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BUILDING A SYRIAN STATE IN A TIME OF CIVIL WAR

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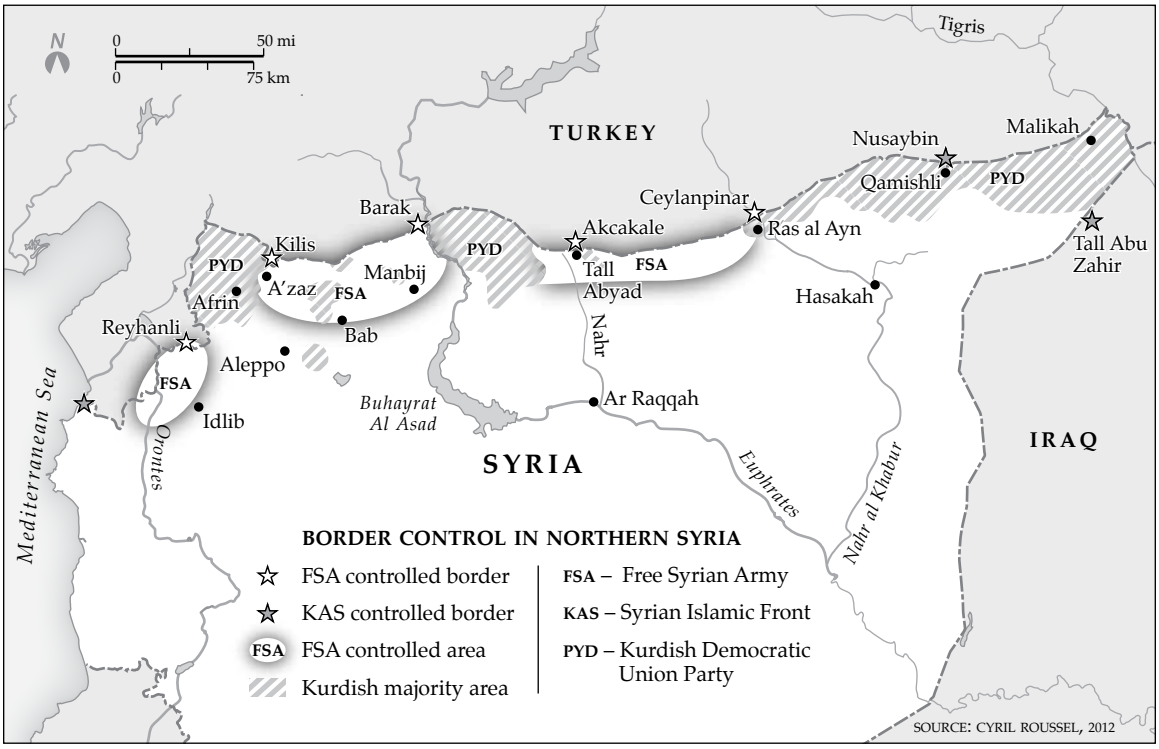

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Summary

The solution to the Syrian crisis lies in building a state within rebel-held territory that can replace the regime in Damascus. But the effort to create institutions and integrate rebels is threatened by increasing political fragmentation and sectarian tensions. Overcoming these obstacles and establishing a new state amid civil war will require greater unity on the ground and support from outside.

The State of Syria

- Fighting continues throughout Syria, but accelerating the insurgency's military progress should not be the priority.
- Building institutions capable of running the liberated territory in northern Syria should be the focus.
- In rebel-held areas, the armed opposition is becoming progressively more engaged in state building, creating institutions that will subsequently serve as models for the whole country.
- A civil administration and a regular army that incorporates the Free Syrian Army are both taking shape in the north. But these institutions are far from well-established and are not completely separate from armed rebel groups.
- The Islamic militant organization Jabhat al-Nusra and the Turkish Kurdistan Workers' Party (PKK) through its local Syrian arm, the Democratic Union Party, are building parallel institutions that challenge the nascent state. This is fueling political fragmentation and could further prolong the civil war.
- With institutions on the ground lacking the resources to assert their authority, foreign aid could have a decisive effect.

Recommendations for the International Community

Encourage the establishment of national or provincial coordination committees. Aid should focus on bolstering national institutions, not strengthening independent actors or directly financing armed groups. Decisive support for new institutions put in place by rebels will help to marginalize spoilers like Jabhat al-Nusra and the PKK.

Provide rebels financial support to pay fighters and technical assistance to train officers. The Free Syrian Army is militarily handicapped by the lack of coordination among armed groups and the absence of career officers from its ranks. Providing compensation and training will help build a more professional force.

Accelerate the transformation of the National Coalition of Revolutionary and Opposition Forces into an interim government. The institution must be given the resources it needs to wield authority over local structures and to directly pay the tens of thousands of civil servants in rebel-held territory.

Fund independent media. This is a first step toward preventing war crimes and crimes against humanity from being carried out with impunity.

From Street Protests to State Building

Despite what the sectarian vision of Syrian society might lead one to believe, much of the population united to take part in peaceful demonstrations that began in March 2011. The mobilization brought together participants from very diverse social and ethnic backgrounds.[1] The Syrian regime opted to suppress the protests more and more violently, and the opposition was forced to arm itself as a result. This escalating violence finally led to a countrywide civil war in late 2012.

The key problem in Syria today is not the regime's survival. Despite the limited effectiveness of the Free Syrian Army (FSA, or al-Jeish al-Suri al-Hor), the strategic configuration is asymmetrical and the regime in Damascus is incapable of seizing back the initiative. It lacks resources[2] and the Syrian army's counteroffensives are local and limited. Unable to recapture lost territory, the regime must refocus its military forces on areas crucial to its survival, particularly Damascus. It is therefore engaging solely in battles to hold on to current positions, disengagement operations, and airstrikes on opposition areas to force the population to flee.

The real challenge lies in the insurgency's internal dynamics. From this standpoint, the developments that occurred in the final months of 2012 are critical. Then, regime forces pulled out of the cities north of Aleppo and the eastern portion of Aleppo, which means that for the first time, the opposition controls a homogeneous territory in northern Syria, bordering Turkey, an unambiguous supporter of the uprising. While fighting continues throughout Syria, it is in the north that the armed opposition is building the institutions that will subsequently serve as models for the whole country.[3]

It is in the north that the armed opposition is building the institutions that will subsequently serve as models for the whole country.

Consequently, accelerating the insurgency's military progress should not be the current priority—building institutions capable of running the liberated areas should be the focus. Capturing cities, particularly the portion of Aleppo still under the regime's control, would be a positive development only if the FSA were able to prevent looting and sectarian score settling and to administer the population. Moreover, considering the insurgency's level of organization, the fall of a large city could become a handicap. In their military efforts, rebels should instead focus on military bases.

