



المركز السوري للإعلام وحرية التعبير

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# Syrian civil society

## at a crossroads

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An in-depth look at Syrian civil society organizations

# Syrian civil society: at a crossroads

An in-depth look at Syrian civil society organizations

Violations Documentation Observatory

The Syrian Centre for Media and Freedom of Expression

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## Executive Summary

The Violations Documentation Observatory was established under the Civil Society Portal based on the Syrian Center for Media and Freedom of Expression's understanding of the centrality of the role of civil society in building sustainable peace in Syria, and the need to enable it to develop its tools and formulate its visions, and to exercise its role in producing institutions based on good governance and standards of integrity and transparency in accordance with the democratic system and the Bill of Human Rights.

The Observatory follows up and documents violations against Syrian civil society organizations and their workers while performing their tasks or because of them. The Observatory also collects and analyzes data to identify those organizations' work obstacles and change the space for freedom in their work, and to provide a semi-integrated view of the reality of an active civil society, able to advance a post-conflict society, and play its various roles that have a long-term impact and societal effectiveness, in reconciliation and the consolidation of civil peace, transitional justice, reconstruction and others.

The Observatory's first output is the report "Syrian Civil Society: at a Crossroads" within a series of specialized periodic reports to be issued covering the Observatory work in documenting violations and collecting data on reported incidents against civil society entities, according to a scientific methodology that depends on credibility and impartiality. Due to its foundational nature, the report expands on the concept of civil society, its origins and characteristics and the legal framework regulating its work. As well as the phases of its expansion, replacement and contraction caused by security, geography and economic factors after 2011 and the boom that accompanied the popular movement and hope for a radical democratic transformation, which protects the society from the government that dominates it by controlling the its organizations and institutions.

The report's first part, "General conceptual and legal framework" consists of four chapters. Chapter 1 reviews the concept of civil society, which has multiple meanings and purposes, in addition to its philosophic and intellectual frameworks according to the overall cognitive model or the intellectual and political school that defines it and which intersects and overlaps with other concepts that are difficult to draw boundaries among. Such as social movements, intermediary forces, and civil society,

Chapter 1: Civil society, origins and concepts defines the term that represents an advanced stage of the idea of citizenship and the idea of civil and political rights associated with it, and considering the individual as an independent human being has rights. Unlike the inherited social organizations of a solidarity nature to which individuals belong by birth (the family, caste, tribe). It constitutes a single type of social and cultural organization that occupies the public space between society and the state. Its organizations consist of free citizens who voluntarily engage in it for public interest. To further the definition, a distinction was made between civil society and both the political, civil and religious society, and we researched the relationship of influence and vulnerability to democracy, the state, and the neutrality of civil society, prior to reviewing the foundations and principles that govern its work in a separate chapter. Chapter 2, "Syrian Civil Society Organizations: Prospects and Features" distinguishes between civil society as a general intellectual framework and a value system that governs the relations between its members and civil society organizations to which it belongs as the to the whole, and its work is governed by more specialized and narrower rules than the intellectual system that governs it without violating it. In a separate part, the normative rules for the work of organizations and the nature of their relationship with

authority of any kind were reviewed.

Chapter 3 discusses the legal framework for the work of civil society organizations by reviewing the rights and freedoms that establish their work: the right to freedom of expression, the right to peaceful assembly and association and to obtain and circulate information and the right to participate in public life as basic individual rights on the one hand and collective rights related to societal security and the democratic system and its protection, stability and development on the other. With the aim of presenting the legal structure that protects these rights and provides the ground for demanding redress when they are violated, it was necessary to review the international texts and charters that stipulated them and obliged states to protect them.

Chapter 4 discusses the legal framework at its organizational level in Syria and its environs. It reviews the nature of the relationship with the existing authority, laws and administrative and organizational decisions that govern the work of the organizations. Syria was divided into four parts: the Syrian government areas, the armed opposition areas, the National Army - the interim government - the Turkish occupation areas, Hayat Tahrir al-Sham - the Salvation Government areas and the Democratic Autonomous Administration areas, as well as the neighboring countries of Syria.

Part II, "Syrian Civil Society: Prospects and Challenges" consists of four chapters, and since it is not a report or research that encompasses the experience of Syrian civil society, the choice was made to present its features and the general features common to the majority of its actors, so Chapter 1 listed the features of Syrian civil society before 2011 and specifically between 2000 and 2001 as an introduction to the subsequent chapters, to trace its trajectory as a cumulative path and a series of modern political, economic and social achievements over time with the consent of the authority, under its resistance, or working secretly. Authority here does not only mean the executive authority, but the pre-civil values system that controls society politically, socially and cognitively.

Chapter 2 draws the features of the Syrian civil society after 2011, in light of the exceptional circumstances in which it developed and the burdens it has faced for years, which had a great impact on its effectiveness, and to diagnose weaknesses and imbalances, which led to failures that some see in the gain and loss equation. By comparing the inputs and outputs which end with negative values, in contrast to the large number of organizations and the funding granted to them in the last ten years, and despite their undeniable achievements, they have accumulated many failures, including the inability by a large part of them to replace the civil relations pattern instead of the sectarian civil pattern, i.e. the traditional structures that preceded the emergence of the state and which kept controlling its internal structures and its external relations.

Chapter 3 reviews the personal or institutional challenges facing the work of Syrian civil society organizations, which without addressing and correcting them the organization's will be unable to overcome external challenges. Chapter 3 reviews sections. The first discusses the extent to which organizations are committed to an integrated, flexible and proactive system that aims to govern the organization and manage the integrated work system that is subject to periodic evaluation with the aim of ensuring development and promoting best practices in all systems and internal and external relations. In the framework of governance, the commitment of members and employees to internal regulations and the extent of commitment to democracy in the decision-making process and management selection, as well as internal governance structures and planning, were highlighted. The second section discusses the sensitivity to gender and the extent to which organizations are committed to gender justice in their work, and the adoption of policies to support and protect against

potential forms of gender-based violence. The third section examines the application of governance principles externally and the ability of organizations to network with each other, with the aim of gathering the largest amount of expertise and skills, providing information and data about the common goal, and activating the supporting roles of civil society institutions to enable them to take effective initiatives towards national issues.

Chapter 4 discusses substantive challenges in three sections. The first section discusses the change in the controlling forces on the ground, which is the factor that played the greatest role in drawing the map of the work of civil society organizations geographically, with the expansion, shrinking or lack of their work space. The section also reviews the most prominent collective changes in the map of organizations and the space and freedom of their work. The second section examines the challenges of funding, which is the operating fuel for the organization- although it alone is not sufficient for its success-and which does not end with obtaining funding, but extends to reaching funding for organizations in light of international sanctions on the Syrian government. Especially the Caesar Law and the problems surrounding banking transactions in general. The third section addresses violations against Syrian civil society organizations and their workers, and identifies the most prominent patterns of violations according to the database of the Observatory. The report concluded with a set of recommendations for actors in Syrian civil society and international stakeholders.

## Methodology

We adopted in our report, "Syrian Civil Society: At a Crossroads" the descriptive and analytical methods to research the reality of Syrian civil society and to identify its nature and its conceptual and practical framework, the reality of the institutional and organizational status of the civil work system and the extent of commitment to standards of transparency, accountability, justice, equality, and organizational capacity. We shed light on the weaknesses and strengths, and the restrictions imposed by the different authorities and the challenges facing their work, and the impact of these challenges on changing the space of freedom in civil work by adopting both qualitative and quantitative methods to benefit from their advantages and avoid their shortcomings.<sup>1</sup>

### Research problem

Due to the complexity of the Syrian civil society phenomenon and the distortion of its structure between the traditional and modern models, and the intertwining of factors affecting this phenomenon, which should be realized and taken into account in order to develop a clear-cut perception approaching more and more the environment and the natural conditions that surround it and form its privacy and distinction and in order to actually embody this perception, this report seeks to reveal the reality of Syrian civil society, its contradictions, and the various variables that surround it, in order to identify the influencing factors and obstacles that determine the space and nature of its work. Answering the problem discussed in the report about the obstacles to the work of civil society organizations in Syria and their impact on changing the space for freedom in civil work, which needs to answer the following sub-questions:

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مدحت أبو النصر، قواعد ومراحل البحث العلمي (القاهرة: مجموعة النيل العربية، 2004)، ص 131-132. <sup>1</sup>

- What are the features of the institutional building of the Syrian civil society?
- What is the nature of the relationship between the authority and Syrian civil society organizations?
- What are the obstacles to the work of Syrian civil society organizations as seen by the actors?

Research hypothesis: The report is based on the premise that a set of subjective and objective factors prevented the new civil society from moving from the role of dealing with the continuing catastrophic results of the 2011 event, to the role of the active player in building the modern state and the main partner in the process of political solution and achieving the will of the Syrians. These factors prevented Syrian civil society from performing its mission and tasks to the fullest, as the work of its organizations was characterized in most of them by improvisation, lack of planning and sustainability. Syrian civil society often appeared as a receiving party rather than being able to interact and influence society. As for the boom in the map of civil organizations, it was at the quantitative level, not at the qualitative level.

For the purposes of the report, civil society organizations were chosen and other forms of civil society were excluded,<sup>2</sup> such as civil groups and local initiatives that did not take an organizational form. Here we mean the standard of regulation and regularity, not administrative licensing. Also, virtual gatherings and formations on social media were excluded and allocated to independent research areas. As well as quasi-governmental structures or that emerged to fill the void left by the government's withdrawal from the areas under the control of the armed opposition, at all levels. Such as local councils, because the vertical institutional structure that organizes the work of these bodies and determines the decision-making process in them is based on mechanisms that differ from those used in civil society organizations in terms of independence and initiative. International organizations that have branches in Syria were also excluded. On the other hand, it was not required for organizations to work from inside Syria, or for their membership to be exclusive to Syrians.

The definition of the organization for the purposes of this report: "non-State, not-for-profit, voluntary entities formed by people in the social sphere that are separate from the State and the market. CSOs represent a wide range of interests and ties. They can include community-based organizations as well as non-governmental organizations (NGOs). In the context of the UN Guiding Principles Reporting Framework, CSOs do not include business or for-profit associations."<sup>3</sup>

Research limits:

The report is limited to the following:

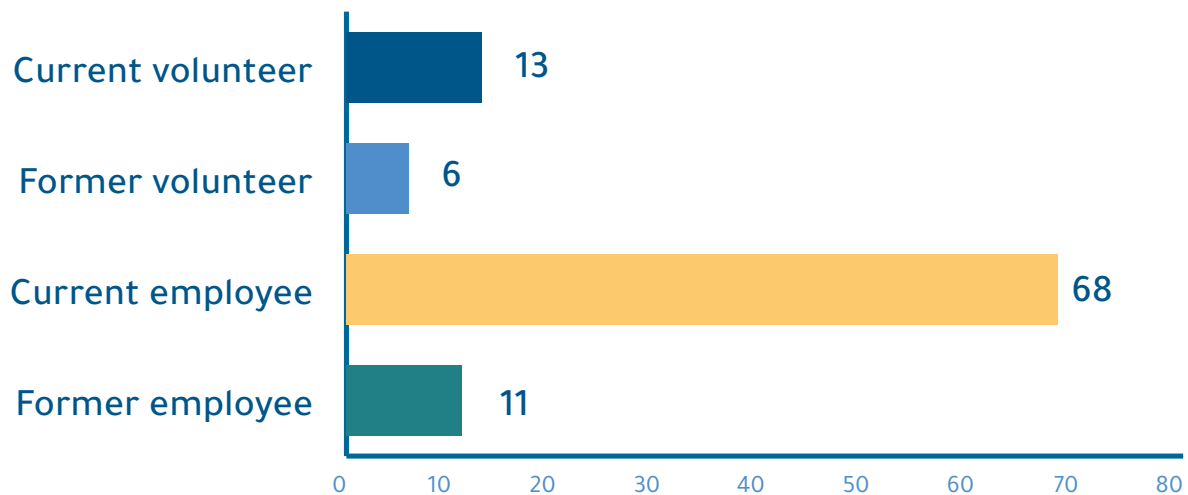
- Subject limit: the subjective and objective obstacles that civil society organizations face in their work, and the impact of the obstacles on the space and freedom of work.
- Institutional limit: Civil society organizations.

<sup>2</sup> For purely research purposes with full awareness of the incorrectness of limiting the concept of civil society to its civil organizations, as it includes on the practical level clearing the arena for the authority to do with it what it wants through the formulation of laws, which control the existence of organizations and the conditions for their establishment and work, to drop their power of action and influence in societies.

<sup>3</sup> The UN Guiding Principles Reporting Framework and its Implementing and Assurance Guidance, United Nations, Shift and Mazars LLP, <<https://www.ungpreporting.org/glossary/civil-society-organizations-csos/>>, accessed 18 Jun 2022

- Spatial limit: Open - Syria + diaspora.
- Time limit: The research tool was implemented in the second half of 2021. The time frame covers the period from 2011 to the beginning of 2022.
- The human limit: a sample of workers and volunteers in civil society institutions.

### The nature of the participant's relationship with the organization

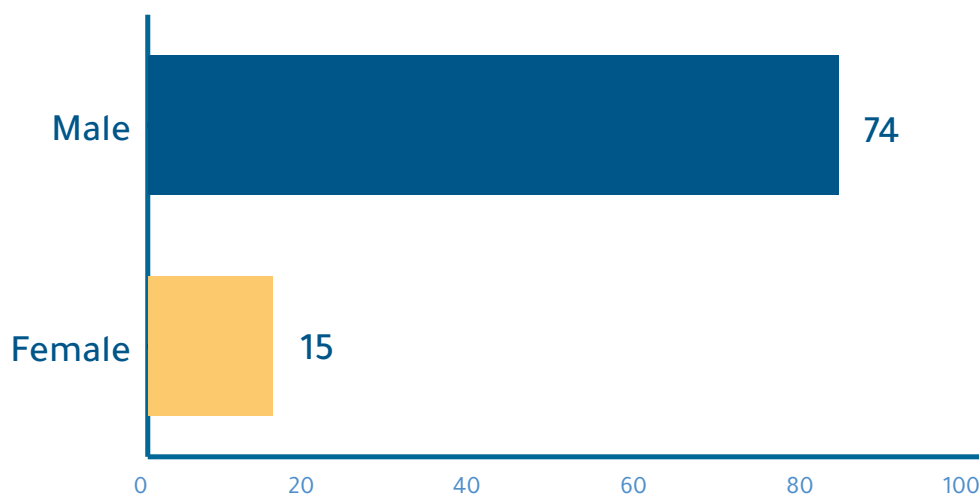


### Research tools

For the purposes of this report, we adopted the social survey tool and its sub-tools of observation, interview, questionnaire, content analysis, benefit from mechanisms and sub-methods, and the assistance included in the descriptive approach, such as previous historical and legal research and the arrangement of legal and analytical attribution for the report. The social survey was conducted on the organizations registered in the Observatory's database and in the period between August 2021 and the end of January 2022. The questionnaire was sent to 1027 Syrian civil society organizations, and the questionnaire was formulated according to the mixed form with closed questions and specific options, providing an accurate framework and description of the reality of the participating civil society organizations. In addition to open questions related to the facts and reasons for violations against civil society organizations or one of their employees. The research tool was arbitrated by presenting it to the consultants at the Syrian Center for Media and Freedom of Expression. We also referred to the tools used in previous studies such as questionnaires and measures, and to benefit from them in formulating them.



## The gender distribution of the representatives of the participating organizations



The questionnaire was sent twice to 1027 Syrian civil society organizations, via the official email of each organization - and the emails of two employees of each organization as well

12 organizations refused to participate

98 organizations responded to the questionnaire.

We have not received a response from 917 organizations

The 98 organizations that responded to the questionnaire were distributed as follows:

1 In Ghouta Damascus countryside before moving to the United States of America	1 In Daraa the eastern countryside	7 Inside Syria or in all governorates, one of them moved to Paris later	36 Northwest Syria	33 In north-eastern Syria	76 organizations inside Syria
1 in Jordan	2 in Lebanon	9 in Turkey	12 in neighboring countries		
1 in Germany	1 in the United States	8 in France	10 in the diaspora		

In addition to analyzing the results of the questionnaire and displaying them in graphs distributed over the text, the organizations in the Observatory's database were surveyed by visiting their websites and public pages on social networking sites and their published identification cards.

- The total number of organizations is 1027.
- 852 organizations have a public page on the Facebook or an account on Twitter, 83% of them.
- Only 133 organizations seem to have an approved policy to feed the page with

data, activities, and reports for one to three days, 13%.

- 153 pages that have not been updated for periods ranging from 5 months - more than three years (18%) and without any indication that the organization has stopped working.
- Only 178 organizations publish a clear introductory message for their work that clearly includes the vision and goals, on their Facebook page, 21%. While the remaining percentage was distributed between no introductory message - or a short and unclear definition - or a definition without goals and in some cases the definition does not match the content of the page.

Out of 178 organizations that clearly define their field of work on their website, the fields of work were distributed according to the following:

- 46% of them work in the field of relief - health - and social support
- 29% in the field of women and children - only 6% of them are fully concerned with women's issues
- 7% Education - Empowerment - Vocational Training
- 18% other - human rights - cultural - media organizations.

With regard to the challenges of the process of data collection and verification, they appeared mainly in:

- The inability to limit the number of organizations to specific numbers that can be a base for statistics, and the absence of a common database at the national level for the multiplicity of references and administrative bodies responsible for registration. There is no official census of organizations operating/registered in areas outside the control of the government, and there is no possibility of enumerating organizations registered outside Syria either. While the statistics issued by the Ministry of Social Affairs and Labor in the Syrian government indicate registered organizations and institutions without verifying their effectiveness or the continuity of their work, in addition to the lack of stability in the civil society arena, which annually has new organizations and others suspending their work.
- The difficulty of classifying organizations according to their field of work or the sector in which they specialize, due to the theoretical expansion of some organizations of their field of work with the impossibility of applying it on the ground. This is true as evidence of the fragility of the internal structures and the weakness of their strategic planning. According to a response to the questionnaire, the field of work of one of the organizations expands to "livelihood and food security, hygiene, water and sanitation, health, education, women's issues, children's issues, training and capacity building, youth issues, health, psychological health, human rights, protection, advocacy."
- The lack of commitment by most organizations and their boards of directors to apply indicators and test their effectiveness. That is, the absence of quantitative and qualitative indicators to measure the results or outcomes of civil society and to determine a relative weight for each indicator or for each group of indicators, and thus the inability to study and identify strengths and weaknesses. In addition to the tendency of organizations to include various data in the privacy field, especially those related to the financial aspect of the organization and the areas of spending its revenues.

- Separating political, media and civil activities was a very difficult task in light of a civil situation that marked the beginning of the movement in 2011, in which media professionals, intellectuals, and civil and human rights activists participated. As well as, the difficulty of distinguishing between civil and local gatherings and civil society organizations, and the difficulty of concluding the existence of a clear institutional structure, specifically in the areas of influence of Hayat Tahrir al-Sham, which include a low percentage of registered organizations.
- The complexities associated with the concept of civil society organizations,<sup>4</sup> which are defined as free voluntary organizations whose members gather to achieve a public interest and adhere to the values and standards of respect, compromise, tolerance and the peaceful management of diversity and disagreement, and that it includes all that is non-governmental and all that is not family or hereditary.<sup>5</sup> Because of the problematic classification of many groups and organizations that are outside or in violation of the definition.
- The concepts used in the report and in the field of knowledge of civil society in general, have not yet formed a sufficient area of research among the organizations themselves or in the academic centers in a way that enables them to reproduce definitions that are acceptable and appropriate to their role and that enjoy the unanimity of users in the Arabic language. The research literature related to this field, which appeared during the past two decades, was within the reach of a narrow circle of interested people and did not fall within the priorities of Arabization and generalization.
- Heterogeneity, whether in the nature of civil society structures or in the characteristics of the political and social frameworks in which these structures operate, which means that any hasty attempt to draw general conclusions leads to the production of a distorted understanding of reality and is unhelpful to the researcher.
- In addition to the previous challenges, the field situation is very complex, in a relatively limited geographical scope, there are many entities that practice violations, which include on the part of the Syrian government the security services, members of the armed forces and foreign militias allies, and includes outside the government's control areas of extremist organizations, armed opposition factions, the Syrian Democratic Forces, and the Turkish occupation forces, in conjunction with the activity of gangs throughout the Syrian geography who practice violations for criminal motives.

Finally, to complete the data collection process, the researcher conducted several interviews with administrators and executives in several Syrian civil society organizations, in parallel with reviewing the literature related to civil society in Syria, and publicly available data and reports about civil society organizations in Syria, and the concept of civil society in general, as a means of appreciating the facts and information that were compiled from the questionnaire, in compliance with the recommendation in the OHCHR Handbook "The most common rule for ensuring credibility in the human rights fact-finding process is to adopt the principle of consistency of information with material collected from independent and reliable sources"<sup>6</sup> as well as an analysis of laws the administrative orders and decisions

4. أماتي قنديل. الموسوعة العربية للمجتمع المدني- الهيئة المصرية العامة للكتاب - الطبعة الأولى - 2008 الصفحة 64

5. [مقالة تطور المجتمع المدني في مصر تطور](#) [تاريخ الإصدار](#) [الأرشيف](#): [عالم الفكر العدد](#) المجتمع المدني في مصر، أماتي قنديل، عالم الفكر المجلد 27، العدد: 3، ص 97  
 دليل: الإنسان حقوق انتهاكات توثيق والقانون الإنساني الدولي في سوريا 6

regulating the work of civil society organizations in the three areas of influence - the Syrian government - the armed opposition + the Turkish occupation - and the Democratic Autonomous Administration.

## Introduction

After a decade and a half of a devastating conflict in which millions were killed, wounded, arrested and displaced inside and outside the country, the deterioration in the conditions of the Syrians, people and entity, reached the point of disaster, and the consequences of the scorched-earth policy implemented by the government began to emerge successively. Suffering is no longer confined to opponents or those fleeing tyranny. Syrians at home and in neighboring countries, regardless of their affiliation, struggle daily with the lack of means of livelihood, poverty, unemployment, social breakdown, fear, uncertainty or hope about the future of Syria, the state and the people, and its reality after decades of tyranny and years of conflict undermined the idea of the nation-state, the main actor at the national level, and the necessary container for the social contract that is disintegrating due to the spoils taking over fiefs of power. As well as, the decline and atrophy of the state and the return of the context of civilized development to its beginnings in all fields, economic, political, social and cultural, a return to non-state and violence, societal disintegration, and the rise of primary affiliations at the expense of a civilly framed society in a civil state.

