006: 108.
[44] Ibid., 125; Rabil, 2010: 81.
[45] Wieland, 2006: 127. Quote of Tayyeb Tizini interviewed by Wieland in 2004.

Muslim Brothers to take power so long as they can avoid it for fear of returning to the nightmare days of discrimination, when they were second class-citizens. This fear may be exaggerated. Syria and Muslims have changed a great deal since Ottoman days, when the Alawi were officially considered a 'lost nation' or 'Millet-i dalla' and were forbidden from giving testimony in court. At the same time, the extent of Anti-Ba'athist revenge and sectarian fighting that has taken place in Iraq, can only be disquieting, and serves to diminish the Alawi's willingness to take risks in this direction."[46] The Syrian regime can easily play the sectarian card by referring to the existence of intolerant and discriminating views and practices among radical Sunni's regarding religious minorities and secular people. The fact that moderate Sunni Muslims have not been willing or able to distance themselves from these radical elements in the ongoing increasingly violent conflict nurtures the fear among religious minorities and secular Syrians and is instrumental for the regime in its fight against the armed opposition.

Radical Islamists

Regarding the radical elements among the Islamists, a distinction can be made between those who target the Syrian regime by means of violence and those who support and/or participate in armed struggle in the neighbouring countries. Based on information of human rights organisations (see Annex 3) about the accusations against Islamists tried by the State Security Court under President Bashar al-Assad's rule only a few people have been accused of being active in armed struggle. A few people were arrested and accused of being members of Hizb al Tahrir (the Liberation Party) and some were accused of being Muslim Brothers, often having left Syria in the 1980s. The majority of the arrested Islamists have only participated in religious study groups. Hizb al Tahrir aims at establishing an Islamic state (a Caliphate). It is a party active in a number of Arab and non-Arab countries; the party is illegal everywhere. A few hundred people seem to be members of the party. After 1999, the Syrian regime apparently stepped up repression of this party when the party issued a communiqué in which it accused the regime of making a deal with Israel. There have been, as mentioned by Landis and Pace, a few incidents between security forces and those whom the government claim are Islamic militants, such as the Jund-al-Sham; "[t]here is a plausible theory, however that the Syrian regime has staged at least some of these attacks to evoke sympathy from the West and justify its assaults on peaceful Islamists. The timing of these clashes, sceptics argue, has been too convenient for the regime. Since the start of the occupation of Iraq, the Syrian regime has come under

[46] Landis, 2006: Without a page number.

tremendous pressure to crackdown on foreign insurgents who have been using Syria as a point of embarkation into Iraq."[47]

The overwhelming majority of the arrested Islamists, mostly young men, are just accused of possessing books and CDs that allegedly promote Salafi takfiri[48] ideas. Only few of them are accused by the Syrian authorities of giving support to or participating in the armed activities in Iraq, or being involved in violent activities in Syria. All the Islamist detainees are kept during lengthy periods in incommunicado detention, often more than a year and most probably subject of torture, before being sentenced by the State Security Court in most cases to at least five years detention; a court which does not provide any legal guarantee for a fair trial. Sentenced Islamists are sent to the Seydnaya prison run by the military security service. While there is no indication in the period 2006-2010 that the Islamists are becoming a major political force in Syria, the arbitrariness of the repression might have sown the seeds for further resistance. The arbitrary and ruthless way the Syrian state acts against these Islamists might produce a backlash, as lawyer and human rights activist Razan Zaitouneh prophetically notes "[t]hese people cling to a doctrine which preaches that the world is nothing. All that matters is that I reach heaven. So I don't have a problem with being arrested or martyring myself. The heightened oppression and its arbitrariness are reinforcing that doctrine and increasing their malevolence. Perhaps, if they were not thinking about violence, after they see the arrests, the torture, the violations, some day they turn to violence."[49]

According to Carsten Wielard, "[m]ost radical Muslim Brothers have no longer their social base in the Sunni business class and are looking for support in the lower urban classes and the urbanized country population – exactly where the Ba'ath Party had always anchored their social base!"[50] The latter is confirmed by the limited information available about the social background of the Islamists accused of being *Jihadists* by the State Security Court and who come from urbanised areas around Damascus, such as al-Tall and Quatana (see Table 7 in Annex 3: 'Repression in Figures 2007-2010').

Most important to the regime remains the internal security and the stability of the regime; Islamists should not undertake any activity that is considered a threat to this. This red line,

[47] Landis and Pace, 2006: 51.
[48] The practice of *takfir* is declaring other Muslims to be apostates.
[49] Pace, 2005: Without a page number. Interview with Razan Zaitouneh.
[50] Wieland, 2006: 128.

which these groups and activists should not cross and which would make them no longer beneficial to the regime interests and instead become a danger for its survival, is difficult to draw and depends on external developments as well. As Moubayed indicates, Abu al-Qaqa, the popular speaker of the Iman Mosque and director of an Islamic high school in Aleppo is a good example illustrating this duality for "[a]s long as he did not instigate violence against the government, the Syrians were fine with Abu al-Qaqa. Citizens at a grass root level were becoming increasingly religious, and authorities knew that. If they become organized by several of the underground movements operating in the Arab world, then these Syrians would become dangerous. Allowing political parties with an Islamic agenda to operate was off-limits and made clear at the Ba'ath Party conference in June 2005. But allowing seemingly harmless yet powerful clerics like these to operate, and recruit members into their orbit (offering them guidance and support), would certainly defuse rising tension in the Islamic street. Additionally, arresting Abu Al-Qaqa or exiling him would transform him into a hero in the eyes of millions."[51] While many Arab recruits of the resistance in Iraq felt inspired by Al-Qaqa (the United States Central Intelligence Agency considered him a sponsor of jihadis) he apparently renounced the methods of these radical groups that make victims out of innocent Muslims. He objected to Al-Qaeda's violence against the Shia in Iraq. He also distanced himself from the radical Jund-al-Sham group in Syria that emerged after 2003, which was mentioned in relation to a few violent incidents between Syrian security services and this group.[52] In October 2007 Al-Qaqa was murdered by apparently Sunni extremists. It is however clear that Al-Qaqa could have become a nuisance for the Syrian regime. Initially after the invasion of the United States led coalition of Iraq, the Syrian authorities seemed not to act against those Syrians and other Arabs who went from Syria to Iraq to join the resistance. Probably due to United States pressure, the Syrian authorities changed their attitude towards them and started to arrest some Islamists, accusing them of being jihadists. The authorities legitimise these actions because according to the authorities, Syria is fighting terrorism. From the end of 2004 onwards, the Syrian authorities allowed Western diplomats to attend sessions of the State Security Court where many of the detainees were accused of being jihadist, but this could just be a coincidence.[53]

[51] Moubayed, 2007: 2 of 2.
[52] Ibid.
[53] Human Rights Watch, 2009: 50. In 2009 after the riots in the military prison of Seydnaya the authorities refused once again entrance to diplomats.

4.3 Kurdish Opposition

As indicated, Syria has a substantial Kurdish minority of 1,7 million Kurds (an estimated 9% of the Syrian population). Given the political implications, there are no exact figures on ethnic and religious groups in Syria. Syrians are not registered by ethnicity. Refugees International in a study on the situation of the stateless Kurds in Syria indicates that it is generally believed that between 8 and 15% of the Syrian population is Kurdish. According to the same study, half of the Kurds live in the Northeast section of the country (Hassakeh and Jazeera), in Afrin and in northern Aleppo. The other half is dispersed throughout the urban centres of Damascus and Aleppo. In addition, large numbers of Syrian Kurds live in Lebanon and throughout Europe.[54] The Kurds form the largest non-Arab community in Syria.[55] The Kurdish issue goes right at the heart of the question of Syria's identity. Most Kurds identify with Sunni Islam. Although most Kurds speak Arabic, just like other non-Arab groups in Syria such as the Assyrians, Armenians and Circassians, they do not consider themselves Arabs; they have their own language and cultural traditions. However, discriminatory regulations ban the use of the Kurdish language, including in conversation, publications, names of children and locations. The government also forbids Kurdish cultural activities and the creation of civil and political groups. Particularly since 1963 when the Ba'ath Party came to power, the rise of nationalism led to increased official discrimination. The Ba'athist government's Kurdish policy was intended, as Ziadeh mentions, "[t]o eradicate the Kurdish presence from Syrian public life. Kurds experienced a lack of political representation, poor economic development and reduced social services. Important elements of Kurdish cultural identity, such as language, music and publications, were banned. Political parties were forbidden and their members incarcerated. The Syrian government began to replace the names of Kurdish villages and sites with Arabic ones."[56]

The Syrian authorities seem to consider the Kurds as a potential threat to the national security. Apart from the aforementioned policies of denying the existence of a Kurdish identity, after a census was conducted in 1962, the government decided to strip a substantial number of Kurds living in Syria of their Syrian nationality in the governorate of Hassakeh. An estimated 120,000 people or about 20 percent of Syrian Kurds lost their citizenship. This number has since more than doubled to approximately 300,000 at present. Many persons who lost their nationality also lost rights to their property, which was seized by the government and used for resettlement of

[54] Refugees International, 2006: Introduction.
[55] Ziadeh, 2009: 2. Ziadeh estimates the size of the Kurdish minority of Syria at nearly 1.5 million persons.
[56] Ibid..

displaced Arabs. The Kurds whose land was seized were not compensated for their losses. Moving Arabs onto this land ensured that a strong barrier of Arabs existed along the border of Turkey between the Kurds living in Turkey and in Syria.[57] Kurds who lost their Syrian nationality, had to prove residency in Syria dating from 1945 or earlier if they wanted to retain their citizenship. Implementation of this order went awry, Refugees International reported. During recent years, President Bashar al-Assad has mentioned on several occasions that the government is looking into the issue. He recognised that there is a humanitarian problem as far as the fact that the Syrian nationality was given to members of a family and not to other members of the same family, although they are entitled to it. He indicated that the problems related to the 1962 consensus should not be mixed up with the issue of the unregistered persons; "[t]here were also persons of different nationalities, mostly Kurds, who came to Syria from Turkey or Iraq for economic, political, security or other causes. We have nothing to do with this issue."[58] In March 2011, the regime took concrete steps to normalise the status of Kurds as a result of the growing protests throughout Syria against the regime. Moreover, the regime acknowledged and celebrated the Kurdish New Year, an event that at this time was extensively covered by state news media. Apparently, it was the outcome of a deal between the regime and Kurdish leaders.[59] The situation of the Kurds in Syria is influenced by developments in the region. In the Near East, most of the Kurds live in parts of Turkey, Iran, Iraq and Syria. When the Ottoman Empire disintegrated the Kurds became separated over four states. Until recently none of the four states recognised the political and cultural rights of the Kurds. This situation changed after an autonomous zone, called Iraqi Kurdistan, was established as part of a federal republic of Iraq: a development, which the Syrian authorities consider a possible threat to Syria's national unity. The Turkish government, while presently recognising the cultural rights of Kurds, continue to have and seek military confrontations with the banned PKK-party striving for autonomy. While Arab activists were ambivalent about the United States-led invasion of Iraq, the Kurds in Syria greeted it with enthusiasm. The fall of Saddam, symbol of Kurdish repression, also led to renewed Kurdish nationalism in Syria. Kurdish opposition groups began demanding for Kurdish rights, "[i]ncluding the return of confiscated lands in the northeast, the right to teach and study the Kurdish language, the redressing of systematic discrimination against the Kurds

[57] Refugees International, 2006: 1.
A representative of a Kurdish committee dealing with the issue of stateless Kurds estimates the number of stateless Kurds, registered as *ajanib* (foreigner), at 300,000 and the number of *maktoumeen*, the unregistered, at 150,000 persons. Interview 01: Kurdish political activist. 17 June 2008.
[58] SANA, 2007: 9 of 15.
[59] ICG, 2011: 22.

in the official bureaucracy, and the nationalization of Kurds who had been stripped of Syrian citizenship in 1962. A smaller number of parties began demanding greater political autonomy and a federated government."[60] The neglect of the Kurdish issue by the Syrian regime led to an outburst in March 2004 when Arab and Kurdish football supporters violently clashed in the predominantly Kurdish North-Eastern town Quamishli. The unrest rapidly spread through the town in reaction to the violence used by security forces killing some twenty people. In the next day's Kurdish violent protests took place elsewhere in the country. The protests were repressed by massive arrests of Kurds. Hundreds of people were sent for several months to prison.[61] Nevertheless, at a time in 2005 when international pressure on the regime was mounting, the Syrian government managed to arrange a kind of gentlemen's agreement with Kurdish leaders in the name of "national unity". A pro-government rally took place in Quamishli. In return, the government released more than 300 Kurds and promised to found an association aiming at the promotion of Kurdish culture and interests.[62]

Prior to the Baath party coming to power, Kurds were modest but noticeable presence in many state institutions. Kurds maintained a strong presence in political parties, especially in the communist ones. In June 1957 the first Kurdish political organisation was founded as the Kurdistan Democratic Party-Syria under the leadership of Nour al-Din Zaza and other activists who had previously been active in the Syrian Communist Party. Already by 1965, "[t]he Kurdish parties had fragmented into numerous organisations divided over issues such as whether to work for Kurdish autonomy or work within the Communist Party and reject any Kurdish affiliation. Today, twelve Kurdish parties operate illegally and clandestinely in Syria. In addition, the Kurdish movement has remained not only divided, but also isolated from wider pro-democracy circles. The Syrian state's repression and its attempts to de-legitimise Kurdish mobilisation by linking any Kurdish activity inside Syria to Kurdish movements outside the country has been very effective."[63] The authorities seemed to tolerate low profile activities of the Kurdish political leadership in the period of high Western political pressure, as long as these parties did not call for the establishment of a Kurdish state. Also the linkages between some of the Kurdish parties and the Arab pro-democracy movement clearly got the negative attention of the Syrian regime such as in the framework of the Damascus Declaration for National Democratic Change of October 2005. The Damascus declaration was signed by a broad

[60] Landis and Pace, 2006: 53.
[61] Wieland, 2006: 45.
[62] Wieland, 2006: 48.
[63] Ziadeh, 2009: 5

spectrum of domestic opposition groups, including the two main Kurdish political groupings. While in first instance the Syrian regime focussed on arresting the Arab key figures of the Damascus Declaration, this situation clearly changed in 2009 when leaders of several Kurdish parties[64] were arrested, as well as some human rights and pro-democracy activists.

All Kurdish CSOs are illegal; many of them – such as human rights organisations – have ties to political parties. Kurdish New Year, *Nawroz*, is always a tense event. During this festivity, the Kurds want to show their cultural, political and national identity. It often leads to clashes with security forces and the subsequent harsh reaction of the latter, which responds with shooting at and arresting people. With a semi-independent Iraqi Kurdistan next door and Turkish authorities accepting the cultural identity of the Kurds, the Kurds in Syria feel encouraged to strive for change within the context of the Syrian state, or outside, with the establishment of a Kurdish state. Activities considered to threaten internal security are repressed, including such against the at the time good relations with Turkey.[65] Hundreds of PKK fighters from Syrian origin have been arrested in these years after their return to Syria. A few years earlier, they were useful to the Syrian regime and mistrusted by other Kurdish political organisation, because of their apparently good relations with the Syrian security services during the time that the political relations between Syria and Turkey were strained. Due to the political tensions between Syria and Turkey as a consequence of the violent repression by the Syrian regime of the current uprising, the relations between the Syrian regime and the Syrian branch of the PKK have improved.

[64] Human Rights Watch, 2010: Without a page number. "Security forces detained at least nine prominent Kurdish political leaders in 2009, including, on 10 January, Mustapha Jum`a, acting general secretary of the Azadi Party. On 14 April, a military court sentenced two Yekiti party leaders, Fuad `Aliko and Hasan Saleh, to 8 and 13 months in prison respectively for membership in an unlicensed political organisation. On 11 May, a criminal court sentenced Mesh`al Tammo, spokesperson for the Kurdish Future Movement in Syria, to three-and-a-half years in prison for weakening national sentiments and broadcasting false information. On 20 October, a criminal court sentenced Ibrahim Berro, a Yekiti party leader, to eight months in prison for membership in an unlicensed political organization." Amnesty International 2012. In June 2011, Tammo was released following a limited amnesty. In October 2011, he was murdered by unknown gunman. Syrian activists accuse the Syrian authorities and say Tammo was targeted because of his leading role in mobilizing the Kurdish minority to join anti-government protests.

[65] The Syria regime gave support to the Turkish Kurdish party, PKK. PKK leader Ocalan stayed several years in Syria, until he was extradited after relations between Syria and Turkey improved.

4.4 Secular Opposition

The secular opposition in Syria consists of some illegal left wing parties that since the beginning of the 1980s have been grouped in the National Democratic Gathering[66], with the exception of the small Party of Communist Action. Since 2000, the Civil Society Movement has been more influential as opposition, which is "[a] kind of amorphous network of intellectuals, journalists, actors, doctors, attorneys, and professors with a colourful range of opinions"[67], in addition to human rights activists.

Despite the repressions, Syrians have tried to express in a non-violent way their concern about human rights violations and the lack of democracy. Near the end of the 1970s, professional organisations became the platform for political opposition. The lawyers, organised in Bar Association took the lead, demanding for an immediate lifting of the Emergency Law, asking respect for the rule of law, condemning the use of torture and asking for the release of people imprisoned without trial. Demonstrations, protest strikes and, at the end of March 1980, a general strike of several professional associations followed. The regime reacted with brutal force on several occasions, killing demonstrators, arresting leaders of professional organisations as well as leaders and activists of banned opposition parties. The professional organisations were dissolved and replaced by government-controlled bodies.[68]

At the end of Hafez al-Assad's presidency (when his son Bashar was increasingly put in the limelight as his successor), in an effort to counter public cynicism, the regime allowed wider debate, albeit clearly circumscribed. Especially in the first year after he was installed as president, hopes for change increased after Bashar al-Assad indicated modernising the economic and political system of Syria. The President however, also made it clear from the start that as far as the political system was concerned; his focus would be on the reactivation of existing political structures in a way that these could better cope with the demands of modernising the society.[69] Civil society activists, mainly a handful of intellectuals encouraged by the emerging democracy in Eastern Europe as well as the speech of the new President and the release of hundreds of political prisoners[70], started rebuilding civil society. Civil society groups and discussion groups proliferated throughout the country expressing the existence of a social

[66] George, 2003: 94.
[67] Wieland, 2006. 115.
[68] George, 2003: 103-105.
[69] Ibid., 33.
[70] Landis and Pace, 2006: 47.

base for a reform movement. “A number of prominent establishment figures – parliamentarians, businessmen, academics, and former opposition leaders – also began to step into the reformist limelight.”[71] In his book *Syria. Neither Bread Nor Freedom* George describes this process. These middle class activists created a movement aimed at the revival of the civil society. The broader aim was to create a cultural and political climate, in which the ideas of democracy and freedom of society could flourish. The intellectual father of the project was Michel Kilo. Kilo and other activists, such as the parliamentarian and businessman Riyad Seif, envisaged the creation of “[c]ommittees on all levels, professional and other, which would link the particular problems of each sector with the general political problem. The lawyers, for example, would integrate the problems they face – the interference of the security apparatus in the courts, the injustice of certain laws – into a comprehensive, democratic programme.”[72]

The focus of the ideas of the movement was on re-establishing rule of law and an independent judiciary, the abolishment of special courts, the emergency law and related decrees, as well on “[t]he revival of institutions of civil society to achieve a balance between their role and that of the state in the context of a real partnership between them in the higher national interest.”[73] The relaxed grip of the security apparatus on society after the first months of Bashar al-Assad taking office, the release of hundreds of political prisoners by the regime and the spread of the message of the Syrian civil society activists through widely watched and read Arab media, led to the rapid growth of civil society forums throughout Syria as well as to the re-emergence and/or creation of human rights organisations, such as "the Committees for the Defence of Democratic Freedoms and Human Rights” (CDF) and the “Human Rights Association of Syria” (HRAS). In the fall of 2000, regime critics, many of whom were intellectuals, became increasingly vocal through the publishing of signed statements in which they called for freedom of expression, a public pardon for all political prisoners and exiles and democratisation of the political system. While in the first statement of 99 signers, the authors did not explicitly question the role of the Ba’ath party as the leading party in society, the second statement from January 2001 asked to reconsider the Ba’ath party’s role, supported by 1000 signatures. The latter statement asked for a multi-party political system and argued that the economic reform programme of the regime would fail without fundamental political change. In the view of the movement, “[c]ivil society constitutes the very substance of the modern state, while the state is civil society’s political

[71] Ibid.
[72] George, 2003: 34. The quote is from Michel Kilo.
[73] Ibid., 35. The quote is from a statement late August 2000 from Michel Kilo and his associates.

expression. Together they constitute the system of government."[74] Following, "[p]arliamentarian and vocal regime critic Riad Seif announced the formation of the Movement for Social Peace Political Party."[75] The fact that the growing pro-democracy civil society movement explicitly questioned the pillars of the regime, led to a reaction of the regime in which it first discredited the dissidents and in a next phase embarked on arresting key figures and closure of the forums. Dissidents were blamed for being agents of Western countries, supported financially and in other ways by foreign embassies. The government actions were legitimised by blaming the activists for undermining national unity and stability in the face of Israeli threat and in a subsequent phase, Western threat in general, especially from the United States. President Bashar al-Assad, as highest political authority, on the one hand portrayed the activists as an insignificant minority representing no one but themselves in a number of speeches, but on the other hand accused them for being a danger to the national security. The underlying message was and has always been until the recent announced reforms due to the current upheaval, that the core of the existing political structure will not be changed.[76] The human rights movement in Syria as well as the broader pro-democracy civil society movement is in essence a secular, urban, middle class movement consisting mainly out of lawyers, writers, academics and representatives of other free professions. However, as the Damascus Spring has shown, the movement might quickly flourish and broaden, if the authorities relax their grip on society, given that the former express feelings felt broadly in Syrian society but not openly ventilated because of fear. At the same time, as Landis and Pace concluded, the Damascus Spring has "[f]ailed to produce anything resembling a unified opposition. Almost all the opposition groupings agreed on a basic set of demands, but even these shared commitments proved tenuous. Trifling ideological disagreements, personality conflicts and interference from state security forces compounded substantive disputes over everything from the question of Kurdish rights to the role of foreign assistance. These troubles produced a fragmented, ineffectual opposition consisting of human rights associations, political parties, civil society forums and committees, independent activists and intellectuals, and underground Islamist groups."[77] Although repression has continued during the subsequent years until today, the civil society movement, while severely hampered in its activities, has not been silenced. A major initiative was the Damascus Declaration of 2005, in which civil society activists, including a large number of representatives

[74] George, 2003: 43-45. The quote is from the statement of the 1000.
[75] Landis and Pace, 2006: 47.
[76] George, 2003: 49. Reference is made to an interview given by President Bashar al-Assad to the pan-Arab daily Ash-Shark al-Awsat on 9 February 2001.
[77] Landis and Pace, 2006: 48.

of opposition parties, presented a blue print for the establishment of a democratic system that respects citizens' rights, ensures freedom of speech and association and ends discrimination based on religious or political beliefs. A bold step was the reading out of a letter of the leader of the Muslim Brotherhood in exile, Sheikh Ali Sadr al-Din al Bayanuni, by the writer Ali Abdullah at the Atassi forum, a Damascene discussion platform.[78] The Syrian authorities closed the forum and for several months detained the board members as well as Ali Abdullah. In May 2006, ten Syrian signatories of the Damascus-Beirut declaration, which called for respect of Lebanese sovereignty, were arrested. In May 2007, Kilo and Mahmoud Issa, two of the signatories, were sentenced to three years detention by the Criminal Court in Damascus; two others were sentenced in absentia to 10 years each.[79] At the same time and by the same court, another civil society activist and opposition leader, Kamal Lawani was sentenced to 12 years detention after a visit to the United States, in which he had had contacts with government officials. But in 2009, while being in prison, a separate court ruling punished him with an additional three years of detention after allegedly having criticised the authorities in jail.[80] Human rights lawyer Anwar Bunni (who became the director of a Civil Society Training Centre funded by the EC and the Belgium-based NGO Institute for International Assistance and Solidarity, IFIAS, within the framework of the EIDHR, and which was inaugurated in February 2006 in the presence of Western diplomats and civil society activists) also signed the Damascus-Beirut Declaration. Immediately after its opening in the presence of EU diplomats, the Civil Society Training Centre was closed by the Syrian authorities, allegedly because the authorities had not given prior consent for its activity. In May 2006, Anwar Bunni was arrested and in April 2007 he was sentenced to five years imprisonment and a fine of Syrian Pounds 100,000 to be paid to the MOSAL for spreading false information on the death of a prisoner who reportedly had torture marks on his body.[81] In November 2007, the Syrian security services arrested more than 40 civil society activists. Afterwards, on the 1 December 2007, the Damascus Declaration was created

[78] Syria comment.com. 2005. Ali Abdullah interviewed by Hugh McCloud. "A month before I was arrested the forum met and we decided to send a message to the Ba'ath Party conference in June. So we arranged a meeting under the title The Reform Process according to the Syrian opposition, and we gave each party ten minutes to talk about reform. Obied al Nasser, an MP and professor at Damascus University, represented the Ba'ath Party. The condition was that all the parties involved should believe in peaceful change. We consider the Muslim Brotherhood met this condition when they issued a statement accepting peaceful change. We sent an email to Bayanouni [Ali Bayanouni, the exiled leader of the Syrian Muslim Brotherhood, who lives in London] to send to the board their stance and opinion about democracy and the reform process. They sent the text and the board asked me to read the statement".

[79] Human Rights Watch, 2010: Without a page number. Kilo and Issa have been released in respectively May and June 2009.

[80] www.amnesty.org.uk/actions_details.asap?ActionID=346. Downloaded 30 October 2010. Kamal Labwani has been released in November 2011.

[81] In May 2011 Anwar al Bunni was released after completing a five year jail sentence.

in a meeting of National Council of Thirteen Activists. Among them was Fida al Hurani, who was elected president of the council. In October 2008 the criminal court in Damascus sentenced all thirteen activists to 30 months of detention on charges of "[w]eakening national sentiment [... and ...] spreading false or exaggerated news which would affect the morale of the country."[82] Despite the fact that since 2008 the diplomatic isolation of Syria eroded, the Syrian regime continued to harass and arrest human rights and pro-democracy activists, including journalists and bloggers, as well as other presumed opponents. Among the detainees were well-known human rights lawyers, such as Mohannad al Hassani and Heitham al Maleh, both arrested in 2009 and accused of and sentenced for "[…] weakening national sentiment [... and ...] spreading false or exaggerated information."[83]

4.5 Foreign Pressures and Political Opposition

Syria's foreign policy and the political choices of the ruling elite have to be viewed from the angle of desire to ensure the survival of the regime. As the President declared in an interview about Syria's close relationship with Iran, "[i]t is not about ideology, our close relationship with Iran. It is about interests. Whoever is better for Syria's interests will be its friend."[84] The interests referred to can only be interpreted as the interests of the regime, for Syria's population cannot freely express themselves about its interests. Thus, any foreign development, which threatens the position of the former as the dominant power in Syrian society, is considered a danger to the regime.

Nevertheless, there are two issues which are used by the regime to legitimise both internal and external policies: firstly, the return of the Israeli occupied Golan[85]; and secondly, a fair and a

[82] Human Rights Watch, 2010: a.33. Fida al Hurani was released in 2010.
[83] Ibid., Without a page number. In 2011, both have been sentenced to three years of detention but have been released.
[84] Lesch, 2007: Without a page number. David Lesch is a professor at Trinity University in San Antonio, and has been visiting Bashar al-Assad regularly since he wrote a biography of the president in 2004. On 8 June 2008, President Bashar al-Assad made a similar remark in an interview with Siddharth Varadarajan when asked about the apparent paradox in Syria's policy with respect to internal Islamist opposition, while at the same time most of Syria's best friends in the region all come from sectarian backgrounds like Hamas, Hizballah and even the Iranians. President Bashar al-Assad said: "Actually in politics, you have to be pragmatic; the first question that you have to ask is who is effective in our region, you do not ask who is like you or who is not. Hamas is effective and important in Palestine. Hisbollah is a very important party in Lebanon, and Iran is a very important country in the region. Without those players, you cannot have stability, you cannot have any solution and you cannot reach anything you are looking for […]" The Hindu online edition. 12 June 2008. India, Asia and the world. The Assad interview transcript.
[85] In 1967, during the Six Day War, Israel captured the Golan Heights from Syria. Between 80,000 of the approximately 109,000 inhabitants, mainly Druze fled to other parts of Syria. In 1973, Syria tried to recapture the area

comprehensive solution to the Arab-Israeli conflict, that includes the regaining of Arab occupied land and ensuring the rights of the Palestinian nation. Both issues are linked to its relation with Israel and consequently with the United States as Israel's main supporter. The regime has to pay tribute to these goals because many ordinary citizens take personal interests in these issues. As mentioned before, over 100,000 people fled the Golan Heights in 1967 and became internally displaced. Moreover, the regime has linked its legitimacy to its ability to defend Palestinian and Arab rights against Israel.[86]

In attaining these goals Syria encountered two major problems. First, it did not have the military capacity to regain the occupied Golan through a direct military confrontation with Israel. While initially intending to push back the Israelis, the coordinated Egyptian-Syrian surprise attack on Israel in October 2003 did not lead to regaining the Sinai and the Golan. The second problem for the Syrian regime was that with Western support, Arab countries like Egypt and Jordan and even the Palestinian Liberation Organisation (The Agreement of Oslo in 1993) managed to bring about peace agreements with Israel and recognised the state of Israel. The Syrian regime's position towards the Israeli state has remained ambiguous: there is a significant anti-Israeli propaganda blaming the Israelis for Arab backwardness and the prevention of pan-Arab unity. The regime also has provided support to both Palestinian political military movements as Hamas and Islamic Jihad as well as the Hizballah in Lebanon, both of which do not recognise the state of Israel. On the other hand, on several occasions the Syrian regime has discussed the possibility for a bilateral peace deal in secret, as well as in official negotiations with Israel.

The regime's foreign policy, also mentioned by the Syrian President, is very pragmatic, keeping in mind that its main goal is its survival. The regime needs three forms of support from abroad for its survival: strategic, military and economic support. Strategic support is needed to counterbalance Israeli, Western and neighbouring countries' pressure on the regime and to obtain some leverage in international and regional relations. Its extensive contacts with the Soviet Bloc in the near past, as well as its relations with the regional power Iran, provide some form of strategic protection in addition to military and economic assistance and cooperation. The military support received from its strategic partners, provides the means to modernise its armed

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but after initial military successes ultimately failed. In 1974, both countries signed an armistice agreement and a United Nations observer force was stationed on the Heights. Israel unilaterally annexed the area in 1981, although the Syrian government continues to demand the return of its territory as a goal in itself, but also as part of its stated objective in 1967 to liberate all Israel-occupied Arab territories. Although no major incidents have taken place since 1974 until the 2011 upheavel, Israel and Syria are still in a de jure state of war.

[86] George, 2003: 19.

forces and to maintain or create some form of military deterrent. The latter might also create some leverage in case of international or bilateral peace talks. Although Syria is not capable to defend itself effectively against Israeli attacks, it has the military means to severely harm Israel, with the use of for instance its rocket arsenal. It has also its political and military proxies in Lebanon (Hizballah) and the Palestinian territories (Hamas, Islamic Jihad and the PFLP) that are able and willing to fight the Israeli army and cause harm to Israeli society.

The cooperation with Iran dates back to the time when Syria sided with Iran during the Iran-Iraq War (1980-1988). Syria had bad relations with the Ba'ath-regime of Saddam Hussein, which tried to interfere in its internal policies. The threat of Iraq also played a role in Syria's decision to join the United States-led multi-national military coalition of 1991, chasing out the Iraqi army from Kuwait.[87] This decision however took place at a time when the Syrian regime sought opportunities to breach its isolation within the Arab and Western world by fostering good relations with Iran, as well as at a moment when Syria was confronted with the collapse of the Soviet Bloc.

Since 2001, especially from 2005 until 2009, there is growing political - and other - pressure on the regime by the United States and other Western powers accusing the Syrian regime of obstructing the Middle East peace process by:

- Supporting the insurgency in Iraq after a United States-led invasion in 2003 (The Coalition of the Willing) which resulted in the collapse of Saddam Hussein's Ba'ath party regime;

- Obstructing the political independence of Lebanon by providing support to government opposition forces, for example Hizballah, and pro-Syrian Palestinian groups in Lebanon after Syria retreated its troops from Lebanon in 2005;

- Providing support to Palestinian political and military movements, rejecting the peace talks between the Palestinian authorities and Israel.

The United States-led pressure on the Syrian regime has for the moment strengthened the strategic alliance between Syria and Iran. Opponents of the Iranian regime remaining in Syria have paid the price for the increased security cooperation between the regimes. Ahwazi's, the

[87] Raphaeli and Gersten, 2008: 1 of 5.