The long-term solution lies in the formation of a Syrian state within rebel-held areas to replace the Damascus regime. Because the ability of Syrian society to organize is weak, state building during and by means of the civil war can

succeed only with resources from outside. The establishment of a depoliticized national army is necessary for the dissociation of reemerging political movements from armed groups. And if that dissociation does not occur, the competition among political-military groups with territorial ties will lead to armed confrontation. Foreign aid is a decisive factor because the diverse national opposition institutions—the Syrian National Council (al-Majlis al-Watani al-Suri), the Syrian National Coalition of Revolutionary and Opposition Forces (al-Itilaf al-Watani), and the FSA—lack the resources to assert their authority. But the current level of assistance is low and there is no sign of any radical policy change.[4]

The long-term solution lies in the formation of a Syrian state within rebel-held areas to replace the Damascus regime.

Complicating matters, two contradictory dynamics have been observed on the ground, and it is impossible to predict the ultimate influence they will have over the state-building process. First, after initially organizing into small groups, the armed opposition is becoming progressively more engaged in state building. In particular, a civil administration and a regular army are taking shape. Second, certain revolutionary movements such as Jabhat al-Nusra li-Ahl al-Sham (Support Front for the People of Syria) and the Turkish Kurdistan Workers' Party (PKK)—through its local Syrian arm, the Democratic Union Party (PYD)—are building parallel institutions.

International attention has focused on Jabhat al-Nusra's "Salafism" and the PYD's strong Kurdish nationalist strains, but those concerns mask the real problems. The challenge to state building does not lie in the varieties of Islamic or Kurdish identity, but in these forces' independent political, social, and military structures. If this model were to spread among the insurgency, the likelihood of political fragmentation and further prolongation of the civil war would increase—and those tensions could spill over into neighboring countries, particularly Lebanon.

The Emergence of Civil Institutions

Because of the regime's swift collapse in the north and the rebels' capture of eastern Aleppo, the insurgency found itself months after its creation with several million individuals under its control. Confronted with challenges they were unprepared for, armed groups—*liwas* (or brigades) and their constituent parts, *katibas* (battalions)—were forced to engage in a number of nonmilitary activities to stabilize the situation. They had to improvise a police force, perform legal duties, and provide for the reestablishment of certain public services, including the distribution of bread, gasoline, and natural gas as well as garbage collection. The FSA has also been forced to develop an alternative justice system, calling on local, fairly uneducated sheikhs to arbitrate incidents involving fighters.

During the winter of 2012–2013, a variety of civil institutions emerged in areas controlled by the armed opposition. To simplify a complex and often confusing situation, there are three new local institutions: civil councils (majlis madani) and district councils (majlis al-hay, majlis al-mintaqa); courts of justice (mahkama); and civil police (shurta madaniya). These organizations operate at the municipal level (sometimes including neighboring villages) and at a rudimentary level within Aleppo Province. They are far from being well-established. They are not completely separate from armed groups and lack resources. And their coordination with national opposition institutions—the Syrian National Council and the Syrian National Coalition of Revolutionary and Opposition Forces—remains largely theoretical.

The Regime's Legacy

The institutions that are being established duplicate some of the structures of the established Syrian regime such as municipalities, bread factories, and schools. The territorial outlines of the Baath regime are also not in question. The rebels are acting within the limits of provinces, municipalities, and neighborhoods.

More surprising, these institutions operate in part with resources from the Damascus regime. Indeed, the Baath government still pays some civil servants in areas outside its control. Thus, teachers and municipal employees regularly go to the section of Aleppo that remains under government control to pick up their paychecks. In December 2012, for the first time, a few activists publicly aligned with the uprising were removed from the government's payroll.[5]

As a result, some public services—garbage collection, electricity, and education—are more or less functional in areas outside of Damascus's control. However, some civil servants, fearing that the regime will punish them or their families if they work in rebel-controlled areas, do not go to work. In addition, because they are receiving salaries regardless, personnel are free to perform duties different from those they were hired to perform. For example, sheikhs who now work as judges in the various courts were formerly religion teachers and still receive salaries. Many members of the civil councils are also paid by Damascus for the jobs they were initially hired to do.[6] One possible explanation for this paradox—Damascus financing the uprising—is that the regime is afraid to inflame protests by cutting off salaries to all civil servants in rebel-held areas.

Separating Civilian From Military

Fledgling civilian institutions in opposition-controlled northern areas are still dominated by the military. The establishment of courts of justice and civil councils reveals the complexity of normalizing these bodies and integrating them into a legal system.

Courts of Justice The establishment of a rudimentary legal system stemmed from an agreement by the main military units to form a superior court in Aleppo, the United Court of the Legal Council (Mahkama al-Majlis al-Qudha Muwahad). The terms of its organization were negotiated during a meeting in September 2012 between a lawyer, a sheikh, and a judge who had defected from the regime. Although created by a coalition of *liwas,* the United Court of the Legal Council is gradually becoming independent.

Three elements are necessary for the normalization of a legal system in rebel areas: rehiring judicial personnel, establishing a common code of law, and integrating local courts into the same hierarchical structure.

Lawyers who were involved very early in protests against the regime coordinated their efforts within Aleppo Province through the Free Lawyers Movement (Harakat al-Mohamiin al-Ahrar), which was founded in Aleppo. Their training and priorities are very different from the sheikhs who originally instituted the courts, but the two groups are increasingly coming into contact. The workings of the United Court of the Legal Council are the result of a compromise between lawyers and sheikhs, although tensions remain between the two groups, notably in the towns of Azaz and Al-Bab. Furthermore, legal qualifications are becoming a criterion for selecting sheikhs.

Normalizing the courts also depends on choosing a new code of law, called the code of the Arab union, based on sharia. A consensus has formed among all the players in the new legal system around adopting Islamic law as the basis for the new framework. Yet, with few exceptions, the sheikhs and lawyers who sit on various local courts have a limited knowledge of the religious texts and

Resistance to Normalization: The Al-Bab Example[7]

In September 2012, a court was created in the town of Al-Bab to take the place of the former government-run tribunal. The newly established court applies sharia, but none of the judges is trained in Islamic law. In practice, they often engage in arbitration, using religious language. The court has some 40 fighters from local *liwas* who fulfill the duties of police officers, delivering summonses and arrests.

The United Court of the Legal Council of Aleppo refused to recognize this court in its current form and asked for two reforms: the replacement of some of the judges and the application of the code of the Arab union. The United Court of the Legal Council's position was supported by the Civil Council of Al-Bab, which is engaged in a political conflict with the local court. The local court, however, resisted these demands.

As part of its resistance, the local court first unsuccessfully attempted to gain a voice within the Civil Council of Al-Bab during an election by aligning itself with an opposition minority. It then received support from the fighters of Jabhat al-Nusra, which refuses to recognize the United Court of the Legal Council, to form its own police force. As of January 2013, tensions looked likely to come to an end with the compliance of the local court.

issue a mixture of conciliatory decisions without implementing the penalties (the *hudud*) established by sharia. The reference to sharia serves above all to legitimize sentences in the eyes of the population.