However, the depth and extent of the structural crisis that the country is experiencing, and the global lack of concern about the suffering of the Syrians and their diaspora do not mean acknowledging the impotence and lack of initiative. Rather, peoples and groups bear responsibility for their fate and the fate of their country in its current national form or in other forms, and the responsibility to re-create and produce the national identity in its content and forms. Peoples are responsible, with their possible civil rights, media, and civil/political tools,<sup>7</sup> for establishing positive and sustainable change, and for dedicating a clear national project that is adopted and worked for by independent civil organizations. This is not an option, but a realistic necessity imposed by the nature of the current Syrian phase, and the exposure of most of its political dimensions and its complex international variables, imposed by the uniqueness of civil society among all parties with the ability to rebuild or restore societal ties, and to reconsider the means of expression and dialogue, and the values of equality, human dignity and free will. As well as restoring the vitality of society and the ability of its people to produce a social contract between its various components. With all that it requires of cultural and social reality, the roles of elites, education, respect for the spirit of the law and the expanding tolerance, enabling citizens to build political, judicial, security, cultural and other public institutions that they share in managing. In parallel with an agreement on a project for the foundational transitional justice necessary for the transition to a state of social peace and political stability, and the elimination of the generators of violence and the incentives for its spread. It is also imposed by the uniqueness of civil society as well as its effectiveness at the grassroots level to create the social and political environment, and to provide the necessary foundations to reach national consensus and spread the spirit of agreement on peace, the necessary condition for the recovery process. In turn, it is worth preserving the gains, and ensuring that the tragedies of the

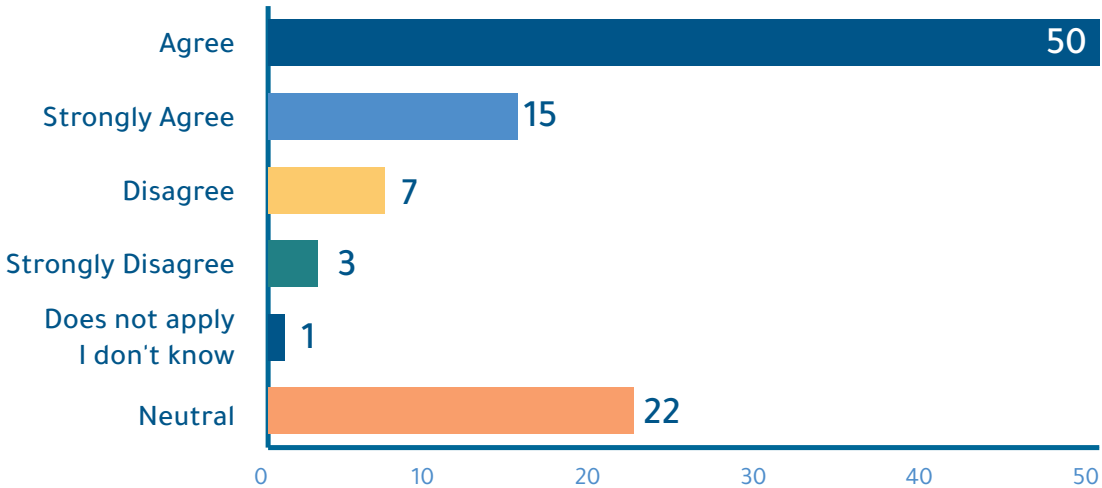
7 The political initiatives or missions in which civil society participates, similar to the civil bloc in the Constitutional Committee.

past decade of Syria's history are not repeated, as civil society emerges once again as a partner and a watchdog over the work of governments to prevent their domination of the state and society, and as a civil framework for a pluralistic national identity that is open to all others. All this is built on the basis of citizenship, the true guarantee for developing the capabilities of the political struggle to obtain economic, social and environmental rights, and to manage differences democratically. These underlying values and capabilities put civil society in confrontation with all parties to the conflict without exception, as it is the opposite of unilateralism and isolation, and the opposite of legitimacy derived from the power of arms, given that its legitimacy derives from its credibility and acceptance by members of society. This confrontation was added to the exceptional circumstances that drew the features and characteristics of the emerging entity, and had a great impact in shaping the Syrian civil society and limiting its ability to move from the role of dealing with the ongoing catastrophic consequences of the 2011 event, to the role of the active player in building the modern state and the main partner in the solution process political realization of the will of the Syrians. Because, under pressure from the country's ongoing economic crisis, and its need to absolve itself of its social responsibility by ensuring the minimum requirements of life for citizens in their areas of influence, the parties to the conflict accepted civil society as a deferred or active opponent imposed by temporary need. It also allowed some of its entities to fill the void left by its withdrawal, and in narrow and specific sectors that it is not permitted to bypass, without preventing violations against organizations or their employees, and without providing a legal environment that supports the practice of their work. In addition to the absence of a secure environment as a direct result of militarization, which later drew theoretical geographic borders, that prevented civil society organizations from expanding, networking, or planning outside it. The hostile or neutral environment at best was accompanied by the fragility of the internal structures of civil society organizations due to the absence of historical experience and the absence of institutional memory in the countries governed by the family for more than half a century, and the lack of expertise to manage pluralism. Also because of the problem rooted in the cultural, social and political structures of the Syrian society, about the concepts of collective action, acceptance of others, equality, democracy, and belief in peaceful struggle as the only and final option. This was reflected in the institutional and organizational reality of the civil work system, in addition to funding problems, poor resource management, and institutional corruption, which usually affects a percentage of civilian actors in times of war and emergency response to disasters. These challenges, which are not exhaustive, are what the report classifies as affecting freedom of work and the space for civil work in Syria, which led to the decline of its first impulse and the decline in the number of actors in it. Which some see as a natural path of the boom that the country witnessed after 2011, in which civil structures proliferated and then receded due to organization, specialization and integration, perhaps, or because they were originally civil groups that lacked organization and did not form civil structures in the institutional sense, which means that the decline may not necessarily be negative. Regardless of the reasons for the decline and its significance, they are facts of their importance that regress when talking about the maturity of the Syrian civil society, and the extent to which it has accumulated experiences and tools that enable it to formulate a social act that allows the citizen to represent a new relationship with its political environment, and represents its civil action and relationship with public affairs, and to devote citizenship that it is engaged in a struggle on two fronts: against foreign interference that undermines national sovereignty, and against the revival of sub-national and regional fanaticism after more than a decade of conflict, and its ability to spread civil culture and spread and transfer the values of freedom, acceptance of difference, participation and deliberation. These sacred fixed values do not change with the change of rulers, and establish organized structures that make people's lives

and interests their property, and preserve their freedom and dignity. The achievement of the social construction and the preservation of the real desire for change is the real carrier and the catalyst for continuing the path of change, which has a unilateral and only path that stems from within the organization by consolidating and practicing previous values and their practice in its internal structure, and extends through networking and cooperation within the framework of civil society, the tool of resistance and the social process that charts the future of Syria.

**General conceptual and legal framework**

Civil society organizations contribute to the dissemination and consolidation of a culture of democracy, equality and respect for human rights



66 of the participants in the questionnaire believe that the Syrian civil society has contributed to spreading the culture of human rights, the values of equality and democracy, and the concepts of citizenship.

**Chapter 1: Civil society, origins and concepts**

The United Nations defines civil society organizations as:

Any non-profit, voluntary citizens' group which is organized on a local, national or international level. Task-oriented and driven by people with a common interest, civil society organizations (CSOs) perform a variety of services and humanitarian functions, bring citizens' concerns to Governments, monitor policies, and encourage political participation at the community level. CSOs provide analysis and expertise, serve as early warning mechanisms and help monitor and implement international

agreements, including Agenda 2030 and the Sustainable Development Goals.<sup>8</sup>

Some researchers define civil society as: "The totality of non-governmental, non-hereditary, economic, social, political and cultural institutions and formations, which form the social bonds between the individual and the state. One of its responsibilities is to organize social actors through civil institutional channels that enable individuals to participate in the public field and create among them solidarity mechanisms. Its institutions are characterized by flexibility, dynamism, pluralism, voluntary work, private initiatives for individuals and groups, as well as independence."<sup>9</sup> There are those who define it procedurally as a set of "political, economic, social and cultural institutions that operate in their various fields in relative independence from the authority of the state for various purposes, including: political purposes such as participation in decision-making at the national level, and for example, political parties, including union goals such as defending interests and the economic objectives of the union members, raising the level of the profession and expressing the interests of its members, including cultural purposes, as in unions of writers, intellectuals and cultural associations that aim to spread awareness in accordance with the trends of the members of each association, including social purposes to contribute to social work to achieve development. Therefore, it can be said that the prominent elements of civil society institutions are: political parties, trade unions, professional federations, cultural and social associations."<sup>10</sup>

<sup>11</sup> Said al-Din Ibrahim defines civil society as "a group of free voluntary organizations, which fill the public sphere between the family and the state to achieve the interests of its members, committed to the values and standards of respect, consent, tolerance and the proper management of diversity and difference". According to the Civics Index <sup>12</sup> it is "the space outside the family, the state and the market, created through individual and collective experiences and on the part of organizations and institutions to advance common interests."

The term, civil society also:

Refers to all sorts of voluntary collective activities organized around shared interests, values, and objectives. These civil society activities can be very diverse and may include providing services, supporting independent education, or affecting public policy. In the last example, citizens may come together outside of government to inform, bring pressure to bear on, or reinforce policies (punish or reward policymakers).<sup>14</sup>

The World Bank <sup>15</sup> also uses the term **civil society** to refer to a wide range of NGOs and not-for-profit organizations. These organizations have a presence in public life and assume the burden of expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious, or charitable considerations. Civil society organizations

<sup>8</sup> United nations, Civil Society, <https://www.un.org/en/civil-society/page/about-us> accessed 06 July 2022

<sup>9</sup> **!! المجتمع المدني العربي هل هو قوة ثالثة؟**

<sup>10</sup> (بعض إشكاليات المجتمع المدني والمجتمع السياسي والديمقراطية - د. صالح ياسر 1)

<sup>11</sup> **تقرير منتدى المجتمع المدني العربي بشأن تطبيق توصيات المشاركة المدنية في السياسات العامة تحت عنوان: الحراك الجديد ومسار النهضة العربية** - ESCWA  
بعليكي أحمد: إيديولوجيا التنمية في ظل الأسواق المفتوحة والهويات المنغلقة، دار الفارابي - بيروت - لبنان - الطبعة الأولى 2016 الصفحة 294

<sup>12</sup> **Civics**

<sup>13</sup> Butts, Carter T. (2008) Social network analysis: A methodological introduction, Asian Journal of Social Psychology, 11 (1), 13-41. <https://doi.org/10.1111/j.1467-839X.2007.00241.x>

<sup>14</sup> The National Democratic Institute for International Affairs, Civic participation terminology, 2009, (Rawabet) <<https://rawabet.org/wp-content/uploads/library/files/300.pdf>>

<sup>15</sup> The World Bank, Civil Society, <<https://www.worldbank.org/en/about/partners/civil-society>>



refer to a wide range of organizations including: community associations, NGOs, trade unions, indigenous groups, charitable organizations, faith-based organizations and foundations.

While others define it as the collective intellectual construction of very different solidarity in terms of goals, social base and organization form, which are established outside the institutions of the state, the market and inherited ties, and it cannot be viewed from its institutional side only, but we must consider the values, ethics and civic culture that contributes to its dissemination within the social entity, which transforms to standards and foundations that govern and direct behaviors. Due to the great diversity in its nature and structure, definitions of civil society vary greatly based on different ideological models, historical origins, and the general national framework.<sup>16</sup> Dr. Azmi Bishara believes that deriving the term “citizen” or “civics” from Latin is an important matter, and this indication is also available in the German word *bürger*, which is derived from the city of Boureg, but the Arabic word “civilian” from “city” or “urban” or “urbanization” does not carry the connotations of citizenship, and perhaps it would have been more correct to translate civil society into *citizens society* or *society of citizens* in Arabic

### Civil society - overlapping concepts

Ahli (familial, akin) society: In addition to the multiplicity of definitions and because of the opposition that faced the rooting and inclusion of the concept of civil society in Arab social literature in general because of the origin of the Western concept and hostility or opposition to Western thought that accompanied the emergence of the Arab state, and the stages of its liberation from colonialism and subsequent national regimes, which found that palatable and supported this trend for taking it as a pretext for control and censorship to also control civil society organizations later. The titles of civil society, the third sector, the independent sector, voluntary organizations, and non-governmental organizations were put forward as alternatives to the title, civil society.

Ahli (familial, akin) society is one of the alternatives offered in the Arab world to the term *civil society*, although the two terms refer to two different levels of societal development. Ahli society describes organizations of a traditional nature such as religious associations and cultural associations that express the peculiarities of local communities or minorities, or organizations for family endowments, which in turn do not mean civil society. Although there are those who consider them part of it in the context of Arab society, such as Dr. Burhan Ghalioun, for example,<sup>17</sup> who defends the congruence between the two concepts, and consequently their implications in Arab societies Ahli society includes groups of families, clans, tribes, and customs, which are based on or stem from and which are often inspired by religious sects and customs. While civil society includes voluntary institutions that express the will and interests of the people.<sup>18</sup> Civil society, which means a voluntary expression of people’s free will in various sectors, differs from Ahli society in which free will relinquishes in favor of family, clan, tribal, regional, or other affiliation. The critical characteristics and relationships in civil society center around and on the relationships of citizenship and democracy. Therefore, it is an “open structure”, in which the minority can turn into a majority, while the relations in Ahli society are based on the previous inherited ties of citizenship, and it has a “closed structure” and a fixed hierarchy that is not flexible or subject to change, which can only take place through a final transfer for strong positions not for

16 جميل هلال- حول إشكاليات مفهوم المجتمع المدني- مداخلة حول ندوة المجتمع المدني، بيروت 2004 [حول إشكاليات مفهوم المجتمع المدني «الأدهم»](#)

17 برهان غليون، بناء المجتمع المدني العربي: دور العوامل الداخلية والخارجية، في كتاب المجتمع المدني في الوطن العربي، مركز دراسات الوحدة العربية، بيروت، 1992

18 المجتمع المدني العربي والتحدي الديمقراطي. مجموعة من الباحثين. فريدريش إيبرت- بيروت- نيسان 2004، ص 23 وما بعدها



trading methods.

In general, it is difficult to monitor the boundaries between Ahli and civil society organizations, as they overlap, as in charities that belong to a specific civil group, but they do not limit their activities within this group, but rather provide their services to all citizens without exception. Therefore, they are Ahli in upbringing and civil in affiliation. These associations are characterized by the ability to renew and perpetuate, injecting blood into the newly emerging civil society in our societies, but on the other hand, they may represent an organized method to target civil society, especially when there is an authority that has an interest in allying with Ahli society, at the expense of civil society. In the model of the authoritarian state prevailing in our region.<sup>19</sup>

Political society: It is the part of society that makes public affairs the focus of its attention, and seeks to possess the executive authority in order to implement a comprehensive program that expresses the will and interests of groups of people, within a known social existence, uniting common interests among them, and meeting around a political-social program and comprehensive economic-cultural program. Political society is, after all, nothing other than the sum of political parties within a single society, in a specific historical period.<sup>20</sup> The political community seeks to dominate civil society and influence its reality or exploit it and load it into the political discourse, whether from the ruling authorities or opposition parties. For this reason, the majority of civil society advocates exclude political parties because the advocates are concerned with the people, while the parties are concerned with power.<sup>21</sup>

The distinction between civil society and political society does not mean removing politics from the concept of civil society. According to the Syrian thinker D. Antoine Al-Maqdisi,<sup>22</sup> "Civil society did not appear in the West until the late nineteenth century, and was based on the municipal system. The municipality is the city government, and if the city swells, it is divided into emirates. The city of Paris, for example, has 20 neighborhoods, and each neighborhood has its own municipality that elects its symbolic president. Civil society, then, is based on the municipality, a municipality elected directly by the people, the municipality head and the municipality are not employees but members of the city who have a political role. The governor has a job, the district manager has a job, but the municipality is not a job, it is a political entity. A political entity that regulates all matters of the city, schools, roads, transportation, people's relations with each other, and everything that concerns people is organized by the municipality. Therefore, we find the election of municipalities in Europe as important as the election of Parliament."

Civil society and democracy. According to some, using the concept of civil society without a political struggle leading to democracy<sup>23</sup> aborts the concept and deprives it of its most important historical functions related to politics and economics. Civil society is an intellectual and historical process towards citizenship and democracy, while others believe that it is bound to democracy and part of its structure by virtue of its composition and position in society. Nor does it have the huge reserves of financial clout compared to the business community. Instead, many of them depend on the funding of charities and donors, and derive their legitimacy from the credibility they build with the masses and the degree of public acceptance of them. Its role is limited to putting pressure on governments, raising

<sup>19</sup> «المجتمع المدني السوري قبل 2011»، مركز حرمون للدراسات المعاصرة، 19 نيسان/أبريل 2021

<sup>20</sup> المجتمع المدني والمجتمع السياسي في العالم العربي - سعيد بن سعيد العلوي - [المجتمع المدني والمجتمع السياسي في العالم العربي - سعيد بن سعيد العلوي](#)

<sup>21</sup> د. عبد الحسين شعيان- المجتمع المدني العربي هل هو قوة ثالثة

<sup>22</sup> أنطون المقدسي... شيخ الفلاسفة الوطنيين

<sup>23</sup> عزمي بشارة - المجتمع المدني - دراسة نقدية - المركز العربي للأبحاث ودراسات السياسات - الطبعة

السادسة - الصفحة 23

awareness and motivating them, proposing solutions based on their analyzes of problems, influencing others through good example and the credibility of their moral voice, thus forming the success of the democratic process and the oversight body over the work of the authority, without seeking to reach it. As a space for civil education and education to express the voices of citizens, civil society represents an indispensable pillar for consolidating democratic action in a way that makes it a propositional and oversight force, which does not mean in any way that it constitutes an authority in the face of the state, or limits its powers that are guaranteed by the social contract. Rather, it is integration with it within the framework of a strong state that does not practice political tyranny, and provides the appropriate environment for an effective and independent civil society, which enshrines legitimacy and political stability. But if the state is strengthened and civil society is weak, this opens the door to chaos and the waste of rights.<sup>24</sup>

Civil society and the state: Despite their apparent contradiction, civil society and the state are two related concepts that complement each other and any contradiction or divergence between the two concepts indicates a defect in the structure of one of them. Civil society cannot rise without a national state whose three authorities abide by the rule of law and enshrine the value of equality among its citizens. It is also difficult to imagine a national state around which the majority of citizens rally, without a civil society that supports and supports it, otherwise it will turn into a state without legitimacy. The rise of civil society, the growth of the strength of its institutions, and the increase in their effectiveness, do not mean weakening the state, but weakening its ability to abuse the rights and freedoms of citizens. Because these institutions play the role of a watchdog over the state's policies and its relationship with its citizens, and the role of mediator between the state and citizens, and maintain a distance from the regimes in a way that does not mean confrontation, but falls within the framework of the rules of the democratic game, which is based on the principle that whenever civil society is strong, independent and influential, its suggestive power and reformist advocacy are more viable and reasonable.<sup>25</sup>

But what is true of civil society's relationship with the state in theory cannot be applied to reality in Syria, where the state has exceeded its real and natural mission. This put society outside its natural position and undermined its role as an engine of the process of social development and the progress and development of the state. The process of reviving the role of civil society contracting with the state requires reinstating and rooting the state's position and function in the first place, and the nature of its relationship with its citizens. This means agreeing on a new social contract that redefines power and the function of civil society and re-establishes its position and historical and cognitive role in social, political and cultural life, as well as the position and function of the state in the same context.<sup>26</sup>

### Civil society impartiality

The notion of civil society's impartiality reduces it to an intellectual space that cannot be separated from the public space that establishes for public life, both political and civil, and restricts it to civil society institutions or organizations, for which the principle of impartiality is one of the most important principles that must be adhered to by organizations working in the humanitarian field in particular, and imposes on them the obligation to take equal distance from the different parties, whether the source of the dispute is of a political, religious or

حسنين توفيق إبراهيم «التطور الديمقراطي في الوطن العربي، قضايا وإشكاليات» مجلة السياسة الدولية، العدد 142، السنة 36، أكتوبر 2000، ص 22

25 UNDP Regional Bureau for Arab States, The Arab human development report 2002 : creating opportunities for future generations, 2002, p. 105, <<https://digitallibrary.un.org/record/478490?ln=en>>

26 هشام يونس: حول العلاقة بين الدولة والمجتمع المدني في الواقع العربي الراهن، مؤتمر الديمقراطية والتنمية والتجارة الحرة السادس، الدوحة 10-14 نيسان 2006، ص3

ideological nature. In other words, impartiality is one of the principles that govern a specific aspect of civil society, which accommodates controversy and intellectual, political and legal differences. The impartiality of civil society cannot be assumed as a tool of resistance and an integrated social process that seeks justice, which is also a political matter.<sup>27</sup> In contrast to the absence of any commitment by civil society to neutrality, with the exception of institutions that address humanitarian action, impartiality constitutes one of the obligations of the state and its authorities, which are committed to respecting the rule of impartiality regarding the plurality of society components, and equality between citizens regardless of color, race and religion. It is a state of all its citizens, and its impartiality and what it entails of complete equality are framed to protect public order. Then it becomes obligatory for the state to guarantee, in law and in practice, the equal right of citizens to exercise their public and civil liberties and to protect them from arbitrariness and discriminatory persecution.

#### Basic principles of the work of civil society<sup>28</sup>

- Volunteerism based on free and conscious is the basis that governs relations within civil society, and distinguishes its formations from the rest of the inherited or kinship formations in which the individual has no part in choosing their membership. Volunteerism here is concerned with the motive or motivation behind belonging to the community, whether for workers or volunteers.
- Institutionalization: it is the most prominent indicators of the existence of a strong civil society, and this feature is determined according to the availability of four basic criteria for judging the extent of the development reached by an institution or organization, which are: the ability to adapt versus inertia, independence versus dependence and submission, structure versus organizational weakness, and homogeneity as opposed to division.
- Normative-ethical pillar: the value system to which members of civil society are subject and which must be adhered to internally and that constitute the general framework for its work and objectives in the broader society, including, for example, citizenship, individuality, human rights, political participation, and acceptance of difference, the rejection of violence, and the right of individuals to form organizations that defend their interests.
- The civil cultural basis: the broader framework of the normative pillar, which means the set of ideas and perceptions that individuals believe in and that constitute determinants of their behavior and relationships, their adoption and acceptance of collective action and the advancement of the public interest, and they collectively express the knowledge and cultural framework of modern civil society.<sup>29</sup>
- Independence: It means that civil society entities and members are subject exclusively to the rules and provisions of the law, i.e., the abstract, general, binding and free rules of social behavior and free from any form of arbitrariness, and that it they are independent of the authority and dominance of the state, whether it is financially, administratively and organizationally, and also independent of any family, clan or sub-national ties.
- Public interest: it is the basic determinant of civil society's work, its outputs, and

<sup>27</sup> الوصف: مفهوم المجتمع المدني في فلسفة جون لوك السياسية

<sup>28</sup> السيد ياسين- محسن يوسف: مرصد الاصلاح العربي: الاشكاليات والمؤشرات - مرصد الاصلاح العربي بمكتبة الاسكندرية - 2006 - بتصرف

<sup>29</sup> د. فؤاد عبد الجليل الصلاحي- الدولة والمجتمع المدني في اليمن، مركز المعلومات والتأهيل لحقوق الإنسان، تعز-اليمن، نيسان 2001، ص 31

the work and services it provides to the individual or group, which adhere to the public interest as a final goal, and as a legal basis for works and projects that target specific groups, so that their own or group interests are achieved within the framework of the public interest and do not contradict it.

## Chapter 2: Non-Profit Organizations: roles and characteristics

Civil society organizations are defined as the totality of free voluntary organizations that fill the public sphere between the family and the state to achieve the interests of its members, committed to the values and standards of respect and consent. Or, a legitimate channel used by individuals to express their views towards the authority determined by representing pattern of social, political and cultural organization that is little or much outside the authority of the state. These organizations at their various levels represent society means of expression and opposition towards every existing authority, and they differ from the civil society to which they belong, and their work is governed by more specialized rules, and narrower than the intellectual system of civil society without violating them. The United Nations defines non-governmental organizations as:

A civil society organization (CSO) or non-governmental organization (NGO) is any non-profit, voluntary citizens' group which is organized on a local, national or international level. Task-oriented and driven by people with a common interest, civil society organizations (CSOs) perform a variety of services and humanitarian functions, bring citizens' concerns to Governments, monitor policies, and encourage political participation at the community level.<sup>30</sup>

The concept of non-governmental organizations includes different groups and institutions that are independent from the government and are initially humanitarian and cooperative away from profit goals. These organizations acquire their civil character as they emerge from the society, away from official institutions, as well as from being peaceful, and are linked to the broad concept of national citizenship that includes all the citizens of the country, more than they are linked to a limited affiliation to an ethnic, sectarian or clan group, despite the role that these limited affiliations and loyalties may play at times. In some cases, some observers and researchers expand the concept of civil society organizations to include organizations of a religious, tribal or regional nature, which confirms the flexibility of the concept and its adaptability to include various models and experiences.<sup>31</sup>

It is also defined as: "Every group with a continuous organization for a definite or indefinite period consisting of natural persons or legal persons or both, the number of which is not less than ten, for a purpose other than obtaining a profit." Or "private voluntary organizations established to contribute to the development of society. These organizations are mostly non-profit and operate independently of political authority, and because they are development-oriented, their work is based on specific goals that represent the needs of their founders."

<sup>32</sup>Or "groups or institutions that operate completely or almost completely independently of the government, and whose actions are primarily humanitarian and cooperative rather than

30 The Civil Society Unit, United Nations, <<https://www.un.org/en/civil-society/page/about-us>> accessed 18 Jun 2022

31 [معهد البحرين للتنمية السياسية المجتمعية المدني 2010](https://www.un.org/en/civil-society/page/about-us)

32 د.قاسمية جمال . ملخص « محاضرات في المنظمات الدولية غير الحكومية » لطلبة الدكتوراة، عام 2019-2020 [https://elearning.univ-blida2.dz/mod/resource/view.php?id3893=](https://elearning.univ-blida2.dz/mod/resource/view.php?id3893) جامعة بليدة الجزائر

characterized by the rule of commercial values.”<sup>33</sup> The United Nations has provided<sup>34</sup> a set of criteria for a non-governmental organization:

- A structure with a statute and legal form.
- Established by individuals or organizations independent of the state.
- Its decision-making entities are independent of government authorities.
- Its objectives are directed to the public interest and not to profit, and it goes beyond the interests of its members.

The principles on which the work of civil society organizations around the world is based can be limited to eight non-final principles,<sup>35</sup> according to the development and expansion witnessed by civil society organizations and the scope of their work, which are:

- Respect and promotion of human rights and social justice
- Embodying gender equality and equity to promote women's rights.
- Focus on empowering people, promoting democracy, ownership and participation.
- Promote environmental sustainability.
- Applying transparency and accountability.
- Striving towards achieving equitable partnership and solidarity.
- Knowledge sharing and commitment to mutual learning.
- Commitment to achieving sustainable positive change.