Arab minority in Iran, who came to Syria for political or other reasons, are under serious risk of being expelled to Iran, in case of being suspected of political opposition against the Iranian regime.[88] The growing pressure of the United States and other Western states coincided with a renewed interest by the now Russian Federation in Middle East affairs. Since 2005 Russian-Syrian cooperation intensified. The Syrian regime is the only remaining strategic partner in the Middle East for Russia, both military as well as politically. Moreover, Russia has important economic interests. The Syrian regime is a very important buyer of military equipment and some Russian oil and gas companies have important contracts.[89]

The growing international pressure on the Syrian regime has also increased the regime's attempts to contain any source of internal opposition, as can be concluded from the previous paragraphs. The openly embraced pro-democracy groups within Syrian civil society, by the United States and also the EU, have put the opposition in a delicate situation. This was evident "[…] at the end of 2005 when the White House sought to reach out to the Syrian opposition and publicly take up their cause. On November 11, 2005 US President Bush demanded that Labwani be freed from prison along with other civil society advocates and insisted that Syria started importing democracy. Moreover in February 2006, the Department of State announced its decision to grant $ 5 million to promote the rule of law, government accountability, free access to information, freedom of speech, and free and fair elections."[90] The EU also tried to give openly direct support to pro-democracy groups active in Syria through its EIDHR instrument. Pressure on the Syrian authorities from Western countries behind the scenes but also publically through statements to release human rights activists and/or peaceful political opponents, has not let to any tangible results during recent years.

These strategic alliances however jeopardise the regime's policies to modernise the Syrian economy, for which it needs foreign investments and expertise. It has led to sanctions and pressures by the United States, which makes it more difficult for the regime to pursue its economic policies. The external policies of the regime as well as the United States' pressure played an important role in the freezing of the partnership agreement with the EU, signed in Brussels in 2005 along with Syria's application in 2001 to join the World Trade Organisation.

[88] Amnesty International, 2006: Press release.
Syria has expelled in 2006 six Ahwazi's, including a Dutch national of Ahwazi origin, to Iran in spite of interventions by UNHCR, different European states, the EU and the U.S.. Other Ahwazi's have been detained.
[89] Khlebnikov, 2011: 2 and 3.
[90] Landis and Pace, 2006: 63.

Although the regime managed to attract foreign investments from other sources, including from its strategic partner Iran and other mainly Gulf States as well as Turkey, its political isolation hampers its economic development. The economic gains from its strategic relations with Iran are relatively unimportant compared to the investments from the Gulf States as well as Turkey in Syria, taking place while political pressure by the West mounted.[91] The fact that the economic relations with Turkey can be reinforced in the period 2006-2010, might be part of a carrot and stick approach approved by the United States. While keeping pressure on the Syrian regime, the United States allowed its allies to provide incentives to Syria in the economic and political field to become more cooperative in resolving the complex problems in Iraq, Lebanon and between Israel and the Palestinians. As with Turkey, the Syrian regime has shown under Turkish pressure its willingness to stop providing assistance to the Turkish PKK that fights for an independent Kurdistan. Syria expelled the PKK leader Ocealan and arrested Syrian Kurdish allies of the PKK, organised in the PYD. The latter development is probably influenced by the developments in Iraq where the Kurds have established a semi-autonomous area, a concern for both Turkey and Syria given that both have substantial Kurdish minorities. This development shows the pragmatism of the Syrian regime in changing alliances if such decision would be advantageous for their interests, especially if such a choice would not be at the detriment of their capacities to control Syrian society. The pragmatism of the Syrian regime with respect to its support for Palestinian political military organisations is reflected in its relationship with the Islamic Resistance Movement (Harakat al-Muqawamah al-Islamiyya-HAMAS). In fact, the relation with Hamas is an unnatural alliance given the secular regime's dislike of radical Islamist groups. The support to Hamas has been convenient for the Syrian regime, until the 2011 upheaval developed into an armed conflict in which Palestinians also got involved. It provided leverage to influence developments between Israel and the Palestinian authority. Supporting Hamas might have been instrumental as a sign to the Syrian population that the secular regime is not anti-Islamic and as a sign of its pan-Arab solidarity. However, the relationship with Hamas, which developed from the Palestinian Muslim Brotherhood, can only be seen as strategic in the context of the continuous repression of Islamist groups in Syria, including the Syrian Muslim Brotherhood.[92]

[91] Raphaeli and Gersten, 2008: 1 of 5. "To stress how important Arab investment is for Syria, it should be noted that Kuwait alone has invested U.S.D 3 billion, primarily in Syrian tourism and real estate projects, and Quatar has announced an investment program of U.S.D 4 million, while Iran's total investment is estimated at U.S.D 1 billion, which includes a number of commitments that remain on paper."

[92] Jane's, 2002: 6.

A politically stable Syria under an authoritarian but secular regime in Damascus, which would gradually allow for more political participation of its citizens while containing Islamic extremist or Kurdish secessionist forces, could have been preferred by the neighbouring countries such as Turkey and Israel as well as the West, instead of the unpredictable and possibly violent developments which might be the outcome of a sudden regime change in Syria. However, the violent repression of the on-going uprising since March 2011 led to renewed political isolation of the Syrian regime as well as support to the armed opposition.

In short, during the period 2006-2010, the Syrian regime was confronted with three main groups of contending forces: the Islamists, the Kurds and the secular opposition. Each of these groups has ties to different parts of civil society and is confronted with internal divisions. The Syrian regime tries to exploit these differences of opinion as part of its divide and rule politics. The social groups opposing the regime have different views on the future state-society relations. Radical Islamists seek creating an Islamic state, but the moderate Islamists, including Muslim Brotherhood, accept the principle of a parliamentary democracy. Among the Kurds, in addition to Islamist views, there are also differences between separatists and those Kurds who see a future within Syria. Most of the secular opposition advocates for parliamentary democracy as well as to respect the civil and political rights of citizens. Contending social forces – the pro-democracy movement, Islamists and Kurds – have different political agendas, although some groups have found a common basis in the principles laid down by the Damascus Declaration. The Islamists are potentially, in the Syrian context, the most powerful political alternative for the Ba'ath party-based regime. The Islamists have an available infrastructure of numerous Quranic schools, mosques and associations, which could be used for political purposes. The regime has an ambivalent attitude towards the Islamists. On the one hand, it tries to co-opt the Sunni religious establishment through privileges; on the other hand, it oppresses potential opponents, arguing that they undermine the secular character of the state. Parts of the civil society have links with the different contending social forces. Through their activities, based on different visions on state-society relations, they form part of the social base of the divided and repressed political opposition. Chapter 5 will describe the situation of civil society in Syria in more detail and analyse more in depth the consequences, problems and challenges for specific CSOs, which are active in the Syrian context.

5. Syrian Civil Society

As discussed in Chapter 2, preference is given to the use of a broad, non-normative definition in order to understand the civil society phenomenon in Syria. In this way, a wide range of organisations can be covered, active on the one hand in the social space between the individual and his family and on the other hand the state: both as organisations as well as individuals, traditional and modern forms of civil society, legal as well as illegal organisations, relief and service as well as advocacy organisations. Moreover, such an approach makes it possible to discuss the situation of specific parts of civil society in relation to the broader state-society relations. Furthermore, such a broad approach towards civil society provides the opportunity to indicate which civil society groups are embraced by the government, international governmental and non-governmental donors as partners in development and which functions are attributed to them.

In the first subchapter we will discuss the origins of civil society in Syria and its development until the coming into power of the Ba'ath party in 1963. Subchapter 2 deals with the situation of civil society under the Ba'ath Party rule, the legal context in which it has to operate as well as the different registered associations. Subchapter 3 focuses on the emerging NGO sector. In subchapter 4, we will look into the politics of civil society development and make some concluding remarks with respect to the space the government allows to civil society for it to become a partner in policy development and implementation.

5.1 Origins of Civil Society in Syria

Syrian society has a long tradition of organising voluntary and non-governmental groups in response to needs felt at community, village and common interest group levels.[1] Prior to the period of state-led and controlled development in Syria, there was a developing civil society. This process came to a halt in 1963 when the state took over many of the activities performed by CSOs and blocked further development of civil society. The origin of the phenomenon civil society, in the Syrian and in general Arab context, is tied to the establishment of voluntary organisations by citizens at the local level such as a neighbourhood, a village, or a town, in

[1] EC Delegation Damascus, 2007 b: 1.

order to pursue common interests. The Arab term for this kind of associations is *al-jam'iyya al-ahliyya*. *Jam'iyya* refers to association and *ahl* to the formal or informal grouping of citizens.[2]

The first *jam'iyya* created was during the Ottoman period near the end of the 19th century. They were mostly faith-based charity organisations recognised under Ottoman law by the Ottoman authorities. Established in 1880, the Sayyid Quraish Orphanage Charity Society is probably the first registered civil society organisation. Such societies or associations were created by people who wanted to do good work on a voluntary basis out of a sense of duty.[3]

During the French mandate period, the term *jam'iyya* broadened to include associations active in the fields of social assistance, culture and promotion of the role and position of women in society.[4] In the field of social assistance, associations were created providing services of need in daily life and of importance to improve the health conditions of people. In the 1930s, the Al Mowasat Society established the Mowasat Hospital in Damascus. In the same period, the Green Society was established providing free education and accommodation for the rural youth at its boarding schools.[5]

Islamic Associations

Influential Sufi brotherhoods such as al Tariqa Naqashbandiyya stood during the Ottoman period at the basis of the first associations providing social assistance to local communities.[6] It remains unclear, but it is likely that some of these first associations continued to exist during the First World War as well as the French mandate period.[7] Islamic associations, which came to existence in the French period, not only had social goals, but some of them also developed in protest to policies of the French, such as in the field of education. The *jam'iyya al gharra* (the honourable society), established in the beginning of the 1920s by an Islam teacher Muhammad Hasim al Hatib al Husaini, fostered Islamic education and realised Islamic educational institutes. Al Husaini apparently left the association because it did allow certain Sufi rituals: a first sign of tensions between the mystical Sufi Islam and Salafi Islam.[8] The political dimension of the activities of the association were also noted by the British occupation forces in 1942 when they

[2] Nefissa, 2002: 12.
[3] Etana Press, 2008: 29.
[4] Boukhaima, 2002: 78.
[5] Etana Press, 2008: 29.
[6] Boukhaima, 2002: 79.
[7] Reissner, 1980: 86.
[8] Ibid., 86 and 87.

reported that the association "[…] occasionally organized demonstrations against the government to protest against the alleged license allowed by the government to 'immoral practices of all kinds' by which is meant the unveiling of women, the attendance of women at cinemas, and cabarets and the secularisation of education."[9] In general however, most of the Islamic associations of the 1930s and 1940s were not explicitly political. They were mainly of a religious and cultural nature and fostered a renewal of Islam in society, especially a Salafi interpretation of Islam. The implicit political dimension however was to curb French and more in general European influence. In this sense the associations formed also a nationalistic reaction.[10] The Islamic associations can be regarded as the social pillar of the Islamist parties. The massive introduction of products manufactured in Europe played also an important role. Reissner noted that the leadership of these Islamic associations had a middle class background, sometimes from influential families but not linked to the economic and political elite. The members were from the low middle class such as small shopkeepers and craftsmen. The associations themselves were active in the main cities.[11] These Islamic foundations acted as intermediaries between the Islamic part of the society and the Nationalist political bloc, dominated by the Sunni economic and political upper class. In the late 1930s the Muslim brothers became active in Syria, at first as an association under the name of Shabab Muhammad (the youth of Muhammad). Some of the existing Islamic associations merged with the Shabab Muhammad into the Muslim Brotherhood in 1945-1946. From the start, the Muslim Brothers formed not only an association with social and cultural activities but were openly active as a political organisation. In 1947, the Muslim Brotherhood participated in the parliamentary elections.[12]

Christian Associations

In the 1930s and 1940s, there also was a rapid increase in the number of Christian associations. Every Christian Church created associations closely linked to the Patriarchates or the Episcopates of the different Christian communities. Beside charitable work, such as the

[9] Ibid., 88.
[10] Boukhaima, 2002: 79.
[11] Reissner, 1980: 86- 96. Reissner mentions a number of Islamic associations such as the "jam'iyya al-hidaya al Islamiya" (Gesellschaft des Islamitischen rechten Weges), the " jam'iyya al-tamaddun al-islami" (Gesellschaft der islamitischen Zivilisation), the " jam'iyya al-ulama" , the "jamiya at-taugih al-islami" (Gesellschaft der islamitischen Orientierung), the "jam'iyya al ta'awun al-ialami" (Gesellschaft der Islamitischen Zusammenarbeit) and the "jam'iyya al-birr wal- ahlaq" (Gesellschaft der Frommigkeit und Moral). See also Boukhaima, 2002: 79.
[12] Reissner, 1980: 96. For a detailed description of the organisational structure of the Muslim Brotherhood see Reissner, 1980: 102-111.

orthodox association of Saint George, these associations focused on educational activities. Unlike some of the Islamic associations, the Christian associations limited their activities to the social and educational field and did not get politically involved.[13] At present, the well-known Christian charity organisations are the Caritas, Al-Safina[14] and the Syrian Brotherhood Family.[15] The latter's main activity is the care of handicapped children in Syria regardless of their religion or race. Other Christian charity organisations include the Saint Mansour Charity Society, one of the oldest Syrian organisations established in 1836 with branches in most Syrian cities. It owns a number of homes for the elderly. The Syriac Youth Society established in 1927 organises scientific field trips and summer camps to educate the youth.[16]

Secular Associations

In the 1930s and 1940s, most associations were community-based organisations focusing on the improvement of the socio-economic situation of the poorer sections of the society. The few secular organisations were mostly created by the higher educated segments of the urban population focusing on the need to unify the educational system in Arab countries and on the need to revive Arab history.[17] After the independence and with the development of new political parties within the framework of a parliamentary democracy, in addition to the then current associations there came into existence a category of non-political, non-faith-based associations of a new type focusing on single issues such as education, of women, cultural activities, sport clubs, etc. In 1945, Christian and Muslim women of well-to-do Damascene families created the Women's Association for Charity Projects. In 1952, the association of families of soldiers was created to provide material and moral support to soldiers. Medical assistance associations were created to provide free of charge support to poor people. Some cultural or artistic associations were also actualised in this period.[18] Lack of financial means and other resources by the state as well as support to state activities in the field of development explain, at least partly, these civil society activities. The weakening of traditional social structures in an urbanising society and the related need for new safety nets explain also the creation of some of these associations.[19] The

[13] Boukhaima, 2002: 80
[14] Al-Safina was founded in 1995 under the patronage of the Latin Apostolic Diocese in Syria. A small number of people with handicaps and their assistance live in a home in old Damascus. Al-Safina is part of the International Federation of L'Arche. http://www.larchesyria.com/the community/... Downloaded 8 July 2011.
[15] The Syrian Brotherhood Family had been established as a branch of the International NGO Terre des Hommes.
[16] Etana Press, 2008: 31.
[17] Boukhaima, 2002: 81.
[18] Ibid., 81 and 82.
[19] Ibid., 82.

initiative for these associations came, in most cases, from urban well-to-do persons. Apparently, the state and society power relationship at that time created a social space for this kind of activities outside the direct control of the state as well as the traditional community-based structure of society. Some authors like Hinnebusch, consider this development as the birth of civil society in Syria.[20] However, based on a broader definition of civil society, it can be argued that apart from the initial *Gemeinschaft* type of civil society, which is community-based, as mentioned by Al Azm, a *Gesellschaft* type of civil society developed, based on the professional background of the participants or focusing on specific themes or issues.[21]

5.2 Civil society under the Ba'ath Party Rule

The proclamation of the United Arab Republic in 1958 started a process of restricting civil and political liberties, which had also severe consequences for the civil society movement. This process was reinforced when the Ba'ath party came to power in 1963.

With the passing of the Law on Associations in 1958, most existing organisations applied for registration and associations registered under prior laws, renewed their registration. However, in the early 1960s, state-funded popular unions for important sectors of the population, such as women, youth, farmers and journalists, were established by presidential decree and brought under the control of the leading Ba'ath party. The existing unions and leagues were also incorporated by decree into these Ba'ath-party dominated para-governmental unions and leagues. No new organisations of this kind were permitted ever since, because the government, dominated by the Ba'ath party, saw no need for parallel organisations serving the same social categories. As a result, most associations, officially established and registered during the 1960s and 1970s, were charitable organisations. There were some exceptions; academics and professional groups formed societies such as the Syrian Economic Society and other societies whose focus was on a range of medical specialties were also established. Some associations, such as the Syrian Family Planning Association, were founded to offer special services not provided by the government.[22] As indicated in Chapter 4, some professional organisations, like associations for lawyers and engineers, remained independent until the beginning of the 1980s. However, as a consequence of the social unrest at the end of the 1970s and beginning of the

[20] Hinnebusch, 1995: 228.
[21] Interview 16: Philosopher and social scientist Sadiq Al Azm. 7 June 2009.
[22] EC Delegation Damascus, 2007b: 1.

1980s, and the involvement in it of the mentioned professional organisations, the latter were dissolved and replaced by Ba'ath party-controlled associations. During most of the 1980s and 1990s, for a period that lasted 17 years, the government did not allow registration of new associations. Since this freeze ended, a number of informally founded charity groups or with other services and interests, applied to legalise their position.[23] When President Bashar al-Assad came to power in 2000, he made promises of reform. The initial relaxation of the grip of security services on society facilitated the appearance of new forms of NGOs that applied for legal status and whose concerns are the social and economic development, environment and human rights. As indicated in Chapter 4, a civil society forum movement emerged, partly overlapping (on the level of individual activists) with newly emerged NGOs, especially human rights organisations calling for political liberalisation and the lifting of the Emergency Laws. The political nature of this movement was perceived as a threat by the ruling elite, leading to the arrest of leaders of the movement. As a result, "[…] especially at official levels, the modern term of civil society (*al madani*) has taken on a very narrow sense of political activism - anti governmental - since the Damascus Spring. This has had serious repercussions for non-political groups wishing to contribute to Syria's social and economic development. The term *ahlieh* (not directly translatable) is therefore often preferred in discussion of community-oriented organisations that are not political."[24] There is clear evidence, that NGOs and civil society activists focusing on respect for human rights and the democratisation of the political system in Syria face continuous repression.[25] Nevertheless, there is also a clear movement by the authorities to give more public space for NGOs, partly initiated by the regime itself, that address socio-economic developmental issues in Syria. In the 10th Five Year Plan, the Syrian government describes its intentions of fostering a partnership with civil society in the field of socio-economic development. These plans and related activities are discussed in Chapter 6.[26] Since 2000, there has been a modest revival of civil society development in Syria. The number of NGOs has been increasing since 2000 although it remains modest compared to most of the countries in the Arab region. While advocacy organisations, especially the pro-democracy and human rights movement face the risk of repression, the government gave space to charity and development organisations, although it has been strictly controlled. In the framework of its new socio-economic policy the government considered the latter category of CSOs to be partners.

[23] Ibid.
[24] EC Delegation Damascus, 2007b: 2.
[25] See: Human Rights Watch, 2007: Without a page number.
[26] See: SPC, 2006: Without a page number.

The most important CSOs are the Government Operated NGOs: the GONGOs. Civil society remains a marginalised phenomenon in Syria although not without importance.

5.2.1 The Legal Framework

The 1973 constitution provides citizens with many basic rights. “Article 38 of the constitution guarantees the right of every citizen to freely and openly express his views in words, in writing, and through all other means of expression and to participate in supervision and constructive criticism in a manner that safeguards the soundness of the domestic and nationalist structure and strengthens the socialist system. Article 39 grants the citizens the right to meet and demonstrate peacefully, in accordance with the law.”[27] In reality, it is different. As mentioned before, during the time of the United Arab Republic, the temporary union between Egypt and Syria (1959-1961) known as Law 93 of 1958 on associations and private societies was passed. This law governs civil society in Syria even today. It places the state in the centre of the society, which it should guide and control. Decision 1330 of 13 October 1958 provides guidelines with respect to the implementation of the law. The legislative decree 224 of 1969 strengthens even more the control of the state over the associations. Most important is the Emergency Law, applicable since 1963, which provides the executive branch with unrestricted powers, of which the consequences have been described in Chapter 3. Thus, the legal framework governing civil society, which will be discussed in more detail, curtails the rights of citizens to carry out their constitutional rights with respect to freedom of expression and assembly.

Types of Associations Registered under Law 93 of 1958

Law 93 of 1958 starts with rules concerning associations in general and has separate sections for associations aimed at achieving a public interest, as well as private associations aimed at achieving non-profit making activities of humanitarian, religious, scientific or artistic nature or any charity for social care or public utility action.

The MOSAL has classified the associations in four groups depending on their sphere of activities:

- Social associations;

[27] Human Rights Watch, 2007: 14.

- Health associations;
- Cultural associations;
- Associations for the protection of handicapped persons.

In practice, this classification does not really reflect the activities of the associations. Many associations are active in several of the above-mentioned domains. Besides the associations under the guidance of MOSAL, there are a number of other associations that depend on ministries other than MOSAL, which are important because of the scope of their activities and the services they provide.[28]

Registration Procedures

Associations have to be registered by the Syrian authorities in order to be legal and for that they must obtain a written authorisation. The system is thus based on prior authorisation by the Syrian authorities. "If an authorisation is granted, the Ministry [MOSAL] puts the association's name on the register of associations and publishes a notice in the Official Bulletin within 60 days of the deposit of the request (Article 9). If the notice is not published within 60 days, the association is considered, in principle, duly registered (Article 10)."[29] The latter has been a point of legal dispute between two human rights associations and the MOSAL, because the Ministry did not decide in time on their request to be registered but nevertheless rejected the application.[30]

A request to be registered is first examined by the MOSAL, when the association is situated in Damascus or by the relevant Directorate of Labour and Social Affairs in the other governorates. MOSAL shall carry out an investigation on the background of its founders through the security services, check if relevant legal provisions are met and assess the importance of the association's objectives in relation to the area of proposed work (Article 6 of the executive

[28] Euro-Mediterranean Human Rights Network, 2007: 68. Footnote 3 of this report sums up a number of these associations. "In particular, the association of tourist guides (Ministry of Tourism), the Syrian Arab Red Crescent, rural development associations (Ministry of Agriculture), the Local Society Development Association (Ministry of Health), institutions that supply social services to the elderly, orphanages and kindergartens (municipal governments and local governorates) youth clubs and boy scouts (affiliated to church groups), private clubs such as the Armenian Fraternity, the Tcherkesse Association, the Golan Association."

[29] EMHRN, 2007: 70.

[30] Examples are the requests for registration of the Human Rights Association in Syria and of the National Organisation for Human Rights in Syria.

regulations no. 1330 of Law 93). According to the law, the following documents have to be submitted to the MOSAL, along with the request for registration of an association, attached to the application for the declaration and legalisation of the association:

- A copy of the decision of appointing the association's representative responsible of finalising the declaration procedure;
- A copy of the association's board election minutes signed by the establishing members; a list of the establishing member's names, nationalities, ages, occupations, their residences, places of work, permanent and temporary addresses, study certificates if any and their telephone numbers signed by them;
- The association's memorandum of association signed by the establishers;
- The interior regulations of the association signed by the establishers;
- An information form for each member with a photo and a photocopy of his identity card enclosed.[31]

5.2.2 Refusal and Dissolution

It is the assessment of human rights organisations that the role of MOSAL is limited to approving applications for registration; the opinion of security services is decisive.[32] Article 8 of the executive regulations, issued by decision no. 1330 on 13 October 1958 stipulates that MOSAL has to get "[…] the opinion of the Ministry of Interior and the opinion of the public institutions that consider that they are associated with the goals of the organization."[33] In case of a refusal MOSAL must give reasons for its decision in writing.[34] When MOSAL rejected to register the National Organisation for Human Rights (NOHR), after seeking the opinion of the concerned sides, it used the argument that registering NOHR was not in the public interest.

[31] National Organisation for Human Rights (NOHR) in Syria. Review request submitted by NOHR to the administrative court, after the refusal of MOSAL to register the NGO had been rejected in appeal. Lawsuit no.5942/2008 Session of: 19/2/2008

[32] Human Rights Watch, 2007: 20. Euro-Mediterranean Human Rights Network. Freedom of Association in the Euro-Mediterranean region, 2007: 70.

[33] Ibid., 19.

[34] Human Rights Watch, 2007: 20. Articles 10 and 27 of Executive regulations.

NOHR guesses that by concerned sides MOSAL meant the security services.[35] It is possible for groups denied registration to request MOSAL to review its decision. If this appeal process fails, these groups can request an administrative court to review MOSAL's decision.

Registration is compulsory. Unregistered groups are banned from conducting any activity by law, Article 8 of Law 93 of 1958. Article 71 of Law 93 states that: anyone conducting any organisational activity before registration can be subjected to a fine and imprisonment for up to three months.[36]

Article 24(b) under the Law 93 gives MOSAL the right to merge associations that have similar goals and Article 36(a) makes it possible for MOSAL to dissolve associations.[37]

The possibility of merging of associations is also mentioned in legislative decree no. 224, allowing the government to merge associations that do similar work and introducing the idea that there need not be more than one association to do any single type of work. Another key provision allowed for the non-judicial dissolution of associations.[38] Decision no. 1330 of 13 October 1958 designates the MOSAL as the entity responsible for administering the law, including exercising the authority to dissolve groups.[39]

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[35] National Organisation for Human Rights (NOHR) in Syria. Review request submitted by NOHR to the administrative court, after the refusal of MOSAL to register the NGO had been rejected in appeal. Lawsuit no.5942/2008 Session of: 19/2/2008.

[36] Human Rights Watch, 2007: 20. Article 71 stipulates similar punishment for a number of other infractions such as performing activities for the society or institution which is contrary to the goal for which a society or institution is established.

[37] Law 93 of 1958.
Article 24 (b) indicates that MOSAL has the right to merge associations of similar goals, if necessary a merger resolution shall be issued to explain the merger mechanism and effects. Paragraph B was added under the legislative decree no.224 of 21 September 1969.
Article 36 (a) describes 7 situation in which it is possible for MOSAL to dissolve an association:
A. If the association deviated from the original purpose stated in the policy;
B. If the board of directors did not convene for 6 months or the assembly for 2 consecutive years;
C. If the association has sectarian, racist or political activities that jeopardize the country's integrity;
D. If the association has practices of indecent or immoral actions;
E. If the association has repetition of violations despite warnings from the Ministry;
F. If the association was incapable of achieving its goals and fulfilling its obligations, or if its money were spent for purposes other than those for which the society was established;
F. If the Ministry deemed the services of the association as unnecessary.
Dissolution under above (1, 2, 5 & 6) shall be affected only after a warning of at least 15 days from the Ministry and in case that the association had failed to respond to the warning within the given time limit.

[38] Human Rights Watch, 2007: 18.

[39] Ibid., 19.

The dissolution decision is definitive and does not allow any appeal or reconsideration.[40] On 24 January 2007, MOSAL issued an order dissolving the Association for Social Initiative (*Jam'iyyat al-mubadarat al ijtima'iyyat*). This association focused solely on women's issues. The dissolution order did not specify the basis for the decision other than to state that the decision was taken "[…] according to the requirements of public interest."[41]

Strict Monitoring by the State of Activities of Associations

Under the 1958 Law, MOSAL has supervisory oversight of all registered associations. MOSAL can interfere directly in the operations of the association. A representative of the MOSAL may be appointed to the board of directors and/or attend meetings.[42] By law, the authorities have to be informed at least 15 days prior to the holding of any meeting of the general assembly and must be remitted a copy of the agenda.[43] With respect to associations recognised as being in the public interest, Article 47 of the law no 93 stipulates that "[t]he public authorities may refuse the candidacy of any individuals that it considers unsuited to sit as a board member."[44]

MOSAL has on the basis of Article 35 of Law 93 of 1958, the possibility to "[s]uspend any resolution issued by the board, general assembly or the director of the association if it has reason to believe that the resolution is against the law, public order or public morality."[45] MOSAL is responsible for ensuring that associations respect their given purposes and that any change in structure or type of an activity that moves away from the stated aims has the approval of the general assembly of the association. Associations have to provide copies of annual reports and accounts to MOSAL for monitoring purposes.[46]

5.2.3 Government Support

MOSAL has a small budget to support associations, which is to be divided between all registered organisations. MOSAL can decide for specific allocations to registered associations.

[40] Ibid., 21.
[41] Ibid. See footnote 38 of the Human Rights Report referring to a joint statement by Syrian human rights organisations.
[42] Law 93 of 1958. Article 26 (2) stipulates that the competent administrative authority (MOSAL) can issue a resolution to appoint one or more members in a society board of directors provided that the appointed member(s) is an employee of MOSAL.
[43] Ibid., Article 23.
[44] EMHRN, 2007: 72.
[45] Ibid.
[46] EC Delegation Damascus, 2007b: 3.

Financial support is mostly insignificant. The government and/or municipalities often provide premises for associations, sometimes for an indeterminate period or the lifetime of the association and occasionally allocate land for associations to build its premises on. The government also provides, in the case of certain services assured by an association such as health and education, in-kind support in the form of paid staff.[47] Some agricultural cooperatives as well as consumer and investment associations enjoy tax rebates. The customs code indicates that donations to orphanages, elderly people's institutions, charitable associations, hospital and health centres are exempted from custom duties and other duties and taxes.[48]

The institutional capacity of MOSAL to provide support to CSOs is weak. The Ministry has created a unit for social services, which includes a section for NGOs. This section employs about ten persons in the central office in Damascus and around five persons in each of the 14 governorates.[49] The Ministry however has a lack of employees able to work in the field of civil society. "We need knowledge in the field of management of NGOs, promotion of services, media and public relations, legislation both national and international as well as about social services."[50]

Other Funding

Most charity organisations in Syria are funded out of personal donations. Providing donations to charity organisations is considered a sign of caring for social mutual assistance on the one hand and as a channel to give *Zakat* (alms tax under Islamic Law) on the other hand. According to the not-for-profit publishing house Etana Press, Syrian industrialists and businessmen distrust the current tax system. "The majority of businessmen dodge paying taxes to the government while they are never late paying their Zakat due."[51] "One charity fund, *Al-Afia* was able last year [2007] to collect 300 million Syrian pounds (approximately 50 million euros) from industrialists and business men inside and outside the country, as well as from wealthy immigrants and Arab philanthropists. This fund is affiliated with the Charity Organizations Union in Damascus, which includes charity organisations within the city and its suburbs."[52] MOSAL confirmed that some charities such as *Al Sahiye Fund* (Health Fund) and the Drop of Milk Association have more

[47] Ibid., 3 and 4.
[48] EMHRN, 2007: 73.
[49] Syria Today, 2007: 18.
[50] Interview 02: Government official 28 October 2008.
[51] Etana Press, 2008: 29.
[52] Etana Press, 2008: 32. Rate of exchange 1 Euro = SP 60. November 2008.

funds at their disposal than the section of the Ministry dealing with associations. MOSAL tries to engage these rich associations to invest a part of their funds in activities focusing on socio-economic development.[53]

Financial resources and assets belonging to legally registered associations must serve exclusively for the furtherance of the objectives of the association. In all cases, prior authorisation must be obtained before the funds may be spent. Article 22 of Law 93 describes the rules for obtaining public funding and indicates that the government may add other conditions for any activities of the association. Article 3 of legislative decree no. 6 from 1965 stipulates that any financing used to support an illegal activity is punishable, even up to death. The latter has never been applied.[54]

Associations have to receive clearance by MOSAL in case of cooperation with foreign institutions as well as in the case of foreign funding.[55] These organisations must receive additional clearances from the Ministry of Foreign Affairs. This has proven a challenge to enhancing active involvement of international development actors, among them UNDP, with local Syrian associations.[56]

General Restrictive Environment

Freedom of assembly of recognized associations is authorised only if it conforms strictly to the objectives of the association as well as if the authorities have been informed prior to the general assembly meetings which have been planned to take place. Moreover, the associations and its members are confronted with the general limitations on freedom of speech and expression with which all Syrians are confronted under the Emergency Law as well as under certain articles of the Penal Code. These laws "[…] give all latitude to the government to determine what constitutes an illegal expression of thought. One may be imprisoned and fined for publishing erroneous information, particularly if it risks causing public agitation or disturbs international

[53] Interview 02: Government official on 28 October 2008.
[54] EMHRN, 2007: 73.
[55] Law 93 of 1958. Article 21 stipulates that a society may not join, participate or be affiliated to any society, union, organisation or club whose headquarters are outside the Syrian Arab Republic unless they have notified the competent administrative authority and have not received an objection to such act within 30 days of such notification. Moreover, and excluding the value of books and scientific and technical magazines, a society shall not accept or receive money or any payments from a person, association or club located outside the Syrian Arab Republic, nor send any of the above to persons or organisations outside the country unless the approval of the competent administrative authority is obtained.
[56] Interview 03 officer intergovernmental organisation. 7 January 2008.

relations or undermines the dignity of the State or national unity, affect the morale of the armed forces, or be prejudicial to the national economy or monetary system or if it is contrary to the aims of the revolution."[57] The lack of an independent judiciary combined with special courts created under the Emergency Law, where minimum standards of fair trial are not kept, create a climate of insecurity for citizens and discourage the open expressions of critical thoughts on the policies and activities of the government and the conduct of its officials. Contacts with foreign organisations are also subject to prior agreement by MOSAL. Moreover, the government systematically tries to block international travel of Syrian citizens considered to be critical of the regime. Particularly human rights activists, but also a number of members of registered associations, are confronted with such restriction of their civil liberties.