The establishment of a hierarchical judiciary depends on the authority of the United Court of the Legal Council of Aleppo. It is responsible for deciding whether to recognize local courts and may order changes in their organization. The local courts must form three departments (criminal, civil, and family affairs), with two sheikhs and one lawyer per department, and apply the Arab Union code. In the long term, the United Court of the Legal Council is supposed to become the province's appeals court.[8]

The legal situations in Aleppo and Idlib Provinces differ from one another due to competition between professional organizations. There are two major lawyers groups: the Free Lawyers Movement and the Free Lawyers Assembly (Tajamu al-Mohamiin al-Ahrar), which is influential throughout Syria but does not have much of a presence in Aleppo.[9] In addition, some judges who defected from the regime created the Free Judicial Council (Majlis al-Qudha al-Hor). They administer justice, notably in the towns of Harem and Salqin (Idlib Province) on the basis of current Syrian law in the areas controlled by the regime. The Free Judicial Council is working with the Free Lawyers Assembly and is in contact with the National Coalition, the opposition's principal umbrella framework.

Civil Councils Established in August 2012, the civil councils are in charge of health, education, and the police, and they have similar structures in all localities.[10] They often began as local associations that were subsequently legitimized.

The Transitional Revolutionary Council in Aleppo (Majlis al-Intiqali al-Thawri al-Muhafaza Halab) stands out from the others, as it plays a number of roles. It acts both as the Civil Council of the city of Aleppo—and in that role coordinates the district council—and as a transitional council with the authority over civil institutions throughout Aleppo Province. Similarly, in the provinces of Idlib, Deir ez-Zor, and Deraa, a council has been established that has authority, in principle, over the local councils.

In practice, there is no universally accepted hierarchy. District councils do not necessarily recognize the transitional council, and many civil councils outside of Aleppo still remain largely autonomous.

In addition, civil councils are not always completely autonomous from military groups—they have to rely on military groups for resources.[11] And council members are chosen rather than elected, based on the influence of local military leaders, clan structures, and elders.[12]

Top-Down Construction

In the absence of centralized resources, foreign aid has a decisive effect on the integration of local structures. While the amount of funding provided is

relatively low, it facilitates national, provincial, and municipal coordination. Provincial and national coordination committees are being formed with foreign funding. These institutions still lack authority over local institutions, but an actual administrative center is taking shape.

All the nascent institutions are clustered in the industrial neighborhood of Sheikh Najar, on the outskirts of Aleppo, and near the city's Hanano district. The Transitional Revolutionary Council, civil police command, and military police command are now located there. The United Court of the Legal Council moved to the area in January 2013, and the Military Council of Aleppo is expected to follow shortly.[13]

The National Coalition provides about $1 million to the Transitional Council in Aleppo, which redistributes the funds to local councils. This funding motivates local councils to organize themselves into the same departments as those of the Transitional Council, facilitating a vertical integration of different services: education, police, public assistance, and religious affairs. It also helps the Transitional Council—composed solely of civilians—to gain autonomy from military units. For example, the Transitional Council gave $80,000 to the Civil Council of Al-Bab, making it less dependent on Liwa al-Tawhid (the Tawhid Brigade).[14]

The integration of local structures into a hierarchical system is, for the time being, more of an idea than a reality. Many small, rural towns and some Aleppo neighborhoods still do not have councils. In places like Azaz, ties between certain civil councils and the transitional council remain tenuous. Finally, too little time has elapsed since the funds were provided and, above all, the funds are too insufficient to create a fully functional institutional system.

Unification of the Police[15]

The Civil Police (Shurta al-Madaniya) is an example of top-down integration. The police force was created in October 2012 at the behest of the National Coalition, the Transitional Council, and the professional association of former defected officers. Designed to eventually incorporate all of Aleppo Province's police units, it was placed under the authority of the Transitional Council and acts as the Criminal Investigation Department for the United Court of the Legal Council.

The new police force is progressively assuming responsibility for maintaining order in the villages of the north, dissolving existing units or incorporating them after reforms are carried out. As of January 2013, it had 503 men divided among its headquarters and thirteen police stations in the province.

This integration is combined with a professionalization process. Every police station has a team of career police officers who have joined the revolution. Recruits receive two weeks' training in a new police academy near the Turkish border. A uniform and insignia have been prepared, and procedural and ethical codes have been compiled based on those used by the regime and models found online, notably that of the United Nations. They explicitly limit detention to twenty-four hours and reaffirm

Toward a National Army?

The growing number of fighters and units that have come into being since the summer of 2012 has made it necessary to create coordinating and disciplinary institutions. The formation of *liwas*, sometimes made up of several thousand men, and the presence of professional officers within military councils, open the way in principle to integrating rebels into a national army. Furthermore, with the establishment of the Military Police, the FSA now has a tool to discipline fighters and military units. Yet two obstacles—the absence of a cohesive command structure and the lack of regular pay—hamper the army's professionalization.

Establishing a Hierarchy and Coordination

Armed opposition groups face of a better armed, better trained regular army. But within the opposition, thanks to foreign assistance, a rudimentary military staff operates at the national and provincial levels through military councils. The key issue is now coordinating the actions of those councils with the *liwas*.

The process of unifying armed groups began in summer 2012. At their own initiative, the northern *katibas* met on July 18 and established the Liwa al-Tawhid to attack Aleppo. Other *liwas* existed previously, but Liwa al-Tawhid was the first to have a unified command.[16] In its wake, many *katibas* aggregated to form *liwas* or join existing ones. In this way, the *katibas* pooled their human, material, and financial resources. The establishment of larger units was also accompanied by the first attempts to regularize fighters' status, with the distribution of identification cards, as well as the wearing of badges and, more rarely, uniforms.

Liwa al-Tawhid and Institutional Innovation[17]

Since its establishment on July 18, 2012, Liwa al-Tawhid has been in the forefront of state building, legitimizing its currently dominant position among the opposition. It was the first *liwa* to unify the *katibas* under a military leader, Abd al-Qader Saleh, and a political leader, Abd al-Aziz al-Salameh.

Formed around a core group of fighters from Maraa, the *liwa* comprises dozens of *katibas*. The number of its fighters is uncertain, but it is clearly the largest such body. Liwa al-Tawhid is based for the most part in Aleppo Governorate, unlike other *liwas*, such as Shuhada Suria and Faruk Ahrar al-Sham, which fight throughout Syria.

Liwa al-Tawhid must face challenges tied to its growth: the increased number of fighters and the expansion of its theater of operations. By promoting the establishment of centralized institutions, its leaders want first and foremost to control abuses by their fighters. Thus Liwa al-Tawhid originated the Revolutionary Security Bureau and spearheaded the founding of the United Court of the Legal Council. The *liwa* has nevertheless been accused of having ambiguous relations with these institutions, which it uses to dominate other *liwas*.

Two obstacles—the absence of a cohesive command structure and the lack of regular pay—hamper the opposition army's professionalization.

