The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

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LAW NO. 42/2022 Further Consolidates the Syrian Regime’s Central Authority and Erodes the Powers of the Local Administration Councils
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I. Background

Pursuant to the articles of Law 107/2011 on Local Administration and its amendments, and the rules of Law No. 5 of 2014 on General Elections Law, the Syrian regime held elections for local administration councils on September 18, 2022. In those elections, we documented a wide range of violations that both stripped the elections of any significance and diminished their legitimacy.

In October 2022, the Syrian regime adopted Law No. 42, shortly after the results of the elections were announced. Essentially, the law consolidated the central authority of the regime and turned the local administration councils into mere administrative apparatuses operated by the central authority. This report tries to explain how that came about, stressing that the Syrian regime has deliberately issued contradictory laws.

II. Implication of Law No. 42

On November 6, 2022, the Syrian regime unveiled Law No. 42, which is simply another part of the regime’s legal arsenal through which it asserts its hegemony over the proceedings of the local administration councils. According to Law No. 42, specifically Articles 1, 2, 3, and 4, contracts (whether leases, investment, or sale contracts) signed by the local administration councils are to be approved through officials from the executive authority (i.e., the central authority). This law specifies that contract approval contracts is the responsibility of the economic committees that report to the head of the Council of Ministers (Article 1), Minister of Local Administration (Article 2), Minister of Tourism (Article 3), or the Governor (Article 4). Which specific authority is responsible for approving a given contract is dictated only by the value of said contract.

III. Four Reason Why Law No. 42 is an Instrument in the Hands of the Syrian Regime to Consolidate its Central Authority

SNHR has pinpointed four reasons that make Law No. 42 an instrument to consolidate the Syrian regime’s central authority.

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1. People’s Assembly of Syria, Legislative Decree 107/2011 on Local Administration Law.
2. People’s Assembly of Syria, Law No. 5 of 2014 on General Elections Law.
3. As with other Syrian legal texts, it should be noted that obtaining a copy of the text of Law No. 42 is not easy since these texts cannot be found on the official websites of the Syrian regime’s organs., with this omission being in itself an erosion of the right to access information.
4. Articles 1, 2, 3, and 4 of Law No. 42 of 2022:
   - Article 1: “The economic committee of the head of the Council of Ministers handles the power of approving contracts for sale, lease, and investment signed by the administrative units that exceed 1 billion Syrian Pounds.”
   - Article 2: “The Minister of Local Administration and Environment handles the power of approving of contracts for sale, lease, and investment signed by the administrative units whose value is between 500 million Syrian Pounds and 1 billion Syrian Pounds.”
   - Article 3: “The Minister of Tourism handles the power of approving contracts for tourism investment related to tourism projects which are signed by the administrative units and whose value is no more than 1 billion Syrian Pounds.”
   - Article 4: “The Governor handles the power of approving contracts for sale, lease, and investment signed by the administrative units with a value less than 500 million Syrian Pounds.”
A. Further reduces autonomy

Law No. 42 appears to further confirm the suspicions expressed by SNHR in our earlier report on the elections for local administration councils, namely regarding the absence of any autonomy for those councils. This law asserts the complete and utter absence of the autonomy that the regime claims to have bestowed upon local administration councils according to Article 30 of Legislative Decree 107/2011 on Local Administration Law. This absence of autonomy manifests itself in a number of ways: for example, the fact that local administration councils must refer to the officials of the executive authority for approval of any economic contracts signed at the local level clearly demonstrates the absence of administrative autonomy, which also undermines the councils' financial autonomy, with the legislation implying that local administration councils do not have the right to make their own financial and administrative decisions. Furthermore, no legal rights exist that authorize the ‘elected’ local administration councils to make their own financial decisions, which contradicts Legislative Decree No. 107/2011 that first regulated local administration.

B. Further reduces decentralization

Law No. 42 exposes another of the lies of the Syrian regime, namely its false claim that it will give local administration councils ‘decentralized’ powers according to Article 62 of Legislative Decree No. 107/2011 on local administration. The fact that local administration councils must refer to the executive authority to obtain approval for financial contracts (lease, investment, or sale contracts) demonstrates that they are simply standard apparatuses that report to the executive authority as seen under any centralized regime, which discredits any claims of decentralization.

This has been the norm in Syria in light of the absence of democracy at the level of political authority, which extends to smaller political units. The absence of a democratic and peaceful devolution of the position of the President of the Republic precludes any sense of actual significance or financial and administrative autonomy for administrative units, which is an essential condition for an administrative or political decentralized power. As long as a certain set of decrees, including Law No. 42, exist, the Syrian regime’s talk of a national plan for decentralization that aims to delegate the responsibilities of the central authority to the local administration level has no meaning. Those decrees clearly prove that local administration councils have no real powers, and turn these bodies into bureaucratic apparatuses whose purpose is to execute the commands of the Syrian regime’s central authority.

