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

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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-Safina¹⁴ 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

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 active. 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 organizations 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 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 MAWRED⁷⁸ (women and entrepreneurship), Bidaya⁷⁹ (micro credit fund) and Basma⁸⁰ (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 INGO⁸², 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 Association⁸⁸, Syrian Environmental Association (see under environmental organisations), Education and Anti-analphabetic Association⁸⁹, 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 Association⁹⁰, Al Birr Association⁹¹, Blind and Deaf Association⁹², Khaled Ben Al Walid Association⁹³, 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-Hajj 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 catches 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 Vanguard. 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 magazine¹²⁸ 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 Homsy 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 Cairo¹³³, 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 Dalilah, 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 Khair 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 Raqqqa 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 Darwich¹⁴⁷, 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' I-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 Riyadh 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 *هائي* 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, accidentally. 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.