



# Function Over Form: Rethinking Civil Society in Government- held Syria

The front of the Ministry of Social Affairs and Labor in Damascus. Image courtesy of Picasa, via Google Maps.

SYRIAN ARAB REPUBLIC  
MINISTRY OF SOCIAL  
AFFAIRS AND LABOR



وزارة الشؤون الإجتماعية والعمل

# Purpose

This paper, and the assertions within it, were primarily informed by an examination of civil society actors in Syria for the purpose of identifying alternative programmatic opportunities. The conclusions of this research, as well as COAR's long association with industrial humanitarianism, led COAR to challenge the manner and framework through which many international response actors have conceptualized and engaged with Syrian civil society. This paper examines how civil society works in Syria, but should not be considered a mapping exercise of the civil society space, however one chooses to define it. The findings of this research demonstrate the diversity of civic space, while case studies examine how civic space is navigated and defined locally. Programmatic opportunities and challenges are also noted clearly.

The names of some of the organizations and groups examined as case studies are included in the annex, which is structured as a simple typology. The large majority of the information on these organizations and groups is publicly known in Syria; in some cases, names of organizations and individuals have been removed when and where this information would risk harm. More detailed information on specific organizations can be made available upon request.

# Executive Summary

Since the start of the Syrian conflict, 'support to civil society' has been one of the most pervasive mantras of the international Syria response. Indeed, the vast majority of humanitarian program proposals contain a civil society component, which stresses the need to "map", "develop", "consult", "empower", "train", "partner with", or "transform" Syrian civil society. Yet after eight years of conflict, Syrian civil society, especially in Government-held areas, remains poorly understood by the international Syria response. For a variety of reasons, the cross-border humanitarian and development response has defined civil space narrowly, and primarily through the lens of formally registered NGO/CBOs in opposition-held areas. However, as territorial control shifts to the Government of Syria much of the Syria response continues to apply this NGO-centric lens to civil society, and perpetuate corresponding narratives about access 'shrinking' or 'expanding'.

This paper is a preliminary attempt to recalibrate the current discourse by proposing a broader (and in some ways more traditional) definition of civil society. In essence, civil society should be understood to be any group of individuals initiating thoughtful collective action outside the aegis of officially mandated state policy directives, to include initiatives that seek to change or improve state policy; those that attempt to negotiate with the state; and those that provide services outside of official state mechanisms. Were one to apply this definition, one might argue that more civil society and civic space exists in Government of Syria-held areas than is often recognized. This civil society faces obvious obstacles; yet it is also extremely diverse, present organically in nearly every community in Syria, and is often a product of a new culture of civic engagement that has grown since the start of the conflict.

However, many civil society actors in Government-held areas do not fit cleanly within existing western INGO conceptions of civil society, partially due to the fact that they are more challenging to instrumentalize as a platform for 'at-scale' service delivery. While civil society actors in Government-held areas do include formalized CBO/NGO structures, there are also wide range of other formal and informal actors, to include religious institutions, tribal councils, negotiations committees, local informal initiatives, volunteer groups, development councils, and even semi-governmental organizations. Some of these organizational typologies predate the conflict; however many are new or are taking on new roles, and their prominence and reach will only expand as the Syrian state fails to reimpose centralized authority and provide basic services.

At the same time, previous conceptions of civil society are increasingly less relevant given the Government's recent military victories, and donors should base future plans on current civic space realities. Donors and implementing agencies must now consider whether partnerships with this 'new', changing, often informal Syrian civil society can advance respective policy and humanitarian objectives, while also reflecting on 'how' to work within this new civic space. There are opportunities to engage with and empower a range of Syrian civil society actors in Government-held areas, yet one should note that time-honored engagement strategies, such as capacity-building sessions based on powerpoint slide decks and conducted by external consultants, followed by large-scale grants, may not be the most effective approach. Indeed, engagement will require considerable creativity and will be fraught with challenges; moreover, without clearly articulated objectives, the results may be limited at best and counterproductive at worst. ●

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## Methodology

This research is based on multiple primary and secondary sources. Field researchers located in Government-held areas conducted a series of iterative key informant interviews between June and October 2019. COAR has also held several interviews with Syria civil society experts to include: individuals working for or with existing Syrian civil society organizations; donors and INGO staff partnered with Syrian civil society organizations; and academics (both Syrian and non-Syrian) working on the topic of Syrian civil society. Additionally, open source material was used for the purpose of triangulation to include social media, official Government of Syria media, and opposition-oriented media.