## 1 The normative rules for the work of civil society organizations<sup>36</sup>

International legal obligations require states to create economic, political, social, cultural and legal conditions that support the ability of individuals or groups to engage in civil activities effectively. States or authorities have general obligations to protect human rights and enable individuals to enjoy them, and special obligations that constitute the normative rules that frame the authority's relationship with civil society organizations, which are:

- Participation in planning and management: in two directions, the first is that civil work is organized by an independent entity that includes in addition to representatives of the authority representatives of active civil organizations, and the second is to ensure the organizations' participation in their proposals and visions in relation to various legislation, and to remove any obstacles or difficulties in their full and unpenalized access to all international human rights entities or international non-governmental organizations,

<sup>33</sup> المرجع السابق

<sup>34</sup> United Nations Office on Drugs and Crime, Guidelines for Proposals from Non-Governmental Organizations to the UN Voluntary Trust Fund for Victims of Human Trafficking Small Grants Facility 2011, <<https://www.unodc.org/documents/human-trafficking/Fund/Application-page/Guidelines.English.pdf>>, accessed 18 Jun 2022

<sup>35</sup> [العمل مع برنامج الأمم المتحدة لحقوق الإنسان](#)

<sup>36</sup> المعلومات الواردة في الفقرة كاملة عن [الحيز المتاح للمجتمع المدني ونظام حقوق الإنسان في الأمم](#) - بتصرف

- Ensuring the right to funding: the government should contribute to supporting and financing civil society organizations in a fair way and without discrimination and prejudice to their independence, if financial means are available. It also means that the prior approval of the authority or the administrative body to obtain internal or external funding is not required. Financial and accounting control procedures should be facilitated to ensure that they do not obstruct the work of the organization.
- Exemption from taxes and fees: It includes the prohibition of arranging any fees or special taxes on the establishment of civil society organizations, exempting organizations from taxes as non-profit organizations, and exempting them from taxes on real estate, transportation, and devices that are used for public benefit.
- The right to privacy: It includes a set of guarantees: The authority shall not interfere in the organization's management of its internal affairs, and in its membership regulations. Ensuring the right to protect members of organizations from undue interference with their privacy as well. Subjecting any interference from the authority to the conditions contained in the International Covenant on Civil and Political Rights regarding the restriction of rights and freedoms and its controls.
- Ensuring free activity: <sup>37</sup> that is, ensuring that organizations enjoy the rights and powers granted to legal personality and all the rights that derive from it, such as ownership, litigation, carrying out economic and financial activities and achieving financial sufficiency. As well as the right to conclude contracts and seek the assistance of expertise, and everything that can contribute to the exercise of its activity and the achievement of its objectives.
- Ensuring the free flow of information and free access to ideas, data, reports, initiatives and decisions, enabling civil society organizations to learn about issues, express concerns, engage constructively and contribute to finding solutions.
- Prohibition of conditioning the organization's activity with official licensing or registration because the right to peaceful assembly may not be conditioned with acquiring legal personality and recognition. A violation of the right of civil society organizations occurs if the establishment of organizations is obstructed or responsibility is arranged for their work prior to the license.
- Facilitating the establishment of organizations:
  - 1- Emphasizing that the procedures are quick, inexpensive and not dependent on any exceptional approvals. Restricting the power of the administrative authority over accepting or rejecting establishing organizations, or even cancel the approval of the administrative authority and replace the licensing of the informing procedure, <sup>38</sup> which is followed in many countries of the world.
  - 2- Ensuring that the rules for the legal establishing set short periods of time during which the responsible administrative authority decides on the administrative, financial or accounting requests necessary to complete the establishment of the organization for a maximum period of one month, for example, and that the deadlines are reduced to three days in cases of disaster relief and other exceptional cases.
- Judicial guarantees: that is, for the independent judicial authority alone to approve

37 المبادئ الدستورية والقانونية الخاصة بمنظمات المجتمع المدني - وفقاً لوثيقة مخرجات الحوار الوطني الشامل - اليمن - صنعاء - 2014

38 قانون الجمعيات في الجمهورية اللبنانية الصادر عام 1909 وتعديلاته ينص على أن: « تأليف الجمعية لا يحتاج إلى الرخصة في أول الأمر ولكنه يلزم في كل حال بمقتضى المادة السادسة إعلام الحكومة بها بعد تأسيسها ».



actions and decisions affecting organizations - starting with approval or rejection of the request to establish an organization or any decision that defines the scope of work or limits the organization's exercise of rights - and that all of these decisions are subject to appeal before the independent judiciary.

- The power to dissolve organizations: This guarantee is linked to the exclusive judicial oversight of the work of civil society organizations, and includes the inability of the administrative body to take the decision to dissolve the organization, which must be made by a definitive judicial decision, as an exceptional and severely restricted punishment taken as a last measure.

## 2 Criteria for measuring the development and effectiveness of civil society organizations

According to researchers, there are four criteria by which one can determine the extent of the development of an institution or organization, which are: <sup>39</sup>

**Adaptability:** The ability of an organization to adapt to developments in the environment in which it operates, and they are of three types:

**Temporal adaptation:** There is a correlation between the length of time of the organization and the degree of its institutionalization and procedural development in terms of adopting written policies and regulations and laws regulating work.

**Generational adaptation:** It is related to the succession of generations and the institution's ability to overcome the problem of internal power transfer, as its continuity with the succession of generations reflects the degree of institutionalization and flexibility enjoyed by the organization in the face of the requirements of social and economic development.

**Functional adaptation:** which reflects the degree of functionality of an organization and its ability to constantly make adjustments in its activities.

**Independence:** meaning that an organization is not subordinate to other organizations, groups, individuals, or to the state's authority, so that it is easy to control. It should be independent from the institutional monopoly, that is, the monopoly of power for civil society organizations and their attachment to the circles of the ruling party, and independence from the value monopoly represented by the authorities' determination of the political values that govern society and the state propagated in society through a process of ideological domination. <sup>40</sup>

**Homogeneity:** that there are no conflicts within the institution that affect its practice of its activities, but the homogeneity of the institution does not mean its transformation into a rigid formation that does not have differences, as variance, difference and pluralism are motives for the movement of civil society and its ability to innovate and change in the widest possible scale within society.

**Diversity:** This means the multiplicity of vertical and horizontal levels within an organization, meaning the multiplicity of its organizational entities in levels of societies. Several patterns of relationships based on the foundations of cooperation and competition is considered evidence of the vitality and positivity of civil society.

وردة أحمد محمد عبد السلام واقع منظمات المجتمع المدني وإسهامها في التنمية السياسية للمجتمع

40 استقلالية المجتمع المدني في الجزائر بين الهيمنتين

### **A team of researchers added two criteria:**

The popular base, which is the group of individuals - organizations - institutions concerned with the mission of the organization and its general activities, and they represent the ultimate goal of the programs that are being implemented. The organization's evaluation or normative commitment gets higher with the ability to attract volunteers to work towards the cause of the organization, and its ability to persuade all individuals for whom the organization works, whether they are members of the organization, volunteers, or beneficiaries of the organization's services at the community level.

Societal dialogue: <sup>41</sup> A process that involves a party or parties presenting their visions and perceptions to deal with a central issue or issues to other parties (governmental agencies - the private sector - unions - political parties - other civil associations) with the aim of persuading, attracting, and mobilizing them as other parties respond with supportive, modified or counter-views. Societal dialogue in this way may result in new visions, or interim or conciliatory visions, or an end, which attracts new parties to the circle of dialogue, and may pave the way for participatory agreements. The minimum represents the generation of different visions from more than one way to deal with the issues at hand, as the positions and interests of the initiating and responsive parties may become clear.

### **Indicators for measuring the effectiveness of civil society organizations**

They are tools used as concrete representations of programmes, projects and organizations so that they can finally be evaluated and verified as achieving their goals. Effectiveness measurement plays a key role in the organization's strategic planning process and in the process of exploring the health of the organization and its ability to interact with factors and forces affecting the environment, and to use the energies of its members to achieve its ultimate goal. It is the continuation of its survival and development, and satisfaction with its services and outputs. Among the most famous internationally adopted scales are the John Hopkins University scale and the Civics scale. As for the Arab world, there is the study of Hassanin Tawfiq <sup>42</sup> related to building quantitative and qualitative indicators to measure the effectiveness of civil society organizations, and the limits of that effectiveness, referring to a large set of indicators, the most important of which are:

- The numerical size of the social forces and formations.
- The internal solidarity of the members of the organization, and affiliation to the organization.
- Financial and administrative independence.
- Means used to implement programs and projects.

As well as the study of Dr. Amani Kandil <sup>43</sup> to measure the effectiveness of civil organizations for five countries, where the scale adopted three axes as follows:

- Organization capabilities: human, financial, organizational, technical capabilities.
- Intermediate environment: political, cultural, environmental and social environment.

41 د. هلال محمد - مفاهيم مستحدثة في منظمات المجتمع المدني- محاضرات الفرقة الثالثة - المعهد العالي للخدمة الاجتماعية بالإسكندرية 2012

42 حسنين توفيق إبراهيم «بناء المجتمع المدني: المؤشرات الكمية والكيفية في: المجتمع المدني في الوطن العربي ودوره في تحقيق الديمقراطية، مركز دراسات الوحدة العربية، بيروت، 1992، ص 698-695

43 أمانى قنديل - تطوير مؤسسات المجتمع المدني، الشبكة العربية للمنظمات الأهلية القاهرة 2004، ص 32- 28



- Outcome and repercussions: target groups and beneficiaries, response to societal needs and demands, and how to choose and follow up on projects.

### Chapter 3 : the normative framework for the work of civil society

To support a safe and conducive environment for the work of civil society, there must be a strong national legislative based on the rules of international human rights law, specifically the rights that guarantee freedom of expression, participation, and peaceful assembly, and the set of rights that each person must enjoy individually or jointly with others, which constitute the focus of activity civil. Those rights are stated in the following sources:

#### Universal Declaration of Human Rights:

Article 20:

- Everyone has the right to freedom of peaceful assembly and association.
- No one may be compelled to belong to an association.

Article 29:

- Everyone has duties to the community in which alone the free and full development of his personality is possible.
- In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

#### International Covenant on Civil and Political Rights:

Article 21:

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22:

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the

imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

Nothing in this article shall authorize States Parties to the International Labor Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

### **International Covenant on Economic, Social and Cultural Rights:**

Article 8:

The States Parties to the present Covenant undertake to ensure the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.

### **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms by General Assembly resolution 53/144 on 09 December 1998:**

Article 5:

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

To meet or assemble peacefully;

To form, join and participate in non-governmental organizations, associations or groups;

To communicate with non-governmental or intergovernmental organizations.

Article 18:

Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

### **International Convention on the Elimination of All Forms of Racial Discrimination:**

#### Article 5:

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(d) Other civil rights, in particular:

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association.

#### **Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979:**

##### Article 7:

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

#### **Arab Charter on Human Rights, adopted by the League of Arab States:**

##### Article 28:

All citizens have the right to freedom of peaceful assembly and association. No restrictions shall be placed on the exercise of this right unless so required by the exigencies of national security, public safety or the need to protect the rights and freedoms of others.

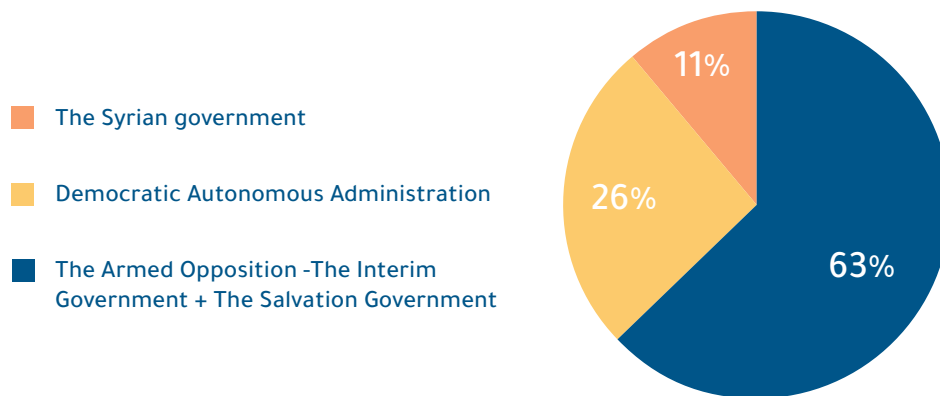
#### **General comment No. 37 (2020) on the right of peaceful assembly (article 21):**

Human Rights Committee, in its General Comment No. 37 of 2020 on the right to peaceful assembly (Article 21), said that in a situation of armed conflict, the use of force during peaceful assemblies remains regulated by the rules governing law enforcement, and the Covenant continues to apply. Civilians in an assembly are protected from being targeted with lethal force unless and for such time as they take a direct part in hostilities, as that term is understood under international humanitarian law. In such a circumstance, they may be targeted only to the extent that they are not otherwise protected under international law from attack. Any use of force under applicable international humanitarian law is subject to the rules and principles of distinction, precautions in attack, proportionality, military necessity and humanity. In all decisions on the use of force, the safety and protection of assembly participants and the broader public should be an important consideration.

## Chapter 4: The Organizational Framework of Civil Society in Syria

As we mentioned above, the rules of international human rights law constitute the normative framework for the work of civil society organizations, while national laws and administrative decisions constitute the organizational framework for their work, which varies in Syria according to the forces controlling the ground, which are the areas under the control the Syrian government, the armed opposition (The National Army - the interim government - the Turkish occupation), Hayat Tahrir al-Sham (the Salvation Government) and the Democratic Autonomous Administration. Despite their differences, those controlling parties have common features, including the absence of civil society and its exclusion from participation and advice when preparing laws and decisions regulating its work, all of which were issued by individual decisions, taking into account the interests of the authority in the first place.<sup>44</sup>

### Military control in Syria at the beginning of 2022



42% of the organizations who participated in the survey encountered obstacles while licensing. 19% of them are not licensed.

### 1 The Syrian government areas

With the establishment of United Arab Republic, a union between Syria and Egypt, all civil parties and organizations were dissolved, and the Private Organizations and Establishments Law No. 93 of 1958 was issued. The law established a new phase of the executive authority's control over the work of organizations, which increased in intensity and comprehensiveness with the coup of the Baath Party and the declaration of a status of emergency for decades. The 1973 constitution omitted an explicit text guaranteeing the right of citizens to form non-governmental organizations, including associations, and replaced it with a vague phrase about the right of mass sectors to establish unions, social or professional organizations or cooperative societies.<sup>45</sup>

Today, the work of civil society and its entities in Syria is regulated by aforementioned Law 93 and its amendments in Decree 224 of 1969 and its executive regulations issued by  
44 ["Map of Military Control in Syria End of 2021 and Beginning of 2022"](#), Jusoor for Studies, 24 December, 2021

45 [الدستور السوري - 1973-2012 - مركز كارنيغي للشرق الأوسط](#)

Republican Decree No. 1330 of 1958, which appointed the Ministry of Social Affairs and Labor to be responsible for its implementation, including the exercise of the authority to dissolve associations. Article No. 14 of the Executive Instructions of the Law of Associations explicitly defines the workspace of civil society organizations, and the executive offices are obligated to the following when deciding on a request to declare the associations' regulations:

- Rejection of the request of establishing associations and forums which have similar goals to those of the popular organizations.
- Rejection of the request of establishing any women's associations in accordance with Legislative Decree No. 121 of 1970.
- Reducing charity associations, so that these associations must be concentrated under the ministry's plan and the needs of the region.
- Encouraging the creation of scientific, cultural and rural societies.

Security services also have wide authority over the work of associations and organizations. While the law stipulates that an application be submitted to the Ministry of Social Affairs and Labor for licensing associations, in practice, the request is submitted to three security agencies, namely State Security, Political Security, and Military Security.<sup>46</sup> The law does not recognize any margin for the independence of civil organizations, starting with the conditional establishment and assessment of the society's need for an organization and its services entrusted to the administrative authorities and not to the organization itself, as well as the dissolution of the organization. Among the reasons that can be invoked for dissolution is "the association's practice of sectarian, racist or political activity that harms the integrity of the state", or once the ministry decided that its services were not needed" (Article 36 (a) (3) and (7) of Law No. 93). In principle, the decision to dissolve must be based on official investigations conducted by the competent departments in the Ministry of Social Affairs and Labor (Article 36 (C)), but in practice, the investigation does not take place. The decision to dissolve the organization is considered final and does not accept any method of review.<sup>47</sup>

The authority also intends to prosecute any person who is active in an undisclosed organization. Article 71 of Law No. 93 imposes a penalty of up to three months in prison for anyone who engages in an activity prior to the declaration of their organization. Article 288 of the Syrian Penal Code imposes a penalty of up to three years in prison for anyone who joins a political or social association of international status without government permission. In addition to subjecting the work of organizations to prior approvals of defining objectives, how to implement, activities, and even rights that can be defended and the means for this defense, all of which are under the control of the authority. Even the International Federation of the Red Cross and Red Crescent, which is based on the principle of complete independence from governments in order to serve a neutral society, in Syria it is linked to the Ministry of State for Red Crescent Affairs. Its head is also appointed by the Prime Minister.<sup>48</sup> It is not possible to talk about the organizational framework without talking about the Arab Socialist Baath Party system, which by law monopolized specific community spaces, as

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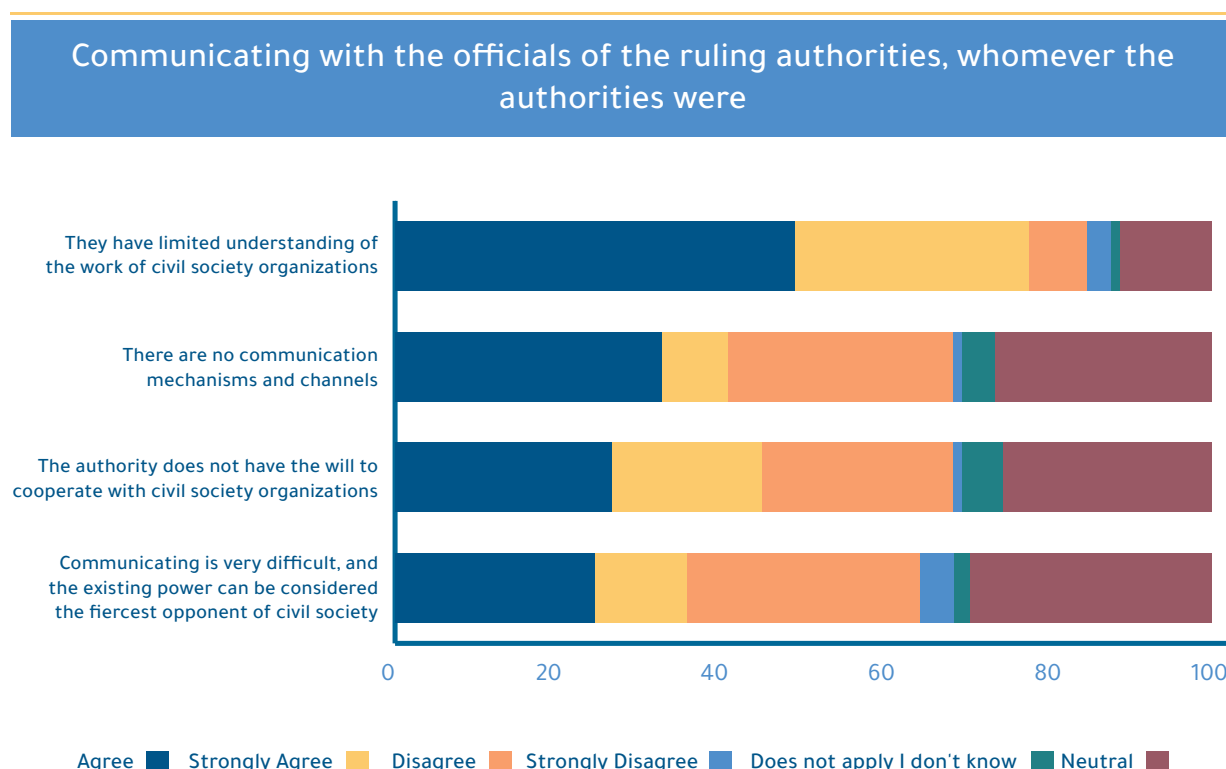
46 No Room to Breathe: State Repression of Human Rights Activism in Syria, 16 October 2007, Human Rights Watch, <<https://www.hrw.org/report/2007/10/16/no-room-breathe/state-repression-human-rights-activism-syria>>, accessed 18 June 2022

47 Ibid.

48 The head of the organization in Syria is appointed by a government decision, by the prime minister in particular, after amending Article 20 of the 2016 bylaws that allowed the head of government to choose one of the four candidates for the organization's board of directors.

in the General Union of Syrian Women,<sup>49</sup> whose founding decree No. 121 of 1967 stipulated “finding a formula for drawing up the policy of existing women’s associations and directing their activities in accordance with the Union’s goals are a prelude to the inclusion of other women’s activities in the organization.” The same applies to the auxiliary organizations of the Arab Socialist Baath Party, such as the Revolution Youth Union of students. Students in Syria are not allowed to practice any activity outside this Union. After 2011, despite the government’s attempt to suggest control and the intention of reform and amendment of a large number of laws in various sectors, the laws and decisions regulating the work of civil society remained without any amendments, and maintained the security and authoritarian supervision on its organizations.

## 2 The armed opposition areas



## The National Army - the Interim Government areas

In the areas under the control of “the National Army”, civil society organizations are supervised by the Directorate of Social Affairs and labor of the Ministry of Local Administration and Services, which was established on 30 August 2019, and to which the Commission for Forcibly Displaced Persons and the Commission for Social Affairs and labor were attached. The decision issued by the Ministry No. 10 dated 4 August 2020 sets the conditions for the registration of organizations, the required documents, the internal system data and the registration procedures, and provided that the basic law of “the Syrian Interim Government” issued on 6 November 2014 is a general reference for what is not mentioned in a text. In theory, the decision meets the international requirements for the work of civil society organizations, which restricts the role of the authority to be in the regulatory framework.

49 On 23 April 2017, Legislative Decree No. 16 was issued and included the abolition of Law No. 33 of 1975, as amended by Legislative Decree No. 3 of 1984 and its amendments, including the creation of the General Union of Women.

On 19 December 2021, the Syrian Interim Government issued circular No. 5 regulating the work of foreign organizations in its areas of control, which obligates all foreign organizations wishing to open offices or branches or engage in any activity, event or workshops in these areas to apply through their legal representative in the region in a written request to the Directorate of Social Affairs and labor and coordinate with it before starting activities. The circular stressed that every unregistered organization or activity that is carried out before informing and coordinating with the Social Affairs Office is considered to be in violation of the law and requires accountability, which constitutes a retreat from the text of Decision 10, and restricts work and activities with a license from the competent administrative authority.

On 10 June 2021, social media networks circulated a circular <sup>50</sup> that includes “the system, foundations of work, jobs, and establishment of associations, organizations, and sports clubs in the Euphrates Shield region,” without specifying who issued the circular. The circular was followed by a number of circulars demanding its implementation, but its wording in Turkish and Arabic indicates that it was issued by Türkiye. <sup>51</sup> Since the end of March 2018, Türkiye has established a center for coordinating humanitarian support to Syria under the name “merkezi kordinasyon yardım insani”, and assigned the deputy governors of Hatay, <sup>52</sup> Kilis, Gaziantep and Şanlıurfa to ensure coordination and supervision of support operations and service provision in the areas of “Operation Olive Branch”, “Euphrates Shield” and “Peace Spring”.

This circular, which stands for the official promulgation of a law or an administrative decision, and addresses the local councils in the areas of the National Army calls into question the authority of the occupying power to exercise a right that it does not have. The occupation has only an effective temporary authority, and it is not allowed to perform any act of sovereignty. The occupying power may not exercise any legislative jurisdiction, and this was confirmed by Hague Convention (IV) in Article 43, which stressed respect for the law applied in the occupied territories, <sup>53</sup> and accordingly the Turkish authorities should have coordinated with the interim government in order to issue circulars of this kind. Although the aforementioned system did not include complications or new administrative requirements for establishing organizations, it gave the head of the local council broad powers over the work of non-local organizations, which require his approval to start working, in addition to the powers to direct, expel and interfere in the nature of activities. The circular also stipulated that local organizations obtain external funding in kind or cash with their prior approval. The broad powers of work and funding granted to the head of the local council violate international rules for the work of organizations on the one hand and give local councils the functions of the central authority. Although the local councils were originally formed from the structure of the Syrian civil society, they moved to constitute an alternative to the local administration to organize the affairs of the areas under the control of the armed opposition, and administratively affiliated to the Interim Government.

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50 [Suriye'ye 5. 'valilik'... <Hatay>a bağlı olacak](#)

51 [صفحة المجلس المحلي لمدينة الباب - على موقع الفيسبوك](#)

52 Sanjak of Alexandretta until 1939, when the Sanjak was separated during the French mandate over Syria, and was annexed to Turkey after a questionable referendum in which tens of thousands of Turks participated, who were transported in trucks from Turkey to participate in, while the Arab majority boycotted it.

53 International Committee of the Red Cross (ICRC), Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land Art 43, 18 October 1907. <https://ihl-databases.icrc.org/ihl/WebART/195-200053?OpenDocument#:~:text=43.-,Art.,in%20force%20in%20the%20country.>



Hayat Tahrir al-Sham - the Salvation Government areas

Al-Bab City Local Council

No. 96/S

17 February 2020

**To all humanitarian organizations and associations operating in the city of Al-Bab and its countryside**

In confirmation of our previous circular No. 205, dated 9 June 2021, which includes the necessity of organizing work and prior coordination with the Local Council to obtain a work permit within the region, and to sign a memorandum of understanding upon any project submitted by you for its implementation. In coordination with the competent directorates in accordance with the system and foundations of the

work of associations, organizations and sports clubs, you are requested to submit to the Directorate of Administrative Affairs in the Local Council within a maximum period of three months from its date to review the required documents and obtain a work permit. It is strictly forbidden to work without the mentioned procedures after the end of the specified period, bearing in mind that the necessary legal measures will be taken against violators.

Dr. Mustafa Al-Ahmad Al-Othman.

Head of the local council





Al Ihsan Organization

Established in 2012

Saraqib, Idlib, Syria



## بيان

### Statement

Yesterday, on 24 March 2017, Sarmada checkpoint, affiliated with Hayat Tahrir al-Sham faction, impounded two flour vehicles, that were heading to the free bakery of Al Ihsan Relief and Development Organization. Upon asking the checkpoint, we found that the General Authority for Services of Hayat Tahrir al-Sham had seized the two vehicles. When Hayat Tahrir al-Sham was asked, they argued

البارحة بتاريخ ٢٠١٧/٣/٢٤ قام حاجز سرمدا التابع لفصيل هيئة تحرير الشام باحتجاز سيارتان طحين كانتا متوجهتان للفرن المجاني التابع لمنظمة الإحسان للإغاثة والتنمية في منطقة سراقب، وعند مراجعة الحاجز تبين أن الهيئة العامة للخدمات التابعة لهيئة تحرير الشام قد استولت على السيارتان وعند مراجعة الهيئة تذرعا بأن الطحين مقدم من منظمة IHH التركية وأن هذه المنظمة لا تتعاون معهم ورفضوا إعادة الطحين إلى الفرن. وعليه فإن منظمة الإحسان للإغاثة والتنمية تحمل هيئة تحرير الشام مسؤولية انقطاع الخبز المجاني عن ٢٠٠٠ أسرة من أسر الشهداء والفقراء وتطالبها بالكف عن التدخل بقوت الفقراء والمساكين وارجاع الطحين للفرن.

that the flour was provided by the Turkish organization IHH, and that this organization does not cooperate with them, and they refused to return the flour to the bakery.