Yet the establishment of *liwas* has not led to tactical and strategic coordination. Lacking competent training, the rebels are still incapable of effectively unifying their troops and conducting coordinated military operations.

Additionally, since March 2012, the Western countries and Gulf states have supported top-down coordination, which strengthens the centralization process begun with the establishment of *liwas*.[18] At the national level, following a meeting of 550 former officers and FSA military leaders, a Military Council (Majlis Askari) and five military regions were formed in December to coordinate operations. Based in Turkey, this structure is dominated by career officers who defected to the insurgency.[19]

In each province, military councils were put in place to vertically integrate units. They bring together representatives of the province's main *liwas* and a minority of career officers who formally lead the structure but have limited clout. Indeed, the military councils do not have actual forces of their own; their role is limited mainly to advising the *liwas* in the preparation of military operations and to organize coordination meetings. To avoid conflicts among *liwas*, such as the ones that occurred following the capture of the Military Academy of Mushad, the Military Council of Aleppo hosted a meeting in January 2013 to determine the terms for sharing the spoils once the rebels captured the Menegh airport near Azaz.

The influence of the Military Council of Aleppo increases whenever it distributes munitions or pays its fighters (as in November 2012, when it paid them $150—the equivalent of an average civil servant's salary each month). Its spokesman, Colonel Abd al-Jabar Mohammed Obeydi, is a well-known FSA figure who regularly appears on Al Jazeera. But day to day, the Military Council's authority over prosecuting the war is weak.[20]

The integration of fighters into larger units continues with the formation of *firqas* (divisions), combining the voluntary pooling of *liwa* resources with pressure from above. One *firqa* was formed in Idlib Province and another is envisioned for Aleppo. Both of these operate province-wide at a level identical to that of the Military Council, which would then become the natural command structure.

If professional officers do not play a stronger role in the coming months, tensions could increase between them and the *liwa* leaders who remain the most influential within the military councils.

Disciplining a Free Army

With the capture of numerous cities, predatory practices have become more commonplace, undermining the uprising's legitimacy. Initially, the *katibas* were supported by their local communities, using equipment seized from the enemy. As the number of fighters and the size of the fronts have grown,

militias must now find alternative resources in order to continue operating. With almost no taxation system, fighters have been forced to seek foreign assistance and find ways to live off the land, increasingly alienating them from the civilian population.

But these practices must be put in perspective. By most accounts the population is free to criticize them openly without being brutalized, and looting occurs solely in areas that inhabitants have fled because of regime bombardment. Lastly, these behaviors are not widespread; on the contrary, there have been attempts to impose order in recent months.

In August 2012, Abd al-Aziz al-Salameh and Abd al-Qader Saleh, the political and military leaders of Liwa al-Tawhid, formed the Syrian Revolutionary Security Bureau (Amin al-Thawra) to prevent the creation of strongholds and the exploitation of the population. Established in Al-Rai with the assistance of the Free Lawyers Movement, the new institution has a jail, an information center, and a court. A few hundred yards from the Turkish border, the city has the advantage of being far from combat zones and airstrikes, which enables the rebels to operate relatively freely. Another office was created in Aleppo's Hanano district, and territorial jurisdiction was established. The Aleppo office deals with the city and the Al-Rai office with the countryside.

Lacking competent training, the rebels are still incapable of effectively unifying their troops and conducting coordinated military operations.

In fall 2012, an agreement was reached with other *liwas* that gave the Syrian Revolutionary Security Bureau broader powers. A military unit specific to the institution was created, and it is made up of fighters from every *liwa* who remain members of their original units as well. When necessary, the Revolutionary Security Bureau can also count on reinforcements, particularly from Liwa al-Tawhid. Since its establishment in August 2012, the bureau has arrested fighters as well as *katiba* and *liwa* leaders. The use of force to impose security remains extremely rare, and negotiations are the norm. In general, the Revolutionary Security Bureau exploits the balance of power between armed groups—an intervention against a powerful *katiba* is still exceptional.

As it grew stronger in the last months of 2012, the Revolutionary Security Bureau became a target of criticism. Fighters and civilians accused it of being an embryonic security service for Liwa al-Tawhid.[21] Indeed, the Revolutionary Security Bureau had become a military police force, a civil police force, and a counterespionage service, responsible for interrogating deserters in particular.

This discontent enabled the Aleppo Transitional Council to push through the creation of a civil police force. By specializing in cases involving fighters, the Revolutionary Security Bureau, renamed the Military Police, is now becoming an internal discipline tool for the FSA. The authority of the Military Police is bolstered by the simultaneous establishment of a military court within the United Court of the Legal Council of Aleppo, with its own specialized code and staff.[22]

Reining in a *Liwa*[23]

Omar Dadikhi, the leader of Liwa Asaf al-Shamal, had established a veritable fiefdom in the town of Azaz and its environs. He took control of the revenues of the Bab al-Salam customs post, sold prisoners, and attempted to take over the airport to confiscate future fees for its use. The police force consisted of his former men, and Dadikhi controlled aid through his organization, the Relief Office. He also cracked down on all opposition. Thus, in November 2012, when young activists working at the Azaz information center turned out to be too independent, Dadikhi put an end to their activities and appropriated the technical staff to form his own information center in Bab al-Salam, in a building next to his headquarters.

Other *liwa* leaders, beginning with Liwa al-Tawhid, reacted to this show of force. The Revolutionary Security Bureau intervened in November 2012, and the intervention was probably the most important to date. Hundreds of men, perhaps a thousand, were mobilized with heavy weaponry. Dadikhi was forced to accept an agreement, which he signed with Abd al-Aziz al-Salameh and Abd al-Qader Saleh (leaders of Liwa al-Tawhid), Colonel Abd al-Jabar Mohammed Obeydi (former commander of Katiba Amr Ibn al-Aas, which had taken over Bab al-Salam, and a member of the Aleppo Military Council), and Sheikh Ahmad Feyat (a judge at the Revolutionary Security Bureau).

The agreement stipulated that customs tariffs would be lowered from 300 to 100 Syrian liras per person and from 750 to 500 per vehicle, with various exemptions and a public posting of the tariffs, Dadikhi's *liwa* be removed from Azaz, civil institutions (a civil council, court, and police force) be established, and 64 prisoners that were held without sentence in Dadikhi's prison be released. Dadikhi respected his commitments but got his cronies elected to the Civil Council and, though weakened, remains the city's dominant figure.

Two Obstacles to Professionalization

Two obstacles stand in the way of building an army: first, the disconnect between *liwa* members who enjoy revolutionary legitimacy, and second, the upper-level leadership that is more technically competent and the lack of wages for fighters.

Military councils are dominated by career officers, while *liwas* are led by civilians mobilized in the revolution. Lacking their own resources, military councils find themselves in a position of weakness in their relations with the *liwas*. Before the battle of Aleppo, officers who were members of the Military Council were opposed to attacking the city.[24] However, given their lack of authority over the *liwas*, particularly Liwa al-Tawhid, they were forced to support an operation they rightly considered to have dangerous consequences.