## What is Civil Society?

Civil society is traditionally understood to be the 'third estate' that encompasses all collective civic action outside of government and private industry. However, there is no universally agreed definition for civil society. The World Economic Forum defines civil society as "the area outside the family, market and state, encompassing a spectrum of actors and entities with a wide range of purposes, structures, degrees of organization, membership, and geographical coverage."<sup>1</sup> For its part, the European Union defines civil society to include "all non-State, not-for-profit structures, non-partisan and non-violent, through which people organise to pursue shared objectives and ideals, whether political, cultural, social or economic. Operating from the local to the national, regional and international levels, they comprise urban and rural, formal and informal organisations."<sup>2</sup>

Thus, while civil society is often narrowly conceptualized by the international community as formalized NGO/CBO structures with clearly defined specializations and areas of service delivery, many accepted definitions of civil society allow for and include a much wider range of actors. In essence, civil society is the means by which groups of individuals collectively interact with or shape their local context, communities, or government policies. Under this definition, NGOs and CBOs are certainly an important part of civil society; however, a vast array of other entities and groups also fits this definition, to include informal local initiatives, local notable committees, tribal and family councils, development committees, religious groups and, potentially, organizations tied to the state, such as trade unions and agricultural collectives. If the definition of civil society were to also include individual and community-level collective action that goes beyond formal structures, then the list of potential civil society actors in Syria grows dramatically.

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<sup>1</sup> This draws upon definitions used by the World Economic Forum, which itself cites multiple competing definitions of civil society.

<sup>2</sup> [https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/civil-society\\_en](https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/civil-society_en)

## Past 'Civil Society

### Engagement' in Syria

In Syria, the formation of 'civil society' presents an inherent challenge — the Government of Syria is authoritarian, and the state consequently plays a role in nearly every level and aspect of social engagement and communal organization. Prior to the Syrian conflict, the Government of Syria severely restricted the creation of formal civil society organizations — really, any organizations — and required official state sanction and significant oversight.<sup>3</sup> Additionally, many organizations that would normally be considered 'civil society,' such as trade unions or chambers of commerce, were essentially transformed into arms of the Government of Syria or the Syrian Baath party. Indeed, several individuals interviewed or consulted for this paper independently noted that prior to 2011, there were few real 'civil society organizations' to speak of in Syria, with the exception of local religious charities or NGOs that were closely linked to the Government of Syria, such as Syria Trust.

Given donor restrictions and the absence of western-style civil society, the international humanitarian and development response to the Syrian conflict has largely concentrated support on more formalized civil society entities, many of which were created or repurposed after 2011, and out of pragmatic necessity or a need to begin to structurally resemble their international counterparts. Driven in part by the requirements of cross-border programming, the creation, maintenance, and or/training of Syrian civil society became a key component of nearly all interventions, regardless of the funding stream. Indeed, civil society organizations provided not only an entry-point for the delivery of humanitarian assistance, but also served the unacknowledged nexus theory that humanitarian interventions should also support peace and development outcomes, in this case the transformation of Syria into a pluralistic democracy.

<sup>3</sup> Ultimately, this is because the Government of Syria is inherently totalitarian; any services provided outside of the state could be theoretically considered a threat to the entire system of governance. Indeed, this may be one of the fundamental reasons why the Government of Syria has prioritized forcibly evacuating NGO staff from opposition-held areas, while allowing many combatants to reconcile, as service provision by non-state actors was ultimately viewed as a more threatening revolutionary act than taking up arms.