5.2.4 Types and Activities of Registered Associations

MOSAL is responsible for registration of and information provision about CSOs. The figures and information provided by MOSAL is incomplete and very superficial. Moreover, the available information of registered associations by the Syrian authorities contains organisations that have a monopoly position for the representation of certain categories of professional groups in Syrian society. Moreover, some of these organisations are closely tied to the ruling Ba'ath Party. MOSAL does not provide access to its files of registered associations. Mapping done by organisations like EC and UN is based on information obtained from MOSAL and other interlocutors in the Syrian Government like the State Planning Commission (SPC). Based on this incomplete data, some distinctions and observations are made regarding the registered organisations. Registered means associations that are approved by the Syrian authorities to become activitive. However, specific activities still need to have approval from the authorities. Non-registered associations are by nature illegal organisations according to the Syrian authorities. But, from the activities point of view, a distinction can be made between organisations that provide goods and services and/or do advocacy type of activities. A distinction can also be made between organisations that do charity and those that aim at development. Yet from an organisational point of view, there is a difference between organisations where most of the core activities are developed and implemented by paid staff and organization that are run by volunteers.

[57] Euro-Mediterranean Human Rights Network, 2007: 72 and 73. Reference is made to article 306 of the penal Code and article 3 and 4 of the legislative decree no. 6 of 1965.

The MOSAL has a register of the recognised associations. This register is not public; the confidential files contain supervision reports and other reports that do not concern outsiders. This information is probably used by MOSAL to supervise the registered organisations and to identify organisations that might provide the Ministry assistance on social welfare cases. There is no directory of associations for external use, with the exception of one produced by UNICEF together with MOSAL on organisations working in fields related to children issues. This directory is basically an address list of organisations with a brief description of their activities. In the late 2004, MOSAL and its Directorates in the Governorates published a list of registered organisations on the back of the pages of a 2005 calendar. This list of 572 registered organisations for each governorate contains contact details of the organisations, as well as a brief description of their respective purposes. It is the only relative brief list of registered organisations available.[58] The EC used the directory and the above-mentioned list to map associations in Syria. In doing so, the EC uses the term voluntary organisations. However, given the fact that a part of the associations cover unions and other Ba'ath party-related organisations, the term voluntary is ambiguous. The results of the mapping exercise are, as the EC rightly indicates, merely indicative. In order to get a more precise picture of the target groups of the associations and the kind of services the associations provide and the activities they undertake, more detailed information is needed. Such information would allow classifying the associations on a continuum, or a sliding scale, from a high degree of charity (consisting of distribution to the poor and needy) to a high degree of effort for developmental purposes. The latter would focus more on special needs groups, neighbourhoods, communities and the society at large. Developmental purposes could be aims such as the improved capacity of target beneficiary groups and communities to generate a sustainable viable income; improved capacity of communities to support sustainable economic activities within the community and improved social, economic and health conditions in communities and the society at large. These purposes could be translated in a number of concrete development activities.[59] After comparing the available data at the end of 2006, the EC concludes that: "[t]he real total of legally registered autonomous associations, even allowing for those registered during 2004 that are missing in the list, probably do not exceed 600 and may in fact be closer to 550 […] From available data, it is impossible to identify all bodies that are in fact branches, covered legally by their association

[58] EC Delegation Damascus, 2007b: 1-5. The EC interviewed as part of the study 27 organisations, 10 in Damascus and 17 working in the governorates to get more detailed information on issues such as membership, organisational structure, types of activities undertaken, issues related to planning and sources of funding. The associations to be interviewed were selected by MOSAL. 24-35.

[59] EC Delegation Damascus, 2007b: 10 and 11.

headquarters and considered both by themselves and their headquarters as one organisation: the analysis has therefore covered all registered as autonomous associations as per the list."[60]At several occasions the Syrian government in the period 2006-2010 has provided different figures about the number of registered associations in Syria. The SPC in its 10th Five Year Plan provides the following information with respect to registered associations: the total of registered associations (excluding branches/sub offices) was 513 at the end of the year 2000 (at the beginning of the 9th Five Year Plan which was from 2001 up to and including 2005). According to the SPC this number grew with 18% up to 626 associations by the end of 2005. The branch/field offices connected to these civil associations were 296 in all of the country. The total number of members of all associations was 70,435 by 2005.[61] The Euro-Mediterranean Human Rights Network (EMHRN) in its report on freedom of association mentions that in 2001, 540 associations had been registered at MOSAL, while the number of associations rose to 1,012 in 2005 and reached 1,400 in 2007. The latter information is based on data provided to the Syrian authorities to the Organisation of Arab Women, at the 4th Summit of Arab Youth, held in Damascus from 10 till 13 July 2007.[62] In an interview about the situation on civil society organizations, the MOSAL quoted the number 1,700 associations at the end of 2007.[63] A high-level official of MOSAL indicated however in October 2008 that: "[i]n 2004 there were about 600 NGOs, at present 1,100 plus the federations, student and women's unions."[64] The only relatively detailed MOSAL figures available on social associations can be found on 2005 in the Statistical Abstract of the Syrian Central Bureau of Statistics, with a total of 1,012 associations.[65] No indication is given if head and branch offices of specific CSOs are counted separately. Given the above-mentioned figures of the State Plan Commission, it can be assumed that the number of 1,012 registered associations includes head offices as well as field offices or branches. No information is available if these registered organisations are active. It is unfortunately impossible to verify the figures because the registers of MOSAL are not open to the public.

Table 3: Social Associations, Type of Activity and Location (2005)

Type of Activity	Damascus	Aleppo	Homs	Lattakia	Other Governorates	Total

[60] Ibid., 5.
[61] State Planning Commission, 2006: Chapter 6 of 4. 2.
[62] EMHRN, 2007: 68. See also footnote 4 of the report.
[63] Syria Today, 2007. The Minister of Social Affairs and Labour, Diala al-Haj Aref, indicated the following: "In October 2004, there were 360 NGO's in Syria. Today, there are around 1.700."
[64] Interview 02: Government official, 28 October 2008.
[65] Syrian Central Bureau of Statistics, 2006: 473.

Charity	228	33	31	36	108	**436**
Culture & Sciences	79	29	10	5	26	**135**
Education	22	5	2	1	5	**35**
Environment	16	4	3	1	5	**29**
Health	24	12	3	1	2	**42**
Rural	9	2	9	1	4	**25**
Specific social groups*	19	20	9	6	27	**81**
Sponsorships/ Funds	27	4	4	5	14	**54**
Unions**	25	1	-	-	1	**27**
Others	53	23	19	6	47	**148**
Total	**502**	**133**	**90**	**62**	**225**	**1,012**

Source: Statistical Abstract 2006 of the Syrian Central Bureau of Statistics

* Orphans, old and disabled persons, juvenile and kindergarten.

** Especially student unions.

However, in conclusion, since 2000, the number of associations is growing. The number of registered CSOs remains very small compared to other countries in the Mediterranean region. Euro-Mediterranean Human Rights Network in its study on freedom of association in Northern Africa and the Near East (2007) gave the following indicative figures on registered CSOs in some countries: in Algeria – 75,000 of which only 1,500 are active at the national level; in Egypt – 22,000 of which about 20% are active in the field of development; in Israel – 40,800 of which

23,650 are known as active; in Jordan – about 2,000 organisations of which 800 are charity organisations; in Tunisia – 9,132 associations are registered; in Turkey – some 77,110 associations and foundations are registered.[66]

Most of the associations active in Syria are charity organisations and/or service provision. NGOs active in advocacy and development are a very recent phenomenon and an addition to Syrian CSOs. Most of these organisations have been formally established after the year 2000. In 2007, on the basis of rudimentary information from MOSAL and UNDP through which they could contact 586 registered CSOs, the EC classified 284 of them as charity and 302 as non-charity. About 40% of organisations with charity as stated purpose were involved in other activities; especially the provision of basic and other services (see Annex 4).[67] These associations are usually created in response to needs felt in the community they service. Serving the poor and needy, they often extend their activities beyond distribution of charity to individuals and families in need. Organisations focusing on basic services mostly provide health and/or education for children and young adults. Other basic services consist of support for burials, assistance to families with special needs, or to special needs cases, particularly for senior citizens and orphans.

Provision of basic health services varies from making arrangements with private doctors for those who do not receive free health care, to running a hospital where those who cannot afford care receive free treatment. Some organisations keep a pharmacy to provide free medication to those who cannot afford treatment. Similarly, provision of basic education services ranges from financial support to students, especially at university levels and to families for school costs at elementary and secondary levels to running schools. Some organisations run special schools for groups with special needs and disabilities.

As the EC indicates, the used categories oversimplify the characteristics of organisations. Many charities not only meet survival needs of the poor but also address more service and even developmental needs in their target group community. Organisations describing their main purpose as charity, distributing gifts or money and/or supplies, often identify their target group in relation to a specific locality: a neighbourhood, a community or village, or people originally from a village. Some specify a religious or ethnic grouping, or sub-sector of a community.

[66] EMHRN, 2007: 23 (Algeria); 29 (Egypt); 35 (Israel); 43 (Jordan); 83 (Tunisia); 91 (Turkey).
[67] EC Delegation Damascus, 2007b: 7.

Charity organisations are the oldest forms of civil society in Syria. Religion still plays an extremely important role in the domain of charity work. Almost all of them are administered by religious people or organisations, "[…] including the largest and most influential such as: the Preservation of Grace Society, Al-Ansar Charity Society, the Islamic Society of Piety and Charity, Caritas, the Syrian Brotherhood Family, the numerous orphanages and old age homes and many others. All large charity organisations have at their disposal considerable sums of money, where their supervisors hold back any public information related to their charitable and developmental projects."[68] The Preservation of Grace Society, established by the Damascene Sheich Sariya Al-Rifaie and one of the largest societies today is an exception. This society "[a]bides by the principle of preserving leftovers from weddings and similar social and formal occasions, to be distributed among the destitute communities. […] Its activities were extended to include clothing, medicine and furniture. It is equipped with specialized work teams for its various projects, who collect, sort out and distribute donations to the needy."[69] Some charity organisations act as umbrella organisation for others. The in 1950s created Islamic Society of Piety and Charity in Homs concentrating mainly on the elimination of beggary "[…] supervises over a large number of charity organisations in that city such as the Elimination of Unemployment Institute, the Instructional and Rehabilitation Institute for the Elderly, the Orphan's Institute and the Health Care Institute which established a large hospital in Homs catering for the health needs of underprivileged."[70]

Of the 302 associations, 28% are classified as non-charity and mainly provide basic and other services. In 27% of the cases, the main activity has been in the cultural domain. Moreover, among the non-charity registered associations, 15% consisted of professional or academic associations and 19% were cooperatives or mutual support organisations.[71] A large number of non-charity organisations provide basic services such as health and education, but are not primary charity organisations. Many provide free services to the poor, but this is not their main purpose. Some also provide services intended to help beneficiaries become more self-sufficient.

About 60% of the total number of associations, both charity and non-charity, provide social assistance (charity and basic social services). According to Bourkhaima, this percentage has

[68] Etana Press, 2008: 30. *Caritas* is registered at the Ministry of Social Affairs; it is supervised by the Catholic Church in Syria and affiliated to the International Caritas Organization. Its mission is the development of all human beings regardless of colour, sect or religion.
[69] Ibid.
[70] Ibid., 31.
[71] EC Delegation Damascus, 2007b: 7.

remained more or less the same since the 1960s. This permanence cannot be explained solely by the strong tradition of mutual assistance within communities in Syria, but is also the outcome of policies of the ruling elite. The regime supports charity organisations because these organisations are instrumental in limiting social unrest while at the same time keeping social networks intact, thus contributing to social stability. Moreover, these associations are solicited by the state to take over specific social tasks, due to the decline in the quality as well as the rising costs of social services provided by the state.[72] CSOs focusing on social services to the needy include the orphanages, homes for the elderly and catering for people with special needs. Outstanding associations in this domain include: "[t]he Al-Aman Orphanage, established in 1963, which hosts children with deceased, missing or invalid fathers, and the Sayyid Quriah Orphanage Charity Society, which supports school children who are over 12 years old. […] While al-Aman Orphanage is funded by the Ministry for religious endowments (Al-Awqaf), the Sayyid Quriah Orphanage Charity Society is self-supporting. The orphanage's expenses are covered by an investment project and grants given especially during the month of Ramadan. […] In 1982 the Good Shepherd Nuns Society was established in Syria to help girls and women who are homeless and at risk of being exploited. It is part of an international nunnery."[73] Other social services provided by CSOs include: "[m]arriage counselling and match-making, such as the I'faf Society, which is the first Syrian charity organisation promoting marriages, and the Syrian Osteoporosis Society a non-profit seeking organisation, established on 7 December 2005 by Dr. Jeema Adib, that aims at raising public awareness regarding this disease."[74] There are also a large number of associations that bring together and service people according to personal interests, including academic and professional bodies, cooperative and mutual support groups as well as cultural interest groups.[75]

According to the EC study, the three largest cities in Syria harbor most of the associations: 44% of all registered associations are located in Damascus, 15% in Aleppo and 9% in Homs. Damascus in particular is home to the main offices of several national organisations with branches elsewhere in the country. Some of them, concludes the EC, have by mistake been registered separately in other localities. The statistics of MOSAL confirm the picture that about half of the registered CSOs are based in the governorate of Damascus and its surrounding countryside.

[72] Boukhaima, 2002: 86.
[73] Etana Press, 2008: 32.
[74] Ibid.
[75] EC Delegation Damascus, 2007b: 7.

5.3 Case Studies of an Emerging NGO Sector

As discussed earlier, CSOs in Syria predominantly consist of charitable associations and associations providing basic and other services. Since Bashar al-Assad rose to power, more space is provided to CSOs, although the sector remains heavily government-controlled. There is an emerging NGO sector, especially in the field of socio-economic development. Moreover some advocacy and campaigning NGOs have become active in the field environment protection, human rights and women's rights. The 10th Five year Plan explicitly refers to activities aimed at improving women's and children's rights. However many of the advocacy NGOs have not been recognised by the authorities and their activities are at best tolerated.

Defining NGOs, as we have seen in Chapter 2, is problematic. Main characteristics of NGOs, such as their non-governmental, not-for-profit, humanitarian and non-party-political status, can also apply to other CSOs. In general, NGOs are considered to be organisations working in the field of development and/or advocacy and campaigning, which differs to charitable organisations. There are also certain internationally accepted organisational principles attributed to NGOs, such as accountability and transparency, participation and democracy, as well as effectiveness and efficiency.[76]

5.3.1 Developmental NGOs

The emergence of the NGO sector in Syria coincides with government policies to liberalise the economy but also with the idea to involve society more in decision-making and the implementation of policies effecting the socio-economic development. Thus, the emergence of the NGO sector should be seen in the context of the reform programme pushed forward by the reformists within the government and the regime. The context in which the reformists try to promote a (larger) role for NGOs is a highly controlled one, dominated by the security services and the Ba'ath party. MOSAL's task, by law responsible for the NGO sector, is derived from the existing regulations that control CSOs. In practice, the security services and the Ba'ath party allowed for the CSOs to be active as well as the activities, which these organisations are permitted to perform. Moreover MOSAL does not have the capacity (financial means, knowledge and managerial strength) to perform a supportive role for the NGO sector. In the 10th Five Year Plan, the SPC stressed the potential of the NGO sector for the socio-economic

[76] Intrac, 2004: 36 and 39.

development and noted deficiencies in terms of existing legislation and regulations, as well as the of lack of capacity of both the government and CSOs to be partners in development. The Five Year Plan gives a blue print of what should be done to enable CSOs to become such a partner. As noted, the UNDP and the EC support the government's intentions to empower civil society. Within Syria it is the President's spouse, Asma al-Assad, who has taken the initiative and provided support to establish and strengthen NGOs active in the field of socio-economic development and other areas such as health, education, culture and child protection. These NGOs have been licensed by MOSAL and serve (as will be discussed in Chapter 6) as counterparts and implementing partners in a number of development projects funded by UNDP, the EC and bilateral development cooperation programmes. The most important NGOs working under the patronage of the First Lady are: FIRDOS (rural development), Shabab (youth, work and entrepreneurship), Masar (children and education) and Worldlinks (education). In 2007, to strengthen the managerial, policy and administrative capacities of these organisations, an umbrella NGO called The Syria Trust for Development was established; by mid-2008, there were a total of 90 staff members working on the projects under the Trust umbrella. In November 2007, 60 staff members of the Trust were trained by the Centre for International Development and Training of the University of Wolverhampton on project management, covering issues like the logical framework approach, stakeholder analysis, problem tree analysis and team building skills. In January 2008, the Centre for International Development and Training assisted in the development of a communication strategy for the Trust.[77] Besides the aforementioned NGOs, the First Lady gives inter alia patronage and other support to NGOs like MAWRED[78] (women and entrepreneurship), Bidaya[79] (micro credit fund) and Basma[80] (children with cancer).

[77] University of Wolverhampton. www.wlv.ac.uk/default.aspx?page=17434. Downloaded 3 July 2008.

[78] MAWRED stands for Modernising and Activating Women's Role in Economic Development. The association was created in 2003 under the patronage of the First Lady. It is the outcome of a recommendation of the businesswomen committee of the Syrian Chambers of Commerce and Industry. MAWRED was established with support of the Syrian European Business Centre, an EC-financed cooperation project. MAWRED seeks to assist women in determining the feasibility of possible business projects; train them in business project development and develop and upgrade existing businesswomen's projects through the application of modern technology and contemporary management practices as well as helping them overcome obstacles and learn to manage emergency situations. The Syrian Young Entrepreneurs Association (SEYA) provides training to entrepreneurs which receive support from MAWRED. MAWRED has contact groups in the major cities of Syria. www.whatsonsyria.com/magazine. Downloaded 3 July 2008.

[79] Bidaya is a pilot programme being incubated by the Fund for Rural Development of Syria (FIRDOS). Bidaya means beginning in Arabic and assists young people with a viable business proposition but who lack access to regular credit facilities for entrepreneurs, by providing technical assistance and micro credits. Bidaya has a small professional staff selecting interesting business proposals for support. Volunteers from the business community assist Bidaya in selecting young entrepreneurs. Bidaya is member of the Young Business International which is a programme of the International Business Leaders Forum. www.bidaya.org.sy.

MAWRED and Bidaya can also be considered development NGOs: the developmental view behind these initiatives is to base projects on the knowledge of priorities and needs of beneficiaries and to engage the latter by motivating them to realise available opportunities. Representatives of these GONGOs have been invited by the SPC to work in cooperation with government officials on various parts of the 11th Five Year Plan.[81]

Of an estimated 20 developmental NGOs, at least 15 have been established since the year 2001. To a large extent, these NGOs are government-initiated. The most important in terms of financial means and managerial capacity of these are under the umbrella of the Trust. FIRDOS, which means paradise in Arabic and stands for Fund for Integrated Rural Development of Syria, is the largest and best-known developmental organisation and is the only NGO active in the field of rural development. FIRDOS was established in July 2001 and co-funded by the First Lady. Through consultation and the creation of Village Development Committees, FIRDOS aims to identify and implement priorities for development at the village level; it has so far been implemented in 60 villages. It supports initiatives in the fields of micro-credits for small enterprises, basic development needs (infrastructural projects in health, education, roads and computer centers) and teaching and training (especially in using computers). FIRDOS gives the empowerment of women special attention. The project gets funding from UN agencies, the EC, an INGO[82], and private sector such as companies like Nestle or financial contribution of individuals. The Fund is led by a board presided over by the First Lady and has a small paid staff. The core of FIRDOS workers consists of volunteers working at the level of the village committees. The Village Development Committees are central to the work of FIRDOS; these committees are elected by local people and are largely comprised of respected and more educated members of the community. They do not closely correspond with governmental or traditional authorities; the committees are in continuous dialogue with the local authorities in order to achieve its goals.[83]

The Massar project targets the 40% of Syrians aged below 15 through a range of activities including stage shows, story-telling, debates, media events and video screenings that tour

[80] Basma was established officially in April 2006, although its activities commenced in 2005. The association provides social and psychological support to children with cancer and their families. In the Alberuni hospital in Damascus, the association created a game room for children with cancer. The organisation gets funding through donations from Syrian citizens and companies. Etana Press, 2008: 38. See also www.basma-syria.org/index.php?option=com_content&task=view&id=2&Itemid... Downloaded 8 July 2011.

[81] Interview 04: Official GONGO. 15 December 2010.

[82] The Italian NGO: Aidos - Associazione Italiana Donne per lo Sviluppo.

[83] Intrac, 2004: 10-12; Etana Press, 2008: 35 and 36.

throughout Syria. It was launched in 2005 and claimed to have reached over 100,000 children in Syria by July 2008.[84] A 13,000 sq.m. high-tech Discovery Centre cultural facility is currently under construction in Damascus.[85]

Founded in 2005, Shabab seeks to support Syrian youth with basic skills in order to prepare them as future entrepreneurs or workers. Its objectives are incorporated in the 10th Five Year Plan, in which development of human resources is a major target. The target group is youth between 14 and 30 years old. Shabab provides trainings focusing on business awareness, entrepreneurship opportunities and work experience.[86]

Aamal, Syrian Organisation for the disabled, was established in 2002 and officially inaugurated in September 2006. Aamal operates under the patronage of the First Lady. It runs four centres which provide various services to people with disabilities.[87] Alongside the NGOs under the umbrella of the Trust or those initiated by the First Lady, there are a small number of other developmental NGOs, which have developed and implemented successful projects. Some of them are active in the fields of both development and advocacy, while others have their roots in charity but have broadened their scope to developmental initiatives. Examples include the Syrian Young Entrepreneurs Association[88], Syrian Environmental Association (see under environmental organisations), Education and Anti-analphabetic Association[89], Syrian Family

[84] Etana Press, 2008: 36.
[85] www.massar.org.sy.
[86] Syria Today, 2010. March. 4 and 5 of 10.
[87] Open hands initiative. http://openhandsinitiative.org/youthAbilitySummit/youthAbilitySummit_Partners.html. Downloaded 8 July 2011: 2 of 4.
[88] http://www.syea.org. SYEA is a Damascus-based NGO providing business training to young entrepreneurs that also has a micro-credit facility.
[89] This association is based in Aleppo. The focus is on improving poor urban neighbourhoods through rehabilitation projects such as reducing number of school drop outs, anti-analphabetic sessions, creation of green space and raising voluntarism awareness.

Planning Association[90], Al Birr Association[91], Blind and Deaf Association[92], Khaled Ben Al Walid Association[93], and the Mathilde and Georges Salem Establishment.[94]

In cooperation with UNDP, the Trust recently focused on an initiative to establish a Platform for the Development of NGOs that aims to develop NGO capacities, to boost inter-organisational contact and dialogue on the local and the national level and ultimately to "[c]ollectivize and energize the NGO sector to facilitate partnerships and links with other stakeholders and/or donors in Syria's socio-economic development."[95] By the end of 2010, the Trust had finalised its proposal for the legal structure of the Platform and conducted some capacity building activities for NGOs (strategic planning, organisational structures).[96] The expected outcome of the project is an empowered civil society involved in development and implementation of public policies, planning and programmes. The activity itself is considered by the Trust and UNDP to contribute to fostering democratic governance. The latter claim is questionable however, because the government controls which CSOs are allowed to work in Syria and which of those are allowed to participate in the Platform. Moreover, the political context is such that preconditions ensuring freedom of expression, freedom of press and associations and an independent judiciary do not exist. Given this context, it is justified to say that these NGOs are enabled by the Syrian government to de facto monopolise the development sector. This process is reinforced by multilateral and national foreign development cooperation organisations giving support to these government-initiated or even GONGOs. The cooperation between the Syrian government and international donors results in channeling foreign funds to projects run by the GONGOs. This observation is in no way meant to discredit the work of these NGOs nor of GONGOs, which in itself might be effective in promoting socio-economic development and in providing assistance and services to individual people and local communities. It could even be argued that these

[90] The Syrian Family Planning Association (SFPA) is active in the field of reproductive health. www.syria-fpa.org. The SFPA is established in the 1970s. The SFPA operates a number of clinics throughout Syria. It gets support from the EC, UNFPA as well as the Italian NGO Aidos to strengthen its capacity and upgrade its facilities.
[91] The Al Birr association is both a charity and a development association. It runs hospitals and pharmacies but is also involved in awareness raising and capacity training projects in the education sector as well as in environmental projects (solid waste management).
[92] The Blind and Deaf Association is based in Hama. It provides education to blind and deaf persons with the aim of enhancing their capacities to make use of available opportunities (for instance in earning a living).
[93] The Khaled Ben al-Walid Association is active in Homs and surroundings. The Association runs vocational schools for girls, building up skills and assisting poor people in finding / creating job opportunities. The Association runs a hospital and is involved in rural development activities in the village of Deir Balaba.
[94] The Mathilde and Georges Salem Establishment run a vocational school in Aleppo. Linked to the school, some developmental activities, such as income generating initiatives, take place.
[95] Syria Trust for Development & UNDP, 2007: 11.
[96] Interview 04: Official GONGO. 15 December 2010.

projects empower individuals and local communities with respect to decision making on issues of direct concern to them. The purpose of the comment is rather to question the expected outcome of contributing to democratisation through support to civil society while basic conditions for an independent and freely operating civil society are not present. In the Syrian context, an authoritarian regime selects the local counterparts of international development organisations and donors and chooses which sectors foreign assistance can support. It can even be argued that Western and international donors contribute to reinforcing the position of an authoritarian regime by accepting the channeling of their financial contributions to these NGOs, mainly GONGOs. In this view, such development comes as a detriment to those forces in civil society, which are not allowed to organise themselves and thus have no access to government assistance and/or foreign funding and expertise.

Environmental NGOs

During this research period there were a rapidly growing number of environmental NGOs. The government allowed registration of this kind of organisations involved in advocacy apparently because these activities were not perceived as a security threat. According to the Central Bureau of Statistics, in 2005 there were 29 environmental CSOs in Syria. Etana Press's study claims there were in 2008 around 25 environmental organisations active in Syria. Like development NGOs, environmental NGOs are a recent phenomenon in Syria. Although the number of organisations is relatively high, their "[r]ole is limited owing to lack of coordination and a presence of a strong sense of competition between them. One Syrian environment activist very appropriately described the situation saying, 'each environmental team plays in its own stadium, alone and away from other teams'."[97] A pioneer in this field is the Syrian Environmental Association (SEA), an NGO registered in August 2001. With voluntary community services, SEA's mission is to promote a clean, healthy and dynamic environment, in an awareness-raising endeavour based on professional ethics, responsible citizenship and respect for oneself and for others. It has been involved in clean-up campaigns, the establishment of an eco-friendly public park in Damascus and other environmental education campaigns. Moreover, it is involved in a project in cooperation with the private sector to reduce industrial pollution. SEA is a

[97] Etana, 2008: 33.

volunteer-run organisation headed by an elected board of trustees, out of which a director and executive committee are drawn.[98]

Some environmental organisations such as the Protection of the Syrian Environment Society headed by Ghassan Shahin have managed to obtain some financial or other support from local authorities, the Ministry of Energy and/or Embassies concerned with environmental issues.

5.3.2 Women's and Youth Associations

In Syria interest groups are not allowed to organise themselves outside the people's organisations, unions and professional organisations linked to or under control of the Ba'ath party. The Syrian authorities consider these organizations as part of civil society. There are no independent worker, farmer, women's, youth or student unions allowed. An exception is formed by employers' associations. As noted earlier, the Syrian government considers these Ba'ath-party–related organisations representatives of civil society. This situation affects also the extent to which associations can be established to provide assistance to, or advocate on issues of importance for, specific social groups. Given the importance the government's 10th Five Year Plan is tied to improving the position of women and youth, including participation in the development and implementation of policies and programmes focussed on socio-economic development, specific attention is given in this study to the situation of CSOs, focusing on women and youth issues.

The 1973 Constitution accords the same rights to all citizens, however does not contain provisions forbidding discrimination against women. Other legislation is not entirely compatible with the Constitution. The Nationality Law of 1969, the Penal Code and the personal Status Law of 1953 all contain discriminatory provisions, for example with respect to passing nationality to children. The competence in family matters is devolved to religious courts of various confessional groups. These courts' rulings are generally discriminatory, for example in the case of marriage, divorce, custody and inheritance.

On the international level Syria ratified with reservations with respect to articles out of line with the Sharia, the Islamic Law, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). These reservations preclude the state from being legally obliged to grant women equal rights in a number of respects, such as granting the passing of a women's

[98] Intrac, 2004: 16 and 17.

nationality to her children, freedom of movement and residence, equal rights during marriage and its dissolution with regard to children's custody and the right to choose a family name.[99] Although the Syrian government announced its intention to lift some of the reservations, this has not yet materialised. Some Syrian NGOs promoting women's rights have presented a shadow report to CEDAW in which they urge the lifting of the reservations. They stress that the "[o]ptimum implementation of CEDAW provisions requires full respect of human rights, especially the right of expression and civil activity, which requires the cancellation of all exceptional laws, procedures and courts and granting all citizens the full citizen rights stipulated in the Syrian Constitution and international charters ratified by Syria, particularly that the Syrian Arab Republic has been a state party in ratification of the Universal Declaration of Human Rights."[100]

Besides legal constraints, the weight of tradition and the conservative mentality pose serious challenges to the further empowerment of women. A leading women's rights activist did not believe in the lifting of the aforementioned reservations given the influence of conservative Islamic leaders. The Syrian state is nominally secular; however society is deeply influenced by religion.[101] Iman Al-Ghafari, a Syrian professor in gender studies, indicates that gender inequality has more to do with the traditional culture and its related patriarchal system. "Broadly speaking, gender inequality stems from gender stereotyping and social expectations of women. Women are traditionally seen as property that is transferred from the ownership of the father to the husband. [...] Most laws are used to sustain men's power over women, especially those living in poor villages where limited access to education and employment deprives them of the chance to protect themselves from violence or discrimination."[102] Nevertheless, as Haidar notes, before the Ba'ath party came to power, Syria was already a regional leader in empowering women. "Syria was the first Arab country to allow women the right to vote in 1949 and the second – behind Lebanon – to grant women the right to stand for election in 1953. Today, Syrian women enjoy political representation throughout all branches of government, heading courts, ministries and political parties and hold 12% of all parliamentary seats. In March 2006, Syrian president Bashar al-Assad, appointed Najah al-Attar as vice president. In doing so, Attar

[99] Syria Today, 2008: 43.
[100] CEDAW, 2007a: Without a page number. Participating associations were: National Association for Developing Women's Roles, Syrian Women League, Good Shepherd Sisters, Islamic Intellectual Forum, Social Initiative Association and the Islamic Syrian Women Forum.
[101] Interview 05: Women's rights activist. 12 June 2008.
[102] Syria Today, 2008a: 52.

became the most highly positioned women in Arab politics."[103] Under the Ba'ath party, Syria's government has actively promoted the participation of women in economic life, although the realities of the labour market show that women's participation is still low and that the social and legal position of women in the market is weak.[104]

The in 2003 established Syrian Commission for Family Affairs (SCFA) (attached to the Prime Minister's office) is responsible for bringing national law into line with international obligations, setting national policies and strategies and furthermore monitoring implementation. The commission has access to other governmental bodies and is also responsible for cooperation and coordination with NGOs; strong partnerships between such bodies and organisations would contribute significantly to the realisation of gender equity.[105] The SCFA has organised numerous conferences, discussion groups and workshops, utilising its status to be a kind of connector between government agencies and CSOs.