Accordingly, Al Ihsan Relief and Development Organization holds Hayat Tahrir al-Sham responsible for cutting off free bread for 2000 families of martyrs and the poor, and demands it to stop interfering with the food of the poor and needy and to return the flour to the bakery.

Since November 2017, and following the announcement of the formation of the Syrian Salvation Government, which is considered the civilian front of Hayat Tahrir al-Sham, NGOs have been under the jurisdiction of the Ministry of Social Affairs and Displaced Persons, without clear legal texts or actual supervision of the Ministry. The situation continued until 10 December 2018, when the constituent body appointed the Ministry of Fawaz Hilal as president along with nine ministers and established the Ministry of Development and Humanitarian Affairs as an alternative to the previous ministry, and issued licensing conditions for volunteer teams, which do not include exceptional or clear conditions that violate international standards in theory.

It also established the Organizations Affairs Office in northern Syria, with the stated aim of organizing humanitarian work in the areas under the control of Hayat Tahrir al-Sham, and with undeclared aim to control the humanitarian sector and supervise the work of humanitarian organizations that face a range of violations and harassment by the Hayat Tahrir al-Sham and its civilian front. Many organizations faced significant restrictions and confiscation of their offices and warehouses for their refusal to the conditions put forward by the Office of Organizations Affairs, as well as imposed employees and administrators to work within these organizations. Each organization were forced to be monthly royalties at a varying rate, whether from humanitarian aid projects or even the salaries of the employees that reach these organizations. Office of Organizations Affairs also directed the organizations work

and the support they provide.<sup>54</sup>

With the beginning of 2020, a civil society activity by any small local team or Syrian organizations licensed in Türkiye or international organizations requires prior approval to work by the Ministry in its capacity as the administrative authority for oversight and follow-up, which extends to two types of oversight: the first precedes the activities before granting approval and the second is after and it is not only controlled by the administrative authority, but is practiced by the security personnel and members of the Hisbah system (moral police) in the authority, where some seminars and activities are obstructed under the pretext of having males and females at the same place, or violating other Sahria rules,<sup>55</sup> or through affiliated local councils or influential people by imposing a deduction of a mandatory percentage of relief rations.<sup>56</sup> In February 2021, Hayat Tahrir al-Sham circulated new demands on humanitarian organizations, in paper sent to the organizations secretly and one of the organizations leaked it. The demands included sending a personal photo of each employee moving between the governorates of Idlib and Aleppo, in addition to a family book issued by the Salvation Government for married couples, a civil record document for singles, and a certified copy of the work contract with the organization. This constituted a burden on the workers, some of whom did not have a civil record, and others did not obtain a family book from the Salvation Government for various reasons.<sup>57</sup>

In contrast to previous restrictions HTS, as the de facto authority, failed to protect civilian activists from abuses by groups such as al-Qaeda-linked Hurras al-Din group, which carried out kidnappings of activists as part of its efforts to suppress and restrict civil society organizations operating in Idlib.<sup>58</sup>

## Democratic Autonomous Administration areas

Articles 20-21 of the Charter of the Social Contract for the Democratic Autonomous Administration, ratified on January 6, 2014, state that international covenants and charters are complementary to the Charter, and that the Bill of Human Rights and other international conventions are an integral part of it. The articles also state:

- Article 34: Citizens have the freedom to organize, express opinions, demonstrate peacefully, and strike, according to a law regulating it.
- Article 35: Everyone is free to obtain information and engage in cognitive, artistic and cultural activities.
- Article 32: Granting the right to form and join organizations, and referring to the law regulating this right.

In 2017, the Administration issued Law No. 3, "The Law of Organizations, Associations, and Civil Society Establishments" which considered that all civil society organizations and associations that were established before the law was issued are officially licensed. However, this law came in violation of the Charter of the Social Contract and the international standards regulating the work of civil society organizations on several points. The law imposes a

<sup>54</sup> [سبوتة هيئة تحرير الشام تقيد عمل «المنظمات الإنسانية» وتخلق المساعدات](#)

<sup>55</sup> [«سبوتة» «تحرير الشام» تقيد عمل «المنظمات الإنسانية» وآخر ضحاياها «القلب الكبير»](#)

<sup>56</sup> عبد الرحمن خضر - إدلب: منظمات إنسانية مهددة بالتوقف عن العمل بسبب شروط جديدة لهيئة تحرير الشام - العربي الجديد 26 شباط 2021

<sup>57</sup> [من «المبنى الأزرق» هيئة تحرير الشام تضيق على المنظمات وتهدد خصوصية الموظفين | فوكس حلب](#)

<sup>58</sup> 2020 Country Reports on Human Rights Practices: Syria, the United States Department of State, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/syria/>

number of conditions for obtaining a license. In some of the law, the law relied on vague terms that left a wide scope for interpretation, in contravention of the nature of the legal rule and raising fears that it would be exploited to refuse licenses and could be subject to the mood of the official in the administrative body. As stated in Article 3 of the law, within the criteria of the organization requesting a license: "It should not incite political, national, sectarian, and ethnic strife." While different opinions are included political action, the law does not clarify the meaning of political strife in the law.

Article 11 also granted broad oversight powers to the Office of Organizations Affairs (the labor Authority and Civil Organization Affairs), to monitor organizations and restrict their work, interfere in projects to direct them, and prevent some activities, especially those related to education, children and women, especially workshops on media and documenting violations. The powers also authorize the imposition of penalties on centers that operate in this framework, forcing them in many cases to change the titles of their projects in order to avoid the Organizations Affairs Authority rejecting the projects, according to civil society activists.<sup>59</sup>

The law also grants broad powers to the administrative body to withdraw the license and dissolve organizations without any way to appeal and review before the judiciary. On June 15, 2017, Resolution No. (1) was issued by the Social Affairs and labor Authority in the Afrin - Syria canton of the Democratic Autonomous Administration at the time. According to this decision, the licenses of six organizations, two of them based in Türkiye, and four of them in Afrin, were dissolved and revoked, under the pretext of "the necessities of the public interest in the canton and because the organizations and associations did not perform their humanitarian duty to the fullest,"<sup>60</sup> without specifying the nature of the violation and the legal texts that they did not adhere to. In October 2021, the "Civil Society Organizations Coalition in North and East Syria" was established, which includes 200 organizations under the direction of the administration, in a step that comes to invest this coalition for political, economic and service goals that are consistent with the agendas of the Autonomous Administration, according to civil activists.<sup>61</sup>

In January 2022, the Autonomous Administration<sup>62</sup> demanded that local organizations operating in its areas of control provide them with information about the number of employees, their positions and the value of their salaries, threatening to hold accountable anyone who does not comply with the decision. The circular required the organizations to provide information that includes the name of the organization and the project it is working on, the number of employees with their names and positions, the duration of the contract and the value of the salary for each employee.

### 3 The organizational framework of the Syrian civil society the neighboring countries

A limited percentage of Syrian civil society organizations have been able to move as to Europe or the United States, or have been established outside Syria since its inception and are subject to the organizational framework of civil work in the countries in which they are located and do not face challenges at the level of laws, decisions and the relationship with

<sup>59</sup> [منظمات المجتمع المدني في روجآفا: دورها ونطاق فعاليتها](#), 25 أيار/مايو 2017  
<sup>60</sup> مؤسسة التآخي لحقوق الإنسان - قانون الجمعيات للإدارة الذاتية الديمقراطية: [خطوة إلى الأمام... خطوات إلى الخلف](#)

<sup>61</sup> موقع تلفزيون سوريا- الإدارة الذاتية تطالب المنظمات بالكشف عن موظفيها ومشاريعها «تحت طائلة المحاسبة-تاريخ النشر: 07.01.2022

<sup>62</sup> [«الإدارة الذاتية تطالب المنظمات بالكشف عن موظفيها ومشاريعها» تحت طائلة المحاسبة](#)

the authority, but they deal with a completely different system of laws face challenges of ignorance of the law and complications that vary according to the country. The largest proportion of Syrian civil society organizations abroad are distributed in Lebanon, Jordan and Türkiye. Despite the difficulties these organizations face, at the organizational level, the three environments remain less hostile than inside Syria, albeit to varying degrees.

### Syrian civil society organizations in Lebanon

Lebanon has been the first choice for Syrian asylum since 2011, which has produced a number of community organizations, for several reasons:

Geographical proximity, familial interaction, previous knowledge of the country, and the possibility of crossing on foot across the border or crossing with a personal identity card from five official crossings extending on the land border line before 2015. Some organizations established a Syrian cultural scene in Beirut that varied between art, theatre and music and various technical experiences. The first years of Syrian asylum held a revival of the cultural scene in the capital, which soon declined with the measures to limit the Syrian presence initiated by the Lebanese government due to four factors: the huge burden of refugees on a small country; demographic concerns; previous experiences with refugees; and a domestic political imbalance that contributed to the development of an incoherent refugee policy. This exacerbated the challenges they face.

Legally, Lebanon leads the Arab countries in terms of registration for civil society organizations and their compatibility with international standards. The registration of civil society organizations is regulated by the Law on Cooperative Societies, Law No. 1325/1909 and its amendments in 2006. The registration of a civil society organization only requires a notification to the Ministry of Interior and Municipalities, which provides guidelines on the process and required documents. Although the Lebanese government does not have the authority to refuse registration, it can block for months the documents that civil society organizations need to complete the registration procedures, such as bank accounts. However, this did not prevent the work of organizations in Lebanon, which were in 2007, for example, twenty thousand organizations,<sup>63</sup> which is a very high percentage compared to the population. Syrian organizations in Lebanon work with Syrian refugees, and their activities cover various aspects of life, including health, education and relief. Some of them have a license in Lebanon, and operating inside Syria such as documentation centers - newspapers and research centers - and media and cultural organizations before moving to Türkiye or European countries because of the economic and security pressures they were exposed to. These pressures have escalated since 2015, as violations against Syrian civil society organizations increased, and government pressures emerged through administrative circulars or bureaucratic practices such as registration and opening a bank account. It also emerged through the implementation of projects on the ground, where employees are arrested, their identification papers are confiscated, or their residency is withdrawn, and in some cases, it has reached physical torture, or deportation. This harassment also extended to include Lebanese associations that work to provide assistance to Syrian refugees as well.

### Syrian civil society organizations in Türkiye

The latest Turkish Civil Society Organizations Law issued on November 4, 2004 did not specify rules for the establishment of foreign civil society organizations on Turkish territory, but

63 [ألف جمعية في لبنان فهل يصبح «لكل مواطن جمعية»؟ 20](#)

rather the provisions of Turkish law apply to them. Organizations in Türkiye are not subject to any prior administrative or security approvals, as Turkish law adopts the principle of informing the administration in the Organizations Administration in the Ministry of Interior Office of the organization and its goals, which is sufficient to consider it officially registered. The law requires that the organization is non-profit and does not violate the Turkish Constitution, and that it forms its internal structure in accordance with the conditions set by the law. The law also determines the financial and accounting control over the work of the organization, in addition to prohibiting any security interference or control over the work of organizations, except by a judicial decision concluded by a competent court.

Dozens of Syrian organizations work in Türkiye in relief activities in some Turkish cities, and in areas outside the control of the Syrian government in Syria, in education, health, relief, projects to secure clean drinking water in some areas, productive projects to support agriculture, in addition to projects for women and psychological support.<sup>64</sup> Türkiye also hosts a large number of Syrian non-profit media institutions, study centers and forums in Istanbul and Gaziantep, most of which run projects in the northern Syrian regions. In general, the organizational framework for the work of organizations in Türkiye can be described better if it is compared to neighboring countries, but it does not meet international standards. Organizations are subjected to various harassment, including what is stipulated in Turkish law, which requires organizations to employ a number of Turkish citizens for every foreign employee. Syrian organizations licensed in Türkiye were exempted from this condition in the early years of the conflict, but it was applied at a later time, causing a crisis for many of them, represented by the inability to achieve the required percentage due to the lack of financial coverage for employees on the one hand, and the lack of need for Turkish employees who are not proficient Arabic on the other hand, which led to the employment of some Syrians holding Turkish citizenship in administrative or not needed positions, to abide by the law without considering the efficiency criterion.

According to interviews conducted by the SCM monitoring team, in recent years, due to the Turkish emphasis on legalizing Syrians' residency and residency status, Syrian organizations have been forced to sign partnerships or memoranda of understanding with Turkish government or relief institutions, and to change the nature of their work and plans to match the requirements of the partnership in order to obtain work permits for their workers. While the organizations that were unable to secure residencies were closed and switched to work from home to ensure the safety of their members who do not have residency permits or protection cards. In addition to the previous pressures and harassment, control over bank accounts and forcing Syrian organizations to use specific channels (Turkish Postal Bank) to transfer money inside Syria in the north western regions of Syria (including Idlib), and the repeated raids of remittance offices in Türkiye, which prompted the organizations to transfer personally with travelers or through unlicensed offices. This has led to disagreements with donors due to the failure to meet standard documentation requirements that are not possible with non-bank transfer procedures or cannot be substantiated by paper.

### Syrian civil society organizations in Jordan

Unlike Lebanon and Türkiye, Jordan is strict in licensing and registering civil society organizations, and links the legality of their work to licensing from the competent administrative authority. Law No. 51 of 2008 and its amendments include excessive

64 Syrians in Turkey: Groupings, Fractures and a Floundering Civil Society, 5 December 2018, Sasha Al-Alou, Arab Reform Initiative, <https://www.arab-reform.net/publication/syrians-in-turkey-groupings-fractures-and-a-floundering-civil-society/>



governmental oversight, including prior approval of board elections, and attendance at General Assembly meetings. The law also gives the ministry broad powers to dissolve associations for “violating the provisions of the law,” and limit foreign funding. It also gives the Ministry the power to reject the registration request without obligating it to provide an explanation for the refusal. For non-Jordanians, the organization’s registration requires the founders to submit a copy of the passport and residence permit, which constitutes an obstacle for Syrians, a large proportion of whom have left Syria without identification papers. As a result of the complexities of licensing, some organizations resorted to licensing as shell companies that form a cover for the organization and enable it to operate, but this option was very costly because the organization was subject to the Companies Law and the taxes and fees received on commercial work, in addition to additional requirements, including the need to employ Jordanian citizens just to achieve the mandatory percentage required by law.

In August 2018, after the Syrian government regained control of Daraa Governorate, relief programs directed to Syrians in southern Syria, specifically in Daraa, which were implemented by international organizations and Syrian organizations operating from Jordan,<sup>65</sup> stopped. Some international organizations have notified their employees working in the aforementioned projects that their contract will be terminated within two months. The Syrian government’s control over southern Syria resulted in the migration of organizations to the north or the freezing of their work, and the inability of organizations operating from Jordan to bring in aid except through the government. The projects, training and workshops that were held in Jordan for activists and civil society workers from inside Syria were also suspended.<sup>66</sup>

## Syrian Civil Society Organizations: Prospects and Features

After 1970, the Syrian civil society was negatively affected by Union with Egypt that dissolved all civil society organizations and entities in the country, in addition to the political parties, especially since the successive governments after the coup of March 8, 1963 prevented any possibility of recovery and organization again. During the first years of Hafez al-Assad’s rule he imposed a comprehensive horizontal and vertical change that affected the entire structure of the state, the structure of institutions, their beliefs, and their perceptions of national and societal principles. All were harnessed to control society through security, bureaucracy, surveillance, recruitment, cultural hegemony, political upbringing, and grouping interests and alliances on the basis of loyalty, so that the ultimate end of state functions is determined by protecting power and ensuring its continuity. Specifically protecting the president who forms its institutions according to his desire, so that any attempt to remove him would be an attack on them. It is what Michel Seurat<sup>67</sup> described as building the Syrian state in such a way that it confronts society and is always defensive. To complete control, society had to be framed and divided into systems that owe allegiance to the authority, revolve in its orbit or directly follow it, and constitute the only and obligatory path for social advancement, or for dealing in public affairs. People’s organizations came to oppose any parallel entity or

65 [منظمات إغاثة في الأردن تنهي عقود العاملين فيها | صحيفة الرأي](#)

66 Interviews conducted by the researcher with former employees of Syrian and international organizations in Jordan

67 ميشيل سورا، سوريا الدولة المتوحشة. الشبكة العربية للأبحاث والنشر، الطبعة الأولى. ترجمة، أمل سارة. 72 مارك ببالو، جيل كيبيل - بيروت 2012 ص

social alternative to state/power institutions, which in turn became an exclusive reference for all social interactions, with people communicating exclusively through their controlled and monitored channels. The Arab Socialist Baath Party is the only actor to whom the affairs of the state and society have been delegated, through auxiliary organizations to the party, to which Syrians are automatically affiliated, as soon as they enter schools, with the Vanguard of the Baath Organization in the primary stage, and the Revolutionary Youth Union in the preparatory and secondary stages. As for the higher education stage, it is covered by affiliation with the National Union of Syrian Students. Syrian women's issues have also been assigned to the General Women's Union, while workers and peasants in unions governed primarily by the executive authority and do not have the slightest degree of independence. On the other hand, an almost complete ban was imposed on civil society initiatives and organizations, and the entire narrow civilian space was closed off. As for the unions, with the intensification of the confrontation between the authority and AlTaleea AlMoqatelah armed group during the Muslim Brotherhood rebellion in Syria, and after the Jisr al-Shughur massacre on March 10, 1980, the Free Trade unions issued their famous statement in which they announced the national strike on March 31, before the authority took the initiative to violently confront the union movement. On April 9, Hafez al-Assad issued a decree granting the Presidency of the Council of Ministers the power to dissolve unions with a definitive decision that does not accept review. A ministerial decision was issued immediately to dissolve the councils of the unions of lawyers, engineers, and doctors, which were infiltrated by regressivism by reaction - according to the government's narrative.

With the exception of civil and service associations and some cultural clubs with limited numbers, the civil space in Syria was in a state of stagnation, with the exception of rare initiatives to break the stalemate. Including the establishment of the Committees for the Defense of Democratic Freedoms and Human Rights in Syria on December 10, 1989, which, according to its statute,<sup>68</sup> is a voluntary, non-governmental, non-profit, independent association that struggles peacefully for the dissemination and promotion of a culture of human rights and public freedoms in Syria, and confronts any violation of human rights, regardless of its governmental or non-governmental source. The Committees were permanently suspended following a campaign of arrests<sup>69</sup> against its founders in December 1991, a week after they issued a statement on the second anniversary of their founding and the referendum on the presidency.

The stalemate continued until the end of December 1998. Following a four-day bombing campaign on sites in Iraq launched by the United States and the United Kingdom, on December 16-19, known as the "Desert Fox",<sup>70</sup> the capital, Damascus, was on a date with the return of the completely prohibited gathering and protest. Since the end of the seventies and for two decades, the streets of the capital did not have any form of demonstration or assembly outside the framework of the marches organized with the knowledge and order of the authority, which also stopped at the end of the nineties with the decline in the effectiveness of the Arab Socialist Baath Party on the ground, and because of the silence that dominated the scene in the last years of Hafez al-Assad's life. A small group of students from the Higher Institute of Dramatic Arts,<sup>71</sup> went to the American embassy in Damascus, put white cloth pieces on their mouths and announced a sit-in in solidarity with the Iraqi people. They sat on the road in front of the American embassy, amid the confusion of the security services,

68 من نحن

حسن علي - مساهمة في توثيق تجربة - لجان الدفاع عن الحريات الديمقراطية وحقوق الإنسان في سورية - 69 (الحلقة الثانية: الاعتقال والتحقيق والسجن - القسم الأول)

70 Iraq attacked in «Operation Desert Fox», CNN, 16 December 1998, <https://web.archive.org/web/20081218014003/http://www.cnn.com/WORLD/meast/9812/16/iraq.strike.03/>

71 الفرصة الضائعة. عمرو السواح، ألف، 19 حزيران/يونيو 2011

which are not accustomed to dealing with any social movement of this kind, and which did not initiate any violent practices in an attempt to understand and comprehend the event, so that the sit-in was later dispersed through the mediation of members of the academic administration at the Higher Institute. The next day, on the news of the sit-in, Syrian youths formed an angry torrent towards Al-Rawda Square in the heart of the capital to besiege the American embassy, and chanted against America and Israel. A young man climbed the roof of the embassy and lowered the American flag,<sup>72</sup> in the largest Arab demonstration ever to protest the American-British aggression against Iraq. Demonstrations followed over a period of days, prompting the authorities, which showed ostensible tolerance with them, to reconsider the convictions that the young generation isolation and their withdrawal from the public sphere and their inability to gather and move is deeply rooted. The December 1998 event drew an aspect of the authority's behavior and policies in the following years. Over the course of the demonstration days, intellectual and political slogans began to appear on the clothes of some of the demonstrators, and some of them carried banners and banners explicitly declaring a political affiliation to the left, for example, outside the framework of the traditional front or opposition left. This was an early sign of the aging political parties and currents in Syria, and their isolation from the street, which was clearly confirmed in 2011.

The 1998 demonstrations were not a unique event. Rather, they were repeated during the subsequent years in front of the American embassy on October 4, 2000,<sup>73</sup> following the start of the second Intifada events in the occupied Palestine<sup>74</sup> and the Palestinian youth sit-in on September 4, 2001,<sup>75</sup> in front of the United Nations headquarters in Damascus, calling on the Secretary-General of the United Nations to issue a statement condemning the killing of Palestinian children. Over the course of days, the sit-in turned into a gathering of Syrian youth of all affiliations. On April 18, 2002, prior to the Arab Summit Conference in Beirut, Palestinians Thursday<sup>76</sup> sit-in in front of the United Nations headquarters in the capital Damascus was set after demonstrations took place in the streets of the capital. On February 26, 2002, with the start of the trial of the Arab member of the Israeli Knesset, Dr. Azmi Bishara, people went in demonstrations in solidarity with him.<sup>77</sup> The previous events combined presented an image of the Syrian youth, the potential energy of its members and their innate need for expression and participation, which also appeared in the diversity and multiplicity of forms of initiatives that went beyond the civil nature carried out by groups of non-politicized youth, and focused on the developmental, environmental, cultural and research aspects, and even the field of business initiatives. Of course, while avoiding the prohibited basic civil action in monitoring public policies and the performance and violations of the authority.

Faced with this reality and the set of changes that accompanied the successor president's arrival to power, we believe that is reasonable to describe the civil space in Syria at the beginning of the millennium was divided into two different sectors. The authorities handled each sector with different policies. It dealt with the traditional opposition that appeared in a civilian framework within the Civil Society Revival Committees and the entities and gatherings that formed the civil movement known as the Damascus Spring, with a policy of denial, exclusion and persecution. While it dealt with the latent youth energy with a policy of framing

<sup>72</sup> ريشق، منزل السفير الأمريكي بالبيضاء والطماطم: أضخم مظاهرة عربية في دمشق للتنديد بالضربات، البيان، 20 كانون الأول/ديسمبر 1998

<sup>73</sup> استمرار المظاهرات في سوريا والكويت وسلطنة عمان واليمن، فض مسيرة تلقائية في الرياض ومصادمات بين الطلبة والشرطة المصرية

<sup>74</sup> يوم الغضب الإسلامي من جاكارتا إلى الدار البيضاء

<sup>75</sup> اعتصام للفلسطينيين أمام مكاتب الأمم المتحدة في دمشق

<sup>76</sup> صفحة 14 (2002-4-12) | الديار

<sup>77</sup> وسط انتقادات عالمية واسعة.. إسرائيل تبدأ محاكمة بشارة بتهمة «التحريض» و«تأييد منظمات إرهابية» | البوابة



and assimilation by providing channels that respond to the innate tendency of participation and initiative among young people, but does not deviate from the directions and will of the authority, rather simulating and promoting these directions. Therefore, the “Syrian Trust for Development” was established, whose board of directors is chaired by the wife of the President, and which constituted the most profitable public relations investment for the authority. Especially with the efforts to overcome the file of the assassination of Lebanese Prime Minister Rafik Hariri and the international isolation imposed on the authority in Syria, through aid diplomacy, conferences and organizations, which continued and intensified after 2011. At this time a draft law <sup>78</sup> on associations that did not pass its initial form was prepared. Of course, this was an attempt to polarize, and to propose alternatives to absorb the volunteering energy and positive commitment of the youth group. The participation of several of these young people at the beginning of the revolution was evidence of this energy. Some add to the above that the establishment of the Syrian Trust for Development was a response to pressure from Western donors, with the need to make room for a “civil society” under security control. It relied on the Syrian Trust as a monopoly on the funding allocated to civil society within the partnership agreements, and through the implementation of the 1995 Barcelona Declaration. <sup>79</sup>

Finally, it is not possible to talk about the period between 2000 and 2011 at any level without mentioning the new actor in the equation: the Internet and the digital space, which broke the isolation imposed on Syrian society, and presented narratives of events and the future that are different from the narrative of the authorities. Despite its late entry into Syria in 1999 and its expansion in 2001, the Internet contributed to shaping the awareness of an entire generation, and affected the structure of society and the prevailing relations in it, and in the civil space and its actors, who despite their dissonance brought them together by some general features.