Considering the political realities and humanitarian needs of conflict-affected Syria, western support was overwhelmingly directed at formal and independent civil society organizations that provided services to constituencies outside the control of the Government of Syria; in Government-held areas, the Syria humanitarian and development response largely relied either on a few formal organizations with close linkages to the Government of Syria, such as SARC or Syria Trust, or on a select few religious organizations able to implement service delivery. Indeed, since 2011, Syrian civil society organizations and movements flourished not only outside of Government of Syria control, but also internationally, through a dual process of international support and local ingenuity. However, as the Government of Syria has retaken large swaths of the country, many of the organizations supported by the international community have been driven underground, forcibly evacuated to opposition-held parts of the country, or disbanded entirely. As a consequence of these events, there exists a growing narrative that the 'space for Syrian civil society' is shrinking.



Qaboun: Qaboun industrialists meet to discuss controversial Qaboun rehabilitation plans. Image courtesy of Orient Net.

## 'Space' in Government-held Areas: New Civil Society, and New Civic Culture

In one sense, narratives around a shrinking civil society in Syria are absolutely accurate: as the Syrian state has militarily regained, and administratively reimposed, control over Syria, space has shrunk for donor-supported, formal, and independent civil society organizations in opposition-held areas, the vast majority of which began as a consequence of the absence of the state. However, if one expands the definition of civic space,<sup>4</sup> there exists considerable civic space, albeit not necessarily programmatic space, in Government of Syria-held areas. Civil society, at least as defined earlier in this paper, is present in some shape or form in nearly every community in Syria, often generated through a truly organic process (i.e., not deliberately 'created' by the state or external donor community), and which often takes a bottom-up and consensus-driven approach to meeting needs, supporting community members, and/or advocating for local interests. Admittedly, the current civil society landscape in Government of Syria-held areas is in many ways a product of new cultural and social norms with respect to civic engagement, which arose as a consequence of the Syrian conflict and accompanying international response;

<sup>4</sup> Again: civil society is the means by which individuals or groups of individuals interact with or attempt to influence their communities or the state; civil society organizations can be formal or informal structures.

interestingly, many civil society organizations located in Government-held areas were created or developed in parallel to counterparts located in opposition-held areas, and under many of the same external influences, albeit often with very clear differences regarding neutrality and independence.

This 'new' civil society in Government-held areas often consists of formally registered and regulated CBO/NGO structures; however, it also includes a diverse range of religious institutions, informal structures (with no clear leadership or organizational framework), and even entities which are nominally linked to the Government of Syria. Indeed, many new civil society entities defy easy categorization; there is considerable overlap between different 'types' of civil society, many informal organizations would easily fit into several categories of civil society, and one could argue for multiple different approaches and methodologies of categorization.

## Legal Frameworks: They Matter When They Matter

Much has been said about the legal restrictions imposed by the Syrian Government on civil society actors; however, what must be emphasized is the fact that, practically speaking, legal frameworks should not be considered to be hard or universally applied rules; they are instead the means by which the Government (or local security actors) can selectively halt activities. While legal frameworks do matter, adherence to them,

in a country in which rule of law is largely absent, is no guarantee of legal protection. Similarly, just because a formal or informal group is operating outside of legal frameworks does not mean that it does not have considerable 'space' at the local level.

There are several key points to consider with respect to official legal frameworks governing civil society in Government of Syria-held areas and their corresponding impact on the scope, scale, and nature of civil society actors. First, when taking an expanded definition of Syrian civil society, there exist a multitude of often overlapping legal frameworks that technically govern different aspects of the civic space. For traditional civil society organizations, the most important legal framework is Law 93,<sup>5</sup> which places the Ministry of Social Affairs (MOSA) nominally in charge of civil society organizations; MOSA thus holds the mandate to register and dissolve these organizations. Theoretically, all official civil society organizations must register with the MOSA directorate in their respective governorate. Some organizations — specifically, those that receive funds from outside of Syria — are also compelled to hold dual registration with the Ministry of Foreign Affairs (MOFA). On the other hand, religious institutions or charities interact less with MOSA and are instead registered with the Endowments Ministry, under the dictates of Law 31 (2018). Finally, other institutions, such as unions, professional associations, or agriculture collectives, fall under legal guidelines developed much earlier, many

5 Specifically, Legislative Decree No. 224 under Law 93.

of them passed in the 1970s and 1980s.