During the Friends of Syria conference on April 1, 2012, it was announced that fighters would be paid, and $150 payments were distributed once, in November 2012.[25] In theory, the *liwas* are continuing to pay fighters, but that often occurs irregularly or not at all. This issue is central because it has an impact on fighters' loyalty to institutions.

The Spoilers

Two actors are thwarting the establishment of new institutions: Jabhat al-Nusra, an Islamic militant group, and the PKK, a separatist movement that agitates for Kurdish political rights in Turkey. Rather than supporting the formation of a new Syrian state, these movements are developing their own political-military structures to serve their own revolutionary projects. These organizations are distinct from other actors in the Syrian political scene in a number of ways.

In direct contradiction of the spirit of unity that prevailed in the early months of the street protests, these movements are explicitly motivated by ethnic or religious concerns. In the case of Jabhat al-Nusra, the Sunni identity at the heart of this political organization rejects non-Muslims and especially Alawis, who are considered neither Muslims nor People of the Book (Christians and Jews).[26] For the PKK, and its local Syrian arm, the PYD, Kurdish identity is the criterion for forming a separate society in its own territory, whether autonomous or part of a federation.

Consequently, Jabhat al-Nusra and the PKK do not recognize the legal and administrative institutions the rebels are building. Jabhat al-Nusra engages in military coordination for tactical reasons, and the PKK maintains a neutral stance between the government in Damascus and the rebels.

Finally, these two movements have transnational networks and objectives that drive their strategy in Syria. The PKK is pursuing a regional strategy focused on Turkey; Jabhat al-Nusra is part of the international jihadist movement.

A Revolution Within the Revolution

First emerging in January 2012, Jabhat al-Nusra aspires to topple the regime of Bashar al-Assad and establish a Syrian system based on sharia. But this is not what distinguishes the movement from the rest of the insurgency. Its views on the Islamic underpinnings of the state and a moral way of life are widely shared.[27] On most issues, particularly the destruction of mausoleums and the punishments defined in the Koran (the *hudud*), the difference is mainly one of degree.

Jabhat al-Nusra stands out not because of its Salafi discourse but because of its opposition to the state-building project. In keeping with its political-military strategy, it has a court to judge civilian and military affairs and a prison at its base in Aleppo.[28] In the countryside, Jabhat al-Nusra also supports local courts that are resisting integration into the unitary judiciary system.[29] Finally, the movement refuses to join the FSA but has a seat on the Military Council.[30]

It owes this independence to foreign funding and war-hardened fighters who share the same ideology. To preserve its identity, Jabhat al-Nusra tightly controls the recruitment of militants. To the authors' knowledge, it is the only movement that has instituted a trial period for its fighters. What's more, they

must take an oath (*bayat*) to fight in Syria in compliance with a strict moral code, notably in respect to their relations with the population. If the fighter so desires and is deemed fit, he may subsequently take a second oath to serve international jihad.[31] All accounts report that Jabhat al-Nusra's ranks include foreign fighters and Syrians who have fought abroad, notably in Iraq, but the exact number is hard to estimate.[32]

Militarily, Jabhat al-Nusra is perceived to be effective and its fighters enjoy a reputation for bravery. Suicide attacks, which the organization supports, set these militants apart from FSA fighters.[33] The movement fights on all fronts and is expanding its military and civilian activities throughout Syria, but at this stage is not dominant in any area.

In the areas in which the authors conducted interviews, Jabhat al-Nusra enjoys real sympathy among the Sunni Arab population for its integrity, which contrasts with the behavior of certain FSA groups. It takes part in aid distribution, the treatment of the sick and wounded, the delivery of gas and oil from the city of Al-Hasakah, and the distribution of flour from the northern countryside. Its oversight of the shipment of basic commodities is vital given that rising gas prices affect the cost of consumer goods.

It is notably credited with ending corruption in the supply of flour. Liwa al-Tawhid previously carried out this task but did not hesitate to secure considerable profits for itself and did not guarantee regular deliveries. Following protests, the transport of flour was finally entrusted to Jabhat al-Nusra, which had the effect of lowering prices and guaranteeing a more regular supply.[34] The movement gained significant political benefits from these actions, particularly because it did not outsource tasks to associations as other groups generally do.

At the time of this writing, Jabhat al-Nusra has thus far carefully avoided isolating itself in a way that would lead to its marginalization. Informal coordination is emerging between like-minded movements, Liwa Ahrar al-Sham, Liwa Harakat al-Fajer al-Islami, Liwa Saqour al-Sham, and Liwa al-Islam.[35] For the time being, Jabhat al-Nusra has shown restraint. Thus, while opposed in principle to the worship of saints (like all Salafis), its leaders say the destruction of sanctuaries and the application of punishments set forth in the *hudud* will wait for societal reform.[36]

When Jabhat al-Nusra was added to the U.S. State Department's list of terrorist organizations in December 2012, other armed groups and the population stood by its side.[37] After all, the movement is not isolated in its interpretation of Islam or its political position. For now, the U.S. initiative has probably enhanced the group's legitimacy in Syria, particularly given the fact that Western countries are regularly criticized for their lack of support for the FSA.

The Instrumentalization of the Syrian Kurds

The PKK has a long history of collaborating with the Damascus regime. From its departure from Turkey in 1979 until the late 1990s, the PKK's headquarters

was located in Syria. The civil war in Syria gave the PKK an opportunity to reestablish itself in the country after more than ten years' absence.[38]

When widespread demonstrations broke out in 2011, the PKK managed to negotiate its return to the Kurdish territories with Damascus in exchange for taking a neutral stance on the protest movement. Indeed, the Syrian government subcontracted the crackdown on demonstrations to the PKK as part of its strategy of fomenting sectarian divisions.[39] In exchange, the security forces no longer intervened in the three Kurdish regions of northern Syria after spring 2011. Regime troops remained in their barracks until July 19, 2012, when the capture of much of the north by the FSA led the regime to evacuate the Kurdish areas in order to deny the FSA any pretext for intervention.

The PKK immediately took the reins from the regime. This carefully prepared transition occurred without violence in the northern enclaves; there was no destruction of Kurdish cities. In the neighborhoods of Ashrafiye and Sheikh Makhsud in Aleppo, the situation is different, with incursions by the regime, partial PKK control, and occasional clashes.

Benefiting from Damascus's support, the PKK reestablished itself before other Syrian Kurdish groups. With experienced militants and an effective transnational structure, it was able to prevail in Kurdish enclaves. Through the targeted use of violence, the PKK marginalized other Kurdish parties, which were very fragmented and had no military organization.[40] The Erbil accords brokered by Massoud Barzani, the president of Iraqi Kurdistan, in fact benefited the PKK.