## Chapter 1: Syrian Civil Society before 2011

- In the absence of any margin for building voluntary social and economic exchange relations, and in light of the state’s control of the economy and the society’s loss of its independence from it, it is not possible to talk about a civil society in Syria before 2011, even if the authorities allowed the establishment of a thousand or more civil associations. <sup>80</sup> Rather, it is about a civilian space, monitoring the interactions taking place and the size of the roles and initiatives taking place in it.
- Syrian civil society organizations have unique characteristics, stemming from their historical development in contrast to the development of civil societies in other countries, and in a way that contradicts even the theoretical concept of civil society itself. While most civil society organizations originated and developed as a complementary actor within the framework of the state and its sponsorship or at least its neutrality, the Syrian civil society organizations emerged outside the framework of the state, which monopolized the public space completely, and attached the organizations to the government apparatus, forcing some of them to work

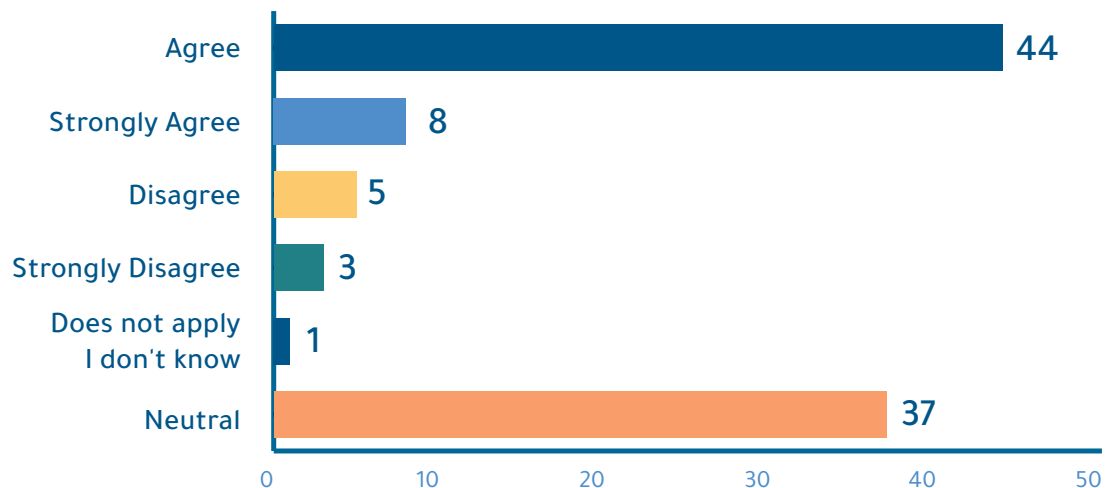
<sup>78</sup> مشروع قانون الجمعيات والمؤسسات الخاصة مقدم من الجمعيات الأهلية في سورية - مرصد نساء سورية

<sup>79</sup> In November 1995, the European Union launched a new integrated vision for its relationship with its neighbours in the southern Mediterranean, Union for the Mediterranean, through the Barcelona Declaration. The purpose of this declaration was to seek to make the Mediterranean region a region of peace and stability, as well as to help improve economic conditions and social and cultural partnership.

<sup>80</sup> عزمي بشارة. الانتقال الديمقراطي وإشكالياته: دراسة نظرية وتطبيقية مقارنة- المركز العربي للأبحاث ودراسة الطبعة الأولى - ص 283-السياسات

clandestinely and without a license before 2011.<sup>81</sup>

Polarization is prevalent in Syrian civil society, and its entities are differentiated according to areas of conflict, and according to ethnic and ideological affiliation



- The concept of civil society appeared in the West within the course of rights and freedoms initiated by Western societies and completed the bulk of it, and came later to its actual existence. After the independence of society from the church and the emergence of institutions independent of the political authority of the state, such as unions, parties and groupings, and after they exercised their roles on the ground, these social activities were called “civil society”. In Syria and the societies of the region in general, the concept of civil society has emerged in the context of the modernist project, which put forward the concept or idea, to later search for its creation in the present and to infer its existence in the past.
- The absence of a frame of reference at the level of thought and practice and the limits of the application of the concept of civil society, and its invocation as a completed experience that must be applied without subjecting it to the logic of testing and development to suit the needs of society, led to the absence of the historical conditions that surrounded its emergence in Western societies. The concept has multiple meanings and interpretations according to its users. It was gradually adapted and became a major ideological and dynamic component in the visions of liberal and leftist forces and political Islam currents.
- The entire Syrian society is controlled by patriarchal authority, and in view of the prevailing culture in general, we find that it does not exceed its traditionalism. This authority is concerned with instilling the values of submission and obedience to the centers of power of a family, tribe, sect, or political authority. Therefore, the public sphere between the family and the state, which is supposed to be empty, as the home for the emergence and effectiveness of civil society, but the authority extends its

<sup>81</sup> We distinguish here the civil option that embraces the principles of human rights without any reservations and defends them in their comprehensive, integrated and undiminished sense. It is this option that enhances transparency, accountability and accountability and addresses corruption and adopts the concept of state sovereignty, institutions and separation of powers that expresses civil society, while traditional frameworks that take into account some restrictions and adhere to cultural determinants at the expense of human rights are closer to the traditional society that reinforces primary affiliations.

hand to it to prevent any activity that may compete with it in extending its influence over the resources and capabilities of the state.

- We can note the beginnings of voluntary and civil formations since the end of the eighteenth century in Syria, specifically with the establishment of the first civil society of the Quraish Orphanage Charitable Society,<sup>82</sup> which according to some is the beginning of civil society in Syria. While others believe that civil society and its emergence cannot be reduced to a specific historical moment, or its beginning can be assumed by a decision or agreement between a specific group of citizens, as it is a cumulative path and a series of modern political, economic and social achievements that continue through time.
- Syrian civil society organizations prior to 2011, with the exception of those established in 2000-2001 are mostly NGOs that do not meet the requirements of civil society. Some of them have been working since the beginning of the twentieth century until now, and they work within the framework of limited humanitarian and societal orientations, and they adopt traditions and orientations that differ from those of contemporary civil society and may sometimes contradict them, and take on a charitable character, such as orphanages and support for low-income families. According to what researchers quoted<sup>83</sup> from reports by the Ministry of Social Affairs, 1074 organizations were registered before 2011. However, we believe that the number of active organizations is much less.
- The changes that took place in the region at the beginning of the millennium, and the positive atmosphere that was circulated to pass the succession of government in Syria contributed to the emergence of civil groups and formations, some of which had started clandestinely.<sup>84</sup> These gatherings demanded a peaceful democratic transformation in the country, the adoption of pluralism, the promotion of freedoms, and respect for basic rights. The period of its activity, which was called the Damascus Spring, ended after the authorities arrested its leaders in September 2001. Thus, the authority missed a historic opportunity to protect Syria and the Syrian society from the explosion in 2011 and the costs that followed, due to its insistence on controlling all aspects of political, social and economic life in the country.
- Despite the period in which civil society became active in 2000/2001 was short it pushed the concept of civil society into public debate, or expanded its scope after it was confined to elite circles. The civil gatherings also presented a civil discourse calling for reform, development and renunciation of violence, advanced in the context of cultural and linguistic rights, the issue of the Syrian Kurds with its national dimension, and issues of minority and women's rights. Despite the demise of civil activity on the ground, the interactions and ideas of the Damascus Spring continued in the virtual space to this day.
- Some believe that the organizations and groups that created the Damascus Spring cannot be considered civil society organizations in the idiomatic sense, especially since most of their members came from political parties and their backgrounds are purely political and ideological. Despite the civil discourse it adopted, it constituted an alternative to direct partisan action outside the circles of power. The Civil Society Revival Committees included in its constitution or founding statement "national consensus" a program for democratic change in Syria, and did not provide a program

[ميتم سيد قريش أسرة دمشقية كبيرة ... 200 يتيم يتلقون الرعاية المتميزة | الجمل |](#) 82

زيدون الزعبي، منظمات المجتمع المدني السورية الواقع والتحديات، مواطنون لأجل سوريا، 2017، ص. 20. 83  
84 رضوان زيادة - السلطة والسياسة في سوريا: الخدمات الاستخباراتية، والعلاقات الخارجية والديمقراطية في الشرق الأوسط - تاوريس أكاديميك ستديزي: 2011

to support and empower civil society and its bodies, as its name suggests. It also later participated in establishing the Damascus Declaration for National Democratic Change, a political grouping that included opposition parties and opposition political groupings.

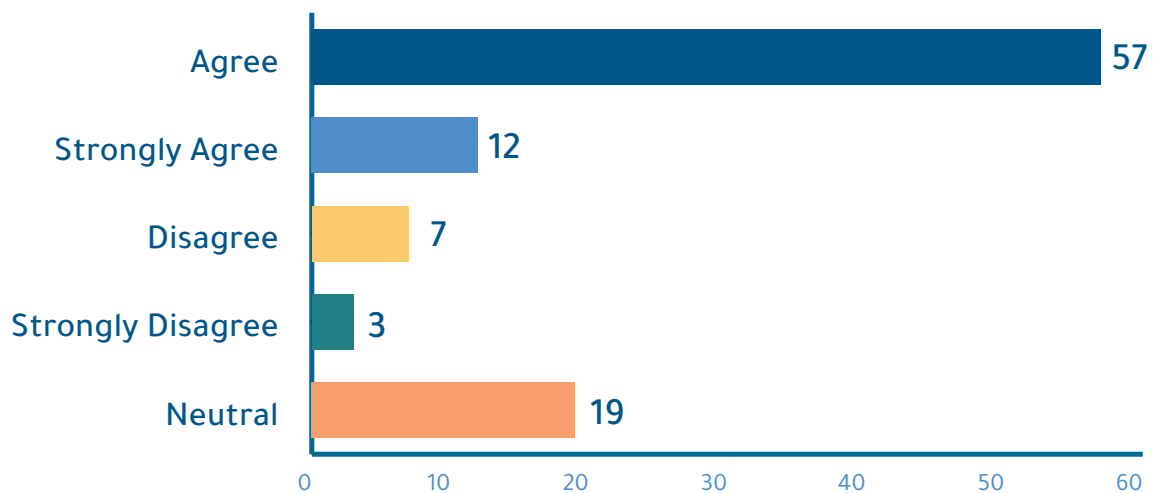
- After these arrests put an end to Damascus Spring, newly established organizations headed by members of the new economic elite, which defined civil society and restricted it to charitable or relief activities, came to the fore. The most prominent of them was the "Syrian Trust for Development" 2002, which received broad support from some European governments and United Nations agencies; although it is affiliated with the authority, and is subject to the direct supervision of the wife of the President. The presence of the Syrian Trust did not prevent voluntary cultural and environmental initiatives undertaken by non-politicized youth on a small and often local scale.
- The arrests related to Damascus Spring in 2001, occurred again in 2005, but did not prevent the continuation of the work of human rights organizations that were deprived of legal status, and that their staff were subjected to arrest, trial, ban on meeting and travel, and other harassment, including the Arab Organization for Human Rights and the Human Rights Association in Syria, whose application for a license was rejected by the Ministry of Social Affairs and labor in 2003, and the administrative judiciary approved the Ministry decision despite its clear legal violation. The Syrian Organization for Human Rights - Swasiah, the Syrian Center for Media and Freedom of Expression, the Damascus Center for Human Rights Studies, the National Organization for Human Rights and the Syrian Organization for Human Rights were established between 2004 and 2006. In 2004 also, Kurdish human rights associations emerged, including the Kurdish Committee for the Defense of Human Rights, the Kurdish Organization for the Defense of Human Rights and Public Freedoms in Syria, and the Kurdish Committee for Human Rights.
- The social market economy approach adopted by the Syrian government, which involved the withdrawal of the national state from the areas of production and services in the 2005 budget led to a rise of poverty among the lower and lower middle classes, which is mainly represented in social and economic services. The number of civil society associations and non-governmental organizations in the relief sector increased with the encouragement of the authority, which saw in it a satisfactory compensation for the groups affected by their withdrawal from their previous role in production and services, limiting social problems and enhancing their eroded legitimacy. Some of these associations were established and practiced their work openly despite the lack of a license, such as the Orphan Association of the Shallah Family, the Damascene Family and the Arab Women's Association, which was founded by Labiba Hosni.<sup>85</sup>
- The state monopoly of the public space, and its absolute prohibition of any margin of action, no matter how narrow, outside its framework, the activity of human rights organizations before 2011 was marked by opposition, through protest, criticism, and demanding goals, that is, the function of monitoring and mobilization only, due to the absence of any possibility of the proposed function and contribution to the development of perceptions about national legislation, amending them or proposing new laws and legislation as alternatives to them. The preoccupation of the aforementioned organizations with civil and political rights has also emerged, on the

85 [ديناميات المجتمع المدني في سورية بعد ثورة 2011 - المؤسسة السورية للدراسات وأبحاث الرأي العام](#)

expense of the economic, social and cultural rights.

- Syria topped the list of Arab countries that have a great predominance of charitable and welfare trends over the activities of NGOs. According to the third annual report issued by the Arab Network for NGOs - entitled "The Role of NGOs in Combating Poverty" <sup>86</sup> in 2003, 80% of the organizations operating in Syria adopt a charitable approach, that is, providing direct and temporary aid to face the economic and social burdens of life, unlike the development orientation, which aims to empower the beneficiary with tools and experiences that lead to a continuous improvement of the quality of his life, through education, training and rehabilitation to obtain a job opportunity and self-improvement.

Syrian society is by nature inclined to organizing and participation, and as soon as the government's control recedes from an area, societal forces would rush to establish civil entities



- Among the obstacles to the establishment of civil society in Syria is the absence of one of its basic pillars, i.e., citizenship, and the consequent basic rights, such as equality, freedom, and individual autonomy, and protecting them from abuse. It is the cornerstone that cannot be achieved in a legal environment that does not have conditions of protection for the various individuals or groups that allow the emergence of this space independent of the state, which already lacks a basis for a sound social contract that regulates the relations between its components.
- The nature of Syrian society and the societies of the region in general, despite the manifestations of modernity, still have the characteristics that distinguish traditional societies, such as clan, family, and sectarianism, and are governed by deep-rooted popular cultural patterns, which block the possibility of progress towards the proper establishment of a civil society. In the forefront of which are the reality of women, individual freedoms, the position of human rights as the only reference, and the relationship with the authority that constituted fundamental obstacles to the growth and independence of civil society.

86 د. علي ليلة- دور المنظمات الأهلية في مكافحة الفقر- الشبكة العربية للمنظمات الأهلية- 2003

## Chapter 2: The Syrian Civil Society after 2011

- During 2011, hundreds of networks and associations emerged and focused mainly on organizing the protest movement, and trying to attract international attention to what is happening inside Syria. This applies to the description of “social non-movements”, presented by Asef Bayat, in which “collective actions” replace “collective actors” - in a climate that places individuals’ lives outside the regulation and control of the state, where protests formed a fertile ground for the birth of collective activities by non-collective actors that depended on the participation of number of people in carrying out specific practices without an agreement between them, but based on an implicit awareness of the existence of common denominators or a common identity that brings them together, and immediately communicating directly and indirectly in public places or the virtual space. Usually there are no known leaders or organizations, as these actors work automatically, and their movement begins with an individual reaction characterized by spontaneity in dealing with the variables of reality.<sup>87</sup>
- Civil society in Syria and the entities formed after March 2011 in particular adopted a comprehensive national discourse, focused on human rights concepts in the areas controlled by the armed opposition, and demonstrated resistance to external interventions and dictates compared to the opposition’s political and military bodies. Until mid-2012, a large part of it remained dependent on the donations of citizens at home, which gave it an independence that did not stand up to the funding conditions and agendas that emerged later.
- After 2011, Syrian civil society organizations succeeded in spreading and consolidating the culture of human rights as a major trend within civil society concerned with the issue of human rights from different angles, and dealing with it with multiple approaches, and not limited to human rights organizations in particular or specialists. What led to human rights issues gaining a public character and brought them out of the elite’s interest only, so that it became an issue with a popular base and public momentum, within the framework of a vision that identifies with the breadth, diversity and interdependence of rights.
- In addition to the importance of the achievements and services provided to the beneficiaries locally or regionally, it is credited to the Syrian civil society organizations after 2011 that documented human rights violations committed by the Syrian government first and then the rest of the parties to the conflict. This is considered the most important form of non-violent resistance in the Syrian conflict, and an important quest for justice without waiting for a political transition or a lull in the conflict, and it prevents the appropriation of narratives and the destruction of evidence, history and memory, by documenting them and preserving data that forms the basis for current and future trials and future fact-finding committees.
- As a direct result of the armed conflict and of that entire areas went out of the control of the Syrian government and the latter’s retention of city centers, the Syrian civil society organizations, which have long settled in the major cities and the capital, migrated to the countryside and marginalized areas, which, without prior planning, put the organizations in direct contact with the residents of these areas, the real beneficiaries of an effective civil society, and away from civil society the elitism that accompanied it since its formation.

87 أحمد العوفي- آصف بيّات: [عن التغيير والثورة و اللاحركات الاجتماعية](#)



- On the other hand, rural concentration or remoteness from centers has had an impact on the ability of civil society organizations to change, in light of a social environment characterized by stronger elements of solidarity, family cohesion, and a stronger dominance of customs and traditions due to the organic cohesion of its elements and their development of an oral communication system based on direct confrontational relations<sup>88</sup> that perpetuate patriarchal authority, in the community. This led to the inability of the organizations to spread and devote a civil culture in their areas of operation. Some of them even identified with the prevailing pattern of relations without changing it. While the organizations seemed to enshrine the role and participation of women and support their presence, for example, they were in fact perpetuating men's authority by nominating or appointing women from male relatives who are in charge, without considering the criteria of women's opinion and standards of competence.
- The sharp collapse of the Syrian economy, the collapse of the local currency, the rise in unemployment rates to unprecedented rates, the damage to infrastructure, educational institutions and public facilities such as hospitals, and other damage to the economy and state institutions constituted the decisive factor in arranging the priorities civil society organizations during the years of conflict, and placed them in front of a greater entitlement than its capabilities, as a provider of public services that the government provided in the pre-war era. This included health, education, food distribution, as well as water, sanitation, hygiene and shelters for the displaced.
- In recent years, there has been a tendency for civil organizations to obtain licenses and complete the legal requirements imposed by the authority or de facto authorities in their areas of operation, which has positively affected the organizations' activity and the ability of their members to work freely, network and participate, and obtain funding. This was useful towards professionalism and administrative organization, and planning in isolation from the political conditions or the change of the political system, which was the common feature of the work of a significant proportion of organizations after 2011, in areas controlled by the armed opposition in particular.
- Since 2016, the associations or organizations of victims and their families have begun to appear linked to civil society organizations in one way or another, whether through the support of civil society organizations for the establishment process, or as a result of it; or by having these associations were in programs emanating from civil society organizations, from which they later became independent; or many other forms of relations. The frequent emergence of victims' associations in the past four years, and the number of these groups seeking to form a clear position on concepts such as justice, accountability, fighting impunity, compensation for victims, and advocating for these and other issues has increased.
- The resilience of civil society and its organizations has also emerged through the development of its means and work tools to adapt to the needs of each stage, as some organizations working in the field of documenting violations have recently re-adjusted their documentation activities, so that they can support long-term lines of work. The organizations began to harmonize their documentation activities more closely and based on the principle of integration to reach an accurate and integrated national database. The organizations also expanded documentation mechanisms to include violations related to gender, civil society, the environment and others, while

88 مجموعة من المؤلفين - المدينة العربية: تحديات التمدين في مجتمعات متحولة- المركز العربي للأبحاث ودراسة السياسات- حزيران 2020 ص 350

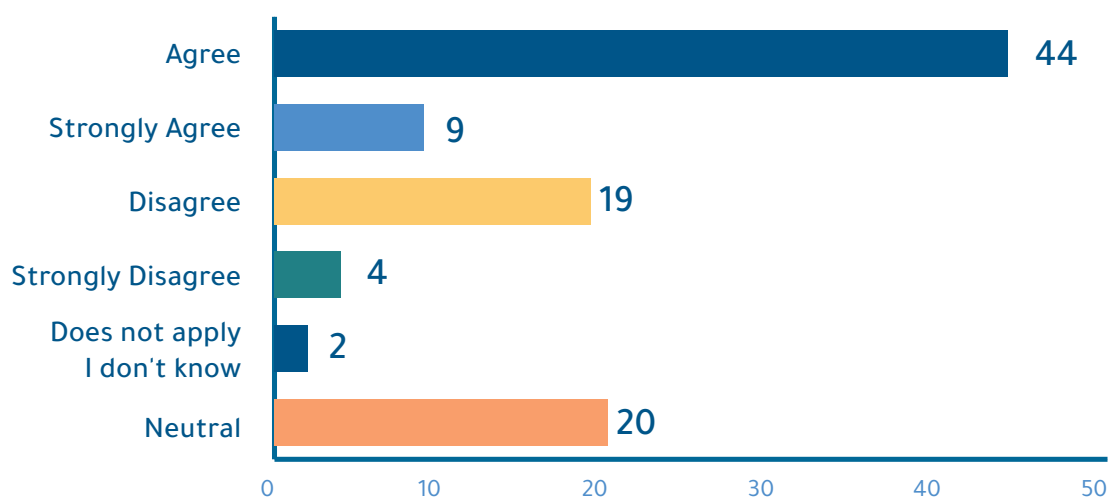


adhering to an approach that focuses on quality and the validity of data as judicial evidence or databases for transitional justice.

- Syrian civil society contributed to developing innovative approaches to overcome the stalemate in justice during the Syrian conflict in the absence of national accountability for the flaws in the national and international judicial system due to the Russian and Chinese veto power in the Security Council. As the activities of Syrian and international NGOs have opened a new avenue for criminal accountability, NGOs have focused their efforts on strategic litigation based on extended global or national jurisdiction to enable the prosecution of war crimes.
- In several situations and dues, Syrian civil society managed to penetrate the opposition-government dichotomy, one of the causes of the current national impasse, and focused on the people's condition, visions and aspirations. It presented a unified speech to the international community, dealing with the country's issues in a responsible spirit on the basis of rejecting the occupation of Syria's lands, rejecting dividing the country, emphasizing the rights of victims, transitional justice and its implementation in a national spirit and that it is not revenge, not neglecting accountability and effective remedy, is the path to peace in the country.
- Organizations working in the field of documenting violations have made a qualitative leap by adopting modern information systems and full automation of the documentation process, which was reflected in positive values at the level of the communication system, whose development depends mainly on the organizations' ability to take advantage of modern communication technologies and establish networks on two levels, the first directly through its periodic publications, and the second, the access to the various local, Arab and international media.

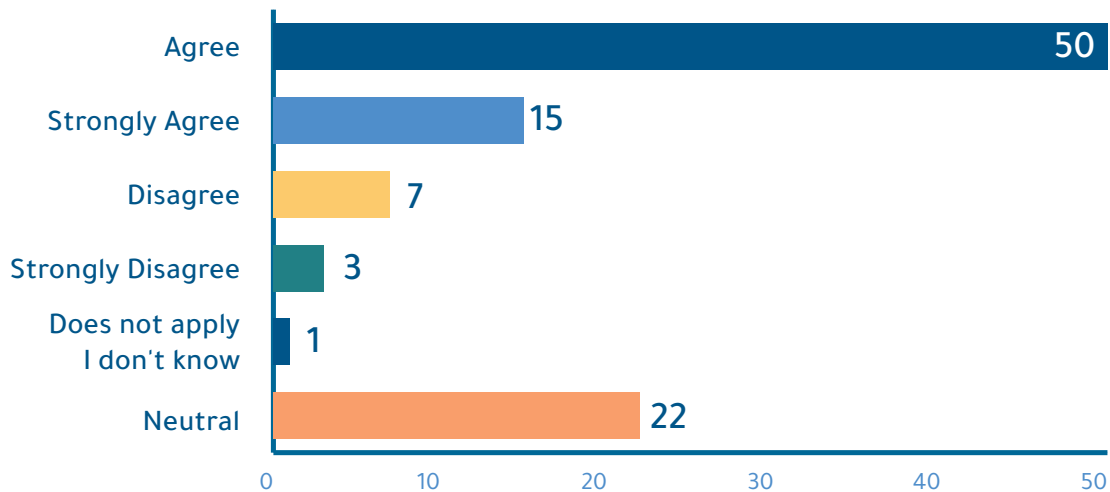
### Negatives:

The response of the Syrian civil society organizations came in proportion to the event or the need



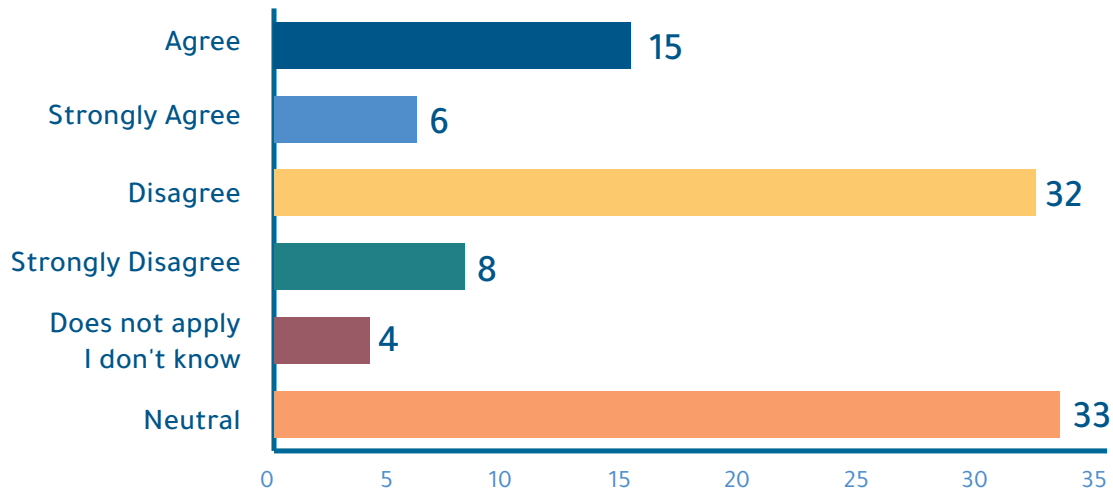
- The presence of civil society organizations in Syria does not necessarily provide proof of the existence of a Syrian civil society. These organizations gain their depth when they are effective and given the legitimacy of democracy. It is not only important that they are freed from the domination of the state and separate from it, but it is also important that they are not subject to the control of one group of society, they are not weakened by the struggles of individual interests, and that they derive their continuity from the subjectivity of their decisions away from the domination of any authority and its interests .
- Small-sized organizations (less than 45 employees) constituted the majority among civil society organizations, and mostly depend on short-term funding and emergency response, which leads to a weak ability to develop cadres or attract the necessary competencies, as a good percentage of organizations were established to respond to the growing humanitarian needs raised by the conflict.
- The absence of a safe environment as a direct result of militarization, had a significant impact on narrowing the margin of civil action in general, and drawing theoretical boundaries that frame the work of civil society organizations in a specific geographical and perhaps civil framework, and the militarization of the revolution contributed to the movement of several activists working in non-governmental organizations to armed action. On the other hand, some armed groups provided relief services similar to what civil society organizations were doing before the conflict began.
- The inability of independent civil organizations to find sustainable and stable self-financing, under exceptional working conditions, prompted some of them to be an extension of political movements or parties, so that they derive their recommendations, goals and funding from them, while the organization's activity is linked to expanding the mass base of the party, individual or project, which distanced it from the idea of the public good is the basis of civil action.
- The decline in the principle of voluntarism in the work of Syrian civil society organizations and its limited size. The civil reality in Syria has produced three levels of members in a hierarchical order that contradicts the value of central equality in work and civil culture. At the first level is the board of directors or founders, then the paid workers in these organizations, and finally volunteers who became assistants to paid workers. The principle is that voluntary work is based on initiative and the achievement of the public interest, while in this case it is limited in some cases to those who do not have the opportunity to paid work, those who do not have sufficient experience or qualifications, or have become an entry point for work, as some organizations have deliberately replaced the probationary period contract with a specific duration as a starting point for volunteering.