An in-depth study of the legal framework governing Syrian civil society would be a massive, though obviously very valuable undertaking, especially when considering the importance of civil society in Syria's post-conflict constitution.<sup>6</sup> However, from the perspective of humanitarian and development programming, significantly more important than frameworks is their application: practically speaking, much of civil society (as it is currently manifested in Syria) does not necessarily fall under the strict aegis of existing legal frameworks. While these frameworks are the 'law of the land' and are regularly referenced, they are not universally or uniformly applied. For example, a formal NGO working openly in Government-held areas may implement programs in a sector completely distinct from those stipulated in its official MOSA registration; certain religious charities registered under the Endowments Ministry function in practice as humanitarian or development NGOs, yet remain unregistered with MOSA; other overtly religious charities are registered under MOSA instead of the Endowments Ministry; several NGOs that have registered and remain in good standing with MOSA are completely prevented from implementing programs in specific sectors or geographies by security officials; many local volunteer initiatives are completely unregistered but have been granted informal, locally approved security permissions to implement projects; local notables and elites often act as informal civil society bodies that defy easy categorization or registration; and some semi-governmental bodies, such as trade unions and chambers of commerce, have actively conducted 'NGO-esque' activities or lobbied formal governance institutions on behalf of their constituents.

## Space is 'Locally Defined'

Considering the complexity of existing legal frameworks, and their overlapping and selectively applied mandates, legal frameworks primarily matter in that they are a regulatory tool that can be used by the Government of Syria and local officials to put an end to activities of which they do not approve. National-level frameworks thus matter less than observers may think, and rarely do they unilaterally shape a specific organization's ability to implement programs or exert influence in its

6 See, for example, a recent study presented in June 2019 in Beirut by the Public International Law and Policy Group on 'The Legal Framework of Society Engagement in Syria', as a part of the ongoing GIZ SPPSI project.



Members of the Daihyet Qudsaya Youth Team prepare a meal for a refugee school in Qudsaya. Image courtesy of the Daihyet Qudsaya Youth Team.



Tribal: A tribal conference hosted by the Government of Syria, held in Aleppo city in 2019. Image courtesy of Al-Monitor.

community. Instead, when examining some of the diverse manifestations of civil society in Syria, what becomes clear is that ‘civic space’ in Government-held areas is, in practice, locally defined — by interactions between individuals, groups, and organizations.

At the local level, the ‘space’ available to an organization or group is negotiated and maintained through specific interactions and relationships with local security or political officials; it is also, and equally, defined by interactions between the group and the community itself, and the popular legitimacy garnered by these interactions. The actual application of legal frameworks, and the consequent space available to civil society, varies widely based on local conditions, stakeholders, and relationships, which in turn informs attitudes and the application of the law by local authorities or the central government in Damascus.

Essentially, civic space is, by its nature, a constant and evolving process of interactions involving individual personalities, interest groups, and community stakeholders that constantly negotiate what are and are not ‘acceptable’ civil society activities on the local level. ‘Access’, effectiveness, and the ability to influence local context is thus not defined by clear modalities, rubrics, or delineated processes, but rather complex relationships and local legitimacy that afford a local organization space to deliver services in a specific commu-

nity.<sup>7</sup> Similarly, other organizations may have no ability (or willingness) to conduct service delivery, but instead have an important role as local agents of influence that can impact the trajectory of other service delivery mechanisms.<sup>8</sup>

## The Challenge: Who, How, and Why?

Considering the above, there is likely space to engage with and empower existing Syrian civil society in Government-held areas, especially at the local level. However, there are essentially three important questions that the Syria response should consider when examining future Syrian civil society support:

- How can Syrian civil society organizations be mapped in a manner that goes beyond merely creating a list of formally structured NGOs and CBOs and a description of their capacities?
- What are the mechanisms necessary to impactfully support, partner with, and ultimately empower Syrian civil society, both formal and informal?
- What is the ultimate objective of an empowered Syrian civil society?

### Who?

Civil society mapping has been undertaken repeatedly since the start of the Syrian conflict. However, much of the mapping exercises conducted have concentrated on the instrumentalization of civil society as vehicles for service delivery. Essentially, the focus has been on the ‘form’ of civil society organizations, i.e. location and reach, registration status, organizational structure, work domain, financial structure, and past funding. Instead, effective programming requires civil society mapping that emphasizes the ‘function’ served by civil society entities, in all their forms and in a specific location of interest.