Through the PYD and the Social Democratic Movement (TEVDEM), a coalition of civil associations, the PKK has institutional partners that enable

The Kurdish National Council of Syria[41]

The Kurdish National Council of Syria (KNCS) is currently at an impasse. PKK policy bans it from any action in the Kurdish areas, and its stances marginalize it in the Syrian revolution. Formed on October 26, 2011, in the city of Qamishli, the KNCS has sixteen political blocs but very few militants. It is also more of a loose coordinating committee than a unified political structure.

Lacking their own resources, members of the KNCS depend on support from Massoud Barzani, the president of Iraqi Kurdistan. He attempted to combat the PKK's growing influence with the Erbil accords signed by the KNCS and the PYD/PKK on July 11, 2012, and renewed in September 2012. The agreement calls for the various Kurdish groups to share power in the Kurdish areas, notably by establishing joint security forces. However, the implementation of the agreement ran up against resistance from the PKK, which is militarily dominant and unofficially supported by the Syrian regime.

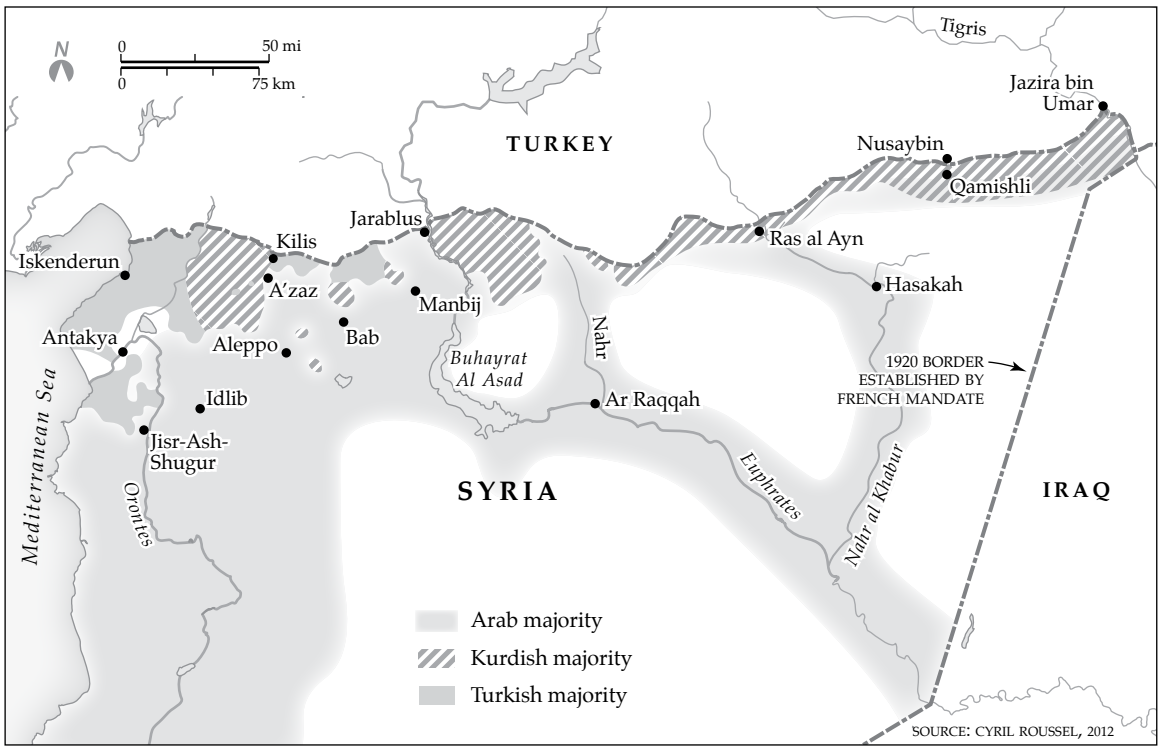
Because of its dependence on Iraqi Kurdistan, the KNCS engages in pan-Kurdish rhetoric and refuses to join the National Coalition. The KNCS is discredited in the eyes of both the Syrian Kurdish population and rebel groups, which do not quite understand this pan-Kurdish game taking place when no group has real power.

it to run the Kurdish enclaves. Local leaders speak of these organizations as "expressions of the people,"[42] though the PKK unequivocally controls this façade coalition. It imposes its political line, funds the operations, and closely controls the recruitment of members. The latter are trained by former party cadres from Syria or who have returned from abroad. In order to organize the defense of Kurdish territories, the PKK has created a self-defense force, the People's Defense Units (YPG) commanded by war-hardened PKK militants. They have a conscription system that applies to the entire male population and part of the female population; everyone is required to undertake guard duty along the borders of the enclaves.

Since July 2012, the party has been working to turn these territories into sanctuaries and to develop civil institutions.[43] But the PKK's autonomy strategy is running up against two obstacles. First, most of the Kurdish population lives in three pockets that do not form a unified territory (see map). In addition, nearly half the Kurdish population lives in Aleppo and Damascus, in the hardest neighborhoods to control. Second, the Kurdish regions depend on the Arab regions for the supply of food and energy.

For the PKK, the civil war in Syria is part of a regional struggle being played out in Syria, Iraq, Iran, and especially Turkey. The regions under PKK control in Syria have once again become sanctuaries for its fighters.[44] The Kurdish regions in Syria have also become a source of revenues for the PKK through

Ethnographic Map of Kurdish-Populated Areas, 1920



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obligatory contributions from the largest businesses and the exploitation of public lands, including forests.

The PKK has consummated its break with the insurgency but coexists with the FSA, which is not imposing any embargos on it. Yet there are recurrent clashes at the Ras al-Ayn border post and in the Kurdish neighborhoods in Aleppo.

Increasing Societal Rifts

If the political fragmentation embodied by these spoiler forces generalizes, it will lead to widespread fighting, as seen in Lebanon in the 1970s and Afghanistan in the 1990s. In that case, the Damascus regime could survive as a regional force and its fall would not bring an end to the civil war. If military units align with political parties, a decentralization process would become inevitable. A race is under way between state building and fragmentation.

The end of the unity against a common cause that characterized the peaceful phase of the revolution is directly producing differences within the Syrian opposition. A political landscape is forming once again.[45] These changes are in themselves positive, because they are part of the reestablishment of a diverse, pluralistic society. However, the emergence of political parties can lead to the formation of political-military actors, thus preventing the integration of fighters into a national army.

The end of the unity against a common cause that characterized the peaceful phase of the revolution is directly producing differences within the Syrian opposition.

Sectarian tensions have been sharply aggravated by the civil war. The Alawis have left territories captured by the uprising, and they are facing the distrust of the insurgents. Discourse has radicalized against a community accused of being tied to the regime and whose religious status is controversial. Furthermore, relations between Arabs and Kurds and between Sunni and Shia Muslims are deteriorating. While still rare, sectarian violence could grow worse as a result of provocations by Damascus and radical Islamist movements.

Finally, international financing could encourage political fragmentation. Direct aid to *liwas*, rather than national and provincial institutions, has the effect of promoting decentralization strategies, while local humanitarian aid provides armed groups with the means to achieve autonomy. All of this makes attempts by the opposition to form national, unifying bodies, such as military and civil councils and courts of justice, more fragile.