Women's Organisations

The Syrian General Women's Union (GWU) is a semi-governmental organisation established in 1967 and is part of the Ba'ath Party structure. It is the biggest organisation for women in Syria. The organisation's aim is to mobilise women within a single organisation and enhance their level of education, political awareness and skills, to prepare them for a more effective and dominant role in the social and economic development. The GWU claims to have 14 branches in different governorates, 114 associations and 1850 centres. Some 280,000 or 60% of total Syrian housewives are affiliated with the Union.[106] But the actual number of active members is much lower, around 25,000 women; as one diplomat puts it, the GWU "[…] encapsulates the whole dilemma of the Ba'athist structures: it provides access to Syrian officials, and is widely present in the country side, but it is controlled by the Party, often hyper-conservative and its level of effectiveness has often been called into question by other civil society groups."[107] While GWU facilitated women at work, established children's nurseries and assisted women in finding work within the government administration, it kept quiet on issues such as honour crimes and discriminative provisions in the personal status law. Its relationship with the SCFA is close but

[103] Ibid., 40.
[104] CEDAW, 2007a: Article 11.
[105] Ibid., CEDAW/C/SR.785. Mrs. Munah Ghanem, former chairperson of the SCFA.
[106] Mediterranean Women. Syrian Women's Union. http://www.mediterraneas.org/article.php3?id_article=201... Downloaded 14 April 2007.
[107] Western diplomat working in the field of human rights. Name withheld. Meeting November 2007.

also a power struggle. The latter became evident when in 2007, according to Etana press; the Syrian government forced the former SCFA chairperson Ghanem to dismiss a number of qualified and highly motivated employees of the SCFA. Most of these women were active in the Syrian Women League, an organisation with which MOSAL had prohibited working with.[108] Mrs. Ghanem resigned in the spring of 2007 and was succeeded by Mrs. Sira Astour, a university teacher from Lattakia University and member of the Syrian Computer Society, an NGO of which before 2000 Bashar al-Assad was president of.

Besides the GWU and the SCFA, there is a small number of NGOs working on women and children's issues. Some of these organisations could also register themselves as associations even though decree 121 of 1970 forbids any establishment of women associations, other than the Ba'ath party-linked GWU. The oldest of these organisations is the above-mentioned Syrian Women's League (SWL), set up in 1948 but officially licensed in 1957 by MOSAL as the Syrian Motherhood and Childhood Association. Its origin is in the Syrian Communist Party. In 1986, when the Syrian Communist Party split, a group of women created the SWL as an independent organisation. SWL advocated gender and focussed on the basis of the Constitution, the International Declaration of Human Rights and international recommendations such as the ones from the Beijing Conference on modification of discriminatory laws. It launched a national campaign in Syria, calling for change of the personal status law in order to give women the right to grant their children their nationality. In 2007, the Minister of MOSAL Diala Al-Haij Areif issued a decree suspending the SWL.[109] In January 2007, another advocacy organisation called the Social Initiative Society (SIS) was dissolved by decree. The ministry stated that "[…] associations should have an in advance permission from MOSAL to take part in public activities even if they were government activities and the same for carrying out co-activities whether they are with each other or with government bodies."[110] Apparently, the reason behind this decision was pressure by conservative, influential Islamic leaders on the government to stop activities of these societies. The SIS had carried out a campaign to amend the custody-related articles in the Personal Status Code and investigated through a questionnaire the public opinion with respect to discriminative articles in the laws. In 2003, the SIS collected some 13,000 signatures and succeeded in persuading the Syrian parliament to change the personal status code to allow divorced mothers four years extra custody of their children, up to the age of 15 for girls and 13

[108] Etana Press, 2008: 50; CEDAW, 2007a: Article 7 C.
[109] Etana Press, 2008: 50 and 51.
[110] CEDAW, 2007a: Article 7 C.

for boys before the right automatically passes to the father.[111] Etana press in its study on the civil society in Syria mentions that "[t]he majority of Islamists and Muslim men of religion regarded the plebiscite as an alarm signal of grave consequences threatening the foundations of Islam and the society. Thus they organized an extremely ferocious campaign in the mosques, religious schools and homes, along with pressures on government authorities that finally compelled the minister of Social affairs to issue a decree suspending this society."[112] Mai al Rahbi, a doctor and women rights activist, made a similar comment: "When there has been a confrontation between some NGOs and some conservative figures, the government stands on the side of the religious trend."[113]

In early 2006, Etana Press itself a not-for-profit publishing house active in the field of women rights, was confronted by similar pressure of Islamists and a subsequent ruling by the Prime Minister forbidding governmental departments to facilitate the work of Etana. The establishment of a publishing house is a way for civil society to be active without having to go through the registration process through MOSAL.[114] Etana organised a number of conferences and workshops on gender, women and children issues. The latest of these conferences in 2005 on women and tradition was held at Damascus University: It led to strong reactions of Islamists attending the conference. Since November 2003, Etana Press issues an electronic magazine called *Al Thara*, which specialises in women's rights.[115] Another website specialising in women affairs is *Syrian Women*, or in Arabic *Nissa Souria*.[116] From 2005 onwards it launched "[a] widespread public awareness campaign to stop honour crimes, which target women who have been charged with bringing dishonour on their family, generally after they have been accused of having an illicit sexual affair or have married without their family's permission."[117] *Nissa Souria* arranged a national campaign and held symposiums in different governorates for the repeal of

[111] Syria Today, 2008: 41 and 42.
[112] Etana Press, 2008: 51. A similar observation was made in interview 5 with women rights activist. "A Syrian womens organization held an enquete among Syrian women and men in order to know if Syrian women and men would like to have changes in the personal status law, more specific to delete some conditions based on the traditional Islamic law such as the guardianship over the children in case of a divorce. This led to strong opposition from Islamic religious leaders. The activists were threatened in person from the pulpit. The Ministry of Social Affairs felt obliged to renounce the license of the NGO."
[113] Syria Today, 2008: 43.
[114] Another example is Maaber, a social and cultural project with a website, editing house and an electronic bookshop. Maaber promotes the culture of non-violent culture. According to Maaber its web site is between 1500 – 2000 times a day consulted. www.maaber.org.
[115] Etana Press, 2008: 60.
[116] http://www.nesasy.org.
[117] Syria Today, 2008: 42.

article 548 of the Penal Code, which states: "[h]e who caches his wife or one of his ascendants or sister committing adultery (*flagrante delicto*) or illegal sexual acts with another and he killed or injured one or both of them benefits from an exemption of penalty." *Nissa Souria* documents the cases of this article's victims, arranged a voting campaign for its repeal and asked the opinion of many decision-makers, including the Grand Mufti. The group estimates there are about 200 honour crimes every year. Most of them go unreported.[118] The *Nissa Souria* team of volunteers consists out of about 10 women and 3 men. When asked by Etana Press about the legal status of *Nissa Souria,* the head of the group, Bassam al-Kadi, answered, "[w]e do not want to ask for a license, because nobody has the right to grant us a license."[119]

An established and registered NGO from 2004 is the National Association for Developing Women's Roles (NADWR). It is chaired by Mrs. Rania Al-Jabir, the wife of Firas Tlas who is a well-known businessman and son of the former Syrian Minister of Defence, Moustafa Tlas. NADWR's most important achievement was the Young Women Social Care Institute, which in addition to the shelter run by the Good Shepherd nuns, is the first of its kind to accommodate and care for women who are victims of domestic violence. NADWR has also been selected by MOSAL to run, in cooperation with the International Organisation for Migration, a shelter for victims of trafficking. This shelter is situated in the same building as the shelter for victims of domestic violence in the Bab Mossala area of Damascus. In August 2008, the centre for victims of domestic violence was officially opened by the Minister of MOSAL. As mentioned, the Good Shepherd nuns (a Catholic organisation) provide psychological and social support to women victims of violence irrespective of their religion or nationality. The sisters with the help of volunteers provide shelter as well as legal and medical assistance. The nuns get support from the Catholic Church as well as donations from international organisations and individual citizens.[120]

Besides the secular organisations involved in organising women and/or providing legal or other assistance to them, there are organisations with a religious background involved in both religious as well as social activities. According to the Etana Press, most of these are dedicated to religious awareness or propagandistic purposes; examples are the Abou Al-Nour Islamic Assembly, The Islamic Studies Centre, the Syriac Orthodox Patriarchate, the Orthodox

[118] Ibid.
[119] Etana Press, 2008: 52.
[120] CEDAW, 2007a: Without a page number.

Patriarchate of the World, Saint Peter Church and the Society of Care (Damascus).[121] The importance of these organisations cannot be underestimated. They play a significant role in promoting religious awareness and can either be instrumental in maintaining social harmony, or at least provide a platform for dialogue between people from different religions, or become instrumental in dividing people on religious basis. These organisations are furthermore important because they act as a social safety net within their religious communities for people in need. They provide food and other material assistance. For instance, within the Islamic part of the Syrian society, women get more organised. The rising Islamic awareness in Syrian society (which is often regarded as a sign of growing fundamentalism) has not only led to a growing number of women wearing the hijab, but also to a growing number of female Islamic organisations expanding their activities in the fields of education, social services and charity. While some Islamic women organisations aim for democratisation and dialogue with other religious denominations and strive for enlightening women and children in a modernising society, others are suspected by secular Syrians as instrumental to the ideas of Islamists in Islamizing the Syrian society. One of the most secret and controversial of these Muslim groups in Syria is the *Qubayisat*, founded and led by Munirah al-Quabasi. This group shuns media attention, organises religious lessons in private homes and has been instrumental in spreading conservative religious sentiment among young women throughout the Middle East.[122] While the group started in secret, in recent years it has been recognised by the Syrian authorities as a legal organisation. Ubai Hassan, a Syrian expert on Islamic movements and minorities quoted in the magazine Syria Today, explained the mushrooming of women Islamic groups in Syria due to the lack of forums for women to voice their problems.[123] The growth of the number of Islamic women organisations fits in the broader picture of the growing religious feeling within mainstream Syrian society. The number of state-run Islamic teaching institutes has more than quadrupled in the past three years – from 30 in 2005 to 127 by the end of 2008. In addition, at present there are 20 privately administered Sunni institutes and 12 Shiite schools. Mohammad Bukheet, the Director of the Religious Education Department at the Ministry of Religious Endowment (Islamic Trusts) said that the book review of some private schools had revealed that these schools used textbooks critical of other religions (Sunni's about Shia and vice versa). Some private schools like the Sheich Ahmad Kuftaru (Abu Nour) Institute, the largest Islamic school in Syria with 6,000 students, is sponsored by a registered charity called al Anssar and by

[121] Etana Press, 2008: 9.
[122] Syria Today, 2008b: 59.
[123] Ibid.

private donations with an annual budget of Syrian Pounds 220 million ($ 4,8 million). The government announced in 2008 to step up the control over religious schools or institutes; specifically, the financial and other links between charities and Islamic schools are being scrutinized.[124]

Youth Organisations

As for other interest groups, it is very difficult for the youth to organise itself outside the framework of the Ba'ath Party. Political indoctrination of youth takes place through the education system from the primary school onwards. Only Ba'ath party related youth organisations are allowed to be active in schools and universities. At the level of the primary schools, these are the Vanguards. At the level of the secondary school, it is the Union of the Youth of the Revolution. At the universities, the Ba'ath party-related National Union of Students acts as a watchdog signaling student activities with an anti-regime character. Students not enrolled in the Ba'ath party student organisation face pressures, like having fewer chances for scholarships or for participation in exchange programs. Those not attending Ba'ath party meetings might be exposed to warnings, threats of dismissal, security inquiries, prohibition to travel and confiscation of passports, etc. As long as a student generally remains politically neutral, these threats are not implemented.[125] However, if targeted by security services, a student risks expulsion from university or denied opportunity for specialisation, which can destroy de facto career opportunities. Being virtually unknown, these young people do not have the relative protection of well-known opposition leaders whose contacts with international media and well-known foreigners could afford them against prolonged incommunicado detention and torture. On 17 June 2007 the State Security Court convicted a group of students and young workers to 5 to 7 years detention on the accusation of taking action or making a written statement or speech which could endanger the State or harm its relationship with a foreign country, or expose it to the risk of hostile action for their involvement in developing a youth discussion group and for publishing pro-democracy articles on the internet.[126] According to a human rights activist, the young men were trying to establish a liberal, political movement.[127] The young men were

[124] Ibid., 17.
[125] Arab Commission for human rights, 2001: 136.
[126] Amnesty International, 2008: One of the detained is Omar Abdallah, son of the writer Ali Abdallah, a detained member of the National Council of the Damascus Declaration. Omar Abdallah together with the other 7 members of the group (one person was released during detention on remand) are detained at Seydnaya prison. Omar Abdallah has been released in April 2011.
[127] Syria Comment, 2006: Without a page number. Joe Pace. Protecting civil society in Syria.

arrested at the end of 2005 and early 2006 kept incommunicado until November 2006 by the Air Force Intelligence. As Amnesty International made public in 2007 the men repudiated 'confessions' they had made in pre-trial detention, alleging that they were obtained under torture and duress. The State security court failed to investigate their allegations and accepted the 'confessions' as evidence against them.

Under the umbrella of religious organisations, sometimes young Syrians have the opportunity to come together and discuss social issues. In recent years, the Patriarchate of the Greek Orthodox Church took the initiative to bring together youth representatives of different religious and secular organisations together with NGOs and a youth magazine[128] to discuss the issue of violence in society, with a focus on intolerance and exploitation of human beings. In this context, both societal factors leading to violence were discussed as well as obligations to protect human rights under human rights instruments such as CEDAW and Convention on the Rights of the Child (CRC).

Internet has especially for the youth, become a place to express views and exchange ideas. Discussion forums and blogs are serving as an alternative virtual platform for debate and expression for a non-existent one in real life, as one blogger told the magazine Syria Today in 2009. Although the number of Syrian blogs may be increasing, it is still a small online community which does not reflect the diversity of Syrian society. Blogging is on the rise, yet it is not without risk, especially if on political issues. Several bloggers have been arrested because of criticising the state. Interestingly, in some cases it caught the attention not only of international groups like Human Rights Watch and Reporters without Borders, but also online campaigns were launched within Syria to raise awareness about the trials and sentences.[129]

The new media such as blogs, e-mails, text messages but also social media, such as the in Syria forbidden Facebook and Twitter, are increasingly used by a new generation of civil society activists. These activists waged several civil campaigns such as the earlier mentioned campaign for ending honour crimes, a campaign for protection of victims of rape as well as a campaign against certain proposed changes in the family law and furthermore a campaign to lower cellular phone rates.[130]

[128] "Shabablek" is the name of the youth magazine.
[129] Syria Today, 2009a: 48.
[130] Sawah, 2012: 14.

5.3.3 Human Rights Organisations

The origin of the human rights movement in Syria can be traced back to activities of the Damascus Branch of the Lawyers Union in the 1970s, with Heitham al Maleh as one of the founding fathers of the Syrian human rights movement. On 22 June 1978, the independent Lawyers Union issued a resolution, demanding the immediate end of the state of emergency in force since 8 March 1963, as well as the special courts established under the Emergency Law, urging the government to bring all national legislation in line with the obligations under international humanitarian law. This initial human rights movement was suppressed during and in the aftermath of the violent activities of the Muslim Brotherhood targeting Syrian authorities, but also outstanding professional personalities and the subsequent crushing by the regime of all opposition. Only at the end of the 1980s and in the early 1990s, when the regime of late Hafez al-Assad slightly relaxed its grip on society, the human rights movement received a new momentum. The new movement was launched by a handful of former political activists, some of whom were imprisoned on charges of working in outlawed political organisations. Following their release, they decided to turn their attention to human rights issues. The establishing of the Committees for the Defence of Democratic Freedom and Human Rights (CDF) in Syria on 10 November 1989 is considered the start of the current human rights movement in Syria. Due to the committees' founders lack of adequate experience in this domain and their political past, their human rights experience was tainted with former experience in political parties' organisations; so much so that their statements were almost carbon copies of the political opposition's (leftist) statements during that period. Thus the committees' last statement issued in 1991 on the occasion of the late President Hafez al-Assad's re-election was basically political. Some commentators considered it to be "[…] the straw that broke the committees' back and led to the imprisonment of its members towards the end of 1991."[131] It took until President Bashar al-Assad's ascendancy to power in Syria and his inauguration speech in July 2000, before a number of lawyers, politicians and human rights activists established non-governmental human rights organisations. Until today, none of these newly formed organisations have been recognised by the authorities, although some of them have tried actively to be registered.

The CDF publically announced its re-establishment in Syria on 5 September 2000. On 15 September 2000, the CDF could hold for the first time their general meeting without interference from the authorities. CDF chose a new board of directors, with Aktham Naisse as a president.

[131] Etana Press, 2008: 43.

However, this lull in repression lasted only a short period. Since February 2001, the authorities once again put pressure on advocacy CSOs, especially those by political activists and human rights defenders. The authorities obligated these groups to register although they did and would not recognize them, and obligated the organisations to request prior authorisation for holding meetings. During the period August until September 2001, a large number of political activists and human rights defenders were arrested; nine of them were sentenced between 5 and 10 years detention by the State Security Court: Aref Dalilah, Kamal al Labwani, Habib Issa, Walid Al Bunni, Hassan Sa'adoun, Habib Saleh, Riad Seif, Ma'moun al Homsi and Fawaz Tello. Kamal al Labwani, a medical doctor and a member of the CDF board, was sentenced on 28 August 2002 to five years of detention and loss of civil and political rights.[132]

While not registered by the Syrian authorities, CDF continued its activities, including the organisation of a training seminar for human rights activists, which took place in September 2002 in Cairo[133], and issued a first annual year report with an overview of violations of civil and political rights.[134] A number of CDF members, including at that time president Aktham Naisseh, faced continuous pressure from the authorities such as tapping of telephone conversations, confiscation of mail, regular interrogations and shadowing. Naisseh was rearrested, released on bail and finally his case was dropped after a general presidential amnesty. CDF was also confronted with internal disagreements centered around the persona of the Committees' historical president Aktham Naisseh's alleged monopolisation of the president's position, as described by influential activists, as well as their criticism that the international recognition of CDF's work should be shared by the organisation as a whole and not only by one single person, i.e. Naisseh.[135] In 2005, he received a prestigious international human rights award for his work as a human rights activist.[136] The organisation split after August 2006 when a second general assembly took place in Amman, in which a new board was elected, with Daniel Saoud as director. Naisseh continued his work under the name of CDF with a group of supporters.

The Human Rights Association in Syria was established in Syria on 1 July 2001 by a number of renowned Syrian lawyers, activists and scholars concerned about the deplorable state of human

[132] Federation Internationale des Ligues des Droits de l'Homme, 2003: Press release. Aref Daliilah, seriously ill, has been released in 2008. The others were released earlier. The latter continued their activities as civil society and political activists and have been re-arrested, with the exception of Fawaz Tello and Ma'moun al Homsy. Homsy went into exile.
[133] Federation Internationale des Ligues des Droits de l'Homme, 2003: Press release.
[134] Etana Press, 2008: 44.
[135] Ibid.
[136] http://www.martinennalsaward.org/en/press/2005-10-11.html.

rights in Syria. Syrians like Haitham al Maleh, Anwar al Bunni, Salaim Khear Baik, Ahmad Faiz al Fawwaz, Jihad Massouti, Akram al Bunni, Habib Issa, Mohammad Najati Tayyara, Jad Karim al-Jiba'ai and Walid Bunni, played a role in the establishment and activities of HRAS. The organisation elected Haitham al Maleh as its president (a known active member in the lawyers Union) before the Union was brought under the control of the Ba'ath party. He was a former political prisoner for seven years during the 1980s.[137] Many of the founders were also former political prisoners. A large number of them have been re-arrested during recent years mainly in connection with the Damascus Declaration and its National Council. In its early years the organisation was quite active and visible through statements, annual reports, thematic reports and participation in demonstrations. The international status of Haitham al Maleh, as a well-respected, well-known and outspoken human rights lawyer undoubtedly played a role. In its internal structure HRAS was also an example for other organisations where in meetings policies and internal problems were discussed in general and the board, including the presidency, was democratically chosen by its members. In 2004, Ahmad Faiz al Fawwaz was chosen as the new president of the organisation. Since 2005 the activity level of the organisation has reduced substantially, especially due to the growing pressure on the civil society movement. Pressure by security services on HRAS appears to be the reason why the organisation is not able to hold general meetings, therefore preventing it to choose a new leadership. Although the organisation states to have more than 100 members all over Syria, there are indications that the number of active members is much less.[138] It is also not excluded that some younger activists left the organisation because they were not willing to except the authority of some representatives of the older generation for the mere reasons that they had been imprisoned as political activists for a long period. Etana Press in its study on the state of civil society in Syria mentions that: "[i]n addition, some commentators criticise the organisation's disregard of women's rights and issues, commenting that this is due to the Islamist background of some of the organisation's founders."[139] HRAS has since December 2001 tried to register as a NGO; a reply on its request was not given in time (according to the regulations, MOSAL has to reply within 60 days if an association could consider itself as registered) and subsequently rejected without giving any argumentation. HRAS went to the administrative court and finally in 2008 received a reply through the court procedure: the list of names of the board members was not accompanied by

[137] Etana Press, 2008: 44.
[138] Interview 06: Human rights activist. 6 January 2009. One activist outside Damascus informed that of the 8 activists in the Raqqa governorate in 2004, only 4 were still active. Frustration about the lack of results and the continued pressure by security services were the main reasons why members dropped out.
[139] Etana Press, 2008: 44.

their signatures and an administrative fee of SP 50 had not been paid. HRAS is considering submitting the application once again.[140]

Presently, in terms of internet reports, press statements and year reports, the NOHR is the most visible human rights organisation in Syria established by Ammar Qurabi. He left the Arab Organisation for Human Rights where he was one of the most active members, apparently due to internal conflict since he insisted that political or ideological opinions of members interfered in the legal and human rights activities of the organisation. The NOHR membership regulations indicate that members should not be active in a political party. The overall goal of its work is the achievement of the principles stated in the UN Universal Declaration of Human Rights. The NOHR is member of the Cairo-based Arab Organisation for Human Rights. In April 2006, NOHR, like the HRAS, requested to be registered as an association at the MOSAL. Its application has been rejected on the broadly formulated basis of interfering with public interest.[141] At least two NOHR activists have been put in detention for a longer period. In April 2005, Nizar Rastanawi was arrested and sentenced in November 2006 by the State Security Court to four years detention, because of allegedly having spread false news and insulted the President.[142] In 2008, Badie Dakilbab, a former political detainee, was sentenced by a military tribunal to 6 months of detention after having published on the internet an article in which he criticised the armed forces of Syria.

Apart from the above-mentioned human rights organisations, there are:

- The Arab Organisation for Human Rights (AOHR), which is an extension of the Cairo-based organisation with the same name. Like the other organisations. The AOHR tried in vain to register at MOSAL. AOHR applied on 15 April 2004; its application was rejected on the ground of not being in the public interest.[143] Its president, Mohammad Ra'adoun, was arrested in 2005 and stayed in detention on remand before being released in November 2005 due to a presidential amnesty. He was arrested shortly after he appeared on Al-Jazeera television, highlighting the need for reform in the country. The campaign of arrests of activists and the departure of Ammar Quarabi seems to have affected the level of activities of the organization;

[140] Interview 06: Human rights activist. 6 January 2009.
[141] Human Rights Watch, 2007: 27.
[142] The Syrian Human Rights Committee, 2009: Press release. SHRC is based in London.
[143] Human Rights Watch, 2007: 26.

- The Syrian Society for Human Rights (*Sawasiya*) was established in 2004 by a group of prominent Syrian scholars and lawyers, among them the philosopher Sadik Jamal Al Azm, the organisation's honorary president. The human rights lawyer Mouhannad al Hasani led the board of Sawasiya but due to internal disagreements, the organisation split. The executive president Abdul Karim Al Rihawi resigned and established another organisation, initially with the same name, which later on was changed into Syrian Association of Human Rights.[144]

One civil society organisation, focusing solely on media and freedom of expression, is The Syrian Centre for Media & Freedom of Expression (SCM). SCM is not registered in Syria, but had been able to register its self in France as a non-governmental organisation. The media face many restrictions in Syria. The Emergency Law prohibits false information, which opposes the goals of the revolution or endangers the safety of the state. On this ideological basis, the freedom of expression as guaranteed by Art 38 of the Constitution is severely restricted. Most of the domestic media, written and electronic, are owned by the state and the rest are closely monitored. Furthermore, recently there is a growth of privately owned media. Many of these new media are owned by families linked to the regime. Criticism of the main pillars of power, including the President and the army, is not tolerated. Journalists are occasionally harassed and publications banned. Until 2001 any form of private journalism was forbidden in Syria. The 2001 publication law (Decree 50) enabled the creation of private media but kept the system of strict media control intact. For instance, Article 50 of Decree 50 of 2001 allows the state to practice its authority over independent newspapers that might be issued in the future, grants the government large prerogatives in rejecting or approving the issue of new licenses without the need to give any justification regarding its decision. Article 51 foresees between three to five years of imprisonment for spreading false information.[145] Satellite TV (dishes), Internet and e-mail are allowed, although selected Internet sites and providers are blocked. Some people have been arrested because of visiting foreign or opposition websites or because of opinions expressed on websites or blogs.

The authorities have tolerated the activities of SCM, such as publication of a year report on freedom of expression and workshops on the culture of democracy. Some volunteers of the organisation have been questioned by security services about the SCM's activities, without

[144] Etana Press, 2008: 45.
[145] Ibid., 58.

further action taken against them.[146] The president of SCM, Mazem Darwich[147], had been questioned in 2007, while conducting an investigation on the role of the police in Adra in connection to a criminal investigation case. He was released, but in 2008 sentenced by the military tribunal in Damascus to five days of detention after being accused of criticising the authorities.[148]

Besides the above mentioned 'national' organisations, there are a few Kurdish organisations active in Syria in the field of human rights: The Kurdish Committee for Human Rights in Syria, the Human Rights Organisation in Syria, known as the MAF, and the Human Rights and Civil Liberties in Syria, known as the DAD. These organisations focus on the situation of Kurds in Syria and the lack of civil and political rights specifically for the Kurds but also more in general for Syrian citizens. There is at least one case where an official of a Kurdish party plays an important role in a Kurdish human rights organisation.[149]

In recent years, some academic and/or human rights training centres have also been established, such as the Damascus Studies Centre for Human Rights, the Syrian Centre for Legal Studies and the Syrian Training Centre of Human Rights. The latter was created in 2005 with support of the EC and IFIAS (an INGO), but had been closed down by the Syrian authorities almost immediately after its official and public opening.[150] Moreover, since 2005 there is the Syrian Human Rights Link (SHRIL), a kind of electronic database in English on human rights violations. SHRIL is run by a small group of volunteers, led by the human rights activist and lawyer Razan Zaitouneh.[151]

Human rights defenders are treated by the security services as potential political opponents; a situation, which is reinforced by the fact that a number of leading human rights activists are also active in political opposition parties and movements or express themselves as regime critics on the internet or in foreign media. The fact that human rights organisations cannot register not only leads to security risks for its members in case of activities but has also many practical

[146] Interview 07: Human Rights Activist. 31 March 2008.
[147] Damascus bureau, 2012. In 2012 the SCM has been closed by the Air Force Intelligence. Director Mazem Darwish is under arrest since 16 February 2012.
[148] Mazem Darwich and some members of his team have been arrested in 2012 and are kept in incommunicado detention ever since.
[149] Interview 07: Human Rights Activist. 31 March 2008.
[150] Etana Press, 2008: 46. Aktham Naisseh, a leading human rights activist, also created a human rights study centre under the name Cham Study Centre for Democracy and Human Rights.
[151] http://www.shril-sy.info/enshril/modules/news/article.php?storyid=189.

consequences such as scaring away the very people they try to protect, no possibility to rent offices on the name of the association and to receive funding. Given the fact that the judiciary is under control of the executive and that there is no free press in Syria, the human rights movement is very much restricted in its advocacy and awareness-raising activities as well as in providing effective legal protection and assistance to potential victims of human rights abuses. Any comments on the political system as such and or on leading personalities representing the system may lead to persecution by the regime. Given the high price, many human rights defenders have paid for their activities (detention, continuous harassment by security services including of their families, travel bans, etc.), it is understandable that especially young activists were disappointed and in some cases stopped being active and/or have left the country due to the continuous pressure on them by security services.[152]

5.4 The Politics of Civil Society

On the role of civil society, two competing Syrian views can be discerned in the period 2006-2010. On the one hand is the view of the Liberal democratic opposition, regarding civil society primarily as a political project, on the other hand, the view of the regime in which civil society is instrumental in realizing its socio-economic development plans.

In the first years of Bashar al-Assad's regime liberal democratic opponents of the regime claimed a public sphere (civil society) where it could freely discuss social issues. The committees for the revival of civil society in Syria, LijanIhya'al Mujtama' l-Madani fi Suriya, which emerged in the Damascus Spring immediately after the death in 2000 of late President Hafez al-Assad, can be seen in this tradition. Michel Kilo, who stood at the basis of this movement, indicated that there were two choices: firstly, "[e]ither we could work as an elite and found a new political party. Or we could work in a different way, offering knowledge, ideas, experiences, reflections and emotions to [that part of] society which is now outside politics: to help society to restore itself politically through a cultural project that we offered. This was the way the civil society movement started."[153] In the opinion of Kilo, due to the lack of a bourgeoisie and mass working class, only the middle class is able to develop a political project. It is the middle class,

[152] For example, Ammar Abdulhamid (who took the initiative for the Tharwa website on minority issues), Riad Ziadeh (one of the human rights activists behind the Damascus Study Center for Human Rights) and Muhammad Abdullah (one of the activists behind a support group for families of political prisoners. His father Ali Abdullah, a leading civil society activist as well was until 2011 detained. His younger brother Omar, also a civil society activist remained detained until 2011).
[153] George, 2003: 33 and 34.

or at least parts of it such as lawyers, intellectuals and student that can transmit ideas of democracy and freedom to the society at large.[154] Riyad Seif, entrepreneur and ex-parliamentarian took together with some intellectuals the step to translate the project for the revival of civil society into a political project in the year 2000. They affirmed in a statement "[t]he need to revive the institutions of civil society and achieve balance between their role and that of the state in the context of a real partnership between them in the higher national interest [...] Freedom of opinion and expression, respect for opposing views, active and positive individual participation in public life and the adoption of dialogue, positive criticism and peaceful development to resolve differences should provide for a solid basis of civil society. Moreover civil society needs a legal environment that is protective such as the existence of rule of law, the independence of the judiciary and the abolition of special courts, martial law and emergency legislation."[155]

On 16 October 2005 the aforementioned ideas were translated in a political pamphlet signed by major Syrian opposition parties, including Kurdish ones, as well as a number of well-known regime critics like Kilo. The pamphlet, called "The Damascus Declaration for Democratic National Change", formulates a number of shared points of departure. It is a programme for peaceful, gradual change and political reform founded on accord and based on dialogue and recognition of each other. With respect to the position and role of civil society it states that: "[l]iberate popular organisations, federations, trade unions, and chambers of commerce, industry and agriculture from the custodianship of the State and from party and security hegemony. Provide them with the conditions of free action as civil society organisations."[156] It also mentions the role civil society could play in a process of change; "[…] from various committees, salons, forums and bodies locally and throughout the country to organize the general cultural, social, political, and economic activity and to help it in playing an important role in advancing the national consciousness, giving vent to frustrations, and uniting the people behind the goals of change."[157]

While the Damascus Declaration asks first for political reform, President al-Assad argues that economic and social reforms should take place before political reform since in his view the latter is a demand for the ending the dominance of the Ba'ath party over society. The explicit linkage

[154] Ibid., 34.
[155] George, Syria. 2003: 35.
[156] Syria Comment, 2005a: 3 of 5.
[157] Ibid., 5 of 5.

of the liberal opposition of civil society to the political project of democratisation has contributed to the mistrust by the regime of civil society. The liberal project of revival of civil society has a lopsided focus on the role civil society can and should play in enhancing civil and political liberties in society.

The regime's policies towards civil society have been geared to co-opting civil society leaders, restricting activities of CSOs to the non-political domain, replacing them by Ba'ath party-linked organisations and/or merely repressing CSOs. However, even under the Ba'ath party rule the public space needed by civil society to perform activities remained an area under negotiation. The regime needs civil society to perform certain tasks and also to gain legitimacy. While the regime allowed in the period 2006-2010 the registration of more civil society organisations, mostly charities and providers of basic services and goods, the regime did not take any concrete steps to strengthen the legal position of CSO's. In fact its attitude towards civil society in general remained restrictive and one of divide and rule. The government plans gave civil society possibilities for implementing activities in the domain of socio-economic development. CSOs could be active in developmental areas such as poverty reduction, accomplishing social reforms, capacity building, micro credits for entrepreneurial activities, etc. However the latter required also the legal position and protection to act accordingly; something which lacked. Since political change had no priority for the regime, it did not take any steps in this direction. As indicated the activities of CSO's remained strictly controlled under Law 93 of 1958. All the initiatives such as workshops, including with support of the EU, in order to discuss proposals did not lead to the (approval of) a new NGO-law. While paying lip service to the idea of partnership, in practice the regime did not want any arrangement, which would threaten their power position and control over the natural resources and the economy. The Syrian government avoids using the expression 'civil society' المجتمع المدني. Instead it prefers to use the expression 'the communal society' المجتمع الأهلي. As one Syrian political analyst observed using أهلي to refer to civil society is a mere escape from using the term مدني as the latter refers to the civic movement of the Syrian intellectuals in the years 2000 and 2001. In the 10th Five Year Plan, the word المجتمع المدني was used only once and most probably, accidently. However the term المجتمع الأهلي. was frequently used in most section of the plan.[158]

Civil Society Engagement with the State

[158] Interview 19: Syrian political analyst. 5 May 2010.