Civil society entities often serve a multitude of functions locally, to include: civilian oversight mechanisms; grassroots mobilization tools; mechanisms through which elites can secure power within communities; representation for a constituency that interfaces with authorities; state and/or inter-

<sup>7</sup> Many local informal initiatives, youth teams, and small scale local charities would fit this description.

<sup>8</sup> See, for example, the Duma Development Committee or the National Souk Al-Hal Commercial Committee.



national service providers, to include in culture, education, research, health, development, law, advocacy, and political dialogue; and as external-facing advocacy bodies. This 'function-centric' mapping of civil society must be complemented by simultaneous mapping of the sociopolitical environment of the specific area, as well as an examination of how this environment is changing, in order to map the interactions between local manifestations of civil society and different social, governance, and security stakeholders. Needless to add, this kind of mapping exercise is both challenging and time-consuming, requires devoted research that closely considers the dynamics of each specific entity in its applicable local context, and does not necessarily result in a 'telephone book' for INGO programming.

#### How?

Discerning 'how' exactly to empower civil society groups also requires considerable thought. Indeed, when directly funding many Syrian civil society organizations, international donors have often fundamentally changed their nature, character, and relationships, the latter both inside and outside their communities. By receiving external donor support, many grassroots and organically formed organizations will either cease to exist due to increased scrutiny from the Government of Syria, be co-opted by the Government of Syria, or transform into new patronage structures, thereby undermining exactly those qualities that made these organizations effective in the first place. Indeed, there exists a real risk that direct

donor funding, will result in many organic civil society organizations shifting to indirect cost recovery-driven (i.e. profit) models, with accompanying competition and atomization, similar to many of their international counterparts. This shift has already occurred, to some extent, with CBOs/NGOs working in opposition-held areas; the creation of 'competitive' funding streams caused great damage to many nascent civil society organizations and essentially precluded collaboration in pursuit of shared goals and interests.<sup>9</sup>

Therefore, while there does exist space to support Syrian civil society, the means and mechanisms used to support civil society must be both creative, and sensitive to past errors. Grafting an existing partnership strategy onto a Damascus-managed response may be one (admittedly imperfect) solution. Direct implementation agencies - especially the UN - could be compelled or incentivised to consult or work with existing (pre-identified) local civil society entities. Similarly, small grassroots initiatives could be empowered as important decision-makers in locally implemented projects, even in the event that they were not directly funded by these projects.<sup>10</sup> At the most basic level, what is required is a new paradigm of civil society support that goes beyond subcontracting, simple indirect funding mechanisms (partnership programs), and tedious workshops.

#### Why?

A critical question to be addressed by international donors and implementing agencies with respect to supporting Syrian civil society in Government-held areas is: what exactly do you seek to achieve? The way in which individual civil society entities should be interacted with and empowered in Syria must be informed by a clear strategy. Is civil society a means of providing service provision alternatives to the Government of Syria? Is civil society a means of improving local development in specific communities? Is civil society empowered as a means of politically transforming the Government of Syria? Is civil society support to be based on Western development theories and objectives, or on a more 'community defined' series of objectives? Is civil

TRUCKUNION: The Jordanian Union of Owners of Trucking and Disposal Companies meet with the Damascus Chamber of Trade and Industry to discuss obstacles to trade. Image courtesy of



<sup>9</sup> A notable exception to this trend was 'The Unit', which was a Syrian group formed by local NGO staff in 2016 that aimed to push back against the agendas and policies of INGOs that fostered increased competition between local organizations..

<sup>10</sup> INGOs may in many cases provide a less attractive option, if only due to the fact that many humanitarian organizations are now 'multi-mandate' agencies, which essentially makes them impartial humanitarian organizations not by nature but by convenience - a nuance not lost on Damascus.



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prospects, challenges, trends, and policy options with respect to a conflict and post-conflict Syria. WPCS also aims to stimulate new approaches and policy responses to the Syrian conflict through a regular dialogue between researchers, policymakers and donors, and implementers, as well as to build a new network of Syrian researchers that will contribute to research informing international policy and practice related to their country.

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