## Civil society organizations contribute to the dissemination and consolidation of a culture of democracy, equality and respect for human rights



- The emergence of some civil society organizations was linked to personal activity, so that the institution falls in the hands of one person, and the decision-making process in it is highly centralized under democratic claim, so that the founder, the oldest member, or the person with struggle experience controls the fate of the institution, relying on moral influence over the members or a right that implicitly existent, which leads to the absence of the factors of sustainability and continuity in the work of the organization, which disappears in the absence of the founder person.
- The dominance of discretion and personal relations over the relationship of civil society organizations with authority, given that the laws that define the form of civil society activities contain several vague provisions and texts that may be subject to contradictory interpretations, giving officials wide discretion in the process of implementing them. What creates a state of uncertainty and a strong sense of weakness among civil society activists who do not have any means to enable them to determine or extrapolate the way in which the official sees the application of the law, and they resort to the option of consolidating personal relations with it to conduct their work.
- The conditions of origin and work in light of the conflict have given civil society organizations in Syria a high flexibility to adapt to the ever-changing context and deal with emergency needs, but at the same time, these conditions have weakened the ability of these organizations to specialize and build capacity. Most of these organizations work within a wide range of fields and sectors of work, making it more likely to drain time and resources that may not support a longer strategic vision and also push them to act in accordance with donor requirements and agendas.

## Most of civil society organizations practice or are affiliated with political parties and implement their directives with a civilian cover



- Although some organizations met the theoretical requirements for civil work, with an organizational structure and internal system, and sometimes following the election method, in practice they remained subject to fanaticism and subnational loyalties, as they were associated with a family, sect, or ideological group, and their management was distributed among members of one family. Civil relations and ties such as intermarriage and descent are crucial factors in managing organizations from the inside. These models appeared in relief work, part of which was linked to the promotion of people, projects and ideologies, in contrast to the concept of civil society.
- Some civil society organizations and formations have normalized their management practices and orientations within the organization, the mentality of clinging to power positions, and giving priority to the aspect of individualism in dealing with their internal affairs, which cannot be described other than as undemocratic methods, as Dr. Mohammed Abed Al-Jabri proposed that the Arab elites do not exercise the necessary domination to bring about change, because they remain nomadic in their behavior, mentality and aspirations. Therefore, this elite does not belong to the civil aspect, which is a founding condition for the concept of civil society.<sup>89</sup>
- On the level of human capital, Syrian civil society organizations face the migration of competencies that have accumulated experiences over the years of the conflict, as a good percentage of workers moved to international or regional organizations as experts in other conflicts in search of job and financial stability, while others chose to pursue educational attainment in Europe for the same motives, too, without neglecting the collective frustration of Syrians and the sense of the futility of follow-up after a decade of conflict.
- The elderly are almost completely absent from the Syrian civil work scene, their interests are excluded from the plans and their image is absent from the media coverage of the activities of civil society organizations, and they are also excluded from training, rehabilitation and employment programs that often require a specific

89 د. محمد عابد الجابري «عوائق بنيوية أمام التحول الديمقراطي» الموقع الإلكتروني للدكتور محمد عابد الجابري

age of 18-40 years, which indicates a general case of discrimination against the elderly, for whom the principles of the United Nations General Assembly explicitly stipulate that they should be able to benefit from appropriate education and training programmes, in addition to 18 entitlements related to independence, participation, care, self-realization and dignity, and the obligation to provide opportunities to participate and contribute to the ongoing community activities for the willing and able of the elderly.

- Despite the clear development in the outputs of human rights civil society organizations working in the field of documenting violations, whether in their periodic or qualitative reports, press releases, or in their content in terms of accuracy and credibility of the data, most of them adopt a language far from neutral, and do not use standardized terms in reviewing and analyzing events and dealing with issues. In addition to the strong tendency to issue judgements and characterize crimes, and political bias, which in a small percentage of them reaches the level of incitement and hate speech.
- Civil society organizations are accused of limited skills in managing internal dialogues, conflict resolution, and lack of skills in networking and managing long-term advocacy campaigns. Despite the few exceptions, civil society failed to manage internal dialogues to get out of the national impasse, or to build a permanent alliance capable of making change and providing democratic alternative.
- In 2016, the former UN Special Envoy for Syria, Staffan de Mistura, announced the establishment of the Civil Society Support Room in Geneva, a stage that could be considered a turning point in the work of civil society, and a prelude to its subsequent entry into the political space directly with the work of the Constitutional Committee in 2018. This constituted a setback or erosion of the Syrian civil society, marginalizing it and preventing it from performing its expected roles. The reason for this is due to the selection mechanism, which was imposed by regional actors without regard to the extent of their true representation of the segment of civil society in Syria, and by the Syrian government, which chose members of the leaders of the Baath Party's division or its branches and institutions affiliated with it. The civil society bloc in the committee had sharp divisions at the Kurdish/Arab level, and at the level of opposition and loyalists.

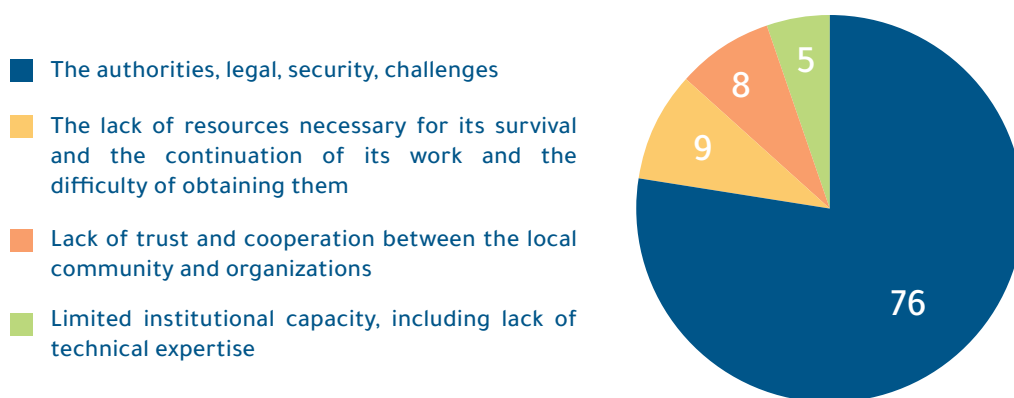
### Chapter 3: Institutional Challenges

In societies experiencing protracted armed conflicts, civil society plays exceptional roles in consolidating civil peace, ensuring accountability and non-repetition of conflict violations, as well as in rebuilding national identity as follows:

- Civil society forms the way out of the country's predicament, by moving towards formulating a social contract that guarantees the rights of the citizen/individual, and contributes to societal change and the achievement of development goals and projects. Dr. Radwan Ziadeh sees in his book *The Intellectual Against Power* that civil society is "the only alternative that will get the country out of the political impasse and social backwardness experienced by the Syrian people, and that democracy and respect for human rights will only be achieved in a state of institutions and law that is guaranteed by civil society based on opening the way for the political and social movement of the various popular segments.

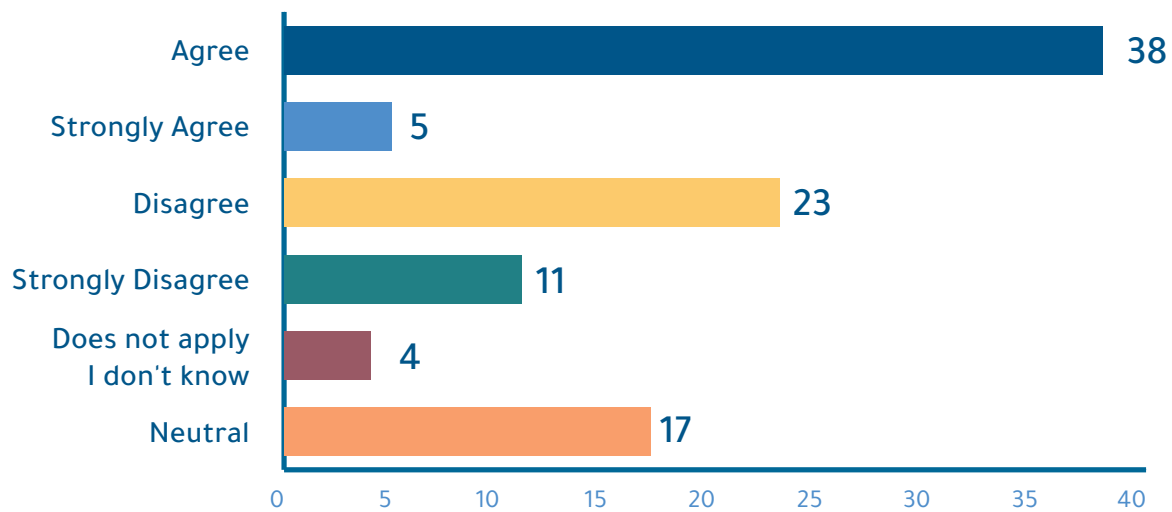
- Civil society organizations are supposed to be schools for political upbringing on democracy, on the grounds that they provide their members with a good amount of organizational and political skills and tools, including relative freedom in organizing meetings and dialogue; competition for leadership; and then nominate and engage in electoral campaigns; voting, monitoring and holding these leaders accountable. Members of these organizations receive and practice a degree of political culture not normally available in the family, school, or work setting. So, in the few cases where a measure of political freedom is available in the larger society; the members of these organizations are the most prepared to take advantage of this amount of freedom available, and even when this amount is not available, they demand it and are keen to expand it steadily.<sup>90</sup>
- Civil society constitutes one of the most important pillars of society's capabilities to manage conflicts peacefully, and protect its components from the intrusion of violence into the street, especially when members of civil society organizations belong to multiple groups, each of which deals with a different aspect of their issues, such as their lives reality, their socio-political reality, and their professional, social, and occupational reality. The overlapping affiliation of civil society actors in several groups provides mutual social capital. i.e., creating networks that are a great force in community integration and reduce the potential polarizing force on all sides. Civil society is often seen as a solution to social, economic and political problems.

### The biggest challenge to Syrian civil society organizations survival



90 المجتمع المدني والديمقراطية (رؤية من صلب النظرية في الواقع العربي)، ورقة عمل قدمت لمؤتمر «النقابات ومؤسسات المجتمع المدني في الاردن» مركز القدس للدراسات السياسية بتاريخ 24-25 ايار 2003 الاردن -عمان

## Civil society organizations exercise democracy in the election of the board of directors and the general manager



- In countries experiencing protracted armed conflicts, the recovery process includes, in addition to strengthening and reforming or reconfiguring governance, the building of political institutions that serve citizens and help establish transparency and overcome corruption. Parallel to reconstruction and economic recovery projects, all of which are indispensable elements, but they are not sufficient to create a stable social and political environment that requires the adoption of participatory social approaches that go from the bottom up, that can provide the necessary foundations to reach social consensus, and instil the spirit of peace agreement for all. Here, civil society appears to be the only actor to complete the recovery process, the objective opposite of extremist currents or utilitarian structures, or networks of allegiance to warlords that are poised to re-engineer post-conflict societies to serve their interests.

However, a number of challenges face the work of the Syrian civil society and limit its ability to exercise its role. According to the questionnaire prepared for this report, 78% of the respondents consider security challenges as the biggest challenge facing civil society organizations, with a very large difference from the three subsequent challenges, which received close percentages of approximately 7%, which are funding challenges, weak relationship and trust with society, and institutional challenges that in turn, it includes weak organizational and professional structures, internal problems in rules and regulations, weakness in organizational structures and centralization of internal leadership. In contrast to the significant increase in the number of beneficiary groups, the previous ratios can only be read in light of the armed conflict and the exceptional conditions in which Syrian organizations operate. However, in the normal circumstance, the challenges are almost equal in terms of their impact on the work and role of the organization.

Institutional challenges <sup>91</sup> are related to internal constraints and obstacles that affect not only the ability of organizations to perform their roles effectively, but also their chances of continuity and sustainability. Some of these challenges have cultural and social extensions related to the members of the organization and are reflected in its institutional performance, previously mentioned in the course of talking about the features of civil society after 2011.

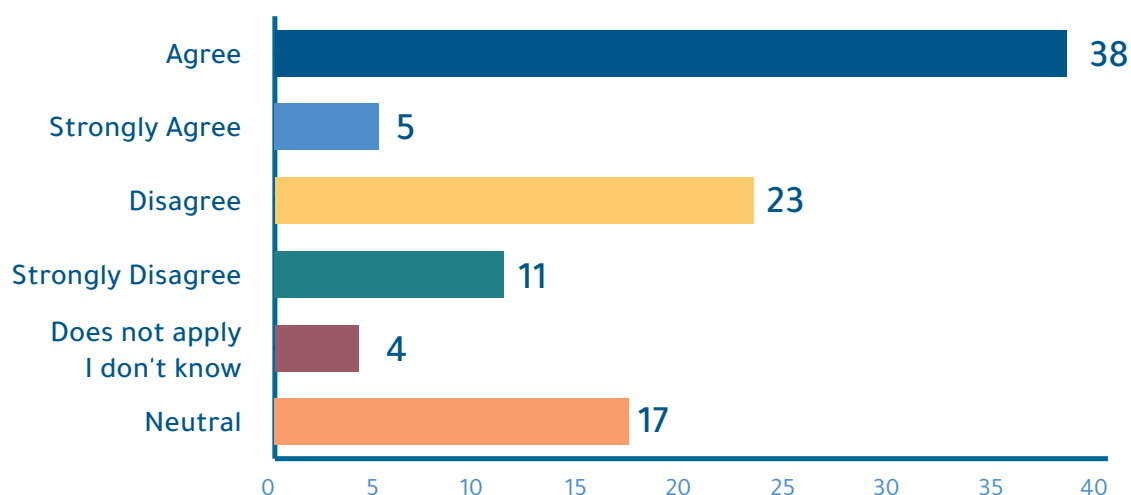
91 عقيل أيمن: المنظمات المدنية في مصر «الواقع والدور المنتظر بعد ثورة 15 يناير»، ورقة عمل مقدمة لمؤتمر دراسات المجتمع المدني العربي، القاهرة: ديسمبر 2012



Institutional challenges lead to other challenges that cannot be dealt with in the absence of human capabilities with a clear vision and the ability to innovate, and strategic planning and efficient management mechanisms for the organization's activities.

## 1 Governance in Syrian civil society organizations

Civil society organizations exercise democracy in the election of the board of directors and the general manager



Institutional challenges primarily include weak governance, both internally and externally, in the work of civil society organizations. Governance is defined as a set of laws, rules and procedures that aim to achieve quality and excellence in performance by choosing the correct and effective methods for managing organizations and achieving their goals. The implementation of governance benefits organizations from the following: <sup>92</sup>

- Assists board members and executive managers in achieving goals and making decisions in the best way.
- Ensures the protection of interests and assets.
- Ensures commitment to the organization and adherence to laws and regulations.
- Defines responsibilities and tasks.
- Ensures a balance between strategic and operational responsibilities.
- Enhances trust and credibility.
- Leads to adopt a distinguished working environment and relationships.

Governance is also defined as following a specific system to control the relationships between the main parties that affect the performance of organizations, which helps to organize work and define responsibilities to achieve long-term goals. It also bears the responsibility of organizing the relationship between all parties within the organization and helps those in charge of determining the direction and performance of the organization. The United

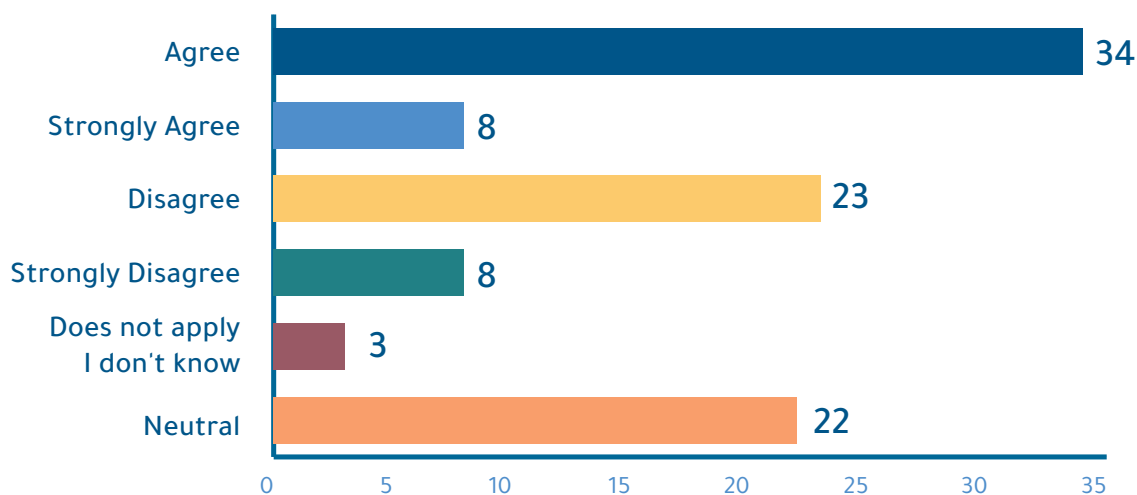
92 أمين فرج شريف : مفهوم ومبادئ الحوكمة (الحوكمة داخل المنظمات - باور بوانت - ص 3

Nations, through its development program, identified eight elements <sup>93</sup> on which good governance is based, which are: participation in decision-making, consensus between the parties involved in management, accountability, transparency, responsiveness to people's requirements, effectiveness and efficiency, equity and inclusion, rule of law.

Rules and Regulations: Through communication with workers in organizations, the strong participation of workers in forming programs, discussing plans and internal regulations, and internal regulations emerged as one of the positive features in the work of organizations. However, in the vast majority of the organizations in which the opinions of the workers were surveyed, there was a blurring of the boundaries between activism/struggle and work, as the workers showed full commitment to accomplish the tasks they were assigned, while they showed clear tendency not to comply with the internal regulations "Rules of attendance - annual leaves, ethical charters, privacy respect". It became clear what could be called the activist/employee problem, <sup>94</sup> as it is common for workers to be convinced that they should not be treated as employees. Which led to the lack of commitment to the regulations, whether by them or by the administration, especially in small-sized organizations, which leads to that those disciplinary measures against workers who do not adhere to the regulations to be mere theoretical texts that are not applied in practice.

### Decision making in the organization

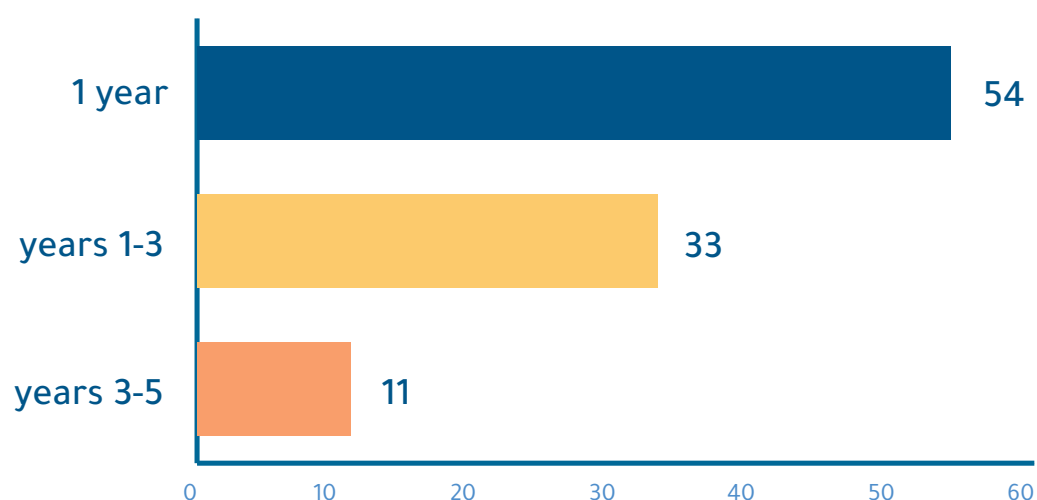
Civil society organizations exercise democracy in the decision-making process by adopting the principle of voting and taking the opinion of the majority



<sup>93</sup> إدارة الحكم لخدمة التنمية البشرية المستدامة: وثيقة للسياسات UNDP 1997 برنامج الأمم المتحدة الإنمائي العامة لبرنامج الأمم المتحدة الإنمائي. نيويورك، الولايات المتحدة الأمريكية.

<sup>94</sup> An interview conducted by the researcher with an executive director of several Syrian organizations during the past years.

## How long does the organization's business and funding strategy cover



Forty-two of the respondents (43%) agreed that organizations adopt democratic choice and voting in the decision-making process.

One of the pillars of good governance for NGOs is the existence of an effective board of directors, separate from the management team. Despite the availability of functional structures and the distribution of positions and tasks in all organizations, the decision-making mechanism usually takes place outside the framework of these regulations, with two directions of decentralization imposed by the nature of work and the absence of a strong board of directors. This allows workers on the ground a margin of freedom to make decisions directly, which has a number of positives, but it leads to weakening coordination and implementation of pre-established plans and may lead to conflicting actions and results within the institution. As for the second trend in the decision-making process, it is central to the founder, who is often the chairman of the board of directors, whose powers are growing in exchange for the presence of a fictitious or ineffective executive director, whose role is assumed to be pivotal in making decisions. Despite the success of the mentioned models in facilitating work and satisfaction of members in most cases, these mechanisms are lacking in continuity.

**Accountability and transparency:** all organizations face the dilemma of involving the public in the processes of formulating strategies and policies, setting agendas and setting priorities, which is essential to ensure that organizations are accountable to the communities they seek to represent, serve or defend. The absence of public engagement, qualified oversight body, and local accountability channels makes donors the agency responsible for evaluation and accountability, albeit indirectly, with civil society organizations becoming accountable to their donors rather than to their communities and constituencies. The International Council for Human Rights Policy defines the constituencies to which organizations are held accountable as “the people for, with, or on whose behalf NGOs work.” In the case of human rights NGOs, the core constituency would normally be the victims and survivors of human rights violations; for other NGOs, it would be the beneficiaries of their work, or members. Ensuring the participation of such beneficiaries and giving them a central role in the work of

the NGO might seem only proper and normal.”<sup>95</sup>

Internal governance structures: all organizations that responded to the questionnaire have internal structures. The role of different donors and their different orientations in dealing with Syrian civil society organizations cannot be overlooked, in urging or obligating organizations to create internal governance structures by dealing with Syrian organizations as a civil partner belonging to the same culture and goals. Therefore, they advise the organizations and work with them to develop their boards of directors and develop their capabilities to improve strategic planning, define clear frameworks for programs and specific job descriptions for their officials, to acquire an institutional character, increase their effectiveness, and enhance the impact of their activities. Or the organizations are considered organizations that receive support that requires a set of conditions that must be completed, including developing internal governance structures, improving reporting mechanisms and setting regulations, and maintaining effective and transparent financial systems. However, the existence of governance structures in theory does not necessarily mean they are applied. The internal system, the code of conduct for policies and procedures in many organizations are either present as supporting documents for getting fund (the employees do not that the regulations exist), or published within the institution (or on the official website), without any follow-up mechanisms for implementation or accountability in case of violation.

Planning: some summarize the experience of Syrian civil society as an approach based on emergency response, depending on the exceptional circumstances and changes in the military and political arena related to changes in the political arena. This view is not limited to civil society organizations working in services and relief only, but is also generalized to civil society organizations and entities as a whole. The changes on the ground cannot be invoked as a justification for the absence of long-term planning, which in turn includes a contingency plan and alternative plans to deal with changes on the ground, which mitigates the risks of direct response and the waste of resources and lack of transparency that it includes under the pretext of response.