In its 10th Five Year Plan the Syrian government indicates it wants to establish a transition from a central-planned economy into a social market economy through broad-based, long-term multi-sector reform. In the view of the government, the planning and implementation of activities should not only involve the government at all levels but also the private sector and CSOs. "Transition to a social market economy adopted by the state, with the [Five Year Plan] undertaking the task of providing a conducive environment for its successful launch, will certainly require forging a new social contract among the vital forces in the Syrian society. These are comprised of the state, private sector, and civil society organisations bounded through healthy dialogue and interactive participation in formulating and implementing the Plan. Such partnership is the only route to win the societal transformation and meet the associated challenges. In return, this will ultimately place the national economy on solid foundations, ensure its sustainability and achieve prosperity and growth based on efficient allocation and use of resources, equitable distribution, and a rise in standards of living for all Syrian citizens."[159] In the 10th Five Year Plan, the Syrian government embraced the idea that civil society could play an important role as a provider of goods and services in the socio-economic development in addition to the monitoring of the implementation of the plan. Theoretically, the plan gave civil society the authority to monitor the execution of the Five Year Plan through association in designing and carrying out the institutional reform and being in charge of government institutes' accountability. The plan mentions a number of problems and challenges with which the civil society sector is confronted when aiming to be active in socio-economic development, such as lack of institutions able to offer support, shortcomings in organisational structures and operational capacities, a focus on charity and a lack of knowledge of working in the field of development, as well as a restrictive legal environment. The plan acknowledged that civil society organisations should be strengthened both by strengthening their capacities as well in improving their legal position. The former point became one of the expected outputs of the cooperation between the UN and the Syrian government; the latter was an assumption on which this cooperation was based. The Syrian government defines in its 10th Five Year Plan CSOs as "[t]he group of independent voluntary organisations, that bridges the space between the citizen, the government and the private sector in order to achieve the interests of the individual in accordance with the values and standards of citizen rights, transparency and with respect for the right to disagree. Those bodies include: the NGOs (the cooperatives and associations), the

[159] SPC, 2006: Chapter 1. 3.

unions, the charities, the professional associations, organisations of businessmen and women and the local people's organisations (councils of cities and regions)."[160]

The government underlines that the special attention given to civil society in the 9th and 10th Five Year Plans is in accordance with Article 9 of the constitution, which states that: "[p]eople's organisations and the cooperative associations are organisations that incorporate the people's working power aiming to develop the society and accomplish its individual interests. Therefore, the promotion of the principle of civil society collaboration in development, in order to have a comprehensive social participation in the different development activities, is in harmony with the overall governmental policy to work for a social market economy."[161]

As explained in Chapter 3, unions and people and professional organisations are controlled and/or monopolized by the Ba'ath Party. These organisations are not independent and not participating in them can have professional consequences. Moreover, registered CSOs operate in a very restrictive environment. It is thus correct, as Human Rights Watch concludes that: "[u]nderlying the above mentioned approach is an official view that associations are not supposed to be an alternative to state institutions but rather instruments for the government to develop society and enshrine the goals of the Ba'athist revolution."[162] The relations between the state and the organisations under direct control of the Ba'ath party have state corporatist traits.

The regime needed civil society to provide goods and services, which it was not able or willing to provide. One could say that the regime outsourced a part of its social tasks and responsibilities to civil society while cutting in the system of subsidies for producers and consumers, which characterized the state planned economy. Charities and basic services and goods providing community based organisations, mostly Islamic as well as single issue NGOs often created by regime proponents, were allowed to register as association and start activities. The regime differentiated its approach towards civil society. While it continued its strict control on civil society and its activities, it allowed more CSOs to be registered. Many of these organisations are community-based, mainly Islamic and relief-oriented. The regime is aware of the potential risk of community-based organisations, as mobilisation platforms for opposition groups. It tried to neutralise this potential danger by allowing social initiatives of community leaders, which did not challenge the legitimacy of the regime. In this way the regime tried to

[160] State Planning Commission, 2006: Chapter 6 of 4. 2.
[161] Ibid., 1.
[162] Human Rights Watch, 2007: 14.

guarantee social rest through co-opting the community leaders. A civil society activist and representative of an Islamic charity describes the policy of the government as follows: "The regime is sneaky. The regime plays social, religious and ethnic groups off against each other, also within civil society. It is a continuous divide and rule. In order to get or continue to have support from Islamic organizations, it deals with secular organisations, which are active on certain issues, which the Islamic organisations do not like. The regime accepts criticism of religious organisations under the condition that they deal harshly with human rights and other regime critics."[163]

The Ba'ath Party has embraced, as an international official indicates "[…] Islam more and more as part of national identity. The secular character of the state is under pressure and thus the secular part of civil society. The Islamic civil society is flourishing."[164] While the regime clearly penetrated society by means of its security apparatus as well as through co-optation, one can also argue that the Islamic part of civil society had gained so much social influence that it had become a political factor the regime felt obliged to accommodate. This became especially clear in the shift in attitude of the regime towards organisations advocating adaptation of parts of the personal status act. This is probably an unintended consequence of the outsourcing of social security provisions for citizens; the Islamic civil society strengthened the influence of Islam in society and Islamic society penetrated the state. This growing influence of Islamic civil society on the state is reflected by the fact that the state has to take serious account of the position of the conservative Sunni Imams on social issues such as women's rights and secularism.

Moreover the regime needed foreign assistance, capital and know-how for its socio-economic reform, to transform Syria in the long-run (around 2020) into a country, "[…] that is fully integrated into the world economy and has the confidence, institutions and creative talents to compete effectively in international markets."[165] Unlike during the previous decennia under the Ba'ath Party ruling, when allocation of resources was based on a centralised planning model, nowadays the private sector is regarded as the main actor in economic activity. The transition to a social market economy, as indicated in the Five Year Plan, deals with many aspects of the society including elimination of state monopolies, dismantling of many of the subsidies on goods and services as well as with the establishment of new forms of safety nets to protect the vulnerable. As a top priority, the Syrian government presents reforms in governance and human

[163] Interview 21: Chairman Islamic association. 25 March 2009.
[164] Interview 17: EC Delegation Official. 2 May 2010.
[165] UNDAF, 2007: 5.

rights; "[t]hese are seen as prerequisites for the economic reforms. Reforms will be pursued in both functional and structural areas. In functional terms, there will be reforms of the civil service, deregulation, and establishing an enabling environment for the private sector. On the structural side, the Government will define new roles for the state, civil society and the private sector. This will include measures in the area of civil rights, promoting gender equality and increasing women's participation in all spheres of government and the economy."[166]

Support in strengthening good governance is part of the package offered by the international community and agreed upon in the framework of the UNDAF between the Syrian government and the UN. However, the Syrian government determined the priorities in the implementation of the agreed plans. Political reform was clearly not a priority. The regime allowed the creation of NGOs in specific sectors providing services especially in education and health and allowed even some advocacy type of activities as long as these activities were not considered as a threat for political stability. Even a few foreign NGOs could start activities in development, such as the Aga Khan Development Network (AKDN), or in relief in cooperation with local authorities or local NGOs closely linked to the regime such as the Syrian Trust for Development or the Syrian Arab Red Crescent (SARC). This led after 2007 to the official entrance in Syria of a few INGOs allowed to work in the country on the basis of a Memorandum of Understanding (MOU) with the SARC. This is a new phenomenon in a closely state-controlled society as is the case of Syria. At the end of 2010, fourteen INGOs signed a MOU with the SARC, after having received a clearance to work from the Syrian Ministry of Foreign Affairs. Half of these INGOs have started their activities in Syria at the end of 2008.[167] The Mercy Corps signed a MOU to give computer lessons to Syrian and Iraqi children with the Syrian Computer Society, a government-backed non-governmental organisation whose chairman was Bashar al-Assad before he became President of Syria.[168]

Some of the activities of NGOs in the field of socio-economic development are combined with strategies to empower people at the local level through increased participation in decision-

[166] Ibid., 12.
[167] UNHCR-Syria. 2010: 15. These organisations are: Premiere Urgence, Danish Refugee Council, International Rescue Committee, Help (Germany) , The Institut Europeen de Cooperation et de Developpement, (France), Enfants du Monde Droit de l'homme (France), International Medical Corps (UK), Medecins du Monde (France), Islamic Relief (France), Turkish Blue Crescent, Action against Hunger (Spain), ACF-Spain, Terre des Hommes-Italy; Ricerca Cooperazione (Italy), Italian Institute for University Cooperation, Civil Volunteers Group (Italy) and the Danish Centre for Culture and Development. These organisations are allowed to be active in the fields of education, vocational training, psychosocial support to children, health, community services and distribution of clothes and hygiene kits.
[168] Mercy Corps, 2008: Press release.

making, with respect to issues of direct importance to them. Central in this approach is that it is implemented in close contact with the local authorities. The AKDN, with its urban program (in Aleppo) and rural program in the Salamiyeh area in Hama province is of the opinion that such a development strategy can be effective. An AKDN official described the strategy as "[o]ur approach is simple. We want to be facilitator between the government and other stakeholders. We see the cooperation as a bus with the government, the local communities and AKDN on board. Our approach is to train the community to become co-driver and in the end driver. […] We listen to everybody, including the Ba'ath Party. Ba'ath Party people are also part of the neighbourhood. The aim is to improve the livelihood. We found out that all these organizations have plans; but often they do not manage to carry them out. The challenges are many: financial, administrative and in the domain of decision taking. It is an error to exclude government people from programs; these people are also part of the community. This is a major mistake. But if they participate, they will have to deliver."[169]

Such a step-by-step approach will not affect the existing state-society power relations in the short run, but may merit support from external donors, because it alleviates poverty and contributes to strengthening the position of local groups in their contacts with the authorities. However, there is no guarantee or proof that this will lead to political liberalisation or even to democratisation of the political system. Liberating civil society from its current political chains and broaden its activities to the political domain, is a political project which affects the position of the ruling elite. Does this elite have an interest in promoting such a process?

In sum, the regime during the period of 2006-2010, through its security services, continued to repress any activity of the civil society considered a political risk by the regime, whether by CSOs or by individual activists. This applied equally to activities of religious, secular or nationalist groups as well as those of human rights groups. No political and legal steps have been undertaken by the regime to free CSOs of the suffocating government control. While the regime continues to repress parts of civil society, for political and socio-economic reasons it also makes use of the potential of civil society to mobilise people and resources. In this sense, the policies of the regime towards civil society can be considered a form of authoritarian upgrading in which it differentiates its approach towards different parts of civil society. It is this reality in which development cooperation agreements and initiatives have been reached with some international bilateral and multilateral governmental donors, in which strengthening of the role of

[169] Interview 20: Official AKDN. 5 May 2010.

CSOs is also mentioned as part of the envisaged cooperation in the field of good governance for the period 2006-2010. This envisaged cooperation is the subject of Chapter 6.

6. *European Union - Syrian Development Cooperation and the Role of Civil Society*

As indicated in Chapter 5, in the 10th Five Year Plan the Syrian government underlines that political and administrative reforms are prerequisites for successful economic reforms. CSOs are seen as important agents of change. In the Five Year Plan, significant attention is given to the role and the development of CSOs, in particular the NGO sector, as a means to achieving increased citizen's participation in socio-economic development, localising development efforts, empowering communities and enhancing social responsibility.[1] The good governance paragraph forms part and parcel of the Syrian reform agenda, which in the period 2006-2010 has been embraced by international donors and aid organisations. From the start, political reform was postponed indefinitely by the regime, referring to external developments. Reform in the governance sector should be seen as administrative reform necessary for or supportive to the socio-economic reform. CSOs could be supportive to the project of socio-economic reform. Participation of citizens in the development and implementation of activities through CSOs is primarily seen as a precondition for development. The Syrian government considers civil society a third sector, but includes in its definition organisations which in many cases are under the direct control of the leading Ba'ath party. According to the Syrian government, civil society

[1] SPC, 2006: Chapter One. The Five Year Plan Approach: 18 and 19. The following tasks are defined for the non-governmental and CSOs:

(i) Assist in achieving the overall goals and objectives related to poverty alleviation and contributing to implementation of those projects which have been selected on the basis of sectoral priorities, as determined by the FYP's criteria;
(ii) Assist in implementing social reform programmes, training and capacity building programmes, as well as in facilitated microcredits, in addition to advocacy and support programmes targeting women and child rights and special groups, and other social programmes;
(iii) Implement social mobilisation programmes aimed to ameliorate the conditions of impoverished regions and uplift their living standards;
(iv) Co-work for implementing good governance programmes, institutional reform, accountability of state establishments to ensure transparency, facilitate public spending, and prevent administrative and financial corruption;
(v) Implement market monitoring programmes to ensure consumers' rights, prevent corruption and exploitation, in addition to monitoring state apparatuses of direct concern to people's day to day living, and which offer social services to them;
(vi) Interfere in areas concerned with providing services to the remote regions, that are deprived of concrete government or private sector contributions, through setting up professional societies assigned to carry out such tasks;
(vii) Contribute to implementation of the regional development plans, and participate in local planning council meetings for implementing the projects provided for at the 10th FYP, particularly in regard to development of the impoverished regions;
(viii) Commit to transparency in carrying out their tasks, and subject themselves to enforced laws regarding their dealings and accounts statements.

includes NGOs (cooperatives and associations), the unions, charities, professional associations and business associations, as well as people's organisations.[2] Advocacy organisations remain banned and recognised CSOs remain strictly controlled by the security services. In practice, there is no indication that the Syrian government considers having an independent civil society.

This chapter will focus on the international response, notably the EU's, to the Syrian governments' aim to improve its governance. The EU was the main aid donor to Syria for the period of 2006-2010.[3] The relations between the EU and the countries in the Mediterranean, including Syria, are governed by the ENP. It is a cornerstone of the EU's aim to "[…] promote a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations."[4] The EU encourages liberal economic development combined with a parliamentary democracy and respect for civil and political rights of citizens. Well-governed countries around Europe are also important to the EU for security reasons, since 2003 a top priority on the EU's external agenda.[5] Promoting good governance and thus political reform in neighbouring, authoritarian Mediterranean countries is one of the pillars of the ENP. A core role in this domain of political reform is attributed to civil society, which in the view of the EU is not only important as a provider of goods and services, but also as a promoter of efficiency and accountability of government agencies. Enhancement of the role of civil society and its capacity building (as a partner and an actor) is a key issue in the EU's cooperation and development policy. How can civil society perform the aforementioned role in the authoritarian Syrian context when it remains heavily controlled by the state, in a setting where there is no freedom of expression? How can a qualitative change be brought about in the Syrian political system through cooperation when an authoritarian government decides which kinds of reforms will have priority, including with regard to the role of civil society? In this light, the EU faced a dilemma in its democracy promotion. Is the EU supporting a real reform process in Syria, or does it help the authoritarian regime to upgrade its position? The

[2] SPC, 2006: Chapter 6, part 4. Without a page number.

[3] EC Delegation Damascus, 2006a: 19. "A total of € 97,5 million was committed to bilateral co-operation with Syria under MEDA I (1995-1999) and € 189 million under MEDA II (2000-2006). In addition, since 2000, a total of € 925 million in loans of the European Investment Bank (EIB) has been committed for Syria." See also page 60. Major bilateral donors are Germany (main sectors: water and urban development); Japan (rural development and water); France (water, education and environment); Spain (health, environment and water); and Italy (rural development, health and industry).

[4] EC, 2003: 8.

[5] Budde and Groosklaus, 2010: 16. In practice the security policy for the Mediterranean region dated back to the 1990s, when Islamist terror organisations started to be perceived of as threats to regional stability.

author will argue the latter is the case by showing the limitations of the EU's policies of promoting social change through using soft power.[6]

The international community has responded to the Syrian government policy by means of the United Nations Development Framework covering the period 2007-2011. Most of the activities in the domain of good governance are implemented by the UNDP. This is the subject of the second subchapter. As a principal donor, the EU responded through its development support and is a major contributor to UNDP's governance programme. EU support for good governance and specifically civil society is the subject of subchapter 1. In the third subchapter, the basis for EU and UN assumptions about cooperation with Syria in the field of good governance is examined. The fourth subchapter deals with dilemmas in democratisation, which the EU confronts in the context of development cooperation with authoritarian regimes. Here the central question of the research is discussed: how well did the EU's good governance policy address the challenges posed by an authoritarian state like Syria? The focus is on civil society, given its central position in the implementation of the good governance policy.

6.1 The European Union response

The cooperation between the EU, through the EC and the Syrian government takes place in the framework of the ENP and is funded out of the European Neighbourhood Policy Instrument (ENPI). The bilateral EU-Syria relations are based on the 1977 Cooperation Agreement as long as the signature of the Association Agreement remains pending. This agreement mainly covers trade issues; in particular it provides duty free access to the EU market for most Syrian industrial goods and assistance to Syria's production and economic infrastructure. It also encourages economic dialogue between the parties. Until the launch in November 1995, of the European Mediterranean Partnership (EMP), also known as the Barcelona Process, the Cooperation Agreement was the sole basis for funding of the EU's development cooperation with Syria. Syria is a full participant in the EMP. It approved the Euro-med five year work programme for 2006-2010. The EMP follows a multilateral track.[7] The establishment of the EMP was an important step because democracy, human rights and the rule of law gained a more prominent place in the EU's Mediterranean policy. With the EMP, a political dimension was

[6] Ibid., 8. Reference is made to the use of soft modes of power namely "a combination of formal rules with other non-binding tools such as recommendations, guidelines, or even self-regulation within a commonly agreed framework."
[7] EC Damascus, 2007: 5-7.

introduced into traditional economic cooperation. Another important aspect of the EMP was the idea of co-ownership, which is reflected in the partnership-based instruments and a joint commitment to shared values. The EU approach to promote good governance relies on persuasion, socialisation and capacity building instead of coercion or negative incentives. Van Hüllen notes that there is a strong focus on those instruments (political dialogue, democracy assistance) that rely on partnership consent or active cooperation in implementation. The EU policy is characterised by reinforcement by reward. Positive conditionality is seen as a means to initiate political reforms.[8] The partner countries formally committed themselves to develop democracy, rule of law and respect for human rights.[9] Under the EMP, MEDA[10] was the funding programme with the aim to achieve the objectives of the Barcelona Process. One of the key objectives of MEDA was the development of a pluralist, democratic society based on human rights and the rule of law.[11] Moreover, the EU Communication of May 2003 on Reinvigorating European Actions on Human Rights and Democratisation with Mediterranean Partners calls for practical measures which can contribute to a more operational human rights and democracy dialogue with MEDA partners. These include action plans, at the national and regional level, with those MEDA partners willing to engage in such an exercise. The Communication builds on the UNDP Arab Human Development Report of 2002, in which freedom deficits were identified, from which the Arab world suffers more than any other region.[12] With many goals in common, the ENP builds on and complements the EMP. The ENP aims at strengthening partnerships "[i]n return for concrete progress reflecting the shared values, and effective implementation of political, economic and institutional reforms all neighbouring countries can be offered the prospect of a stake in the EU's internal market. This could pave the way for further integration and liberalisation to promote the free movement of persons, goods, services and capital (four freedoms)."[13]

In 2006, a new financial instrument was created by the EC: the ENPI. By 2007, this instrument replaced the MEDA funding instrument. "Whereas the partnership pursues a multilateral track,

[8] Hüllen, 2009: 6.
[9] Skov Madsen, 2009: 2.
[10] EU programme for the cooperation with third countries in the Mediterranean basin.
[11] EC Delegation Damascus, 2006: 3. Other key objectives are: Implementation of the Association Agreements with the aim of creating a Euro-Mediterranean free trade zone; economic and social reform; Sub-regional co-operation, through the fostering of South-South development and economic integration initiatives that will help the Partners move towards free trade amongst each other.
[12] EU, 2003: 5.
[13] EC Delegation Damascus, 2005: 4.

the ENP provides additional focus and impact through a more bilateral approach."[14] Since 2007, all EU funding to Syria comes through the ENP's financial instrument, the ENPI. Under the ENPI the Country Strategy Papers (CSPs) form the strategic framework for cooperation with the individual partner countries. The framework for the cooperation itself between the EC and a partner country are the National Indicative Plans (NIPs). In the NIPs, the priority areas for cooperation are mentioned, with a justification, objectives, expected results as well as an indication of the activities.

CSPs "[a]re intended as instruments for guiding, managing and reviewing EU assistance programmes. They are essential management tools to ensure that external assistance reflects EU's policy objectives and priorities."[15] On 7 March 2007, the EC approved the CSP for Syria.[16] The CSP has identified for the period 2007-2013 three priority areas for action: a) support for political and administrative reform, including modernisation of the administration, decentralisation, rule of law and respect for fundamental human rights; b) support for economic reform, including implementation of the Five Year Plan, preparation for the association agreement and preparation for the accession to the World Trade Organisation as well as c) support for social reform, including human resources development and measures to accompany the economic transition process.[17] The framework of co-operation itself between the EC and the Syrian government is the NIP. The NIP is the EU's response to the Syria's 10th Five Year Plan in which it gives a blue print for a comprehensive economic and social reform and transition from a centrally planned to a social market economy. "The NIP puts emphasis on the implementation of the economic reform agenda. It also includes a substantial social package as well as measures to improve institutional governance and the defense of human rights."[18] A total of € 130 million has been allocated by the EU for the implementation of the NIP covering the period 2007-2010 and € 129 million from 2011 to 2013. The latter is a 32.3% increase compared to the previous period. This increase is also a clear indication of the improved relations between the EU and Syria at that moment. Since 2005, the relations between the EU and Syria had become tenser over regional issues, especially the sovereignty of Lebanon. In the second half of 2008, a political opening was created between Syria and the EU, providing perspective for more cooperation. The support given by the Syrian regime in 2008 to the Qatar

[14] Ibid., 2007: 7.
[15] Ibid., 2005: 3.
[16] http://ec.europa.eu/world/enp/documents_en.htm#4.
[17] EC Delegation Damascus, 2006a: Executive Summary.
[18] Ibid., 2.

initiative created a political opening for the EU to improve its relations with Syria. The Qatar Initiative was designed to bring opposing political groups around the table in Lebanon (Doha Conference) in order to find a solution for the presidential vacuum in Lebanon and the subsequent willingness to exchange ambassadors with Lebanon. A tangible result has been the signing by the EU of the association agreement in October 2010. The association agreement would constitute the framework for a much broader bilateral cooperation than the 1977 Cooperation agreement. It would cover three areas: political relations; economic and trade relations as well as cooperation. Moreover, as mentioned in the envisaged Article 2, the parties should base their domestic and external policies on respect for democratic principles and fundamental human rights and this would constitute an essential element of the agreement. The signing of the association agreement had been previously frozen by the EU during five years due to Syria's interference in Lebanon, the accusations by the West and some Arab states of Syria's involvement in the murder of the Lebanese Prime Minister Hariri, as well as Syria's bad human rights record. Parallel to the change of the US policy towards Syria, from isolation under former President Bush to constructive engagement under President Obama, the EU also renewed its political engagement with Syria. The National Indicative Programme 2011-2013 mentions: "Syria's relations with EU Member States have gained momentum since 2008. A general consensus in favour of EU engagement with Syria emerged in 2009, recognizing Syria's key role in a number of critical issues in the region. The increasing number of high-level visits between Syria and the EU evidences rapprochement and renewed engagement. This has been prompted by a number of positive developments in Syria's regional policies, such as the establishment of diplomatic relations with Lebanon, Syria's engagement in indirect peace talks with Israel during the second half of 2008. Member States agreed to proceed with its signature in October 2009; Syria is expected to indicate when the Agreement can be signed jointly so that it can enter into force. Pending this decision, technical and financial cooperation remains the main channel for bilateral relations."[19]

This renewed engagement became very visible when in July 2008 President Bashar al-Assad attended the launch of the Union for the Mediterranean. In 2007, Nicolas Sarkozy was running for the French Presidency when he presented the idea of Union for the Mediterranean. The idea went ahead as a reformulation of the EMP with an extended membership. In practice, as Hollis concludes, it narrowed down partnership as state-to-state diplomacy rather than business or

[19] EC Delegation Damascus, 2009b: 3.

civil society engagement.[20] While the EU was willing to start the ratification procedure for the Association Agreement, the Syrian government seemed not to be in a hurry. An EC delegation official made the following observation with regard to the Syrian attitude; "[i]n 2004 Syria needed the Association Agreement. In 2010 Syria has many more partners. The opening up of the Syrian market for Turkey has led to a strong pressure on Syrian companies. Local entrepreneurs went broke. Thus Syria is more cautious about the outcome of a trade agreement with the EU. Moreover it has many bilateral preferential agreements with especially Southern European Countries. Thus what is the value added of the Association Agreement."[21] From March 2011 and onwards, due to the harsh repression by the regime of anti-government protests, the EU froze the Association Agreement draft and suspended bilateral cooperation programmes under MEDA's ENPI. Moreover, the EC suspended the participation of Syrian authorities in its regional programmes. The European Investment Bank also suspended its loan operations and technical assistance to Syria.[22]

European Union Support to Good Governance and Civil Society in Syria

Support to strengthening the capacity of civil society is part and parcel of the goal of the EU to build a partnership for peace and prosperity by focusing on five major areas: social and cultural, economic cooperation, political, human rights and trade issues.[23] Cooperation on civil society is part of this sought partnership as the EU indicates; "[b]y strengthening the role of CSOs, the EU increases beneficiaries' ownership of development strategies. It assists CSOs to improve the quality of their work to help their beneficiaries. Encouraging dialogue, the EU facilitates the establishment of joint development strategies between civil society organisations, governmental authorities at all levels (national, regional and local) and private partners. More specifically, the partnership between the EU and CSOs helps to better reach people living in poverty, and enhance respect and observance of human rights and fundamental freedoms."[24] The EU has

[20] Hollis, 2012: 88 and 89.
[21] Interview 17: EC Damascus delegation official. 2 May 2010.
[22] EU, 2012: 1 of 3.
[23] EC Delegation Damascus, 2006: 6.
[24] Ibid., 2012: 1 of 2.

included support to good governance and civil society in two instruments: a) bilateral cooperation programmes and b) thematic programmes:

Bilateral Cooperation Programmes

EU support for political and administrative reform encompasses modernising the administration, pursuing the decentralisation process, strengthening the rule of law and increasing respect for human rights.[25] Support to civil society and human rights are provided as a priority by the EU-Syria National Indicative Programmes for Syria under assistance to political and administrative reform. The activities are financed by the ENPI, previously MEDA. As justification for the financing of these activities, the EU refers to the 10th Five Year Plan as an indication of Syrian ownership. The EC considers promotion of a partnership between government, the private sector and civil society as one of the innovative principles in its development cooperation with Syria. More specifically, the EC indicates that: "NGOs and civil society have an important role to play in the implementation of social reform and training programmes. To prevent corruption and exploitation they must also monitor market conditions and government officials who provide direct services to the people."[26]

The EC is of the opinion that for a successful implementation of the Five Year Plan, "[a] true national commitment of both the authorities and civil society is indispensable."[27] The EU considers in its response strategy for 2007-2013, promotion of the development of partnerships between public institutions at central and local level, the private sector and civil society a cross-cutting issue for the three priority areas for action. Civil society includes professional organisations, trade unions, research, academic institutions, local organisations and NGOs, consumer organisations, women's and youth organisations, charities and the media.[28]

As tables 4 and 5 indicate, the Syrian government did not give priority or did not agree with EU support to civil society initiatives, especially those aimed at promoting democratic governance. In the NIP for 2005-2006, after approval from the EU, the EC had proposed to the Syrian government a civil society development programme of € 2 million out of a total cooperation programme of € 80 million under MEDA for 2005-2006. The financial agreement should have been signed by the Syrian government before the end of 2006 but the Syrian government

[25] Ibid., 2009b: 5.
[26] Ibid., 2006a: 17 and 18.
[27] Ibid., 19.
[28] EC Delegation Damascus, 2006a: 23.

informed the EC by letter in November 2006 that the programme had no priority.[29] In preparation for this programme, the EC performed an expert study to map Syrian civil society. This study concluded that although CSOs in Syria are confronted with many bottlenecks, there is nevertheless potential for development of the sector.[30] The political context is however very restrictive, a major obstacle for the development of the civil society sector is the lack of freedom of association. Moreover, as indicated, the EC assisted in 2005 the Syrian authorities with a study on a new law on associations. On request of the Syrian authorities, the EC in cooperation with the MOSAL organised a workshop to discuss the law on associations. However, since 2005 the project of a new law seems to have been put on hold by the authorities, although announced on several occasions by the regime, including the President and the First Lady.[31] Under the NIP of 2007-2010 the EC has proposed to the Syrian government a human rights capacity building programme. The EC considers, as mentioned previously, human rights to be an integral part of the cooperation between the EU and Syria. The EC has informed the Syrian government of its willingness to give support to the creation of a national commission for human rights, which should act as a mediator between the government and human rights defenders.[32] The government had started developing ideas with UNDP about the creation of such an institution in 2005-2006. However, this activity did not materialise until today. In the revised NIP for 2008-2010, the EC indicates "[f]or the time being, the government has put this plan on hold, because it is judged less of a priority than security matters and other aspects of the reform agenda. […] The EC has therefore indicated that support for the future national institution will be available, when this institution is created. […] Assistance in this area will only be provided upon explicit request from the Government of Syria. No budget has been earmarked for this activity. Additional resources will be mobilised if/when the project materialises."[33] In assessing the validity of its response strategy with regard to human rights, the EU noted in 2010 that "Syria has shown openness to promoting women's and children's rights. Advancing on human rights and democratization remains a priority. The Association Agreement provides a framework to advance bilateral dialogue and cooperation in this respect."[34] In the period 2011-2013, the EC intended to support strengthening of civil society as a sub-priority under support to political and

[29] Interview 06: EC- Damascus Delegation official. 4 July 2007.
[30] EC Delegation, 2007b. European Commission.
[31] In January 2010, by the First Lady at an international conference in Damascus on civil society's role in development. The President made a similar announcement in an interview in 2011.
[32] EC Delegation Damascus, 2006a: 25.
[33] EC Delegation Damascus, 2008: 3.
[34] Ibid., 2009b: 5.

administrative reform, through an NGO platform to be established by the Syrian Trust for Development, a Government Operated NGO supported by UNDP (see Annex 7). The envisaged activity is described as "[t]he Syrian Trust for Development, a Syrian NGO umbrella, has developed with the UNDP a project to create, as from 2009, an independent and registered NGO platform, open to Syrian CSOs working in the field of socio-economic development. The platform will mainly seek to: 1) build and strengthen CSO capacities; 2) create a network of CSOs to communicate and share experience; 3) support CSOs in stronger cooperation with the government. With the proposed programme, EU support will strengthen civil society and other key actors in their active participation in Syria's development process. This will complement and widen the scope of current EU support for CSOs and local authorities under the thematic programme Non State Actors. The programme will come under the supervision of the MOSAL, which has responsibility for these matters."[35]

As specific objectives and expected results, the following is mentioned:

The expected long-term impact is the creation of more independent, strategy-oriented and needs-oriented CSOs with the vision and skills needed to participate in the socio-economic development of the country. The specific objectives of this action will include:

- The strengthening of key factors involved in social/human development;
- The development of the organisational and operational capacity of CSOs.

Expected results:

- Organisational and operational capacity of CSOs is improved;
- CSO interaction with national authorities is increased;
- Improved coordination and cooperation among Syrian CSOs.[36]

Key assumption on which this National Indicative Programme was based is that the Association Agreement would provisionally enter into force in early 2010. Moreover, it is assumed that: "[v]arious beneficiaries will remain committed to the reform process and that sufficient

[35] Ibid., 8 and 9.
[36] EC Delegation Damascus, 2008: 9.

managerial, human and physical resources will be made available to ensure smooth implementation of the NIP."[37]

Table 4: EC-Democratic Governance Assistance under MEDA/ENPI (in million euros)

Programme	Priority	Activities	Amount	Position Syrian Government
MEDA I: 1995-1999	----	----	----	----
MEDA II: 2000-2006	Programme to promote civil society	Reform NGO-law Capacity building CSOs Project support for CSOs	€ 2 million	Refused
ENPI I: 2007-2010	Support for political and administrative reform	Establish national commission for human rights (UNDP) Decentralisation and local development (MAM) Modernisation of the judiciary (UNDP)	€ 30 million	No priority Agreed Agreed
ENPI II: 2011-2013	Support for political and administrative reform	NGO platform (UNDP) Support for the implementation of Association Agreement	€ 5 million To be decided	Under discussion, frozen since 2011 Not yet ratified. Frozen since 2011

Source: Based on ENPI. National Indicative Plans. Syria

There are a few other bilateral programmes established under the MEDA programmes, which involve non-state actors such as Chambers of Commerce and Industry, for private sector development as well as local authorities and local NGOs for local socio-economic development.[38]

[37] Ibid., 2009b: 17.
[38] EC Delegation Damascus, 2007: 10 and 11.