The Role of International Aid

The momentum of state building is tenuous; foreign aid could have a decisive effect on this process. Directed properly, it could strengthen nascent institutions

and forestall political fragmentation. Western countries have a relatively limited window in which to influence the formation of rebel structures. In a few months, some phenomena will probably be irreversible.

International actions must first and foremost avoid exacerbating divisions within the insurgency. An intervention on the ground—apart from being extremely improbable at this stage—would have the disadvantage of breaking the momentum of state building. Consequently, political divisions would be aggravated, and the risk would significantly increase that the FSA—the only body able to avoid internal fights—and other nascent institutions would break apart in the face of increasing fragmentation.

A no-fly zone over areas outside of Damascus's control, in contrast, enjoys universal support. It would facilitate the development of new institutions. Its effects would be different, depending on whether it covered only the north or all of Syria. In the second event, the regime could collapse before the insurgency was capable of governing the country, making it necessary for the international community to assist in the state-building process.

International actions must first and foremost avoid exacerbating divisions within the insurgency.

Bashar al-Assad's regime remains standing mainly because of the insurgency's military weaknesses, and a slight improvement in FSA operations could have spectacular results. For this to happen, the priority is not so much arming the organization as establishing an officer corps. There are already military trainers in Turkey; programs could be developed to fill the gap between career officers and the commanders who emerged from the revolution. In addition, the regular payment of a salary would accelerate the insurgency's transformation into a national army.

The amount of assistance being directed to civilians is currently relatively low. Yet aid must not increase the autonomy of the *liwas* and contribute to political segmentation, which happened in Afghanistan. To make sure this does not occur, the National Coalition, installed as a provisional government, must be responsible for the coordination and allocation of resources. The poor organization of institutions—including civil society institutions—highlights the need for proportionate, regularly increased financing. Moreover, the presence of humanitarian organizations on the ground is important as a sign of Western support, and it is regrettable that a city like Aleppo, where security is relatively good, harbors no nongovernmental organizations specializing in emergency assistance.

Finally, with relatively modest financing, it is possible to lay the groundwork for information sources that are independent of military units. More than equipment and technical advice, core funding from media companies would help spur the establishment of an independent press and television/radio networks in Syria. These media outlets could relay the people's demands, create a forum for discussion, and denounce violence against civilians, notably of a

sectarian nature. Young activists who were at the center of the peaceful protests could form a counterweight to the armed forces and political parties.[46]

The future of the opposition movement depends on the insurgents' ability to form a new Syrian state in the territories they hold. With the effort threatened by increasing political fragmentation and sectarian tensions, including the establishment of rival parallel institutional frameworks, the next few months are decisive. The National Coalition's announcement of the formation of a transitional government is a positive step toward ensuring control over financial assistance provided to the insurgency and nascent institutions. Building a state amid civil war will require not only unity on the ground but also strong support from outside.

Glossary and Acronyms

Al-Itilaf al-Watani: National Coalition of Revolutionary and Opposition Forces

Al-Jeish al-Suri al-Hor: Free Syrian Army (FSA)

Al-Majlis al-Intiqali al-Thawri fi Muhafaza Halab: Aleppo Transitional Revolutionary Council

Al-Majlis al-Watani al-Suri: Syrian National Council

Al-Shurta al-Askaria: Military Police

Al-Shurta al-Madaniya: Civil Police

Amin al-Thawra: Revolutionary Security Bureau

firqa: term equivalent to a division in the regular Syrian army; adopted by the insurgents to designate a unit of several thousand fighters.

hudud: set punishments prescribed by the Koran.

katiba: term equivalent to a battalion in the regular Syrian army; adopted by the insurgents to designate a unit of several dozen fighters.

KNCS: Kurdish National Council of Syria, consists of sixteen Syrian Kurdish political organizations.

liwa: term equivalent to a brigade in the regular Syrian army; adopted by the insurgents to designate a unit of several hundred fighters.

Mahkama/Hai'at al-Sharai: Court of Law

Mahkama al-Majlis al-Qudha Mawahad: United Court of the Legal Council

Majlis al-Hai/Majlis al-Mintaqa: District Council

Majlis Askari: Military Council

Majlis Madani: Civil Council

Maktab I'lami: Information Center(s)

PKK (Partiya Karkaren Kurdistan): Kurdistan Workers' Party

PYD (Partiya Yekitiya Demokrat): Democratic Union Party (Kurdish)

sheikh: religious dignitary

TEVDEM (Tevgera Kurden Demokrat): Social Democratic Movement; institution created by the PKK to coordinate with Kurdish civil associations close to it.

YPG (Yekineyen Parastina Gel): People's Defense Units

Notes

1 Conversations with participants in demonstrations beginning in March 2011 in different neighborhoods of Aleppo, Al-Bab, Azaz, Maraa, Adnan, Talarifat, Akhtarin, Sfiri, Homs, Idlib, Afrin, Qobane, and Qamishli. For an analysis of the first phase of the demonstrations, see Peter Harling, "Popular Protest in North Africa and the Middle East" (VI), *The Syrian People's Slow Motion Revolution,* International Crisis Group Middle East/North Africa Report no. 108, July 2011. See also Aron Lund, *Divided They Stand: An Overview of Syria's Political Opposition Factions* (Brussels: Foundation for European Progressive Studies, May 2012), 28–38.

2 Joseph Holliday, "Syria's Maturing Insurgency," Middle East Security Report 5, June 2012, 7.

3 Eyn al-Arab/Qobane and Erbil (Iraq). Our observations are limited by the often local nature of rebel organizations. However, the insurgency's ability to engage in state-building is strongest north of Aleppo, in areas now far from the fighting.

4 "Avant la réunion de Paris, la Coalition Nationale syrienne presse le pas," *Le Monde* Syria blog, January 21, 2013, http://syrie.blog.lemonde.fr/2013/01/21/avant-la-reunion-de-paris-la-coalition-nationale-syrienne-presse-le-pas.

5 Conversations with regime officials in Aleppo province, December 2012 and January 2013.

6 The authors' personal observations in the courts and civil councils of Aleppo province, December 2012 and January 2013.

7 Personal observations by the authors and conversations with members of the United Court of the Legal Council of Aleppo, the court of Al-Bab and the Civil Council of Al-Bab in December 2012 and January 2013.

8 Personal observations by the authors and conversations with staff and litigants in courts in Aleppo province, December 2012 through January 2013.

9 Personal message from Felix Legrand, Paris, January 2013. See also their sites, www.facebook.com/AleppoFreeLawyers.official and www.facebook.com/freesyria.1.

10 The civil councils are divided into departments: health, services, legal affairs, education, media, accounting, police, etc. Conversations with various civil council members in Aleppo province, December 2012 and January 2013.

11 Conversations with residents and members of the civil councils of Al-Bab, Maraa and Al Rai, December 2012 and January 2013.