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5 According to Article 30 of Legislative Decree No. 107/2011 on Local Administration Laws: “It is the responsibility of the local administration councils, within the scope of the state’s public policies, to regulate the affairs of the local administration and any and all proceedings in the service of developing the governorate economically, socially, culturally, and civilly, in line with the sustainable and balanced development in the fields of planning, industry, agriculture, economy and trade, education, culture, archology, tourism, transportation and roads, drinking water and sewage, electricity, health, social affairs and work, services and facilities, quarries and mineral wealth, management of disasters and firefighting, managing and regulating traffic and market facilities, environment, sports and youth, and joint projects among administrative units.”

6 According to Article 2, the aim of Legislative Decree 107/2011 on Local administration Law, is to: “Implement the decentralized powers and responsibilities and concentrate them in the hands of the people in line with the concept of democracy that makes the people the source of every power through expanding and clearly determining the individual powers of the local administration councils, in order to enable them to perform its mandates and tasks in developing their administrative unit economically, socially, culturally, and civilly.”
C. Further increases the Syrian regime’s encroachment on local administration councils’ financial resources

This is demonstrated by the articles that give the regime’s central authority the final say on any financial decisions, effectively stripping the local administration councils of any financial autonomy. Even more egregiously, the Syrian regime is trying to seize local resources, which are supposedly at the disposal of the local administration councils for the service of citizens. However, having the regime’s central authority approve any contracts entered into by the local administration councils gives the regime the power to determine the outcome of these contracts, in a manner devoid of any of the transparency or credibility that should be found in any contract for a lease, investment, or sale. It will not be difficult for the Syrian regime to manipulate those contracts to its own benefit and that of its clients as long as the power to approve contracts is in the hands of its regulatory organs. In short, tying contracts to the regime’s central authority makes them another stream of clientelism and leverage enhancing the Syrian regime’s power and wealth.

D. More contradictory local laws

The text of Law No. 42 is yet another case in a long list of contradictory laws that negate one another to the Syrian regime’s benefit, as Syrians have become all too familiar with by now. As shown in Law No. 42 and Legislative Decree 107/2011 on Local Administration Law, these contradictions can be found in many legal texts. Even though Legislative Decree 107/2011 establishes the principles of decentralization and autonomy, Law No. 42, and other laws erode and obstruct the laws that supposedly aim to ensure greater democracy, violating the most basic principles of decentralization and autonomy.

We are dealing with a regime that is increasingly attempting to assert its central hegemony and control over all organs of power, including the local administration councils, which have been reduced to bureaucratic apparatuses under the control of its central hegemony. This further confirms that the Syrian regime does not have the slightest regard for the concept of separation of power and has no intention of giving the ‘elected’ local administration councils any power, even if the regime claims that such local administration councils have the legitimacy to represent the communities that elected them. Time after time, the Syrian regime has demonstrated beyond any doubt that it is a despotic regime that has no legitimacy and no hope for reform.

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7 Article 7 of Legislative Decree 107/2011 on Local Administration Law: “The Syrian Arab Republic is composed of administrative units that each have their weight and financial and administrative autonomy, those units are governorate, city, town, municipality.”
Conclusions and Recommendations

Conclusions:

- The Syrian regime has no intention of establishing real decentralization even though the elections for the local administration councils were conducted according to the rules the regime itself specified, which in many senses violate the usual regulations for an electoral process.

- The fact that the regime’s executive authority has to approve contracts entered into by local administration councils strips those councils of any administrative and financial autonomy.

- The regime’s giving itself sole power of approval on contracts entered into by the elected local administration councils shows that it sees these as another stream of clients and influence to benefit the corrupt figures of the Syrian regime.

Recommendations:

International community

- Accelerate the steps required for a political resolution in Syria that should enable the Syrian people to hold free and fair political, parliamentary, and local elections that respect electoral regulations.

- Condemn the laws issued by the Syrian regime that violate the rights of millions of Syrians and are enforced by force and arms.

The Syrian regime

- Holding fair and democratic presidential election is a necessary first step towards building a path for a true decentralized regime.

- Cease the seizure of the financial channels of the local administration councils.

- The Syrian regime’s hegemony over the will of the Syrian people and the institutions of the Syrian state, which have become devoid of any significance by now, must be ended.
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This copy is taken from a post on the Facebook page of Aref al-Sha'al published on November 18, 2022.
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