Through Thematic Programmes and Related Budget Lines

The latter are not part of the programming negotiated with the Syrian government. Those budget lines cover all the Third Countries and are managed through calls for proposals mainly launched by the EC Headquarters in Brussels. In the domain of promoting good governance, the EIDHR, is the most important. While MEDA and its successor instrument ENPI have a more state-centered perspective, the EIDHR is an initiative from the European Parliament characterised by a more grassroots approach to democracy assistance. It funds small-scale civil society projects.[39]

Under the EIDHR, in 2004 the EC granted Syria a budget for micro-projects (€ 500,000) for the first time. A call for proposals was launched in June 2005. A copy of the call was sent to the Syrian government for information; the Delegation received no reaction. According to the EIDHR guidelines, this programme was not negotiated with the Syrian government. In December 2005, after evaluation of the received proposals of NGOs, six contracts were signed. Two projects could be implemented without problems on the side of the Syrian authorities.

(i) Palestinian Civil Society: Working Together for Human Rights: The grant holder was the Belgian-based INGO, Service Civil International. The project was implemented with the local partner Jafra. Although security services inquired about the project, it could be implemented without further interference from the authorities;

(i) Out of Home Children Care Professional Development project: The grant holder was SOS Village Syria.

Four projects encountered difficulties[40]:

- The Chambers of Commerce and Industry are involved in programmes aimed at private sector development (SEBC) and the improvement of vocational education and training (VET). The Syrian Enterprise and Business Centre (SEBC), which was created as a national Syrian institution out of the former European Commission funded Syrian European Business Centre (1996-2000) implements the Small and Medium Enterprises Support Programme (SSP). The SSP has been created as an incubator to support the start up of businesses. In addition it supported the establishment of private sector NGOs such as the Syrian Management Consultant Association (SMCA).
- Local authorities and local non-governmental organisations are involved in programmes aimed at the modernisation of municipalities and local development (MAM). Under the MAM-programme local NGOs can submit proposals after a call for proposals. Some environmental NGOs have obtained grants (up to € 50,000 per proposal). MOSAL observed the assessment of the proposals and the attribution of grants.

[39] Hüllen, 2009: 7.

[40] Interview 08: EC delegation official. 4 July 2007.

1. Civil Society Training Centre in Damascus: The grant holder was the IFIAS, a Belgium-based INGO. The Syrian authorities closed down the centre a few days after its inauguration by the EC and the EU presidency. Anwar Bunni, a well-known and outspoken human rights lawyer and director of the centre was arrested in May 2006. He was sentenced in April 2007 to 5 years detention on the charge of spreading false information harmful to the state[41], allegedly for signing the Beirut-Damascus declaration, a petition calling for the normalisation of relations between Syria and Lebanon but also for establishing of an illegal organisation[42];

2. "A Day Care Centre for Street Children in Quamishli": The grant holder for this initiative was the "Berliner Gesellschaft zur Forderung der Kurdologie" (BGFK). The local partner could not register and BGFK never received authorisation to start activities;

3. The project Strengthening a Sustainable Human Rights Movement could also not start because the German-based INGO Friedrich Naumann Foundation, the grant holder, did not get authorisation to start the planned activities;

4. The project Training on Human Rights for People with Disabilities was confronted with a last minute cancellation by MOSAL. The grant holder National Association for the Rights of the Disabled People in Lebanon implemented its activities in Lebanon with Syrian civil society participants. The component aiming at training of officials has been cancelled.

Table 5: EC-Democratic Governance Assistance under EIDHR (in million euros)

Programme	Amount	Position Syrian Government
MDP 1996-1998	0.23	Position unknown
EIDHR 2000-2006	1.24	Blocked most of the projects

Source: Based on Van Hüllen, 2009: 11.

Due to the difficulties encountered in the implementation of the programme, the 2005 and 2006 EIDHR budget calls were not launched and the EC transferred the budget to other MEDA-countries. Besides these governance-focussed projects, the EC also supported a few

[41] Amnesty International, Australia, 2007: 1 of 2.

[42] Anwar Bunni has been released in 2011 after completing the full five-year prison sentence.

development initiatives of CSOs active in the field of socio-economic development, as well as youth exchange and initiatives in the field of environmental protection. Under the European NGO Co-financing Budget Line, two projects of the Italian NGO Italian Association for Women in Development (AIDOS) have been co-financed by the EC, which are implemented by Syrian Government-Operated NGOs called FIRDOS[43] for rural development and the Syrian Family Planning Association (SFPA) for health counseling.[44] FIRDOS, with the technical assistance of AIDOS, established a Village Business Incubator (VBI) in the governorate of Lattakia. The VBI will act as a service centre for the development of female entrepreneurship in nine rural villages, promoting the creation of small/micro scale, viable and self-sustainable value added enterprises led by women. It targets both potential and existing entrepreneurs. In 2005 the project was launched for duration of four years. The EU's contribution accounts for 74% of the total budget of € 552,000. The aim of the health project was to strengthen the capacity of the SFPA clinics in the Damascus area to serve as health counselling centres for women, adolescents and men. The total budget is € 972,000, with a contribution of 75% from the EC.

The Euro Med Youth Programme, a regional programme under the Barcelona Process, provides opportunities for social, cultural and human affairs partnerships. It was signed in December 2006 by the EU and the SCFA, a government agency falling under the office of the prime minister. The SCFA is responsible for the implementation of the programme in Syria.[45] Under the EU, Life Budget Line financial support can be provided to environmental and nature conservation projects in EU countries, as well as in some candidate, acceding and neighbouring countries. Syria is one of the countries for which funding is available. Some projects of Syrian CSOs have been funded. The government initiated FIRDOS received an EC grant of € 358,820 for its project Promotion of concerted sustainable development planning in Syria. The total budget for this project, implemented in the period 2004-2007, was € 512,600. The Syrian Environment Protection Society (SEPS) received an EC grant of € 246,552 (the total budget for this project was € 353,718) for its project called Building sustainable municipal waste management in Syria. The project was planned to last from 2006-2008. However, the MOSAL, responsible for the supervision of the NGOs issued a decree in 2007 dissolving SEPS without

[43] EC Delegation Damascus, 2007: 14.
[44] Ibid., 24 and 25.
[45] Ibid., 42 and 68. The budget for this programme to be implemented between end 2006 and end 2008 is € 200,000. Youth exchange, voluntary service programme and other support measures proposed by youth leaders and NGOs dealing with youth issues are eligible for a non-profit grant of minimum € 5,000 and maximum € 40,000 to finance between 50 and 80% of the proposed activities.

explanation. Given the fact that SEPS was no longer a legal entity, the EC had to terminate the project.[46]

Under the EU thematic programme 'Non-state Actors (NSA) and Local Authorities in Development' support is given since 2007 to civil society and EU-Syrian NGO partnerships. The EU has co-financed two projects in the first two years: 1) a one-year project to foster social and economic empowerment among women in the Hajar al Aswad area of the Palestinian refugee camp, 2) a regional project together with Jordan, to strengthen the capacities of two village business incubators (VBIs).[47]

In March 2009, the EU Delegation to Syria launched the Call for Proposals for NSAs in Development. Under the thematic programme NSA in Development Actions in Partner Countries, Syrian NSA active in poverty reduction and sustainable development could apply since 2009 for grants up to a maximum of € 80,000. As specific objectives the program has: 1) to strengthen the managerial capacity of Syrian NSA in advancing social and economic development at local level; 2) to enhance the level of participation of Syrian beneficiaries to socio-economic development and raise awareness on sustainable development.[48] The EU is co-financing two projects which enhance the participation of Syrian NGOs: 1) to support women's participation in the socio-economic development and capacity building of NGOs in the rural areas of the Governorate of Idleb; 2) to build and develop capacities and to support young people's participation in the touristic sector in the area of Maalula.

The first project, implemented by the Syria Trust for Development Organisation is called Entrepreneurship and Community development in rural Idlib. The project provides start-up assistance to micro entrepreneurs in rural high poverty areas. The EU contribution is € 79,000, which is 69% of the total budget. This three-year project started in December 2009 but suspended in 2011. The second project is implemented by an international organisation, the

[46] Information provided by EC- Damascus Delegation official about European activities in the field of society development in Syria 4 July 2007. According to another EU diplomatic source present at the 4 July 2007 meeting the reason for the closure was the publication by SEPS of a map in which Iskandria, since 1920 a part of Turkey, had not been marked as Syrian territory.

[47] http://eeas.eu/ delegations/Syria/eu_syria/tech_financi... European Union and Syria: Cooperation on civil society. Downloaded 30 November 2012: 1 of 2.

[48] http://www.devex.com/en/projects/243554/print. Downloaded 30 November 2012.

Institut Européen de Coopération et Développement and aims at strengthening tourism by making use of cultural heritage in the village of Maaloula en in the Qalamoun region.[49]

Since the EU, especially through the Commission, intended to fund good governance related activities agreed between the UN and the Syrian government, the next paragraph will look into the assumptions on which that cooperation is based.

6.2 The United Nations response

The Syrian government sought international technical and financial assistance in order to facilitate the socio-economic reform process. The kind of reform envisaged in its 10th Five Year Plan corresponded with the reform agenda promoted by multilateral development agencies. The UN and the Syrian government signed jointly the UNDAF (2007-2011) on 14 September 2006.[50] The EU is a major donor of UN activities in Syria. This cooperation agreement aims to assist Syria in achieving its development goals. Five key areas have been identified: economic growth and sustainable livelihoods, governance, basic social services, environment and disaster management. Regarding the area of governance the following joint intentions are of clear importance. "A comprehensive approach is needed, which includes measures to greatly improve the efficiency of public services and the professionalism of civil servants, not least through the adoption of result based management and modern ICT methods. Equally important will be measures, following a rights-based approach, that enable civil society to make meaningful contributions to policy formulation and implementation, as well as in monitoring the performance of public officials and politicians, complementary to reforms in the areas of transparency and accountability. In short, by 2020, it is envisioned that Syria will have become a country where freedom of expression, democracy, pluralism and the rule of law prevail."[51]

Under the concept of comprehensive approach fall both measures to improve administrative accountability or governance and political accountability or governance. The latter should be

[49] http://eeas.eu/delegations/Syria/eu_syria/tech_financi... European Union and Syria: Cooperation on civil society. Downloaded 30 November 2012: 1 and 2.

[50] Reliefweb. The UNDAF is the planning framework for the development operations of the UN system at country level. It consists of common objectives and strategies of cooperation, a programme-resources framework and proposals for follow-up, monitoring and evaluation. The UNDAF lays the foundation for cooperation among the UN system, government and other development partners through the preparation of a complementary set of programmes and projects. The UNDAF requires full Government participation […] and its full ownership through the agreement of the recipient Governments concerned to the finalized Framework.

[51] UNDAF, 2007: 5 and 6.

achieved by a rights-based approach, which refers to respecting the principles of the major UN human rights conventions. Syria is party to all main human rights conventions. The Human Rights Based Approach (HRBA) is a UN tool for development programming; "[a] HRBA leads to better and more outcomes by analyzing and addressing the inequalities, discriminatory practices and unjust power relations, which are often at the heart of development problems. It puts the international human rights entitlements and claims of the people (the right-holders) and the corresponding obligations of the State (the duty-bearer) in the centre of the developmental debate and it clarifies the purpose of capacity development."[52]

The governance goals in the UNDAF are considered important in support of prioritising faster economic growth, with social protection and sustainable livelihoods but also in order to achieve the broader goal of a democratic pluralist rule-of-law-based political system. In the context of the comprehensive approach, with respect to civil society and the private sector the UNDAF indicates the "[…] government recognizes that an active and articulate civil society and private sector can play a vital role in helping it to become more efficient and accountable, and more respectful of civil rights. There are already numerous state or Party-sanctioned charitable organizations, but by definition they cannot be expected to offer objective, independent advice to the government. Clear definitions, guidelines and protections for NGOs are needed, and a new law is being drawn up in response to this need."[53]

At least on paper, the Five Year Plan as well the UNDAF provided a perspective for international, mainly Western, donors that socio-economic reform would be accompanied by political reform. As shown in the previous chapters, this expectation did not materialise in the case of Syria. This becomes evident when looking into specific intended outcomes in the field of governance, the related outputs to be achieved as well as the risks and assumptions mentioned regarding the possibilities to achieve the outputs. Outputs are considered to be direct results of implemented activities. Outcomes refer to the impact of these results on the achievement of the wider policy aim.

The focus of this study is on the presumed role of civil society in promoting good governance as part of donor support schemes: in this case Syria and the EU good governance policies. Two

[52] United Nations Development Group. Human rights-based approach to development programming (HRBA). http://www.undg.org/index.cfm?P=221. Downloaded 21 June 2011: 1 of 3.
[53] UNDAF, 2007: 10.

related UNDAF sub-outcomes in the field of good governance are of importance .[54] The related outputs, if achieved, form an indication whether or not the position of civil society is strengthened. The intended sub-outcomes are: a) enhancement of accountability of executive bodies and commitment with respect to UN conventions and treaties; and b) empowerment of civil society.

In the UNDAF the importance of the first outcome an accountability of executive bodies reinforced toward the general public and in regard to committed UN conventions and treaties is explained as follows: the Syrian government is in the process of instituting a social market economy. This implies a transformation of the role of the state. The development of a market economy requires less direct involvement of the state in the economy and in society. Moreover, the state should perform its tasks more efficiently and transparently. A key step in promoting greater efficiency would be the creation of mechanisms for holding public bodies accountable for their actions. The UNDAF indicates that specific initiatives to be undertaken by the UN in cooperation with the government "may include building the capacity of legislative bodies to oversee executive bodies, support for anti- corruption legislation, and strengthening the Government's internal checks and balances. Another key element will be building the capacity of civil society to monitor the work of both legislative and executive bodies, so that civil society and the media can, for example, monitor and raise awareness on human rights issues."[55]

Annex 5 summarises the outputs to be achieved under the above-mentioned sub-outcomes. The outputs mentioned show that the aims regarding improving the accountability of executive bodies are on the one hand very broad and ambitious (Output 1): checks and balances mechanisms reinforced through increased oversight capacity of legislative bodies and elected representatives and civil society and media capacities to monitor the performance of public institutions and service delivery. On the other hand, the aims are rather specific and limited, namely the creation of monitoring mechanism for the CRC and the CEDAW convention (Output 3 in Annex 5). The UN and the Syrian government base their intended cooperation in the area of good governance on assumptions, which implies a shift in power relations if achieved. Specifically, the mentioning of an effective separation of powers is far-reaching.

[54] Ibid., 31. The main outcome to be achieved in the field of governance is: efficiency and accountability of governance structures at central and local levels strengthened by government, civil society and the private sector, towards sustainable development. Outcome 2.
[55] UNDAF Outcome 2.2., 2007: 15 and 16.

The second intended sub-outcome of importance in the domain of good governance is an empowered civil society involved in the development and implementation of public policies, planning and programmes. In the UNDAF, the Syrian government and UNDP indicate that an active civil society can have a constructive effect on all aspects of development, in addition to promoting transparency and accountability. Civil society could play a role in discussions with authorities at the national and local level on development issues. However, there is a need to strengthen the capacity of communities, NGOs, private sector associations and specific groups, such as women and children in order to make effective contributions to local and national dialogues on the development issues. The UNDAF indicates that: "[c]apacities will be built in terms of how to make effective use of information and communications technology (ICT), and engage in dialogues on topics such as human development deficits and local development planning. A prerequisite will be an enhanced legal framework that enables NGOs and similar organisations to flourish."[56] The outputs mentioned in Annex 6 refer to both strengthening the legal position of CSOs as well as to increase practical capacities of CSOs. The main assumption is development and implementation by the Syrian government of a new NGO law.

The overview of the two sub-outcomes and related outputs clarifies strengthening civil society is not a goal in itself. It is always in function of its role in promoting socio-economic development. In terms of Börzel's analytical framework, the goal of UN's governance support is mainly to increase effective governance. The aim is to strengthen the government and the administration, as could be concluded based on concrete activities supported by UNDP (see Annex 7). Supporting CSO's is to increase efficiency of the state apparatus and accept its policies. While some of the intended outputs are far-reaching, their attainability can be doubtful since they are based on questionable assumptions. The assumptions of both sub-outcomes refer to a more general assumption of political will of the Syrian government to take political and legal steps, which change state-society relations. These assumptions and risks are mentioned in the cooperation agreement between the Syrian government and the UN, without any comments or assessment. An overview and assessment of activities implemented by the UNDP under the UNDAF can be found in Annex 7. The EU in the context of the ENP showed interest in financing a part of the proposed activities by UNDP in the domain of democratic governance, notably the establishment of a national commission for human rights, the modernization of the justice sector and the establishment of an NGO platform.

[56] UNDAF Outcome 2.2., 2007: 16.

Subchapter 6.3 will discuss the extent to which the output[57], as contribution to the intended outcome, has been attained as well as the extent to which the risks and assumptions have been realistic.

6.3 Unrealistic Assumptions

Chapter 1 argued that the assumptions, on which EU's as well as the UN's good governance strategy is based on, are unrealistic regarding civil society and civil society, state relations, notably in the case of authoritarian ruled countries. The EU argument is that successful development needs ownership of its strategy. Ownership requires a broad involvement of all sectors of society. As assumed by the EU, civil society is important in this context because civil society can mobilise people and support for development and it can increase the accountability of the state. The EU considers with regard to development cooperation, a broad range of NSA part of civil society including NGOs/CBOs, workers and employers associations, religion based organisations, academics and the media. The relationship between the state and civil society is described in functionalist terms suggesting both are willing to work for a common long term goal namely to establish a system of democratic governance. The functionalist approach ignores contradictory interests between the state and civil society. Moreover it treats civil society as a homogenous entity. We noted in Chapter 2, that the idea of civil society, as citizens acting collectively in a public sphere, expressing interests, exchanging ideas and information, as well as making demands on the state and holding state official accountable, originates from a specific development model. It is based on experiences of Western, especially European countries, where as part of an often lengthy process of changing socio-economic relations and emerging nation states, consensus emerged about state–society relations. A specific kind of state developed: one that respects individual rights based on a type of social contract in which the state is also subject to law. The state, in the context of a parliamentary democracy, is regarded as a set of neutral institutions working for the public interest. However, others have questioned this liberal view especially in the Marxist tradition, by focusing on unequal power relations between different interest groups in society and their ability to get access to and or control the state. Gramsci as well indicates that civil society can be instrumental in legitimising the hegemony of the ruling elite. As a dominant paradigm in development thinking, the liberal

[57] UNDAF, 2007: 43. The sub outputs 2.4.4. until 2.4.6. focus on the participation of children and women in the formulation of policies and programmes, on policy dialogue as well as on strengthening the capacity of civil society active in the area of rights of women and children.

view on state-society relations obscures the fact that dominant groups or classes may shape states into instruments of dominance, even where the institutional set-up seems democratic. States may deeply penetrate into society and control social groups, for instance through state corporatism. Relations between the state and society may also be shaped by clientelism and patrimonialism. In practice, civil society might consist of many groups with contradictory interests and different relations with the state. Moreover, different civil society groups might be more inclined to work for community interests than for the public interest. The activities of these groups might also have political relevance and are not necessary in support of democratic political ideals. In many developing countries, to a large extent, primordial relations still determine loyalties. Despite nationalist ideologies imposed by dominant groups on the rest of society, many of these states still struggle with the consequences of the colonial legacy and are still in need of a national identity acceptable for the different communities living within its borders. It is these questions about the nature of civil society and state-society relations, which are of importance when discussing the assumptions behind EU good governance support in the context of a specific, authoritarian ruled, developing country.

As indicated, the cooperation between Syria and the EU, as well as between the UN-system and Syria are based on cooperation agreements. Reference is made in these cooperation agreements to assumed shared values and democratic principles, which nowadays are integral part of the good governance discourse. However, as will be argued, these assumptions underlying the cooperation in the field of good governance and especially with respect to civil society have proven to be non-realistic. These assumptions, mentioned in the UNDAF can be regarded as concretising one of the more general assumptions on which the EU cooperation with partner countries is based, as mentioned in Chapter 1, namely the partner state has the political will to promote good governance, including the strengthening of the role of civil society in this domain. The following observations can be made with respect to the specific assumptions mentioned in the UNDAF (see Annexes 5 and 6) namely the establishment of a conducive social and political environment; the establishment of an effective separation of powers; the development and implementation of a new law on associations; government support for civil society organisation participation in policy-making and implementation.

The Establishment of a Conducive Social and Political Environment

At the start of his second presidential term in 2007, President Bashar al-Assad indicated in his oath that: “[d]emocracy is not an objective in itself; it is rather an instrument for development

and prosperity. This instrument needs careful preparation and needs the appropriate circumstances that could realise this objective. Without these requirements it loses its substance as building instrument. This is what we have been trying to achieve."[58] According to Bashar al-Assad, the lack or slow pace of democratisation of Syria since the 10th regional conference of the Ba'ath party in 2005, during which hopes were raised for increased political liberalisation and participation, was because of two threats: one was extremism nurtured by the war in Iraq and the other, attempts to destabilise the country after the murder of Rafiq Hariri in 2005. As a consequence, the work on a new law on political parties has been postponed.[59] The supreme objective, in the words of the President "[w]as to preserve the safety and security of our citizens and maintain the stability our people enjoy. These are not only vital requirements for any society, but the main pillars of national sovereignty, dignity, prosperity and development. […] We are influenced by whatever is happening around us. We are influenced by Iraq, by Lebanon, by Palestine and by other things which might be farther. The impact of these things also determines the direction we move in. So to the political reform we do not make leaps. We will carry out gradual steps, and we will examine every experience at the right time. […] As to our political priorities […] the priority is the economy because of the needs of our Syrian people, but what is the value of the economy if there was no stability? […] Without meeting the people's basic needs: health, food and security what is the significance of political development? […] So we are not going to stop the process of political reform, but it will not be our priority under the circumstances we have gone through."[60] According to the President, there are ongoing discussions within his administration on the expansion of the participation of different currents in Syria (by having an upper house of parliament) and on the introduction of a local administration law as well as a new party law. The latter was also discussed at the Ba'ath party congress in 2005. Bashar al-Assad, in an interview in June 2008, suggests that although new laws and institutions have not been created yet, there is nevertheless political liberalisation; "[w]e said that we have opposition but is not legal because we do not have these laws, but it exists in Syria wherever you go, you can sit with them, you can criticize the government and the state in general, the officials. So we are dealing positively with opposition, but it does not exist as a legal

[58] SANA 18 July 2007. President Bashar al-Assad's speech at the People's Assembly.
[59] Gresh, 2008: Without a page number. Rencontre avec Bashar Al-Assad. See also SANA 18 July 2007. President Bashar al-Assad's speech at the Peoples Assembly.
[60] SANA 18 July 2007. President Bashar al-Assad's speech at the Peoples Assembly.

entity yet, because we need these laws for the opposition to be legitimate by law, but it is there and we deal with it as reality."[61]

While the brutality of political repressions might be slowly diminishing, compared to that during the reign of the President's father, Hafez Al Assad, at least until the ongoing upheaval which started in 2011, there is no freedom of expression in Syria and there are still many examples of arrested people, kept in incommunicado detention; sentenced to years of imprisonment for expressing in a peaceful manner their views on the political system and requesting restoration of civil and political rights. While referring especially to external threats, which are presented as risks undermining the safety and security of people, the regime links the future of the Syrian people to the continuation of the regime. At the same time, it uses these threats to legitimise the repression. As indicated in the third and fourth chapter, the whole system of repression based on the Emergency Law, the impunity of secret services and the state security court is still intact and the Ba'ath party is still the leading party, as is stipulated by the1973 constitution. Any attempt of people to organise themselves politically outside the framework of the Ba'ath party and its allies, is presented by the regime as a support to external enemies and can face repression. All political liberalisation until the present time is marginal, such as the creation of the NPF, a coalition of left and nationalist parties under the wings of the Ba'ath party and the opening up of the parliament to independent candidates: it does not affect substantially the existing state-society power relations.

The analysis of the nature of the regime, with its specific sectarian characteristics, does not provide arguments why it would be willing to dismantle the structures created to maintain its grip over society. Moreover, there are strong forces in society, which out of self-interest have allied themselves to the regime. Reference has already been made to the primordial identities, which prevail among a large part of the population, the patriarchal relations in the different communities as well as the co-optation of traditional leaders by the regime. The political system of Syria can be considered a form of neo-patrimonial ruling. It can thus be argued that no substantial achievements have been reached during the 10th Five Year Plan period with respect to the reinforcement of checks and balances mechanisms through increased oversight capacity of legislative bodies and elected representatives, and civil society and media capacities to monitor the performance of public institutions and service delivery. Therefore, it can be

[61] The Assad interview transcript. Interview with Siddharth Varadrajan, Strategic Affairs Editor of the Hindu. Damascus 8 June 2008. Published on 12 June 2008. The Hindu online edition.

concluded that there is no progress in creating a conducive social and political environment. A reflection of this lack of progress in the field of democratisation and human rights is Syria's position as 157th out of 167 countries in the Economist Intelligence Unit's 2008 democracy ranking because of lack of elections, restrictions to civil liberties and limited options for political participation. Syria is classified as governed by an authoritarian regime.[62]

The Establishment of an Effective Separation of Powers

The strength of the regime, more specifically of the President, is based on the concentration of the executive, legislative and judicial powers in one hand. There are no indications in the period 2006-2010 of the 10th Five Year Plan that the regime would be willing to unravel the powers based on independent institutions, for example institutions which are not dependent on the executive, in order to create a system of checks and balances. The People's Assembly remains in control of the Ba'ath party. The Judiciary is not independent of the Ba'ath party. The Emergency Law and the presidential decrees provide the executive with the legal instruments used by the regime through its security services, the military apparatus, as well as special courts to control the society. The only tangible measure has been the abolishment of the Economic Security Court. While decree 50 of 22 September 2001 allowed the establishment of private media – since the Ba'ath party came to power in 1963 the press had been nationalised – it also provided the state with far-stretching powers to block any form of independent journalism which it considered a threat. Article 129, clause 9 of the law gives the prime Minister the authority to accept or reject applications for print media permits, for reasons linked to the public interest. The prime minister has the sole authority to interpret the law while those requesting a permit do not have the right to appeal to a decision of the prime minister, nor the possibility to apply once again within one year. The Syrian press foresees hard punishments on vague grounds, such as expressed in the articles 50 and 51 against anyone who opposes public morality or creates unrest. The law raised the maximum jail time to three years and penalties to one million Syrian pounds (approximately $ 21,500), compared to one thousand pounds previously.[63] Thus, it can be concluded that there is no effective separation of powers and there are no indications that the regime is actually interested in such a separation.

The Development and Implementation of a New Law on Associations

[62] E.I.U., 2008: 3 and 12. The index is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation and political culture.
[63] Bunni, 2008: 101 and 102.

An important assumption in the UNDAF is that the Syrian government will issue a new law on CSOs, which will replace Law 93 of 1958. CSOs have requested the modification of this law or its replacement. Also the SPC, a government body, is of the opinion that the law is outdated. Maysa al Midani, director of the Civil Society Unit of the SPC and key government coordinator on NGO issues mentions the following on the issue of the new law: "[w]e do not know about the new law [...] There were many meetings and workshops on the subject a couple of years ago- the EU was involved at one point- and I know there is a committee dealing with it in the Ministry of Social Affairs. But I do not know what is happening. I have only seen a very old draft of the law."[64] In cooperation with the EC, MOSAL organised in February 2005 a workshop with NGO participants that discussed legal, administrative, financial and building capacity aspects of the law. The same year, the Syrian Commission for Family Affairs, a government agency linked to the office of the Prime Minister, organised a workshop with 30 participants from various Syrian NGOs, the EU, the British Council and the Swedish Embassy, to look into the existing legal framework governing civil society. The main conclusions of the workshop were:

- The government needs to pass a new law, as it is not sufficient to simply amend the existing Law no. 93. As one participant noted, it would not be enough to amend an almost 50 year old text which was created in a complete different context and realities compared to the challenges faced by Syria today;

- The Ministry should respect Article 10 of Law 93, which provides that if the Ministry has not processed an organisation's application within 60 days, the law will deem the applicant to be lawfully registered. The participants noted that this was not occurring in practice;

- The government must remove the difficulties facing the organisations in the registration process;

- It should allow organisations to establish links with other organisations working in related areas on the local, national and international levels;

- It should loosen restrictions on funding and allow organisations to fundraise and receive national and international support;

[64] Syria Today, 2007b: 6.

- It needs to appoint a new competent administrative authority to promote the civil society in Syria.[65]

The core of the requested changes is less control and more support from the government and third parties. Since 2005, the Syrian authorities have not taken a decision on a new law on CSOs. In September 2007, when the Minister of Social Affairs and Labour was asked about the situation with respect to this drafted law, she stated that: "[w]e are studying the draft law very carefully and then the government will also discuss it. This is why I cannot speculate on the exact date on which it will be issued."[66] In October 2008, a high MOSAL official indicated that: "[t]he draft law is ready; it has yet to be submitted to the Prime Minister for approval as well as to the People's Assembly."[67] In the beginning of 2010, during an international symposium on civil society and development organised by the Trust, the First Lady announced that the new law would soon be issued. Yet, to this day there has not been any new development in that direction. Even if the law, whose content is unknown, is approved by the Syrian authorities, the outcome might not necessary be positive for CSOs. Also reformists within the authorities warned that the development of a new law on associations will not necessary have a better law as an outcome. The 1958 law is not sufficient but it provides, of course depending on the way it is implemented, space for development of the civil society. The biggest issues have become the Emergency Law and the by-laws. The by-laws put constraints for CSOs to receive foreign funding as well as impose the necessity of a prior agreement by the authorities if a civil society organisation wants to have a general assembly meeting with its members.[68] Moreover, how effective a new law can be for CSOs active in the field of advocacy, if the political context remains one of repression. A staff member of an intergovernmental organisation commented: "[i]t is not the Law 93 of 1953 which is the core problem, although improvements are needed as CSOs indicate, but it is the political context in which the law is implemented. Even the idea of strengthening civil society in order to contribute to socio-economic development is encountered with mistrust by security services. Creating a platform of CSOs willing to work in the field of development (an initiative of the Trust for development supported by UNDP) is not self-evident for a country where taking initiatives outside the framework of the Ba'ath party is considered a

[65] Etana Press, 2008: 62 and 63.
[66] Syria Today, 2007: 19.
[67] Interview 02: Government official. 20 October 2008.
[68] Interview 08: EC Delegation official. 4 July 2007.

potential threat to security by the security services."[69] An EC interlocutor made a similar observation: "[e]conomic reforms have top priority for the regime unlike political reform. The law on NGOs is linked to political reform."[70]

Government Support for Civil Society Organisation Participation in Policy-making and Implementation

There are no clear indications that there is a genuine interest from the government to engage civil society in policy dialogues. While the SPC has noted in the Five Year Plan the importance to do so in order to attain developmental goals, the practice is different. The legal preconditions are not established and the responsible ministry MOSAL is not able or willing to push for dialogue between the government bodies and CSOs. As indicated, in 2005 there have been some workshops with civil society involvement in order to discuss the content of a new law for associations. Neither this dialogue got a follow-up nor did the government come forward with a new law on associations. The SPC has invited some representatives of CSOs to participate in discussions during the preparation of the 11th Five Year Plan; these representatives were mainly from people's organisations linked to the Ba'ath Party and from GONGOs. The only organisation pushing for a more structured dialogue between the government and CSOs for the moment is the Syrian Trust for Development. The latter is however a GONGO, initiated and supported by reformists within the regime. The establishment of the above-mentioned NGO platform by the Trust aims also to strengthen the contribution of civil society in the policy dialogue with the government. The establishment of the Platform as a legal entity is a cumbersome process, which started in 2009 and has not yet been finalised.

The EU, through the EC, until 2008 appeared to follow a two track approach aimed at strengthening the position of Syrian civil society. In the context of the bilateral cooperation agreement with the Syrian government it offered support to develop a new law on associations as well as to capacity building of CSOs. It also provided means for civil society involvement in different sectoral activities. Through its thematic programmes, especially EIDHR, without prior approval of the Syrian government, the EU tried to support directly activities of CSOs, including in the domain of human rights. Most of the proposed and/or supported activities on both tracks

[69] Interview 09a: Local staf member International Organisation. 1 December 2008. This official was summoned by one of the security services to give an explanation about the nature of the Platform, a stupid initiative as he was told by a high level officer. Only after indicating that the initiative had the blessing of the First Lady, the security officer stopped with his negative comments.