In addition to the above, the lack of independence of organizations in all their forms to a large extent, and their conditioning to the mood of the donors and their desire to transfer and apply ready-made models from other countries despite those in charge of these organizations know of the futility and lack of harmonization of these models for the Syrian society, for the purpose of obtaining funding. In addition to the change in the trends of donors almost annually, so that funding is focused on programs of a specific nature (protection - livelihoods - support and empowerment of women - early recovery), which weakened the organizations' ability to long-term planning, and some of them were forced to expand the scope of their work and programs, in order to maintain the continuity of funding and thus its continuity as an institution. What led to the emergence of a relationship of complete financial dependency that has become the guiding factor for the organization's plans and activities in isolation from the societal need, which is now adapting to the wishes of donors, more than defining a clear identity for its role and mission. This was reflected on the mass base of civil society in general, and perpetuated the stereotyped image of its organizations as being “profitable” institutions in the first place whose goal is to maintain their existence even if it is at the expense of the local community's needs, just because the mood of the donors has changed (or even the geographical scope of work has changed because an area is no longer attractive to donors or has went out of their circle of interest), in several regions

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95 Unsolved Dilemmas: Issues of Internal Governance in Egypt's Human Rights NGOs, 26 October 2017, Yara Shahin, Arab Reform Initiative, <https://www.arab-reform.net/publication/unsolved-dilemmas-issues-of-internal-governance-in-egypts-human-rights-ngos/>, accessed 20 June 2022

in Syria during the past years.

In addition to the above, the majority of organizations lack:

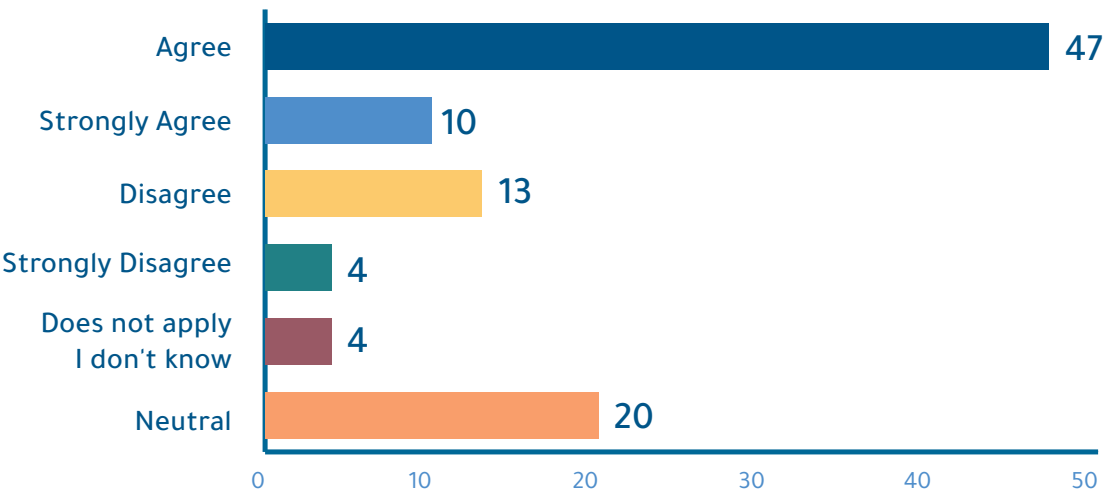
- An approved code of conduct that regulates work within the organization
- Integrity and anti-corruption policy written and known within the organization
- A plan or employee specialized in managing external relations and networking
- Specialized training and development programs to develop employees and raise their efficiency within specific time plans - if they exist, they are external participation and sometimes at the request of the donor.

2 Gender sensitivity in the structures of civil society organizations

Approximately 70 percent of the respondents in the survey reported taking into account gender in the field of employment, and the existence of policies that protect against gender-based violence in Syrian organizations.

Likewise, 80% of the organizations participating in the questionnaire place the issue of women within their field of work or activity, without this percentage necessarily being a positive indicator in light of the absence of real action and the almost general lack of awareness of the issue of gender justice. Some organizations even perpetuate in their discourse and projects the stereotyped image and social roles of women, limiting them to either the reproductive function under titles of women and children, or perpetuating the stereotyped image of the housewife that limits her activities to sewing, cooking and other household chores.

Civil society organizations provide confidential and guaranteed mechanisms for reporting gender-based discrimination or violations of women's rights, including violence against women

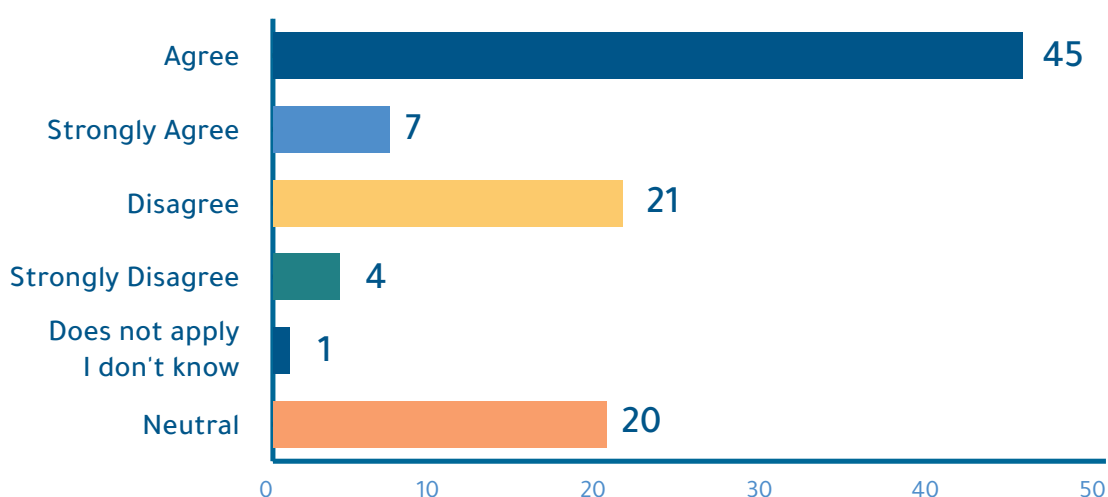


Talking about gender justice and the extent to which it is enshrined in organizational structures and discourse is particularly important in times of armed conflict, when societies that apply equality in legislation and on the ground have shown better handling and recovery

from conflict. Its steps to achieve post-conflict development have also been faster and more durable thanks to the great economic potential that can be unlocked when non-men take an active part in the working life of society. This is what called for the adoption of the second principle of the Istanbul CSO Development Effectiveness Principles in 2010, which was approved following consultative meetings between civil society actors from all over the world, in which more than 3500 organizations participated. Dedicated to calling on civil society organizations to embody gender equality and equity while promoting the rights of women and girls: “CSOs are effective as development actors when they ... promote and practice development cooperation embodying gender equity, reflecting women’s concerns and experience, while supporting women’s efforts to realize their individual and collective rights, participating as fully empowered actors in the development process”.<sup>96</sup>

However, despite the fact that there is almost a consensus among Syrian civil society members on the centrality of women’s rights and the value of equality in theory, the systematic discrimination against women and girls in civil society continued as a reflection of the society’s values and concepts, accompanied or reinforced by a general failure in society in understanding gender and thus a great inability to find correct solutions or fair laws for social dilemmas that revolve around the division of roles on the basis of gender, which society treat as inevitable or self-evident, foremost of which is the social hierarchy that gives greater preference to men at the expense of women, which has remained firmly established despite the progress made by Syrian women since 2011. For example, according to a study reported by an Eqtsad website on Syrian women,<sup>97</sup> which included 150 Syrian refugee families in Jordan. 28% of these families are led by a woman and she provides income for their members. Meanwhile, reports from the United Nations High Commissioner for Refugees show that “women who head their households alone ... account for over 145,000 Syrian refugee households.”<sup>98</sup>

#### Civil society organizations take into account the gender balance among its members and in employment



96 Istanbul CSO Development Effectiveness Principles, 29 September 2010, [https://www.mofa.go.jp/mofaj/annai/honsho/seimu/nakano/pdfs/hlf4\\_7.pdf](https://www.mofa.go.jp/mofaj/annai/honsho/seimu/nakano/pdfs/hlf4_7.pdf), accessed 20 June 2018

97 تتحدى ثقافة العيب أول لاجئة سورية تخرق مهنة السباكة في الأردن، تقارير خاصة، 2018، موقع اقتصاد

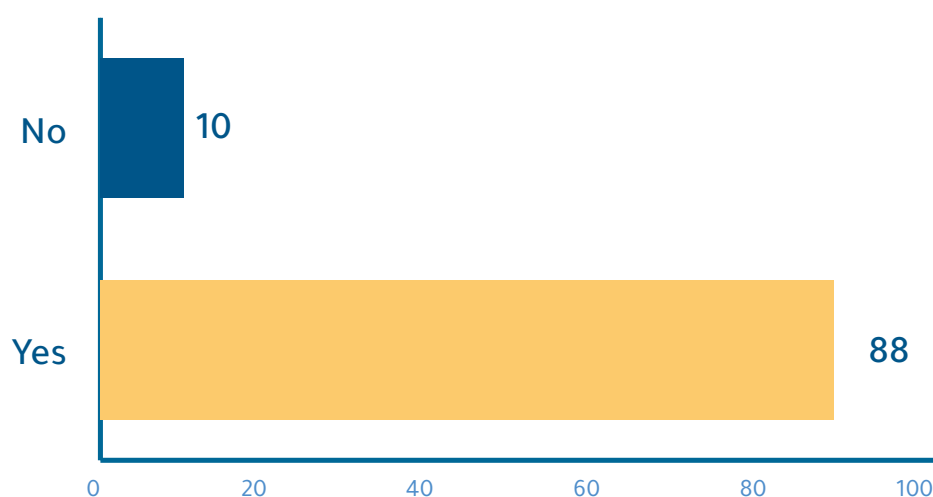
98 United Nations High Commissioner for Refugees (UNHCR), Woman Alone: The fight for survival by Syria's refugee women, 2 July 2014, <https://www.unhcr.org/ar/53bb8d006.pdf>, accessed 20 June 2022

The largest percentage of Syrian civil society organizations were unable to empower women in their structures, in terms of intensity of participation, in civil and administrative activities, and failed to achieve the quality of participation, that is, the degree of effectiveness achieved by this participation. They have also been unable to change the stereotype nor break the restrictions caused by the political, social, economic and cultural environment that limits women's freedom and prevents their effective participation. The vast majority of the organizations followed the traditional concept of empowerment within the framework of systems and institutions based on patriarchy, which has proven ineffective if it is not combined with empowerment in order to work on changing and developing existing systems.

The lack of awareness of the concept of gender justice and the inequality between men and women takes on deeper dimensions in the case of women with disabilities, or older women, who face double discrimination on the basis of their gender and age. They are marginalized when it comes to training opportunities and promotions, or they are left out altogether and replaced by younger cohorts. However, some organizations have developed good and promising practices to perform their duties towards the protection of gender, and to enhance its capabilities in resisting violence, and in improving management and leadership skills, and in which women enjoy an abundance of protection.

### 3 Networking in Syrian civil society organizations

Has your organization cooperated with other civil society organizations in a joint project?



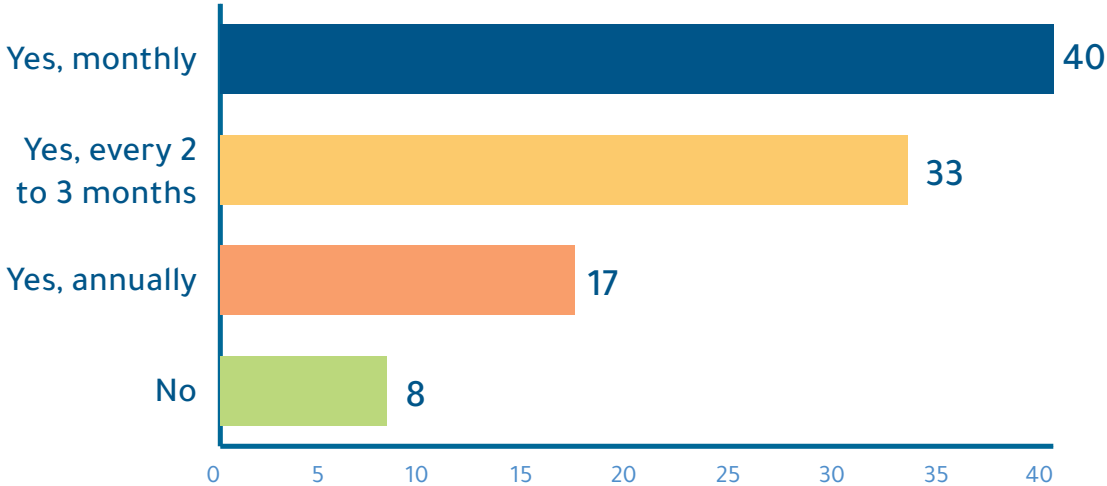
The expansion of civil society's work space and the steady growth of its work, in parallel with the withdrawal of governments from their social role or its reduction, imposed on civil society organizations to work within a network and partnership to increase their effectiveness that lies in establishing networks and partnerships among them to strengthen their abilities to achieve their goals. The idea of networking emerged in the nineties of the twentieth century, and was stipulated in international charters starting with the Cairo Conference on Population and Development in 1994. The concept of networking reflects a set of operations and activities carried out by NGOs to achieve solidarity and support among them. This concept requires the availability of a clear vision, starting from the mutual issues,



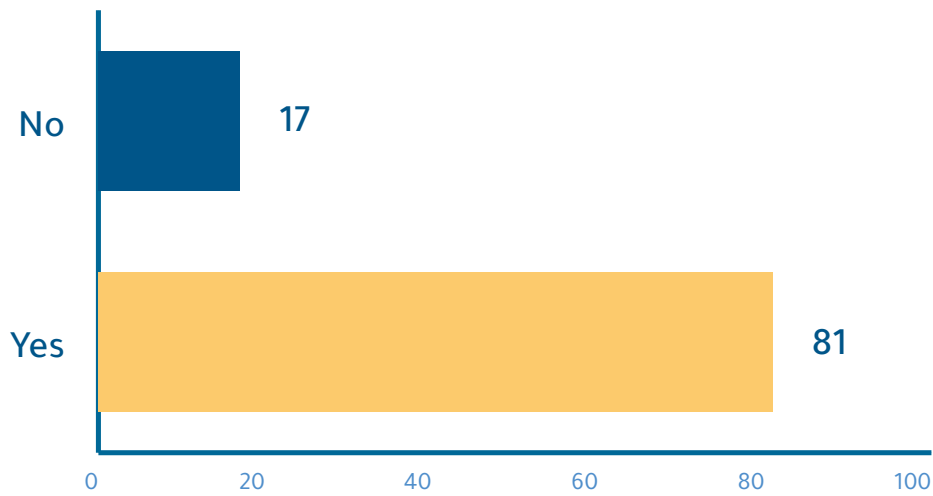
opening the doors of partnership between civil society institutions and between them and the private sector, careful planning of networking activities, and integrating the resources of civil institutions. As for the concept of partnership, it refers to an alliance between two or more parties to achieve limited goals or agreed projects in a framework of equality and respect for the other, where each party has potentials that it can contribute to, and they are integrated in the process of maximizing the returns.

The logic of governance imposes itself as a requirement not only at the level of network management, but also at the level of interaction between network components and between them and their partners. The strength of networks is reinforced by the belief of its members in the basic values on which it is based, such as independence, trust, mutual respect, commitment, solidarity, participation, etc.), by their commitment to the basic rights they guarantee (participation in decision-making, discussion, planning and evaluation, benefiting from the accumulated experiences in the network). Despite the positive numbers in the questionnaire about the relationship between civil society organizations, they do not reflect networking and joint plans as much as joint projects at the request of the donor, or workshops in which a group of organizations participate in a specific area. Those produced by the current division of spheres of influence and the impossibility of networking between organizations in different regions, as well as competition within organizations working on the same needs or categories.

Does the organization participate in meetings with other civil society organizations for the purpose of coordination and needs assessment



## Are all information, statistics and data, shared with other active civil society organizations



The impact of the conflict on the possibility of networking between active civil society organizations that operate in separate geographic areas and under the control of different parties cannot be overlooked. These organizations reluctantly adopted local policies governed by the de facto authorities, and moved away from planning at the national level. Although civil society organizations cannot be held responsible for the societal division and societal identities, which emerged at the expense of feelings of identity and civil or national loyalty, which resulted from years of war, hostilities, fighting, demarcation lines, bombing, kidnapping, displacement and unrest. However, it cannot be isolated from it either, meaning that the organizations have become part of societal divisions and sub-national structures, and have failed to network and provide channels of communication to deal with societal rifts. The cultural factor associated with the origin of the concept of Western Civil Society cannot also be overlooked, and the permanent state of the prior adoption of the ideas and concepts of Western civilization has created a tendency among the majority of Syrian civil society organizations to engage in partnerships or alliances with international non-governmental organizations on an individual basis, more than their confidence in engaging in local networks that may create obligations on the organization without direct benefits. In addition to the decline in mutual trust in favor of the competitive equation over funding, access to beneficiaries, and geographical coverage, in the relationship of a large proportion of Syrian civil society organizations among themselves.

## Chapter 4: Objective Challenges

### 1 The change of area control

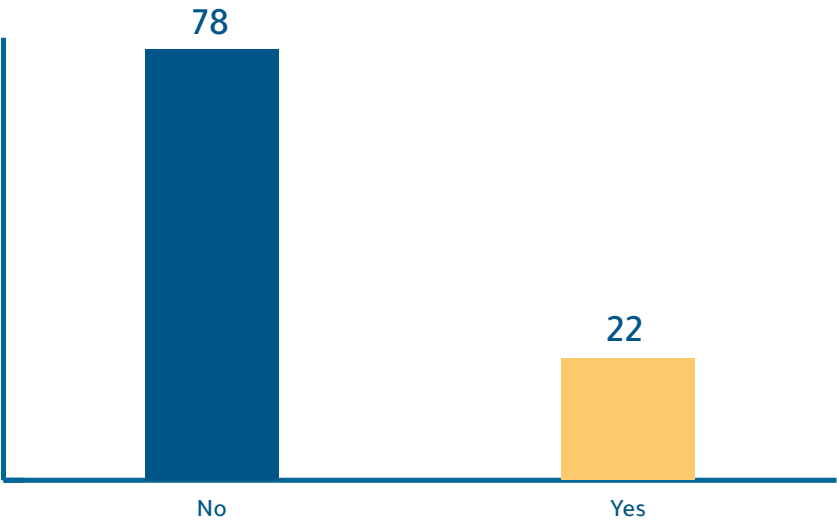
12% of the organizations participating in the survey stopped working due to the change of authority in their areas of operation.

18% of the participating organizations operate without a license, 5% of them have started licensing procedures.

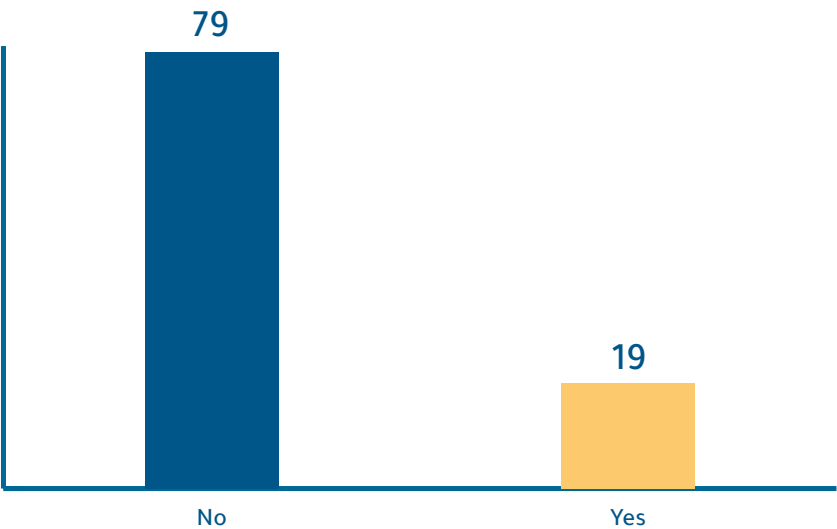
40% of the organizations faced obstacles when licensing.

18% of organizations describe the environment in which they operate as hostile, while 52% describe it as neutral.

The organization was forced to change the nature of its activities according to the change of the ruling forces in the area



The organization was forced to change its activities towards relief due to the community need



The most prominent challenges facing civil society in Syria are the nature of its relationship with the authority, and the legitimacy of its existence within the framework of the perception of the existing authority, whether this recognition takes the status of a partner, an unwanted party, or an opponent, especially since the openness to civil society within the Syrian experience after 2011. It did not come as a result of an objective conviction that seeks to build a state of democratic institutions and culture, rather, it came as a result of the different authorities' need to be freed from their obligations to provide an acceptable level of services, support and empowerment to citizens in their areas of influence, as well as their need for any form of recognition as authorities or their project. The nature of the

conflict in Syria has imposed a link or correlation between civil society organizations and the existence of the existing authority so that the actual existence of the organization and its ability to work ends, depending on the change of the controlling forces on the ground, or vice versa, until the establishment of the theoretical borders separating the four areas of control. From 2020 until today, severe changes in terms of control over the land occurred, while it is possible to monitor collective changes in the map at specific periods of time since 2012.

The first changes in the map of civil society were the unprecedented surge in the history of Syria in the number of civil society entities, after March 2011, which marked the date for a new emergence of civil society; after the authority lost its ability to maintain censorship and repossession procedures in the actual and virtual public sphere. At first, the “Coordinations” appeared, then the voluntary and solidarity gatherings that came in conjunction with the decline of the Syrian government’s control over some areas or as a result of it. The need for solidarity emerged in order to protect civilians in the areas that came under the control of the armed opposition, and to reduce their physical and moral costs, and the need to compensate for the work of state institutions.

The number of civil society organizations in Syrian government-controlled areas has also increased, reaching 1266 associations, according to a report issued by Citizens Without Borders <sup>99</sup> in 2017, compared to 1074 until 2010, according to the same report. This increase cannot be separated from the government’s battle and its loss of control over parts of the Syrian geography, and in order to free itself from the burdens of internal displacement to its regions, the government has facilitated licenses for associations working in the charitable and relief sector. In May 2012 alone, the Executive Office in the Governorate of Damascus agreed to grant a license to 18 charitable societies in order to collect donations during the month of Ramadan through specific value receipts. <sup>100</sup>

In parallel with the licensing of NGOs, a network of non-governmental actors has emerged and adopted the government’s discourse, receiving generous financial support from loyal businessmen, and managed by authorities. In addition to major organizations such as the Syrian Trust for Development, the Junior International Chamber, and the Syrian Business and Institutions Center, groups such as the “Damascus Volunteer Team, the Basma Youth of Syria, the Volunteer Girls of Homs, Al-Hayat Street and others” emerged, and their work was limited to mobilizing and support for the government, and demonstrating in front of Western and Arab embassies. As the protest against the suspension of Syria’s membership in the Arab League. They also enjoyed financial support and public relations, and the appointment of senior businessmen in its departments. However, despite the foregoing, and despite that the Syrian government does not recognize the independence of civil society organizations or consider them as independent entities from government agencies and considering them as attached or affiliated with the government agency whose mission is limited to implementing government policies and instructions, despite the narrow or lack of freedom, and strict control over work and funding. During the conflict, civil organizations and groups emerged <sup>101102</sup>- registered and unregistered- working within dense minefields in the fields of rehabilitation, civil peace, and training, and in a very local context, based in their work on human rights principles, and their members believe in change.

زيدون الزعبي. منظمات المجتمع المدني السوري - الواقع والتحديات. - مواطنون لأجل سوريا 2017 99 | دمشق ترخص لـ 18 جمعية لجمع التبرعات خلال شهر رمضان | الجمل 100

البرنامج الوطني التنموي لسورية في ما بعد الحرب: الخطة الاستراتيجية سورية 2030، رئاسة مجلس الوزراء، 101 هيئة التخطيط والتعاون الدولي، أيار 2020، ص 165 وما بعدها

102 The Syrian Center for Media and Freedom of Expression does not mention the name of any civil organization or group referred to, in order to preserve the security and safety of its members.

Despite the excess of violence, extreme polarization, and the arbitrariness of the authority, the authority was not able to cancel the youth's energy and their tendency to volunteer and participate.

In 2014, the terrorist organization ISIS controlled large areas of Syria, stretching from Deir ez-Zor in the Syrian east, to the northern countryside of Aleppo, passing through Raqqa, and its control reached the countryside of Homs and Qalamoun. This led to the migration of most civil society organizations and their suspension until October 2017, when ISIS was defeated in the city of Raqqa, and end of the extremist organization in 2019. During the period of ISIS control, a very small percentage of organizations continued to work clandestinely in the field of documentation and monitoring of violations, at a minimum, fearing of being killed.

In 2016, the military operation carried out by the government forces and the forces supporting them between June and December with the aim of controlling the entire city of Aleppo also led to a mass migration of organizations operating in the area towards the western and northern countryside, without stopping their work.

The military operations carried out by the Turkish forces and the armed opposition factions affiliated with them, had a varying impact on the map of the work of civil society. Beginning with Operation Euphrates Shield in August 2016, which ended with the control of the city of Jarablus and its countryside near the Turkish border. The operation led to the withdrawal of a large part of civil society organizations or the suspension of their work in those areas, as well as the emergence of new organizations affiliated with or affiliated with Turkish control or currents loyal to the Turkish authority. However, the greatest impact was in 2018, after the Olive Branch operation, which ended with the control of the city of Afrin and its countryside and led to the complete cessation of the work of civil society organizations in it, a large percentage of which did not resume work later. This came in favor of full Turkish control over the workspace of civil society organizations in education, health and local councils, which was established with Operation Peace Spring in 2019, which resulted in the control of the entire Ras al-Ain and Tal Abyad areas. The Turkish Ministry of National Education supervised the restoration and operation of schools, while the relief work was under the supervision of official Turkish institutions and dozens of associations and institutions funded by Qatar and Kuwait, with their headquarters in Istanbul and Gaziantep. Among the Turkish institutions <sup>103</sup> are the Turkish Endowment of the Turkish Religious Affairs Authority-Diyanet, the Turkish Relief Agency İHH, the Turkish government's Disaster and Emergency Agency (AFAD), the Turkish Yessui Charitable Movement, the Turkish "Hajar Sadaqa" Association, the Turkish Tashi Charity Association, and the Qatari association "atae bila hodoud".