12 Conversations with residents and members of the civil councils of Azaz, Assukari and Ansari, December 2012 and January 2013. However, elections were held in

certain towns, notably Jabal az-Zawiya and Salqin.

13 The buildings occupied by the new institutions are never bombed, even though they would be particularly easy targets for airstrikes. That leads one to assume an agreement, albeit implicit, between the regime and the rebels (or the countries supporting the insurgency); observations made in Aleppo in January 2013.

14 Conversation with members of the Civil Council of Al-Bab, January 2013.

15 Conversation with an officer at police headquarters, a deputy police chief in Aleppo, and a police chief in Azaz in January 2013.

16 Peter Harling, *Tentative Jihad: Syria's Fundamentalist Opposition*, International Crisis Group Middle East Report no. 131, October 12, 2012, 26.

17 Conversations with different FSA commanders and fighters, particularly from Liwa al-Tawhid, in December 2012 and January 2013. For other detailed analyses of this *liwa,* see Harling, *Tentative Jihad*, 26; Jeffrey Bolling, "Rebel Groups in Northern Aleppo Province," Institute for the Study of War, August 29, 2012, 4; and Aron Lund, "Syrian Jihadism," Swedish Institute of International Affairs, Uppsala, August 2012, 16–17.

18 Established in February 2012, Friends of Syria is a contact group comprising 70 countries. It meets regularly to discuss support for the rebels and sanctions on the Damascus regime.

19 "Syrian Rebels Create New Unified Military Command," Huffington Post, December 8, 2012, www.huffingtonpost.com/2012/12/08/syria-rebels-military-council_n_2263256.html.

20 On tensions between Liwa al-Tawhid and career officers in the Military Council of Aleppo, see http://online.wsj.com/article/SB10000872396390444082904577608613073062158.html.

21 Conversations with civilians and fighters from different *liwas* who are active in Aleppo province, December 2012 and January 2013.

22 Conversations with members of the United Court of the Legal Council of Aleppo, the Civil Council, and the court of Al-Rai, January 2013.

23 Conversations with members of the Revolutionary Security Bureau in Al-Rai, members of the Military Council of Aleppo, residents and Civil Council members of Azaz and Bab al-Salam, December 2012 and January 2013.

24 Conversation with members of the Military Council of Aleppo, January 2013. See also Harling, *Tentative Jihad*, 26.

25 Conversations with fighters from different *liwas* in Aleppo province; see also "Opposition Says Syrian Rebel Fighters to Get Salaries," BBC News, April 1, 2012, www.bbc.co.uk/news/world-middle-east-17578248; "First 'Pay Day' for Syrian Rebels in Aleppo," Al-Arabiya News, October 23, 2010, http://english.alarabiya.net/articles/2012/10/23/245483.html.

26 The group explicitly refers to Sunnis as an identity group when it takes credit for attacks; http://english.alarabiya.net/articles/2012/03/21/202177.html; Al-Arabiya News, March 21, 2012.

27 Harling, *Tentative Jihad*, 11. The coalition of insurgent groups such as Ansar al-Islam, Suqur al-Sham, Amr Ibn al-A'as or even Al-Faruq, known as the Syria Liberation Front, all advocate the implementation of sharia. See http://syrialiberationfront.org. The same holds true for Liwa al-Tawhid and a large majority of our interlocutors,

whether educated or uneducated, urban or rural.

28 Conversations with an activist jailed by Jabhat al-Nusra in Aleppo and members of the United Court of the Legal Council of Aleppo, January 2013.

29 Conversations with members of the courts of Azaz and Al-Bab, December 2012 and January 2013.

30 Conversation with a member of the Military Council of Aleppo, January 2013.

31 Conversation with a former member of Jabhat al-Nusra in Aleppo, January 2013.

32 Due to Jabhat al-Nusra's culture of secrecy, it is hard to obtain specific information on the movement, beginning with its origins. Newspaper articles and reports on this movement in recent months are based on a limited number of sources and very few direct observations.

33 Harling, *Tentative Jihad*, 11.

34 Conversations with leaders of the Transitional Council of Aleppo, January 2013.

35 Questioned by a reporter from *Time*, a member of Jabhat al-Nusra reports such a meeting; "World Time," December 25, 2012, http://world.time.com/2012/12/25/interview-with-a-newly-designated-syrias-jabhat-al-nusra.The expression "Islamist groups" (*harakat al-Islamiye*) recurs several times in the conversations, but it is not possible to ascertain whether this is an existing coalition or simply a way of designating the groups considered most radical.

36 Conversation with a member of the court of Azaz and a conversation in the neighborhood of Bab al-Hadid after a religious sanctuary was destroyed by individuals who did not belong to Jabhat al-Nusra, December 2013.

37 Joshua Landis reports the reaction of several Syrian coordinating committees who expressed their solidarity with Jabhat al-Nusra, "Syrian Militias Establish New Command—Pro-Jabhat al-Nusra Alliance Emerges," Syria Comment, December 10, 2012, www.joshualandis.com/blog/?p=16924&cp=all; "Syrian Protesters Slam U.S. Blacklisting of Jihadist Group," Agence France-Presse, December 14, 2012.

38 In 2003, as part of its strategy of becoming established in other Kurdish regions, the PKK secretly created an offshoot party, the PYD (Partiya Yekitiya Demokrat, Party of Democratic Union) at a time when the PKK's political position was practically destroyed in Syria.

39 Many conversations with activists and Kurds in Paris, Erbil (Iraq) and the regions of Afrin and Qoban, December 2012 and January 2013, cite arrests, detentions and intimidation by the PYD. See also the site Kurd Watch, www.kurdwatch.org/?aid=2732&z=en&cure=1009.

40 Peter Harling, *Syria's Kurds: A Struggle Within a Struggle*, International Crisis Group Middle East Report no. 136, January 22, 2013, 15.

41 Conversations in Paris, September 2012; Erbil, February, September, and December 2012; Qoban, December 2012; and Afrin, January 2013.

42 Conversations with members of the TEVDEM, the PYD and various civil institutions linked to the PYD in Erbil, Qobane, and Afrin between December 2012 and January 2013.

43 Conversations with members of the Peoples' Houses (Mala Gel), municipalities, schools, hospitals, and courts in Qobane, December 2012, and Afrin, January 2013.

44 This situation is reminiscent of the situation in 1982–1998, when Syria served as a

sanctuary for PKK operations against Turkey.

45 Conversations with liberal activists in Aleppo, activists in Al-Bab, and militants of the Umma Party in Azaz, January 2013.

46 The weekly paper *Suria al-Hura* (www.facebook.com/Syrian.Newspaper.Freedom), which has a circulation of 6,000, has been appearing since December 2012. Its editorial committee is independent and its members are themselves paying the $1,000 it costs to produce each issue. Without funding, the future of this paper is uncertain. Its members fear that a political group could take financial control of the paper, which is now famous in the north, and influence its editorial line. Conversation with one of the paper's founding members in Maraa, December 2012.

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