[70] Interview 17: EC Damascus delegation official. 2 May 2010.

were not accepted by the Syrian government, with the exception of assistance under the bilateral cooperation agreement to a few civil society activities in sectoral support programs such as rural development and health. As we have seen, the local CSOs involved are mainly GONGOs, such as the umbrella organisation of the Trust for Development and its rural development agency, FIRDOS. From 2008 until 2011, the EU policy of CSO involvement in its cooperation with Syria meant working with government initiated or approved CSOs.

6.4 Dilemmas in Democratisation

While the language of the EU as well as that of UNDP's governance cooperation agreement with Syria is one in which political governance aims such as democracy, rule of law and pluralism are mentioned as long-term goals, the concrete activities envisaged in the cooperation frameworks with Syria aim to improve administrative governance and focus on the improvement of efficiency and effectiveness of governmental institutions. Capacity building of CSOs is seen in function of contributing to the socio-economic reform. Apparently, the EU assumes that through political dialogue and assistance as well as positive conditionality, it can promote willingness of the Syrian government to democratise its political system. However, how effective is this soft power of the EU confronted with a strong, but authoritarian state as in the case of Syria? Börzel formulates this EU dilemma as follows: the EU focuses on the promotion of democratic governance when dealing with countries which are authoritarian (weak democracy) but have sufficient capacities to adopt and enforce policies (strong statehood). In such settings, "[b]ad governance is a result of formal institutions that bypass main principles of good governance such as transparency, accountability, the rule of law and participatory decision making. In order to undermine authoritarian rule, the EU seeks the cooperation with actors beyond the state. However, opportunities for supporting non-state actors are seriously constrained by the repressive nature of the regime, as well as the nature of the opposition, which does not always endorse the political principles promoted by the EU. Thus, the EU's influence on governance appears to be limited most for countries facing the biggest problems of bad governance."[71] This creates a dilemma, as Van Hüllen indicates: in order to promote good governance a degree of political liberalization is necessary for the implementation of political dialogue and democracy assistance; however "[c]ooperation is most difficult where it is most needed."[72] In an authoritarian context like the Syrian one, international organisations can only have cooperation

[71] Börzel, 2009: 38.
[72] Hüllen, 2009: 25 and 26.

with or support by those CSOs which have been cleared by the regime; in practice, these are GONGOs, CSOs led by people with good connections to the regime or people's organisations. The Platform for NGOs could thus be seen, as one civil society activist indicated, as a way to keep civil society under control by the authorities because "the relations with civil society have been outsourced by the regime to the Trust. It remains an attempt to centralize and to control."[73] A Syrian official of a multilateral organisation and board member of an NGO working for disabled children gives a different perspective; "10 years ago you needed permission from the security to hold a wedding. Now the government is sitting around the table with NGOs."[74] These NGOs however are strictly controlled and sometimes even created by the regime. Nevertheless, in general the attitude towards civil society remains one of distrust and control. As one human rights activist indicates: "[c]ivil society is considered dangerous. It should be under total control. Civil society means people start to think and act. The government does not seek partnership with civil society. It seeks to control civil society. The government has started to create and support certain NGOs, which are under its control. Pro-government people head them most of the time. In this way the government sends a message into the world, that we have a grown civil society which needs your help. So if you tend to help civil society in our country, here we are. We are waiting."[75] Another activist, a former reformist within the Ba'ath party, says the regime is against all kinds of groups; it is thus against NGOs, human rights associations and all civil society bodies. The attitude of the regime towards civil society changed in the sense that: "they form GONGOs either under the patronage of Asmaa al-Assad or headed by regime people in order to serve the plan of the regime and to control the real civil society and to show the world that we have NGOs. The Syrian government does not seek partnership with anybody."[76]

The EU state-centred approach to the Middle East, characterised by cooperation instead of confrontation, makes it easy for authoritarian regimes to profit from the advantages of cooperation with the EU while avoiding or frustrating reforms and projects which might be against their interest. As for Syria, the government has been effective in limiting EU democracy and human rights assistance.[77] A complicating factor is that EU Member States can differ in their choices regarding the good governance approach to be followed as well as the instruments and channels to be used. Given the fact that to a large extent external relations are still the

[73] Interview 10: Women's rights activist. 4 May 2010.
[74] Interview 11: Official intergovernmental organisation. 4 May 2010.
[75] Interview 12: Human Rights Activist. 13 July 2009.
[76] Interview 13: Political opposition activist. 19 July 2009.
[77] Skov Madsen: 2009: 2 and 4.

competence of the Member States, these differences might become visible and thus easily exploited by authoritarian governments. Moreover, stability and security concerns might determine in practice EU development assistance more than democracy promotion. The EU rewarded Syria for its more cooperative stance in the case of Lebanon with the prospect of a ratified association agreement as well as a substantial increase in the volume of EU aid. These rewards were given while the Syrian government refused to cooperate with the EU in the field of human rights and continued to persecute alleged opponents, including key figures of the pro-democracy and human rights movement.

In sum, good governance in a broad sense, as interpreted nowadays by the EU and UNDP, covers both democratic governance as well as effective governance. Principles of democratic governance are participation, human rights and democracy, while the underlying principles of effective governance are efficiency and effectiveness. Democratic governance, in the case of semi- and authoritarian government, requires a system reform. Promoting democratic governance in such a context is very difficult because it requires opposition parties but also civil society to operate more or less independently from the state. Lip service is given by donors to promoting democratic governance. In practice, donors active in semi- and authoritarian states are at best only able to give support to activities promoting effective governance. It is often the preferred approach by donors, especially in the case of befriended authoritarian states. Moreover, if development is primarily interpreted as promoting sustained economic growth, there is evidence that it is more important to have effective governance than democratic governance. From a developmental perspective, it might be more realistic to focus on a step-by-step approach, improving participation of citizens at the local level and increasing accountability of local authorities. Even in an authoritarian context, there might be opportunities to make progress with forms of small governance or development. Political liberalisation in itself forms no guarantee for democratisation of a political system.

In Syria during 2006-2010, the regime blocked all initiatives proposed in the context of development cooperation, which would contribute to structural reforms in the sphere of good governance, such as a new NGO law and the establishment of a human rights committee. The regime cautiously allowed, as part of its socio-economic reform programme, more CSOs to be registered and to be active in development-oriented activities, including those which contributed to the empowerment of deprived groups in society, as long as the existing state power relations were not challenged. From the start, the Syrian regime made it clear that political reform had no

priority. International governmental aid donors, although adhering to the language of promoting democratic governance, in practice were only allowed, in a limited way, to contribute to initiatives promoting forms of effective governance. The presence or lack of democratic governance was no determining factor for the EU regarding the cooperation with the Syrian regime in the period 2006-2010. As we have seen in Chapter 3, the external policies of Syria played a more important role in this regard.

7. Conclusions

Strengthening civil society is part of the good governance chapter of cooperation agreements between Syria and the EU, as well as the UN system. The EU supports governmental and non-governmental activities and initiatives to support civil society's role in promoting good governance. A strengthened role of civil society is important in the view of the EU for both development (ownership) as well as democratisation (accountability/participation). This study aims to show that the EU good governance policy with respect to the role of civil society in democratisation is based on assumptions, which can be questioned from a theoretical and empirical point of view in the context of authoritarian states. The main research question is how and to what extent the EU good governance support, in particular with respect to civil society, addresses obstacles to democratisation. Syria is the case study.

The study looks into two sub-questions:

- What is the efficacy, the goals and channels of the EU to support civil society in Syria?
- What are the political and structural obstacles that confronted EU civil society efforts in promoting democratic accountability of Syria?

Two assumptions, presented in the study as hypothesis on which the EU policy regarding civil society in the context of good governance is based, are questioned: a) civil society is a pro-democracy force and b) state and civil society actors are willing to consider each other as partners in socio-economic development. As indicated, these hypotheses are queried by:

- The characteristics of civil society in Syria in the light of the theoretical discussion on the concept civil society as well state-civil society relations and the EU policies and programmes of democracy promoters are incompatible;
- The nature of the relations between political society and the government, as well as the contending social forces and civil society in Syria are not amenable to Western liberal or liberal democratic contentions on democracy, as applied by the EU policies on good governance.

7.1 Inaccurate Assumptions

The EU policy regarding strengthening of civil society as part of promotion of good governance is based on some general assumptions, which become especially questionable, as the case of Syria shows, in the context of authoritarian states when analysing state-society relations, as well as the position and characteristics of civil society.

The first assumption made by the EU is considering civil society as a pro-democracy force. This idea is based on the presumed ability of civil society to foster the accountability of governments. Civil society would be able to ensure that officials can be questioned about their policies and activities, as well as that people who ask for accountability have the right to do so and if necessary are in a position to enforce accountability. From a theoretical point of view, it is important to stress that there is no agreement about what civil society is and does. The functions attributed to civil society by scholars and policy makers are perceptions of state-society relations in specific countries. In practice, the boundaries between civil and political society are blurred. Activities of CSOs can have political consequences. However, civil society cannot be considered by definition a pro-democracy force. However, civil society can consist of both apolitical organisations as well as of organisations supporting democratic or authoritarian state-society relations. A minimalist starting point would be that civil society is an intermediate social sphere between the state and family. The filling in of the concept of civil society by the EU as a pro-democracy force is normative as well as too optimistic and too restrictive. It is normative because the EU links civil society to a specific political goal, namely the establishment of a democratic political system. It is an overly optimistic view because it suggests that civil society is in itself able to enforce change, while in reality civil society might be one of the agents that realise change in cooperation with other forces such as political parties. The effectiveness of these groups increases if they can form coalitions with other competing social forces seeking democratisation of the political system such as political parties, labour unions, professional organisations, etc. Moreover, the effectiveness of civil society as a pro-democracy force would be greatly enhanced if there were already some political liberalisation in place, for instance a legal political opposition, an independent judiciary, as well as freely operating media. However, this is not the case in Syria. It is a restrictive view since the pro-democracy groups and human rights groups form only a part of civil society. In reality, civil society is a complex whole made of organisations with different aims and linkages to the political society, both the government as well as contending social forces. In many developing

countries, including Syria, civil society consists to a large extent of community-based charity organisations of which many are religion-based. These organisations are not only important because of goods and services they provide, but also because they are able to mobilise people. Members of these community-based organisations may have a civic duty attitude based on norms and values to do public work. However, this civic duty attitude does not necessary have to coincide with norms and values which reflect respect for equal civil and political rights for every citizen and which favour a democratic political system.

Secondly, the EU-Syria collaboration presumes to consider civil society as a partner of the government, providing on the one hand goods and services and on the other hand promoting a responsible government. Apparently, the belief of the EU and UNDP is based on the intention expressed by the Syrian government in the 10th Five Year Plan. The EU and UNDP translated this intention into an assumption; the Syrian government will create a favourable environment for reform, works towards the separation of powers and establishes a new law on NGOs. This assumption became the basis for the good governance program support. The assumption of a partnership between government and civil society to attain developmental goals, including democratisation, could also be questioned from a theoretical point of view. The idea of partnership is based on a functionalist view on state-civil society relations. However, it contains contradictory elements. On the one hand, it is a holistic view in which civil society and government agree on the content, direction and priorities of development policy and initiatives. This view is often combined with a pluralist idea of state-society relations, in which different civil society actors seek state approval and support for their initiatives and in which the state acts as an impartial referee. The idea of the neutral state is however debatable, as shown in Marxist thinking, referring to the state as an instrument of control by the economic dominant group as well as by considering the state as an autonomous power base for an elite in control of the state. On the other hand, civil society gets a more political role, when it is considered as an independent actor able to comment on decisions and activities of state agencies. Such a role suggests a political system in which the power of the executive is counterbalanced by other state actors as well as non-state actors. Based on these EU assumptions, it can be concluded that the EU policy on civil society in the context of good governance is strongly influenced by Western liberal democratic thinking in which the coming to existence of a liberal democratic political system seems closely linked to the development of a market economy and the emergence of a middle class. However, the character of the state as well as state-society relations in non-western states differs substantially from the above-mentioned Western liberal

democratic model. Most of the non-Western countries are artificially created entities resulting from decisions by colonizing forces. When these countries became independent, states were often weak because of societies divided along clan, tribal, ethnic, religious and regional lines. In the newly independent states state-society relations are often as much determined by informal, often primordial, relations rather than by formal ones. Authoritarian regimes might try to impose their hegemony on society, including CSOs, through forms of neo-patrimonial ruling combing legal-rational domination on the one hand with concentration of political power and systematic clientelism, on the other hand. In such a context, the development of independent profession or interest-based organisations is often hampered by authoritarian regimes trying to control citizens by imposed corporatist organisations. As indicated, community based organisations are still influential. They form part of the social basis which religious, clan or tribal leaders can use to mobilise supporters. The latter in turn can be helpful in extracting concessions from the ruling elite. The idea that market-led socio-economic development would be combined with or lead to democratisation and a vibrant civil society, as in the case of Western countries, did not prove self-evident. The examples of China, Vietnam and some other authoritarian states show, that a capitalist economic model does not necessary require a parliamentary democracy, a vibrant civil society and independent media. These examples also question the emerging entrepreneurial class, profiting from the privatisation, becoming a proponent of political democratisation. In many cases, as also the case of Syria shows, these entrepreneurs could profit from the privatisation because of their close ties to the ruling elite. In fact, many of them are part of the ruling elite and use their influence to require key positions within the economy.

The presumed willingness of the Syrian government, as seen by the EU and other international aid providers and donors, to allow civil society as a pro-democracy force promoting good governance is questionable, given the characteristics of the Syrian political system: a small group of people with tight personal, clan and sectarian links who control society through a grip on the army and security apparatus, the political system as well as the judiciary. During the period 2006-2010, there was no indication that the regime had interest in seriously promoting political accountability due to the fact that this would undermine its position of power. Moreover, the security services and the conservative wing of the government in Syria distrust civil society, especially advocacy groups. The legal framework aims at controlling their activities and funding. CSOs – secular, professional, Islamic and community-based – have been distrusted by the regime as potential opposition. The Syrian government has imposed an authoritarian political regime on society and has deeply infiltrated all sectors of society in order to control it. To a large

extent, the Ba'ath party has monopolised the representation of the Syrian citizens through the popular organisations. Even registered CSOs, mainly charities, are strictly controlled by the security services. The few development NGOs are mainly government-initiated NGOs. Analysis of Syrian state-civil society relations makes evident that part of these relations, especially in the case of unions, people's and professional organisations can be characterised as state-corporatist and/or clientelist. Interest groups are dependent on and strictly controlled by the government. There is no genuine partnership possible between state and CSO's since the legal environment does not protect them, for example in case these organisations would push for accountability of government agencies and officials.

In short, the EU assumptions regarding civil society, as well as state-civil society relations are not only unrealistic but are dubious both on theoretical grounds as well as based on an analysis of the characteristics of civil society and state-civil society relations in Syria.

7.2 Lack of Policy Coherence

A factor, which undermines the coherence and thus the effectiveness of the EU good governance policies, is that the EU, at least until the on-going 2011 protest of Syrians against their government, in its political contacts with the Syrian government attached more weight to regional stability than to democratisation and respect for human rights. While al-Assad's government continued to arrest and detain human rights and pro-democracy activists, the EU rewarded Syria for taking positive steps with respect to its more cooperative attitude in its external policies, notably in the case of Lebanon. The EU indicated its willingness to sign the association agreement and increased its financial assistance under the ENP. Furthermore, the credibility of the EU in the domain of human rights is undermined by the fact that the EU, at least in the period 2006-2010, did not act uniformly towards the Syrian government. Particularly some Southern European countries, notably Greece and Spain, continued to have high level political relations with the Syrian authorities, even at the moment when the EU followed officially a policy of refraining from political contacts.

A second, related observation about the effectiveness of the EU good governance policy during the period 2006-2010 is that it is based on positive conditionality. The EU promotes good governance through political dialogue and assistance in the framework of partnership. The Syrian government determines which activities, even if these have been previously agreed

upon, have priority and if they will be implemented. Regarding the strengthening of civil society the authorities made clear in the period 2006-2010, that this area had no priority. The EU has been unable to give effective support to human rights and pro-democracy groups in Syria itself. The EIDHR instrument could not be used in the case of Syria, because of the strict control of the Syrian government over the civil society sector. The EU pressure through silent diplomacy and public statements, to release human rights and pro-democracy activists during the period 2006-2010 did not yield concrete results that may be seen as concessions done by the Syrian governments. Even after 2008 when political relations between the EU and Syria improved, the Syrian government did not refrain from arresting and sentencing human rights and pro-democracy activists let alone other alleged opponents. The EU has clearly prioritized strategic interests regarding stability and security in the region (Israel-Palestine, Lebanon, Iraq) over human rights and democracy promotion in Syria itself. This became most obvious when in 2009 the EU signed the association agreement "[…] despite the lack of substantial reforms on human rights issues, the Kurdish question, corruption and nepotism."[1] This was an implicit acknowledgement that the Bush administration leading initiatives since 2005 to isolate and undermine the Syrian regime had failed, furtheremore that seeking dialogue and cooperation might be more rewarding. The cooperative attitude of the Syrian regime with respect to solving the political crisis in Lebanon helped end its political isolation at that time. Although the EU has held the prospect of more cooperation and assistance, including an association agreement, the Syrian government remained cautious, especially with regard to conditionality in the field of human rights and weapons of mass destruction. The main obstacle mentioned by the Syrian regime against the signing of this agreement relates to the fact that the agreement, unlike association agreements between the EU and other Mediterranean partners, included conditional clauses regarding weapons of mass destruction and human rights.[2] Within the government, there were signs of disagreement between decision-makers and related interest groups over the benefits of signing the agreement [3] because if enacted, it would lead to a fundamental change in the way the Syrian economic system actually works.[4] The level of EU support to the Syrian government is limited, even small, compared to that of most Arab countries. During the period

[1] Al-Fattal, 2010: Without a page number.
[2] Al-Attal, 2010: Without a page number.
[3] Ibid.
[4] Dorstal, 2009: 18.

2005-2008, the Syrian authorities have shown they can cope with this pressure and have been able to find other sources of aid and investment rather than rely on such coming from the West.[5]

The problem with democratic governance through civil society in relation to bilateral cooperation agreements with authoritarian states is not only an issue of inaccurate assumptions but relates also to a lack of policy coherence for development; security and stability issues are ranked higher in comparison to enforcing universal norms on human rights and refugee protection. While lip service is paid to the latter norms, other European interests dominate. This is what Wallerstein called *European universalism.*[6] The first aspect I discussed extensively and is the core element of my thesis: why the EU good governance policy in the case of an authoritarian state like Syria cannot succeed. The second aspect of European universalism could explain why European policy makers and politicians insist on including good or even democratic governance in cooperation agreements with authoritarian states. On the one hand, there is a tendency among Western dominated policy implementing agencies to use a one-size-fits-all model in their development cooperation with countries worldwide, trying to encourage a market oriented economic model as well as a liberal democratic political model while insufficiently taking into account the local circumstances and needs. Many Western policymakers and politicians expected higher economic growth and that this economic development would automatically initiate political reform.[7] On the other hand, while referring to human rights and democratisation as universal values, the EU continued to follow a top-down approach; "[w]ith little thought being put into what democracy and reform practically meant in these countries."[8] Actually the West got cold feet when around 2005 in some parts of the Arab World a marginal increase of political openness through elections led to a strengthened position of Islamist political groups such as the Egyptian Muslim Brotherhood and the Palestinian HAMAS. The EU gave priority over economic and matters concerning migration cooperation. The latter also meant that the main channel of collaboration remained the partner state with much less attention for support to as well as cooperation with civil society. Democracy and human rights issues within the southern partners were sidelined.[9] In this way, the EU and in general the West, despite their liberal rhetoric, played a prime role in sustaining authoritarian regimes, "[v]iewing them as the lesser evil in a region supposedly plagued by religious extremism, if not as reliable partners in pursuing

[5] Ibid., 31.
[6] Wallerstein, 2006: Without a page number.
[7] Tocci and Cassarino, 2011: 4.
[8] Tocci and Cassarino, 2011: 5.
[9] Ibid., 6.

going policy agendas, commercial and energy interests, and the management of migratory flows."[10] Thus the EU's Mediterranean policies could be considered Western or European universalism.

The upheaval in 2011 of citizens in the Arab World obligated the EU to review its Southern Neighbourhood policies. In reaction to the far reaching political developments in Southern Mediterranean states, the joint EU Communication of 8 March 2011 seems to indicate this policy change by stating "[p]olitical and economic reforms must go hand in hand and help deliver political rights and freedoms, accountability and participation. The EU should be ready to offer greater support to those countries ready to work on such a common agenda, but also reconsider support when countries depart from this track."[11]

The core of the EU political reaction is that governments willing to democratise their political systems should receive additional assistance. A more-for-more principle is advocated and an element of conditionality is built in the ENP:

- A precondition is to have adequately monitored, free and fair elections;
- Agreed reform plans should be implemented. If not this might lead to reduction of EU support.

It remains to be seen if the partner countries will accept the principle of conditionality and if the EU will remain strict with regard to the above mentioned principles when confronted with emerging new semi-authoritarian regimes, or the continuation of old ones in its Southern Mediterranean backyard, as well as its own interests and priorities, such as ensuring stability at its borders and countering mass illegal migration.

7.3 Key Conclusions

The main conclusion based on the answering of the sub-questions is that promoting democratic governance in Syria through civil society in the context of bilateral development cooperation with

[10] Ibid., 2.

[11] EU, 2011: 5. "It is an incentive–based approach based on more differentiation (more for more): those that go further and faster with reforms will be able to count on greater support from the EU. Support will be reallocated or refocused for those who stall or retrench on agreed reform plans. […] A commitment to adequately monitored, free and fair elections should be the entry qualifications for the Partnership."

an authoritarian government is not an effective strategy. This conclusion is based on the following considerations.

The Syrian regime determined the priorities regarding the implementation of its reform strategy. Political reform had no priority in the period 2006-2010. The EU followed in the period 2006-2008 a two-track strategy by using different instruments and channels to promote good governance. On the one hand, the EU used the bilateral cooperation instrument and on the other hand, it tried to give direct support to CSOs in Syria, including human rights organisations by means of its thematic EIDHR-instrument. Although Syria is a full party of the Barcelona process, the Syrian regime prevented the implementation of some of these EIDHR financed initiatives. Since 2008, the EU limited its support in Syria to mainly social and economic activities by civil society through its bilateral cooperation instrument.

The CSOs supported by the EU are to a large extent GONGOs such as FIRDOS and its umbrella organisation the Syrian Trust for Development. There is no indication that supporting these organisations and their activities contribute to democratizing the political system. Moreover, these organisations do not aim to promote democratic governance. They do not put much pressure on the regime because they are linked to it. The fact that the SPC invited such organisations to participate in workshops to provide input for the 10th as well as 11th Five Year Plan cannot be considered as a genuine form of partnership between government and civil society since the regime excluded beforehand important parts of civil society by not allowing them to register.

Could a grassroots development approach in the context of an authoritarian state contribute to the empowerment of people? Could then development NGOs act as facilitators between local communities and the government and help empower these communities in cooperation with the authorities as part of activities to improve the socio-economic situation? The Syrian case shows that it is of self-interest for authoritarian regimes to involve CSO's in socio-economic development. CSO's, while remaining under strict control, could be established to initiate relief and developmental activities. As Kawakibi and Kodmani observed, new initiatives such as those of community organisations, took advantage of the Five Year Plan and its emphasis on local development: "[t]he extraordinary expansion of charities is the strongest indicator of Syrian society's dynamism and its ability to take care of itself. They reflect the strong solidarity ties

within society as well as efforts to compensate for the failure of the governance system."[12] The idea of organisations like AKDN, one of the few development INGOs active in Syria, is to work with communities, in cooperation with the local authorities and the people's organisations, in order to improve the livelihoods of people in the community. Programmes run by AKDN and others, such as UNDP in cooperation with local NGOs, including the GONGO, can be effective tools in creating participatory forms of development, which improve the position of the poor and/or more vulnerable segments of the Syrian society. Furthermore, projects focusing on assisting and organising women, youth and handicapped people to earn a living might contribute to strengthen these groups' socio-economic positions in society. These programmes and projects may be even seen as contributing to a human rights-based approach to development. However, it is a fallacy to consider that they will act as catalysts for political reform or democratisation.[13] If successful, these projects could become a win-win situation. On one hand, they strengthened the socio-economic position of individuals and communities and on the other that of the local authorities, which if they participate actively, could improve their services. In fact, such a grass roots approach could be helpful in upgrading an authoritarian political system. At best, the empowerment of people at the local level within such projects may be regarded as a contribution to a limited liberalisation of an authoritarian political system at the local level, without challenging the power position of the regime. CSOs cannot play an effective role of fostering transparency and accountability of government bodies if civil society itself is not protected by a state respecting the civil and political rights of its citizens. The general context remains one in which criticism on the regime might have serious repercussions for the individual as well as the organisation he or she is representing. At best, projects of GONGOs might form a channel for beneficiaries to pass on views relevant for development initiatives to local decision makers. In this way these projects might contribute to a limited form of political liberalization that might even be functional from the regime's aim of upgrading its authoritarianism.

There are a number of structural obstacles for civil society in Syria, which are not unique to authoritarian states. These obstacles have to do with administrative weakness of the state on the one hand and the character and capacities of civil society on the other hand. The state, especially the Ministry of MOSAL, does not have the means and capacities to provide much support to civil society to enable it to play a role in socio-economic development as well as to develop into a genuine partner in policy development and implementation. The legislation

[12] Kawakibi and Kodmani, 2013: 6.
[13] Hawthorne, 2005: 106.

governing the work of associations is out of date. The role of the MOSAL responsible for association is instead of facilitator of the work of these organisations one of controller. Civil society itself consists in Syria to a large extent out of community based charity organisations. These organisations provide goods and practical services to local communities. Many lack basic capacities, as noted by INTRAC as well the EC in small-scale studies[14], to work as development organisations and become active as advocacy organisations including regarding democratization and respect for human rights. A different political situation might create conditions to tackle with donor assistance, as part of a long-term process, these structural obstacles.

While Syria can be considered as an extreme case, it nevertheless contains some findings on the promotion of good governance which are replicated in other authoritarian settings. Promoting good governance in authoritarian states is extremely difficult: the political approach to governance aimed at promoting democratic governance by Western donors with direct assistance to pro-democracy groups and parties "[s]truggles for traction when it is prevented by tough authoritarian governments from in-country activities and is confined to outside work, such as supporting exiled dissidents and offshore media. It may gain a footing when there is at least some domestic opposition force that is both significant and capable of making use of outside support."[15] Carothers refers to 'electoral revolutions' of Serbia, Ukraine and Georgia.[16]

To encourage political reform and democracy, the developmental approach is to use indirect methods such as supporting socio-economic development and building state capacity and promoting good governance. The track record of developmental approaches to successfully encourage political reform in authoritarian ruled societies is not promising either. Authoritarian ruled countries like Vietnam and until 2011 Tunisia showed no noticeable progress of political reform despite developmental approaches to encourage political reform with aid for legal reform, strengthening of local government and other indirect manners.[17] There are no indications that the popular uprising that led to the departure of the Tunisian dictator Ben Ali and the democratisation of the political system have been the outcome of EU donor support for a developmental approach to promoting good governance. On the contrary according to Tocci

[14] Intrac, 2004: Without a page number; Intrac, 2012: Without a page number; EC Delegation Damascus, 2007b: Without a page number.
[15] Carothers, 2009: 11.
[16] Ibid.
[17] Ibid.

and Cassarino, the EU played a prime role in sustaining authoritarian regimes in the Middle East.[18] Referring to China, Carothers notes that "[…] a relationship between positive developments in strengthening the rule of law or local government and a larger process of national, pro-democratic political reform remains elusive."[19] Burnell, referring to Jordan, indicates that if a donor tries "[…] to tinker with state institutions in the cooperation with non-democratic regimes, [it] might have as a risk that it is co-opted by regimes that have no intention to democratize."[20] Furthermore, any emphasis in cooperation by donors like the EU with authoritarian regimes on how to democratise should not lose sight of parallel challenges: how to create rule of law and how to get the government to respect certain fundamental rights of individuals and minorities.[21] The latter is even more important in a society like Syria consisting of different religious and ethnic groups; where secular and religion based views on the layout of state and society compete with one another.

As Tocci and Cassarino noted, the EU sidelined democracy and human rights with southern Mediterranean partners for the benefit of collaboration in other key domains, notably migration management and the reinforced control of EU's external borders.[22] The EU undermined the effectiveness of its own civil society oriented good governance-policy because it gave in its relation with the Syrian regime more political weight to regional stability and security than to democratization and respect for human rights. The EU showed the Syrian regime and people that improving the human rights situation and promoting democracy in Syria was less of a priority than the Syrian regime's cooperation in dealing with regional issues like Lebanon, the Palestinian issue and Iraq. In 2009 this became most evident when the EU signed the association agreement while new arrests of pro-democracy activists took place. If the cooperation sought by the EU with authoritarian regimes is only meant to protect strategic interests, then the cooperation in relation to good governance might be considered mere window dressing for internal political purposes and a means to justify its compliance with authoritarian regimes, such as Syria. After the chemical attack in 2013 on Damascus suburbs and consequently the passing of the UN Security Council Resolution 2118[23], Syrian lawyer and

[18] Tocci and Cassarino, 2011: 2.
[19] Tocci and Cassarino, 2011: 11.
[20] Burnell, 2004: 110.
[21] Ibid., 102.
[22] Tocci and Cassarino, 2011: 7.
[23] The UN resolution 2118 dated 27 September 2013 was unanimously adopted. The Council determined that the use of chemical weapons anywhere constituted a threat to international peace and security, and called for the full

human rights activist Razan Zaitouneh noted that this resolution not only implies that president Bashar al-Assad will continue to rule Syria, but "[t]he resolution also reveals the lie we have all been living regarding the human rights principles that have not been applied, not even in form, in Syria. If this is how I have been affected, how does the ordinary Syrian citizen, who has never believed our misleading slogans about human unity and equality, feel after suffering such discrimination and injustice?"[24]

implementation of the 27 September decision of the Organisation for the Prohibition of Chemical Weapons (OPCW), which contains special procedures for the expeditious and verifiable destruction of Syria's chemical weapons.

[24] Razan Zaitouneh, 2013: Without a page number.

Epilogue: 2011, the Syrian Uprising

Since March 2011, Syria is in turmoil. The Tunisian revolt inspired many Arabs by showing Arab populations could get rid of authoritarian leaders without foreign intervention. Yet, many Syrians perceived the situation in Syria as being different from the one in Tunisia or Egypt. In fact many Syrians saw initially President Bashar as part of the solution and not the problem.[1] The middle class, minorities and secular Muslims thought of the President as a reformer, even though a number of them had been disappointed by the lack of political reform. However, the unbalanced authoritarian upgrading[2] under President Bashar al-Assad, as Hinnebusch uses the term, undermines the existing social contract between the regime and broad layers of society. This policy was presented as promoting a social market economy: expanding the private sector, reforming the public sector and maintaining social protection. In practice, the privatisation led to an enrichment of a new bourgeoisie, concentrated in the two main cities of Damascus and Aleppo, using its connections with the regime to achieve advantages and privileges. At the same time, the fast growing population faced reductions in subsidies of consumer as well as producer goods, rapid decline of quality of services in the public health and education sector and in addition employment halt in the large state-run sector. The opening up of the local market to goods from neighbouring Turkey and other countries put more pressure on the mostly small and medium size local, producers unable to compete with the cheap imports. A severe draught in recent years has complicated life even further for those Syrians dependent on income from the agricultural sector. It has contributed to the ongoing rapid urbanisation of Syrian society. In practice, the socialist aspect of the Ba'athist ideology was abandoned and replaced by neo-liberal ideas and crony capitalism. Instead, the regime tried to maintain a broad social basis by increasing public space for faith-based expressions and institutions, including CSOs. In return, many religious leaders more or less openly have given legitimacy to the regime.

The regime's 'upgrading policies' aimed at economic liberalisation with the guarantee of a social safety net for vulnerable groups, however created economic growth in combination with an unequal development between regions, a neglect of rural areas, an increase of absolute poverty among parts of the population and a growing difference of incomes between a relative small section of the population and the majority. While the regime allowed more activities of civil society associations in relief and development activities, it cut subsidies for large parts of the

[1] Moubayed, 2011: 339.
[2] Hinnebusch, 2012: 106.

population. The socio-economic policies did not strengthen the socio-political basis of the regime. In fact, it estranged important groups of the population from the regime, especially the rural poor that previously formed part of the regime's social basis. It is evident that the socio-economic policies of the regime were detrimental for the majority of the people depending for their income on the agricultural or the informal sector. As Matar indicates, the economic growth lagged behind employment needs, poverty increased as well as income inequality. The neo-liberal policies were neither pro-poor nor welfare enhancing.[3] It remains however to be seen as Matar suggests, if the impoverishment of large segments of the Syrian population helped to bring about the uprising.[4] There is no evidence of a direct connection; however, it is possible that the lack of prospects to a decent life for people, especially the youth, contributes to the perpetuation of the conflict. Initial protests related to repression by the regime, the lack of freedom the regime's unwillingness to announce and implement meaningful political reforms.