In 2017, with Hayat Tahrir al-Sham, of which Jabhat Fateh al-Sham is the most prominent component, was able to control the city of Idlib and the entire province, many organizations suspended their work for security reasons or by a decision of donors. Most of them did not return to work in the region, but rather headed to the nearby countryside or to Turkey to work remotely. The control of Hayat Tahrir al-Sham over the governorate also had an impact on the decrease in funding allocated to organizations operating in it and in areas of rural Aleppo, due to the complications surrounding the organizations' financing operations and projects, which ended with a large part of international donors refraining from fulfilling their financial pledges, fearing that the funding would eventually go to support a terrorist group. Consequently, the activities of associations and the services they provide have receded, and some of them have stopped working.

2018 was a pivotal year in the distribution and shape of the map of civil society in Syria. In Ghouta of Damascus, civil work stopped permanently, and it began to recede in March of

في آب 27، 2020 Ronahi رامان آزاد - النشاط الخيري والدعوي والخدمي لتجميل الاحتلال 103

the same year when the government took control of the central sector in Eastern Ghouta completely, after a reconciliation agreement, after which it took control of the area. The city of Douma, which was under the control of Jaish al Islam who was forced to sign a reconciliation agreement on April 1, 2018. On the 21st of the same month, the eastern Qalamoun joined the government's control, and after it had completed total control over Eastern Ghouta, it headed on May 1, 2018, to the countryside of Homs to subject it to a similar agreement. Between June and July of the same year, the opposition lost the eastern countryside of Daraa and parts of the western countryside, then Daraa and Quneitra were completely under the control of the Syrian government, which led to a final halt to the work of organizations of an opposition nature or whose members oppose the Syrian government. The foreign organizations that were operating from Jordan withdrew and terminated the contracts of their employees.

In addition to the security risks and the impossibility of the work of activists and opponents who make up the majority of the members of the organizations that were formed outside Syria and in the areas of the armed opposition, after the Syrian government regained control over them, which formed the main motive for the final withdrawal of these organizations despite the great need for their services. However, the largest percentage of organizations rejected what can be described as a historical review. This was motivated by the political orientation and the organizations' refusal to work in the areas under the control of the Syrian government.

In 2018, the number of newly established civil society organizations increased significantly in the areas of north-eastern Syria, in the areas of control of the Democratic Autonomous Administration, and the frozen organizations resumed their work, mainly due to the diminishing control of ISIS, the urgent need for services of all kinds, the generous American support For recovery projects in areas outside the control of the terrorist organization, and European and French support in particular, which is not comparable to the amount of American funding, but it covered entire sectors, the most important of which is health.

In 2019, the military operation carried out by the government forces in northwest Syria, with the aim of controlling Idlib and the countryside of Aleppo, which, during January and February, caused the displacement of 900,000 civilians <sup>104</sup> to the open and unequipped nearby areas, led to a redrawing of the map of civil society in the region, so that the efforts of organizations, whatever the nature of their work, were directed towards relief and the building camps. New groups and organizations emerged out of the urgent need to manage and serve the camps later.

In October 2019, in conjunction with the Turkish military operation Peace Spring, the government forces advanced towards the cities of Hasaka and Qamishli, and other areas in north-eastern Syria. This led to a significant decline in the work of civil society organizations in the region and a complete freeze of the work of some of them due to the reported news about the return of government forces to those areas, which raised great fear among civil action activists, especially since 90% of them are opponents of the government. <sup>105</sup>

Finally, the de-escalation or almost freezing of armed operations since the end of 2021 at some fronts, did not ease the burden on civil society organizations, but doubled their burdens and the severity of violations against them and the rights of their workers, as the

104 سوريا تشهد أكبر موجة نزوح للمدنيين منذ بدء الصراع في 2011، والأمين العام يدعو إلى وقف فوري لإطلاق النار | أخبار الأمم المتحدة

105 Challenges and concerns facing civil society organizations in northeast Syria, 3 December 2019, Enab Baladi, <https://english.enabbaladi.net/archives/2019/12/challenges-and-concerns-facing-civil-society-organizations-in-northeast-syria/>, accessed 20 June 2022

frozen fighting fronts allowed the military groups to devote more time to consolidating its authority over areas of control and seeking more to contain the operating organizations or to avenge those who bothered them at times. The economic crisis that afflicts the country opened the appetite of the authority or its followers to take a share of funding or donations, as was mentioned previously in this report.

## 2 The challenges of financing

Funding means obtaining the forms of support necessary for operating or developing of civil society projects. In addition to cash funding, there is in-kind funding, such as donating places, necessary supplies, devices, equipment, etc., And specialized human support, meaning providing the institution with individuals who have experience in its field of work.<sup>106</sup> Funding is one of the mainstays for the continuity of the activity of civil society organizations and their work and ability to enhance their role in community service, despite some opposition to the principle and external funding in particular, which amounts to accusing them of contributing to the erosion of volunteer values and the demolition of the collective spirit that has been the pillar of civil society historically, and of tampering with the compass of civil work and diverting its path from the field of democracy and human rights to how to search for funders and ways to develop projects. This transforms civil society from a creative, propositional, oppositional and critical force into a framework for disbursing the granted funds.

The challenge of obtaining funding, its nature and continuity, according to some, is a feature of civil work that can be dealt with, with the help of competencies that deal with funding mechanisms and donor requirements, writing financial reports, and emphasizing the credibility of the organization and the achievement of its annual plans and objectives. However, Syrian civil society organizations face additional challenges centered around restrictions financial and banking challenges imposed on NGOs operating in Syria as a result of sanctions, restrictions, banking and financial laws to combat terrorism, and regulations in host countries. The lack of clarity about the meaning of these sanctions in different countries and contexts, as well as the banks' policy to get rid of risks, prompted most of them to close the accounts of some organizations in Turkey and Lebanon. In addition to international sanctions, the complexities of the Syrian scene create local difficulties, as Turkish regulations prohibit organizations in Turkey from working in the areas of the Democratic Autonomous Administration, which according to Ankara are affiliated with the Kurdistan Workers Party through its Syrian affiliate, the Democratic Union Party. Sanctions and the freezing of bank accounts are imposed on any financial transactions suspected of ending in the areas of north-eastern Syria.

Organizations often resort to the black market for remittances, despite the security risks that it entails in areas under the control of the Syrian government in particular, and the high costs and fees charged for the transfer. Besides, the remittance crisis causes a waste of time in dealing with it at the expense of the time allocated for planning and implementing projects and institutionalizing and localizing work.

The third challenge, which relates to funding, is related to donor policies that necessarily follow political and military developments, which means that in any settlement, the largest financial bloc will shift towards reconstruction, which means an additional scarcity in the already limited funding, which will constitute a very difficult challenge, especially with the

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فاروق ، عبد الخالق. (13 أبريل 2013). الأبعاد الاستراتيجية للتمويل الاجنبي لمنظمات المجتمع المدني 106



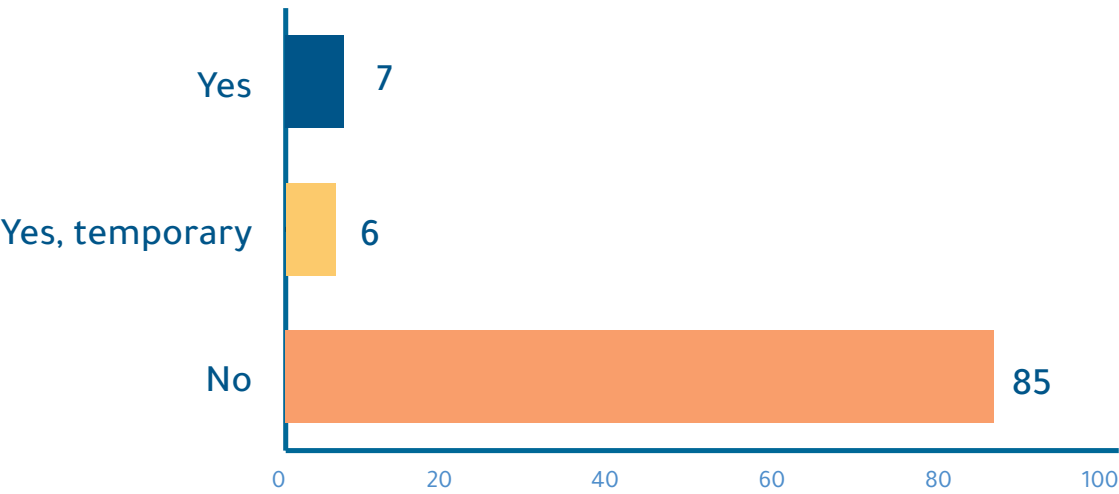
decline in the previously available capabilities, relying on volunteering, especially since the economic crisis affected everyone, and there was no energy to work without pay compared to 2011-2012.

Also, on a related topic, among the challenges faced by civil society organizations is the extent to which they are able to play the role of a true and complete partner, not only in implementing projects funded by international entities, but in designing these programs and in shaping policies adopted by the international community as a basis for the programs it designs and supports, and in the ability of these organizations to move away from the concept of achievement and shift to effective construction through networking and deepening the understanding of the geopolitical context in which they operate.

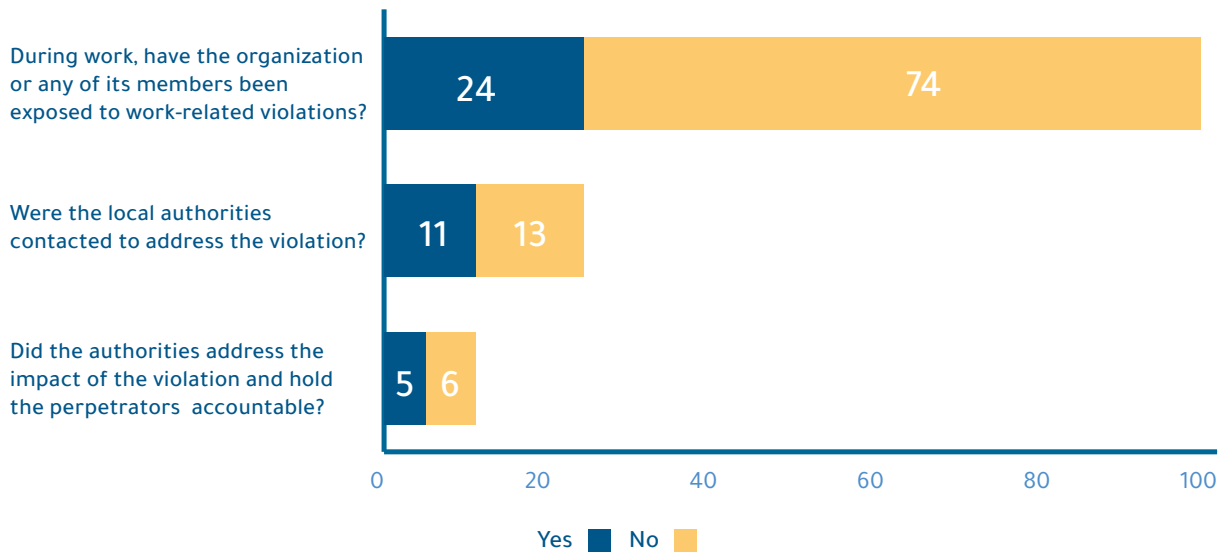
3 The most prominent violations against Syrian civil society

Violations against civil society include all actions that prevent organizations from fulfilling their role, and the negativity by refraining from protecting them and protecting their workers. The violations include a wide range of authoritarian acts, methods and systems of repression against civil society organizations, which accompany the work of civil society organizations since the establishment stages, and forms of interference and control, and imposing strict and arbitrary regulations on funding, etc. The nature of the conflict and the ongoing military operations added killing to the violations as well as injury and direct targeting of civilian organizations. With the exception of the protection of medical personnel and signals, international humanitarian law does not include special provisions or aggravating circumstances for attacking organizations that provide a public benefit. It does not include any protection of its own, but rather the protection guaranteed by law to civilians and civilian objects, whose targeting is absolutely prohibited.

Did the violation against the organization or its employees stopped its work



## Violations against civil society



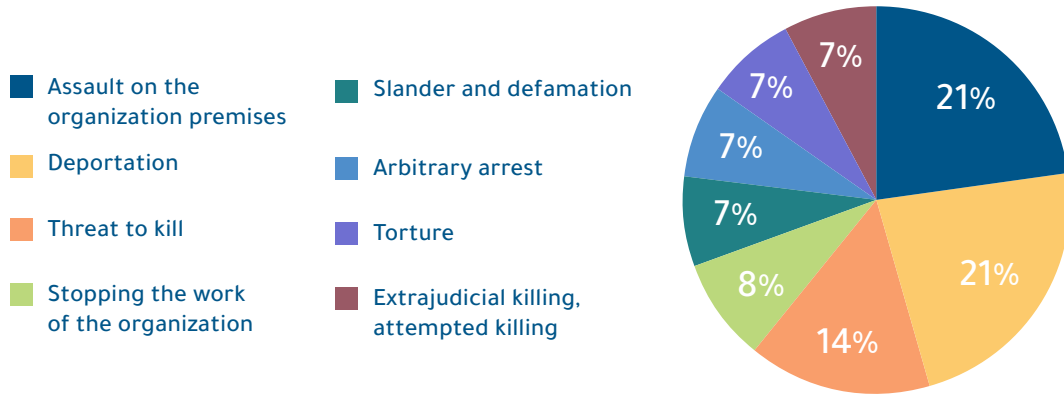
Civil society organizations in Syria and in neighboring countries have been subjected to numerous violations against them as institutions or against human rights activists and civil society workers during or because of their duties, as for example, on 12 August 2017, when the Civil Defense Center (the White Helmets) in Sarmin in the Idlib countryside was subjected to an armed attack where all seven members of the shift group in the center were killed, and the center was completely robbed. On 13 August 2017, a group of the (Popular Movement) affiliated with Jaish al-Islam attacked the office shared by the organizations: the Violations Documentation Center (VDC), the Local Development and Small Business Support Office (LDSPS), a network of guards in the city of Douma in the countryside of Damascus. The assailants assaulted the office staff and those present in it with fists and knives, vandalized the contents of the office, and deliberately stole some of them. They also threatened to burn the office. Also, there is the ongoing crime of disappearing civilians, such as lawyer, Razan Zaitouneh from the Violations Documentation Office with her husband, Wael Hamada, lawyer, Nazem Al Hammadi and activist Samira Al Khalil on 10 December 2013, in the city of Duma, which was under the control of Jaish al-Islam at the time.

The targeting civil society workers continued throughout the years of conflict, and 2019 was the most violent year against humanitarian workers, according to the United Nations, in a report it published on the occasion of the "World Humanitarian Day" in which it said that 47 humanitarian workers were targeted in Syria during 2019. In October 2020, Bonyan Humanitarian Organization mourned the death of one of its staff, aid worker Dima Abdan, as a result of injuries she sustained in a raid launched by American planes that targeted two leaders of the Guardians of Religion Organization, in the countryside of Idlib.

Another violation was the violent missile shelling on Al-Shifaa hospital in Afrin city on 12 June 2021, which led to the killing of two medical staff of the Syrian American Medical Society (SAMS) and the injury of others, and the killing of two cadres of the Shafak humanitarian organization working in the area, as well as the killing of three from the volunteers of the Syrian Civil Defense (White Helmets) as a result of the shelling.<sup>107</sup>

موقع تلفزيون سوريا - مجزرة عفرين.. منظمات تنعى أفراداً من كوادرها وإدانات لـ«قسد» تاريخ النشر: 13.06.2021

The reports received by the Civil Society Observatory on violations against civil society organizations and their employees were of percentages as follows:



## Recommendations

### To the parties to the conflict

- Reconsider legislation related to public rights and freedoms, repeal texts that criminalize certain acts and practices within the scope of freedom of opinion and expression, adhere to international standards for the work of civil society organizations in the laws and decisions that regulate their work, use specific and disciplined terms in drafting laws, and immediately halt attacks on civil society workers and civilians in general and protect them from the impact of the armed conflict.
- Ensure the security and freedom of workers in civil society organizations, enable them to perform their work without any interference from the authority, provide possible forms of support to civil society, and provide facilities for the work of its organizations, and recognize them as vital partners that can contribute to mitigating the effects of conflict, participating in mediating, generating job opportunities and eradicating poverty, by providing objective conditions and a supportive environment for the transformation of these organizations into a broad-based social movement in order to be able to assume this role.

### To Syrian civil society organizations

- Develop internal structures, adopt a flexible, horizontal and agreed upon organizational mechanism among the members, reflecting equality and ensuring the interests of all within the framework of the public interest to control the work and relations within the organization and emphasizing the participation of members in

the decision and in the discussion, planning and evaluation, make maximum use of experiences and competencies, propose solutions to enhance the ability to adapt to contextual changes and the ability to intervene, and ensure that follow-up, evaluation and accountability procedures are in place to ensure better implementation of policies and plans.

- Ensure a strong relation with the local communities in which they operate, Focus on persuading the grassroots with the idea of civil action and the capacity of civil society organizations as a vital tool for development and consecration of reconciliation and as an honest mediator to express the voice of the grassroots, evaluate projects and plans in light of the ability to build broad popular bases focused on a specific cause, evaluate the extent of the organization's ability to access and network in the community, and understand societal needs and address them as one of the indicators of the organization's organizational capabilities, and indicators of conducting an impact assessment.
- Understand the specificity of the Syrian reality that is different from the West in which civil society arose, which necessitates addressing the concept of civil society as a method to analyze not as ready-made components that we search for and do not find, not to be drawn into hostility to society, tribe, sect, family, and other traditional institutions, given that hostility or neglect cannot deny the actual existence of such institutions, their social and political impact and their main position in society, and that their disqualification can only be accomplished through a long-term cumulative process.
- Work to devote the concept of charitable investment work, which depends on a partnership with economic actors that not only provide grants to beneficiary organizations, but participate at the strategic and operational level to enhance sustainability, innovation and achieve a return investment within a long-term vision that guarantees organizations financing operational and administrative expenses.
- Start from an integrative view of rights when coordinating and exchanging experiences with institutions concerned with human rights at various international and regional levels, and do not coordinate between women's organizations for women's rights, for example, but rather to look at women's issues as they permeate all levels, as they coordinate with advocacy organizations for rights and with development organizations in order to empower women and alleviate poverty, and with care organizations in order to alleviate the suffering of the most vulnerable women.
- Work to change stereotypes and prejudices about civil society organizations and remove the elitism aspect of civil activism by publishing media messages and publications and organizing public meetings that explain to individuals the reality of the organizations' goals and the reality of their financing, and emphasizing the principles of transparency and equal opportunities in their work.
- Pay attention to field studies to analyze the social, economic and cultural foundations, analyze the social reality and work on coordinating and compiling different intellectual frameworks in order to cooperate to produce a national theory of civil society, and find intellectual and social formulas that adhere to human rights as a single reference on the one hand, and that fit the Syrian individual and society on the other.

- Avoid considering freedom and democracy as mere mottos, and strive to empower them as cultural values outside and within civil society institutions, by liberating the actors in civil institutions from their multiple inherited solidarity (religious, sectarian or ethnic, which contradicts the essence of civil society organizations, transcending the logic of wishful thinking and excessive aspirations, and excluding them from public discourse, and understand that the process of building civil society is not just a stage that can be accomplished in a specific time but rather an ongoing process.
- Emphasize the position of civil society as a free platform between the authority and citizens, which contributes to the realization of their right to know the truth, their right to have their voices heard, and their right to adopt it, and involve all segments of society on the basis of free and equal citizenship in a way that strengthens popular awareness and encourages the creation of a vital public opinion that create public life and confront manifestations of corruption at the political and economic levels.
- Address the discourse of some institutions' monopoly to represent Syrian civil society as undermine of the impact of civil society, and cause the absence of the grassroots contribution to political and social change, and undermine the nature of civil society and the interaction of individuals with it as a continuous process that has no beginning or end, and emphasize that civil society is an open framework for difference and dialogue, that includes social norms and the most marginalized voices, on the basis of equality and participation.
- Work to build the capacities of civil society organizations through continuous training of their cadres, in addition to consolidating the value of teamwork and democratic practice, and emphasizing that human capabilities are the decisive factor in the effectiveness of civil work, and that funding alone does not achieve effectiveness in the absence of human capabilities that have the ability to innovate, create and strategically plan capabilities of the organization's activities.
- Understand the importance and vitality of civil society and its necessity, as it is one of the most important tributaries of reform and change, and promote and empower democracy, and the importance of its role to ensure societal peace, strengthen civil solidarity ties that cross the ties that precede the existence of the state.
- Pave the way for the national reconciliation process at its political and grassroots levels, open the way for national initiatives and projects to reach a national settlement, adopt reconciliation as a long-term community project, and start a national dialogue between the various components of the civilized framework of society as a prelude to a new social contract and a national pact that redefines the state and the Syrian identity as diverse and not reduced to one of its components.
- Emphasize the essential role of knowledge in achieving a high and continuous degree of social peace, start preparing comprehensive plans and awareness campaigns for the value of citizenship, equality and the reference for human rights, address the culture of bullying, societal rifts and discrimination in all its forms, and reformulate a societal discourse that reflects the conviction of its members to freedom and the principles of human dignity, equality and respect for the overall distinctive linguistic, material, intellectual and emotional features that characterize Syrian society.
- Put in place appropriate frameworks and systems to ensure the participation of the youth in decision-making and future planning, as they have the greatest potential to confront and stop the cycle of violence and hatred, and have a vision for the

necessary changes to secure a better future, adopt an institutionalized system of governance, ensure the stability of Syria depends on achieving a general sense of justice, and raise the level of awareness about the systemic effects of conflict and repression to ensure that it does not recur.

- Re-draft the internal systems of organizations in order to achieve justice in the roles, tasks and rights of gender, raise awareness by adopting effective and just policies that guarantee rights, enhance the capabilities of women in civil society organizations, and enhance transparency, monitoring and equality procedures by international organizations and donors with wages and salaries for women members of civil society organizations, monitor and track all violations based on gender and hold the perpetrators accountable.
- Commit to the International Plan of Action on Aging adopted by the World Assembly on Aging and endorsed by the United Nations General Assembly in 1982 in its resolution No. 37 as an organic part of its internal structures and policies, especially with regard to the necessity of providing job opportunities, and enable the elderly to participate in deciding when to withdraw from the workforce, and ensure they benefit from appropriate education and training programmes, to participate actively in the formulation and implementation of policies that directly affect their well-being, and to provide the younger generations with their knowledge and skills.
- Continue to raise awareness to show that free citizens with their individual initiatives and free society with its independent intermediary organizations are the ones with the real ability to protect the national state and to achieve justice, rationality and progress and to opt our country out of its accumulated crises, and openness to actual paths of democratic transformation and sustainable development.
- Initiate the preparation of general principles or policies that define the relationship with international civil society, and the nature and position of Syrian civil society organizations with their issues and concerns in similar forums at the international level, whether in human rights or development or any of the issues of a global nature, and how to employ these forums as platforms to serve national issues, and to build on the awareness of world public opinion and the international civil society of the visions and demands of the Syrians.
- Establish a platform for national dialogue that brings together the concepts of dialogue, monitoring and solidarity to be the mediator of the contract between local or sectoral dialogue circles established in parallel to address the definition of the Syrian national identity and the formulation of its determinants, and later expands to include issues of human development, citizenship, democracy and human rights, and expand the participation of social, economic and media actors and pay special attention to the participation of women, youth and the elderly.
- Establish an independent Syrian center for public opinion surveys whose efforts are based on a science in accordance with established principles, and conduct an in-depth study on the best founding options for the center in terms of legal, operational, human and funding sources.
- Design programs to build capacity, develop and improve the concepts of governance for civil society institutions and adopt them based on internationally agreed standards, including proposals for appropriate governance structures, adopt high professional and ethical standards for staff and management, and develop

accountability mechanisms and transparent reporting to donors and the communities they serve.

## To international stakeholders

- Develop plans to support institutional development and build internal capacity in grants to Syrian civil society organizations, work with organizations and stakeholders to identify priorities and contextualize interventions, encourage initiatives and support local plans and projects stemming from local needs, understand the balances of reality and the impact of change tools, and refrain from imposing ready-made projects or unified interventions for all environments and regions in Syria.
- Build long-term relationships with civil society partners; through multi-year funding investing in institutional capacity, and do not limit it to achieve specific goals through program implementation, develop opportunities for Syrian civil organizations to generate innovative solutions in order to meet local needs, taking into account lessons learned from other contexts from conflict-affected countries to mitigate risks that may threaten the neutrality, integrity and independence of Syrian civil society organizations.
- Work with key stakeholders, including local civil society organizations to develop an advocacy strategy to raise awareness among local conflict parties of the essential role of civil society in providing basic services and humanitarian assistance.
- Allow the use of part of the funding for professional and organizational development, and a percentage of the funding to cover basic salaries, general expenses and other needs at the level of the organization, which protects organizations from the financial deficit that they fall into as a result of deductions from project funding to cover operating expenses and repay them from other funds, which puts them in a state of continuous financial deficit.
- Involve Syrian civil society organizations in the diaspora as actors that will help create intellectual and practical weight, qualify competencies and social leaders for the next stage, and finance networking and twinning projects between organizations inside Syria and the Syrian diaspora.