The small-scale protests in March 2011 in the provincial town Dara'a, inspired by the Arab Spring in the Arab region but brutally suppressed by the regime, developed further into general protests covering most of the country. Initially, the protesters asked for reforms of the political system, dignity and they expressed their anger about the conduct of the state. The protests have been mainly peaceful. It is carried, as Abbas mentions, by a spirit of defiance that has crept into many intangible aspects of daily life: songs, music, movies, dance and satirical jokes.[5] New attitudes seem to have developed expressing at least a partial break from the culture of fear cultivated by the regime. While there is some coordination between the protesters in various villages and towns, especially concerning the nationwide Friday protests, many protests appear spontaneous and motivated by typically local concerns. The slogans shouted out or written down on the banners used on these nationwide coordinated Friday protests, give best indication what the aims of the protest movement are because the internal and external opposition composed these slogans together. During the first weeks, the slogans indicated reasons for protest (dignity, anger), called for a revolutionary attitude, paid honor to specific groups (martyrs, women supporting the revolution, the children of Syria, the inhabitants of Homs under siege) and called on different layers of Syrian society to participate in the protests (the Christians, the Kurds, the military, the tribes and the Alawites). Three months after the first protests in Dara'a, the first political views were expressed asking the departure of Bashar al-

[3] Matar, 2012: 2-4.
[4] Ibid., 1.
[5] Abbas, 2012: 7.

Assad, rejecting a dialogue with the President, criticizing the silence of the international community and the lack of response of the Arab League, as well the content of the agreement between the Arab League and the Syrian regime. The protestors also called for action from the international community.[6] A central role at the local level has been played by the Local Coordination Committees. In these committees civil society activists, such as human rights or pro-democracy activists, play an important role in sharing information, coordinating protests and in formulating demands. Social media is a strong instrument in sharing information and mobilizing people. Since the month of Ramadan in August 2011, the repression became more and more violent as the regime tried to crush the rebellion in Hama, Jisr al Shugur and Deir e Zor, even though the regime tried to calm the protesters down with promises of reform and replacing officials. Defecting army soldiers (mostly Sunni conscripts) but also citizens started to organise themselves in militia groups, mainly to protect their neighbourhoods and the demonstrators against the violence of the security services, army and armed pro-al-Assad thugs called the *Shabiha*.[7] While peaceful protests continue, the conflict between regime and opposition has become more and more violent deeply affecting social life in large parts of Syria and is accompanied, although still limited, by sectarian violence, political murders as well as revenge acts including by armed opposition groups.[8]

As indicated, prior to the uprising, Syria had a modest but growing number of CSO's mainly of a relief and community based nature. As part of its socio-economic reform agenda, the regime assigned civil society a range of tasks; from increasing the participation of citizens in the socio-economic development, to provision of goods and services to vulnerable groups, poverty alleviation as well as enhancing the accountability of state institutions. In practice, the regime permitted activities by relief and development oriented organizations, but forbade most of the advocacy type of activities, especially relating to human rights. Yet, the regime continued to strictly control civil society using its network of security organisations. Privatizing social services to vulnerable groups, gave room to more community based activities - often religious – of civil society organizations. These organisations provided services and goods the regime was not able or willing to provide for. The regime allowed for more of these Islamic community based

[6] Leverrier, 2012: 2 and 3 of 6.

[7] Saleh, 2012: 8. The term Shabiha, originally referring to Alawite gangs, expanded to irregular militias which the regime sets on protestors in all regions of the country. "What the original shabiha and these more recent formations have in common is powerful ties of personal loyalty and large, tribally connected families."[7] In return for their loyalty these people get certain privileges, immunity and income.

[8] Damascus Bureau, 2013: Without a page number.

organisations, but this does not mean they were led by pro-regime figures. As indicated, the regime had to accommodate the religious (mainly Sunni) elite by giving a wide berth to their religious and social activities as long as the latter did not question the ruling of the regime. The attempt by the regime to co-opt the religious and other elites especially the Sunni one, only partly succeeded. The ongoing protests and fighting against the authoritarian regime has divided the traditional civil society. Some Imams openly support the protestors in Dara'a. After the violent repression of protests in Hama, a group of influential Imams in Aleppo and Damascus called on the regime in August 2011 to immediately stop military actions against civilians, to start with political reforms and release protestors. But other traditional civil society leaders continued to openly support the regime, such as some Christian Church leaders as well as the Grand Mufti Ahmed Hassoun or the influential Islamic scholar, al- Bouti[9], who died in March 2013 due to a bomb explosion in the mosque where he was preaching.

As noted by Kawakibi and Kodmani, the current uprising has not only witnessed the proliferation of violence, it also "[g]enerated an impressive level of mutual solidarity, new grassroots initiatives and unprecedented forms of collective action to cope under excruciatingly difficult circumstances and to help those seriously affected by the conflict."[10] The regime for its part tried from the start of the upheaval to silence the youth who took the lead in the manifestations as well as seasoned political activists. However, many of these pro-democracy activists organized themselves country wide for instance using social media and continued with peaceful demonstrations calling for the end of the Bashar al-Assad's regime and demanding its replacement by a non-religion based democratic state. Furthermore, they collected information on human rights violations, providing support to families of these victims and assisting medical aid to wounded people wanted by the regime.[11] In the second half of 2012 this social movement changed its shape and focus: local councils were created in areas under control of armed resistance, therefore the youth concentrated on the need to have some form of local governance and to assist the most vulnerable groups in liberated areas. In some areas these local counsels were established by vote; in other areas the administration of the area was confined to persons of high moral standing or was taken up by volunteers. On the website of the Damascus Bureau there are examples of activities run by local relief committees and councils aimed at providing services and goods to local people, such as running previously government

[9] Pierret, 2011: 2 and 3 of 4.
[10] Kawakibi and Kodmani, 2013: 1.
[11] Leverrier, 2013: 2.

owned bakeries, provisions of electricity, repairing sewage systems, collecting garbage, reorganizing tribunals and taking care of the civil administration.[12] Moreover, in areas no longer in the hands of the regime, newspapers as well as radio stations have been founded in addition to professional associations and other mutual assistance groups.[13]

However, this freedom is not only threatened by the Syrian regime but also by radical Islamist groups trying to impose their norms and values in an arbitrary manner and by force. This has led to numerous locals protesting and furthermore to subjection to these armed groups. Activists have been arrested, detained and some even murdered while others felt forced to flee.[14] Moreover, journalists and human rights activists have been specifically targeted by the regime as well as by armed opposition groups because of collecting information on events in these areas and on human rights violations. The sketchy information available about current civil society activities indicates that also in regime controlled areas, community based activities (mainly relief activities including supporting the many internally displaced Syrians[15]) continue to take place while persons and organisations involved in activities considered as undermining the regime face harsh repression.

In the current situation in Syria, citizens need to be and feel safe and secure. Besides ending the bloodshed, establishment of rule of law and respect to fundamental human rights are essential steps in a confidence building process leading to reconciliation and reconstruction including the democratization of the political system. As Burnell indicates, "[i]n all cases clearly any sensible strategy must take account of the local political dynamics-that is the attitudes of both the political leadership *and* society- by identifying the stakeholders in democratic political change *and* the forces of resistance."[16]

[12] Damascus Bureau, 2013: Without a page number. For instance, Shumra Ali: "An Alternative to Government Institutions: the General Committee for Civil Defence in Daraa", 13 August 2013; The Eastern Ghouta: "Where animal feed is allowed but bread is forbidden", 23 September 2013; Hazzaa al-Adnan: "Relief Organisations Replace Government Bakeries in Kfar Nabel", 18 November 2013.
[13] Leverrier, 2013: 3.
[14] Damascus Bureau, 2013: Without a page number. For instance: "Activists in Raqqa under daily threat", 6 December 2013.
[15] Ibid. For instance: Karam Mansour: "Red Crescent under fire from both sides of the civil war", 27 December 2013; "Displacement crisis worsens in Jaramana", 2 January 2014.
[16] Ibid., 102.

List of Interviewed Persons

No	Category	Date
01	Kurdish political activist	17 June 2008
02	Government official (MOSAL)	28 October 2008
03	Official intergovernmental organisation	7 January 2008
04	Official GONGO	15 December 2010
05	Women's rights activist	12 June 2008
06	Human rights activist	6 January 2009
07	Human rights activist.	31 March 2008
08	EC delegation official	4 July 2007
09	Local staff member international organisation	a) 1 December 2008 b) 5 May 2010
10	Women's rights activist.	4 May 2010
11	Official intergovernmental organisation	4 May 2010
12	Human rights activist	13 July 2009
13	Political opposition activist	19 July 2009
14	UNDP Syria official (written answers to a questionnaire)	April 2009
15	EC Damascus delegation official (written answers to a questionnaire)	29 March 2009
16	Philosopher and social scientist Sadiq Al Azm	7 June 2009
17	EC Damascus delegation official	2 Mei 2010
18	Women's right activist	25 March 2009
19	Syrian political analyst	5 May 2010
20	An official of the Aga Khan Development Network	5 May 2010
21	Chairman Islamic association	25 March 2009

Annex 1: Questionnaire Civil Society and Accountability

The Syrian government in its 10th Five Year Plan stressed the importance of civil society not only because of the services it can provide but also because civil society is expected to help the government function in a more efficient and accountable manner. The UN and also the EC in its cooperation agreement with the Syrian government have expressed willingness to provide assistance to strengthen the role of civil society.

1. How would you define civil society? Why is civil society important? What is more important the social or the political dimension of the concept civil society?
2. What is in your opinion the attitude of the Syrian government towards civil society? Has the attitude of the government towards civil society shifted since the start of the 10th Five Year Plan? If yes, in what respect?
3. Why does the government seek partnership with civil society?
4. Can civil society play a role in policymaking and perform a role as a watchdog? If no why not? What are the conditions to be fulfilled? What are the main obstacles ("red lines") and challenges?
5. Do you have examples in which Syrian civil society organisations (CSOs) were able to influence government policies? If yes, what made these organisations successful?
6. Do Syrian CSOs have channels through which they can bring issues of concern to the attention of the government? If yes, which ones and how?
7. Does the government consult CSOs? If yes, in which manner and about which subjects?
8. Do CSOs have possibilities to control (and if necessary block) activities of the government of concern to CSOs? If no, why not?
9. Can foreign support help to strengthen civil society in Syria? If yes, what kind of support would be most helpful?
10. Do you think that foreign support to NGOs working in the field of development can be helpful in widening the space for civil society activities in other areas? If yes, why?
11. Are there other issues of relevance in your opinion linked to the above-mentioned subject? If yes, which ones and why?
12. Do you have suggestions for persons to be consulted about this subject?

Thanks in advance. Your answers will be treated in a confidential manner.

Annex 2: Questionnaire UNDP and European Commission

Background

Your organisation has a partnership agreement with the Syrian government to assist in the implementation of the 10th Five Year Plan. An argument for the government to reinforce the role of civil society organisations (CSOs) is that they can contribute to the implementation of programmes promoting socio-economic development. Stronger CSOs are also expected to contribute to a more efficient and accountable government.

Improvement of the position of women and youth is an important point of action mentioned in the 10th Five Year plan.

Questions

A. General

1. Why does your organisation want to strengthen the role of CSOs? What is UNDP's view?
2. Will stronger CSOs lead to a more efficient and accountable government?
3. What are the main obstacles?
4. Which conditions have not been met?
5. Do CSOs in Syria have at present the capacity to develop and implement programmes & projects to foster socio-economic development?

B. Your Organisation and CSOs

1. How does your organisation select CSOs to become partners in the development and implementation of programmes? Which criteria are used?
2. What is the role of the government in selecting or attributing CSOs, which will act as operational or implementing for your organisation? Does your organisation need government permission to work with specific CSOs? If yes, what is the procedure to be followed?
3. Is there a need to strengthen capacities of CSOs in Syria? If yes, how has the capacity of CSOs been strengthened?

4. Around which themes is your organisation able to find CSOs to play a role in the development and implementation of its projects?

C. CSOs and Government

1. Are there at present CSOs in Syria able of influencing policies of the government? If yes, in which field(s)?

2. Are there any CSOs at present involved in developing government policies and in implementing these policies?

3. Are there any indications that involvement of CSOs in development and implementation of plans, has contributed to a more efficient and accountable government?

D. CSOs Women and Youth.

1. Have CSOs a role in programmes & projects of your organisation focusing on women and youth? If yes, which CSOs have been selected, by whom, how and why?

2. What have been obstacles in involving CSOs in achieving concrete results in approving the position of women and youth? Can you give some examples?

3. Are there CSOs which play a role in policy development and implementation? If yes, how?

4. Are there CSOs which have been effective in influencing government policies? If yes, which ones, how and why have they been successful? If no, why not?

Annex 3: Repression in Figures 2007-2010

Table 6: Number of Known Political Detainees in Syria at the end of 2007 and the Reason for their Detention

Province	Islamic groups			Kurds	Opinion	Others/ Unknown	Total
	Muslim Brotherhood	Islamic Liberation Party	Other Islamists (Salafist)				
Aleppo	6	11	34	43	3	13	**110**
Hama	4	-	15	-	7	10	**36**
Idlib	5	1	38	-	2	6	**52**
Hassakeh	-	-	26	19	1	10	**56**
Raqqa	-	-	21	-	-	28	**49**
Deir e Zor	2	-	10	-	4	4	**20**
Lattakia	6	2	12	-	4	36	**60**
Tartus	1	-	-	-	3	12	**16**
Homs	-	9	23	-	1	24	**57**
Damascus	1	9	11	-	6	1	**28**
Reef Damascus	1	1	124	1	3	45	**175**
Quineitra	-	-	-	-	1	2	**3**
Daraa	-	2	9	-	-	1	**12**
Suweida	-	-	3	-	-	-	**3**
Others/ Unknown	16	11	70	111	4	39	**251**
Total	**42**	**46**	**396**	**174**	**39**	**231**	**928**

Source: Shril, 2007: Without a page number. Panorama, Syrian political prisoners.

* Group arrests in Oteiba, Qatana, Drosha, Al Tal, Artouz, Arbeen, Shaba'a, Areha and Madaya

Table 7: Arrested and in Detention

Date	Number of Political Prisoners
Prior to 1999	9
1999 – mid-February 2005[1]	318*
Mid-February 2005 – End 2006	461**
2007	140**
Total	**928**

Source: Shril, 2007: Without a page number. Panorama, Syrian political prisoners.
* Almost all have been tried.
** Most of them have not been tried

The definition of a political detainee is arbitrary. In practice, it is a person who is sentenced by special courts established under the Marshal Law without a fair trial in the period 2006-2010. Prisoners of conscience tried by the criminal court in Damascus form an exception. Besides these persons, there might be a number of prisoners still in pre-detention at investigation centres of the security services. The actual number of political prisoners is higher. Included are also an estimated 100 other PKK prisoners who have probably been arrested after the extradition of the PKK leader from Syria. Persons who have been detained for political reasons and released during the year have not been included. In 2007, 234 persons were arrested for political reasons; 140 of them were still in detention at the end of the year. Especially at the end of the 1970s and beginning of 1980s, thousands of people whose fate is not clear have been arrested. Either they have been released, died in detention or during the fighting in Hama and other cities. Most persons have been tried by the State Security Court, a few by regular criminal court and one by a military field court. The number of persons arrested for unknown political reasons (231) is high due to the fact that these people have not yet been tried. It may be presumed that most of them have been accused of being Islamists.

The Kurdish prisoners are mainly PKK but a few are from other banned Kurdish political parties. In 2008, some leaders of the Future and Azadi party were arrested. The others, including most

[1] The timeframe February 2005 is chosen, because most arrested people after mid-February 2005 have not been tried at the end of 2007.

likely 90% of the still unknown cases are Islamists. Of the total 928 political detainees, 692 persons or about 75% are in detention because of Islamist affiliations. The prisoners of opinion (39) are for the most part high profile cases of secular regime critics. They also include a number of students as well as people who have been arrested because of alleged political comments they made about the regime and/or the President.

While the number of detainees from the city of Damascus is low, the countryside is strongly represented with 19%. The actual figure might be higher, given the large number of unknown detainees. The conservative Sunni urban centres of Aleppo, Hama, Idlib, Raqqa and Homs, are also suppliers of alleged Islamists. Although a stronghold of Alawi's, Lattakia also has a large Sunni community. In the town of Quamishli (Hassakeh province: a predominantly Kurdish area), also a substantial number of persons has been arrested and accused of being active on behalf of Islamists groups. In its introduction to the 'List of Syrian political prisoners 2010', SHRIL notes that lists published by Syrian human rights organisations have always remained far from the real figures for several reasons:

- The weakness of the human rights groups' organisational structure and their lack of branches in different Syrian cities, a result of their not having been granted necessary licenses and of the pressure and oppression from the authorities that they suffer, which significantly weakens their ability to observe and document;

- Most citizens are afraid of resorting to those organisations because of the oppressive security atmosphere, or because of their ignorance of how to contact them, or their lack of trust in the organisation's ability to help;

- Most of the arrests, especially among Islamists, are concentrated in distant rural areas;

- Lack of widespread use of the Internet among ordinary Syrians especially in the countryside and borderlands with which they would be able to contact organisations and activists more easily.[2]

SHRIL estimated the number of arbitrarily detained people for 2010 to be between 2500-3000, of which some 1500 were detained in Sednaya military prison. SHRIL noted that in 2010 registration of detainees, of which 246, including 14 women, new cases of arbitrarily detention

[2] Shril, 2011: 2 and 3.

was mainly restricted to Kurdish and pro-democracy as well as human rights activists. As in 2009 SHRIL noted that the arrests of Islamists were only poorly covered, despite the fact that Islamists throughout the country were arbitrarily arrested on a large scale.[3]

[3] Ibid., 3.

Annex 4: Comparison of Given Purpose with Stated Type of Activities of Registered Associations

The EC compared the character of the associations and the given purpose, with the stated type of activities.[1]

Given purpose: Charity

Main Activity of Associations	Number of Associations	%
Charity	172	61
Basic and Other Services	97	34
Cultural and Other Activities	6	2
Cooperation & Mutual Support	3	1
Union of Associations	3	1
Unspecified	3	1
Total	**284**	**100**

Source: EC Delegation Damascus, 2007b: Without a page number.

Given purpose: Non-charity

Main Activity of Associations	Number of Associations	%
Basic and other services	85	28
Cultural and other activities	82	27
	45	15

[1] EC Delegation Damascus, 2007b: 7.

Professional, academic and/or scientific		
Development (rural development, business development, environment and consumer protection)	20	7
Cooperation & Mutual Support	58	19
Union of Associations	6	2
Unspecified	6	2
Total	**302**	**100**

Source: EC Delegation Damascus, 2007b: Without a page number.

Annex 5: UNDAF 2007-2011

Intended outcome: Accountability of executive bodies reinforced toward the general public and in regard to committed UN conventions and treaties[1]

Output	Indicator / Baseline	Measure of Verification	UN-agency Involved in Output	Partners	Risks and Assumptions
Checks and balances mechanisms reinforced through increased oversight capacity of legislative bodies and elected representatives and civil society and media capacities to monitor the performance of public institutions and service delivery	Number of new or revised laws in integrating UN conventions and treaties, including CEDAW and CAC	Official journal	UNDP	Local elected councils and Parliament. Ministry of Justice and others	Conducive political and social environment Effective separation of powers Imple-mentation of new NGO law
Anti-corruption legislation and institutions in place	Corruption index	Official journal Transparency International	UNDP	Ministry of Justice Judiciary	Conducive political and social environment Effective separation of powers
Participatory monitoring and reporting mechanism in place, involving civil society, media and children in the context of CRC, CEDAW and other human rights related legal instruments. Information disseminated and public awareness raised	Number of independent reports on public policies, including human rights published	NGOs, academia, UN	UNICEF, OHCHR; UNHCR; UNRWA	SCFA, NGOs, Academics, OHCHR, Institutions, Media	Conducive political and social environment Effective separation of powers Imple-mentation of new NGO law
Decision makers are aware of the gender-related international conventions and treaties signed and ratified by Syria		NGOs, academia, UN; Official Journal	UNIFEM	SCFA, Women's Union	

Source: UNDAF Syria, 2007: Without a page number.

[1] UNDAF, 2007: 31and 42.

Annex 6: UNDAF 2007-2011

Intended outcome: An empowered civil society involved in the development and implementation of public policies, planning and programmes[1]

Output	Indicator / Baseline	Measure of Verification	UN-agency Involved in Output	Partners	Risks and Assumptions
The legal framework improved and implemented to allow enhanced participation of civil society organizations	New modernised law in place for NGOs Number size and diversity of NGOs	Official journal	UNFPA, UNDP, UNHCR, OHCHR	Ministry of Social affairs and Labour EU	Development and approval of new law
Capacities of civil society and private sector associations enhanced, including in the use of ICT tools, to participate in reform policy formulation	Number of policies and programme developed with civil society involvements	NGO reports and surveys	UNDP	Chambers of industry and commerce. Ministry of Social affairs and Labour	Implementation of new NGO law
National dialogue on human development deficits promoted among stakeholders	Participation of a variety of NGOs	Meetings and publication of outcomes	UNDP	UNDP	Level of government Support for participation

Source: UNDAF Syria, 2007: Without a page number.

[1] UNDAF, 2007: 32 and 43.

Annex 7: The United Nations Development Programme

UNDP takes a broad view on CSOs of which NGOs are an important part.[1] UNDP gives a core role to civil society and CSOs in its development policies. Sustainable human development requires, in the view of UNDP, active involvement of people in development planning and activities. Civil society is, in the opinion of UNDP, instrumental in ensuring the participation of citizens in the development effort. CSOs can, in the view of UNDP, play a vital role in promoting development as participants, but also because they legitimise and endorse governments' policies and actions. CSOs can act furthermore as watchdogs. Development is regarded by UNDP as a joint effort of the state, the private sector (market) and civil society. Civil society is thus a Third Sector, existing alongside and interacting with the state and private industry. Moreover, as UNDP notes, from a human rights perspective, governments have obligations to improve the situation of vulnerable groups and thus have the obligation to work with CSOs. However, UNDP acknowledges that the engagement of governments with CSOs in the areas of reducing poverty and promoting human rights and democratic governance is by nature politically sensitive. Civil society is both an arena of collaboration as well as contention.[2]

UNDP's specific interventions in the area of good governance (or democratic governance as it is called more recently, due to the attention given to political governance) can cover a broad range of issues and activities. UNDP can undertake a number of initiatives, which are meant to develop institutions and processes that are more responsive to the needs of ordinary citizens, including the poor. UNDP initiatives that focus on strengthening the electoral and legislative system enhance the access of citizens to the electoral and legislative systems as well as to the judiciary and the public administration, and improve the capacity of government institutions to deliver basic services to the needy. The underlying view is that modernisation and the economic reform programme are contingent upon introducing comprehensive institutional and governance reforms.

Activities in Syria

As can be concluded from the UNDAF framework, the UNDP is the central UN actor promoting good governance in Syria, including empowerment of civil society. The governance related activities under the UNDAF focus on strengthening the administrative capacity of the

[1] UNDP Oslo Governance Centre, without a date: 1 of 2.
[2] UNDP, 2001: 1 and 2.

government in order to enhance its development coordinating capacities, computerising the judiciary (a pilot project at the Dara'a court) as well as the creation of a development NGO platform. The total budget in 2009 of ongoing activities in the field of democratic governance was $ 3,7 million, of which $ 240,000 was meant for strengthening of civil society.[3] In connection with the capacity of CSOs to develop and implement programmes and projects to foster socio-economic development, the assessment by an UNDP-Syria official in 2009 was "[s]ome CSOs do and others lack experience, capacities and support-hence the NGO Platform. There is a trend in Syria of new emerging NGOs capable of implementing projects, however these are often run as private companies and the connection to the grassroots level is often vague."[4]

Regarding UNDP's relationship with CSOs, UNDP coordinates as intergovernmental organisations all its activities with the Syrian Government. "The implementing partner of UNDP in Syria is the government. CSOs often participate in project activities and contribute as contractors whenever possible. [...] UNDP needs permission to work with specific CSOs. This is done through correspondence with the ministry, acting as an implementing partner. All project activities are planned with the ministry, so implementation is thoroughly discussed and permission easily obtained. However, in order to get the permission, there needs to be a clear added value in the cooperation with CSOs."[5]

Table 8: Ongoing Projects in 2009 of UNDP in Cooperation with the Syrian Administration in the Field of Democratic Governance

Name	Target Group	Aim	Partner	Budget
Enhancing aid effectiveness and coordination	Government	Improving the capacity of the policy development and coordination of the State Planning Commission	State Planning Commission	$ 433,000

[3] http://www.undp-org/sy/index.php/undp-syria... Downloaded 12 February 2009.
[4] Interview 14: UNDP official. April 2009.
[5] Ibid.

Empowerment of civil society through the creation of a platform for development NGOs	Registered NGOs	Establish NGO platform as a legal entity Set up mechanisms to support and promote the work of NGOs in Syria Strengthen capacities of NGOs to carry out development projects	Syria Trust for Development	$ 240,000
Modernisation of the justice sector	Government	Aim is to increase the transparency and quality of legal procedures through computerisation of judicial processes. A pilot takes place at the first instance court of Dara'a	Ministry of Justice	$ 815,000
Improving local government services	Government		Ministry of local administration	$ 1,328,500
Re-styling of the Syrian Times, a government-owned daily newspaper in English	Government		Ministry of Information	$ 400,000
Empowering young journalists in achieving the Millennium Development Goals (Tawasul)	Government	Establishing and training of a journalist network publishing on socio-economic reform	Ministry of Information	$ 100,000
Capacity development for Foreign Service staff in Syria working in the field of international relations	Government		Ministry of Foreign Affairs	$ 400,000

Source: UNDP, 2009. http://www.undp-org/sy/index.php/undp-syria. Downloaded 12 February 2009.

Only one project aims directly at strengthening the capacities of CSOs to participate in planning of development initiatives as well as in their implementation, namely, the project named Empowerment of civil society through the creation of a platform for development NGOs. This project is implemented by the Syria Trust for Development, in cooperation with UNDP. The Trust is presented by UNDP and the Syrian government as a NGO. In reality, as pointed out, this is an organisation initiated and supervised by the First Lady: it is therefore a GONGO. The project, in line with the development plans of the government and the UNDAF, aims to strengthen the capacities of Syrian CSOs active in the field of development or interested in becoming active in this area. The initiative is based on the assessment that Syrian development NGOs lack capacities and knowledge as well as support and contact with policy makers. The establishment of an NGO platform as an independent legal entity would provide these CSOs with a network to share information and coordinate activities, with the possibility to strengthen their organisational, project-development and management capacities. In the initial phase of the project (2007-2008) the Trust and UNDP checked whether CSOs active as development organisations or interested in becoming active in the field of development would be interested in such a platform. A substantial group of interested CSOs gave a positive response to the initiative. In a next step, in cooperation with the Trust and the MOSAL a core group of NGOs was brought together to develop the main goals of the platform, its working process, its services and the conditions and benefits of membership. While the platform, as initially stated, could potentially evolve into a support agency helping NGOs to develop their capabilities to participate in policy discussions with the government and assist them in acquiring funding, the primary goal was to assist these CSOs with their organisational and networking capabilities.[6] In May 2011, MOSAL announced the registration of the NGO platform as an independent NGO outside the Trust, with 27 founding members. The Swiss Agency for Development, the UK and Dutch embassies in Damascus contributed financially to the establishment of the platform.[7] The EU indicated its preparedness to contribute financially to the platform in its National Indicative Programme for the period 2011-2013.

Regarding the obstacles, enabling CSOs to play a role in establishing a more efficient and accountable government, an UNDP-Syria official commented the following in 2009: “In Syria, the main obstacles are from all sides: weak civil society lacking experience, donors and UN agencies are not used to working with CSOs in Syria and have often high and unrealistic

[6] UNDP Syria, without a date: a. 1 and 2.
[7] http://www.sana.sy/print.html?sid:345977@newlang=ing... Registration of NGO platform in Syria.

demands to the organisations, the same goes for the government. On all sides there are issues of power relations, personal relations, etc. Finally, the government policy in certain areas makes it difficult for CSOs – and often also for UNDP – to engage in dialogue on policy development and implementation."[8]

At the end of 2010/the beginning of 2011, on request by UNDP an external interim evaluation took place into the contribution of three projects to the outcome "an empowered civil society involved in local community development and implementation of public policies, planning and programme."[9] The evaluation concludes that only the NGO platform had some positive effects.[10] According to the evaluators, positive factors contributing to the outcome are a general shift in governmental policy to engage with civil society and assist in development activities; a positive shift to self-organise and tackle development challenges alongside the government, as well as an increasing willingness by private businesses to work with NGOs as part of corporate social responsibility strategies, and the contribution of NGOs themselves in the platform project. The latter demonstrates that civil society can self-organise to build capacities using a grassroots approach.[11] The general shift the evaluators seem to see in the government's attitude towards civil society is to a large extent cosmetic. UNDP's approach to involving civil society in socio-economic development is part of a broad cooperation with the Syrian government on development. It restricts itself to registered NGOs active in development. In Syria, these organisations are predominantly the GONGOs. Moreover, it includes other organisations with close links to the Syrian government such as people's organisations, which are branches of the ruling Ba'ath party, for example the GWU. The latter organisation was a partner in a local elections project.[12] The most important civil society partner in the field of development is the Syrian Trust for Development, the main GONGO in Syria. The NGO platform project, while aiming at strengthening civil society's role in development, is a joint initiative of the Trust and UNDP and thus a top down initiative. Furthermore, the evaluation does not explicitly refer to the risks and assumptions mentioned in the UNDAF, namely development, approval and implementation of a new NGO law as well as level of government support for participation. The

[8] Interview 14: UNDP official. April 2009.
[9] Salmon and Al Khoury, 2011: Without a page number.
[10] Ibid., 4. The two other projects were: a) Empowering young journalists in achieving the Millennium Development Goals (Tawasul) and b) Support to Syrian Times project.
[11] Salmon and Al Khoury, 2011: 5.
[12] http://www.undp-org/sy/index.php/undp-syria/partnerships-and-resources-mobilisation... Downloaded 12 February 2009. UNDP supported the establishment of Mawred, a GONGO initiated by the First lady for support to women entrepreneurs.

negative factors mentioned in the evaluation clearly indicate that the preconditions for a successful involvement of CSOs in development activities have not been attained. Negative factors include the government's decision to ban NGOs to set up branches in more than one location under the same legal entity, limited institutionalised mechanisms for government to engage with civil society, poor internal capacity of NGOs to raise funds, plan and implement projects effectively and the persistence of a constraining operating environment. There have been no legal changes to empower NGOs.[13] The latter is one of the risks and assumptions of the UNDAF. Moreover, there are no indications that substantial progress is made during the UNDAF period 2007-2011, regarding the outcome accountability of executive bodies reinforced toward the general public and in regard to committed UN conventions and treaties. No steps have been taken to ensure an effective separation of powers. All powers are concentrated in the hands of the executive, dominated by the security services and the Ba'ath party and led by the President. There are some indications of greater willingness of the government to allow civil society to play a role in the policy debate on the protection of the rights of women, children and handicapped people as well as to implement activities for or in cooperation with these target groups. Salmon and Al Khoury indicate that the National Plan for Disability is openly rights-based.[14]

[13] Salmon and Al Khoury, 2011: 22.
[14] Salmon and Al Khoury, 2011: 21.

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Biography

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René Spitz, born on 30 July 1955 in Maastricht, the Netherlands, has twenty five years of work experience with the Netherlands' Ministry of Foreign Affairs, IOM and UNHCR regarding refugee, human rights, asylum, migration and development issues. He worked as protection officer, program manager and policy officer both in the Netherlands as well as in the Middle East (Syria) and Africa (Cameroon and Angola). He was posted from 2004 until 2009 at the Netherlands embassy in Damascus, Syria.

He has a master's degree in Social Sciences from the Tilburg University (1982) and in Politics and Development Studies from the International Institute of Social Studies in The Hague (1984). René Spitz has been accepted in 2008 as external PhD-student by the Leiden University with a research proposal on 'state-civil society relations in Syria. EU good governance assistance in an authoritarian state'.

René Spitz is currently posted at the Dutch Ministry of Foreign Affairs in The Hague as Coordinator Migration and Development/Deputy Head of the Migration and Asylum Division.